About the Quality Procedures Manual (QPM)

The purpose of this QPM is twofold. First, it is a clear description of the purpose, values and structures of the firm. Second, it is a source of reference for all aspects of the firm’s operations, at all levels. As such, it is equally applicable to all personnel throughout the firm, whatever their post or seniority. It is therefore a document that will feature in the induction of all staff to the firm, and will then be available for everyone to consult whenever necessary. The QPM is designed to meet the requirements of the Lexcel Practice Management Standard and comprises the following components:

- Chapter 1: Quality Procedures
- Chapter 2: Policies and Plans
- Chapter 3: Job Descriptions/Role Profiles

Any standard forms referred to in the QPM are denoted in UPPER CASE type. Hyperlinks are provided throughout the manual to assist with navigation between procedures and the policies.

Version Control

This manual is a controlled document. All personnel are responsible for ensuring that they are working to the correct version. It is permitted to print off parts of the manual for personal use, but any such hard copy print-outs must not be stored for future use. The manual is subject to frequent change and it follows, therefore, that the latest up-to-date version must always be consulted. An up to date copy of the manual is maintained on the computer network in addition to hard copy format. Hard copies are subject to strict version control. Copyholders (below) will be issued with updates as and when they occur and will be responsible for ensuring the replacement and destruction of superseded documents. Procedures for control of the Manual are set out in QP20 of the Manual.

<table>
<thead>
<tr>
<th>Copy number</th>
<th>Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Charles Weidner</td>
</tr>
<tr>
<td>2</td>
<td>Kevin Graham</td>
</tr>
</tbody>
</table>

Glossary of terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCP</td>
<td>Business Continuity Plan</td>
</tr>
<tr>
<td>COFA</td>
<td>Compliance Officer – Finance and Administration</td>
</tr>
<tr>
<td>COLP</td>
<td>Compliance Officer – Legal Practice</td>
</tr>
<tr>
<td>CQS</td>
<td>Conveyancing Quality Scheme</td>
</tr>
<tr>
<td>EPF</td>
<td>Exempt Professional Firm (for FCA compliance)</td>
</tr>
<tr>
<td>FCA</td>
<td>Financial Conduct Authority</td>
</tr>
<tr>
<td>IMO</td>
<td>Insurance Mediation Officer</td>
</tr>
<tr>
<td>LAA Supervisor</td>
<td>Fee earner meeting Legal Aid Agency category-specific supervisor standards</td>
</tr>
<tr>
<td>LAA</td>
<td>Legal Aid Agency</td>
</tr>
<tr>
<td>Lexcel</td>
<td>The practice management standard of the Law Society</td>
</tr>
<tr>
<td>MLRO</td>
<td>Money Laundering Reporting Officer</td>
</tr>
<tr>
<td>NCA</td>
<td>National Crime Agency</td>
</tr>
<tr>
<td>OFR</td>
<td>Outcomes-Focused Regulation</td>
</tr>
<tr>
<td>QP</td>
<td>Quality Procedure</td>
</tr>
<tr>
<td>QPM</td>
<td>Quality Procedures Manual</td>
</tr>
<tr>
<td>Referral</td>
<td>Directing an existing client with a currently active case to another source of advice</td>
</tr>
<tr>
<td>Role Profile</td>
<td>List of tasks undertaken for a role and the skills, knowledge and experience required to fulfil the role. Alternatively referred to as a Job Description</td>
</tr>
<tr>
<td>Signposting</td>
<td>Directing an enquirer to another source of advice</td>
</tr>
<tr>
<td>SQM</td>
<td>Specialist Quality Mark</td>
</tr>
<tr>
<td>SAR</td>
<td>SRA Accounts Rules</td>
</tr>
<tr>
<td>SRA</td>
<td>Solicitors Regulation Authority</td>
</tr>
<tr>
<td>SRA Code</td>
<td>SRA Code of Conduct</td>
</tr>
</tbody>
</table>
Chapter 1: Quality Procedures

- QP00 Amendment Log
- QP01 Management Structure (including Family Tree)
- QP02 Professional Standards
- QP03 Business Strategy, Continuity and Finance
- QP04 Supervisors & Supervision
- QP05 File Reviews
- QP06 Signposting, Referrals and Introductions
- QP07 Taking Initial Instructions
- QP08 File Opening
- QP09 File Structure
- QP10 Key Dates
- QP11 Progress of the Case
- QP12 Financial Procedures
- QP13 Undertakings & Delegated Functions
- QP14 Complex Cases
- QP15 Client Care and Complaints
- QP16 Approved Suppliers and Outsourcing
- QP17 End of Case
- QP18 People Management
- QP19 Performance Appraisal
- QP20 Quality Procedures Manual
- QP21 Prevention of Financial Crime
- QP22 Information Management

Chapter 2: Policies and Plans

- Annex A Quality Policy
- Annex B Equality and Diversity Policy
- Annex C Risk Management Policy
- Annex D Health and Safety Policy
- Annex E Corporate Social Responsibility Policy
- Annex F Client Care Policy
- Annex G Business Continuity Plan
- Annex H Anti-Money Laundering Policy
- Annex I Email and Internet Access Policy
- Annex J Complaints Handling Policy
- Annex K Information Management and Security Policy
- Annex L Learning and Development Policy
- Annex M Website Management Policy
- Annex N Social Media Policy
- Annex O Conflict Handling Policy
- Annex P Outsourced Activities Policy
- Annex Q Performance Management Policy
- Annex R Staff Strategic Plan
- Annex S Grievance Policy and Procedure
- Annex T Disciplinary Policy and Procedure
- Annex U Whistleblowing Policy
- Annex V Flexible Working Policy

Chapter 3: Job Descriptions (Role Profiles)

- Director
- COLP
COFA
Solicitor
Trainee Solicitor
Accredited Police Station Representative
Crown Court Representative
Practice Manager
Cashier
Legal Secretary
Receptionist
Office Junior
<table>
<thead>
<tr>
<th>Document ref/ version</th>
<th>Date</th>
<th>Amendment details</th>
</tr>
</thead>
</table>
1 Objective

To document the management roles and responsibilities within the firm in order to ensure the effective management of the firm and the operation of quality procedures.

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 The Firm and its Governance

The firm is a general practice based in Gateshead and is regulated and authorised by the Solicitors Regulation Authority. The firm is constituted as a Private Limited Company incorporated in England and Wales. The company name is Hathaways The Law Firm Limited trading as ‘Hathaways The Law Firm’. Details are as follows:

<table>
<thead>
<tr>
<th>Registered address:</th>
<th>18/19 Regent Terrace Gateshead Tyne And Wear NE8 1LU</th>
</tr>
</thead>
<tbody>
<tr>
<td>SRA Number:</td>
<td>598278</td>
</tr>
<tr>
<td>Company Registration No.:</td>
<td>08013696</td>
</tr>
<tr>
<td>Year End</td>
<td>31st March</td>
</tr>
</tbody>
</table>

The owners of the firm are the Director/Shareholders. The governance of the firm is regulated by way of Articles of Association. The firm also operates from a branch office at 572A/574A Durham Road, Low Fell, Gateshead, Tyne and Wear NE9 6HX.

The Directors will keep under periodic review the question of whether the current legal status of the firm remains the optimum legal structure for its operation with particular reference to the Legal Services Act 2007. This process of review will form an inherent part of the Annual Quality Review described later in this procedure.

3.2 Management Structure

A Family Tree (located at the end of QP01) is maintained outlining the structure of the firm and outlining the lines of responsibility of all staff will be maintained and updated (within 3 months of any changes) as required.

3.3 Key Roles

Key roles in the firm are allocated as follows:

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Continuity Manager</td>
<td>Charles Weidner</td>
</tr>
<tr>
<td>Client Care Director</td>
<td>Charles Weidner</td>
</tr>
<tr>
<td></td>
<td>Deputy: Chris Kyle</td>
</tr>
<tr>
<td>Compliance Officer – Legal Practice (COLP)</td>
<td>Kevin Graham</td>
</tr>
<tr>
<td>Compliance Officer – Finance and Administration (COFA)</td>
<td>Chris Kyle</td>
</tr>
<tr>
<td>CQS Senior Responsible Officer</td>
<td>Kevin Graham</td>
</tr>
<tr>
<td>Cybercrime Officer</td>
<td>Kevin Graham</td>
</tr>
<tr>
<td>Data Protection Officer</td>
<td>Charles Weidner</td>
</tr>
</tbody>
</table>
3.4 Register of Procedures, Policies, Plans and other Key Documents

A Register of Procedures, Policies, Plans and other Key Documents is set out below along with the individuals responsible for them. The Quality Representative is responsible for the maintenance of this Register.

3.4.1 Register of Procedures

<table>
<thead>
<tr>
<th>Ref</th>
<th>Title</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>QP01</td>
<td>Management Structure</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP02</td>
<td>Professional Standards</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP03</td>
<td>Business Strategy, Continuity and Finance</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP04</td>
<td>Supervisors &amp; Supervision</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP05</td>
<td>File Reviews</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP06</td>
<td>Signposting, Referrals and Introductions</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP07</td>
<td>Taking Initial Instructions</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP08</td>
<td>File Opening</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP09</td>
<td>File Structure</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP10</td>
<td>Key Dates</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP11</td>
<td>Progress of the Case</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP12</td>
<td>Financial Procedures</td>
<td>COFA</td>
</tr>
<tr>
<td>QP13</td>
<td>Undertakings &amp; Delegated Functions</td>
<td>Quality Representative</td>
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<tr>
<td>QP14</td>
<td>Complex Cases</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>QP15</td>
<td>Client Care and Complaints</td>
<td>Quality Representative</td>
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<tr>
<td>QP16</td>
<td>Approved Suppliers and Outsourcing</td>
<td>Quality Representative</td>
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<td>QP17</td>
<td>End of Case</td>
<td>Quality Representative</td>
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<tr>
<td>QP18</td>
<td>People Management</td>
<td>Quality Representative</td>
</tr>
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<td>QP19</td>
<td>Performance Appraisal</td>
<td>Quality Representative</td>
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<tr>
<td>QP20</td>
<td>Quality Procedures Manual</td>
<td>Quality Representative</td>
</tr>
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<td>QP21</td>
<td>Prevention of Financial Crime</td>
<td>Money Laundering Reporting Officer (MLRO)</td>
</tr>
<tr>
<td>QP22</td>
<td>Information Management</td>
<td>Quality Representative</td>
</tr>
</tbody>
</table>

The above Procedures will be reviewed annually at the Annual Quality Review (AQR) meeting (see below).

3.4.2 Register of Policies and Plans

<table>
<thead>
<tr>
<th>Ref</th>
<th>Title</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annex A</td>
<td>Quality Policy</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>Annex B</td>
<td>Equality and Diversity Policy</td>
<td>Quality Representative</td>
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<tr>
<td>Annex C</td>
<td>Risk Management Policy</td>
<td>COLP</td>
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</table>
3.4.3 Register of Other Key Documents

<table>
<thead>
<tr>
<th>Document</th>
<th>Responsibility</th>
</tr>
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<tbody>
<tr>
<td>Compliance Plan</td>
<td>COLP</td>
</tr>
<tr>
<td>Risk Register</td>
<td>COLP</td>
</tr>
<tr>
<td>Job Descriptions (Role Profiles)</td>
<td>Quality Representative</td>
</tr>
<tr>
<td>Strategic Plan</td>
<td>COLP</td>
</tr>
</tbody>
</table>

The above Key Documents will be reviewed annually at the Annual Quality Review (AQR) meeting (see later). In addition, the Strategic Plan will be subject to the reporting arrangements set out in QP03.

3.5 Director Meetings

The Directors will hold regular meetings on an informal basis to discuss day-to-day operational issues. In addition, formal meetings will be held according to the following guideline agendas on a monthly basis. All meetings will be minuted or, alternatively, recorded on a DIRECTOR MEETING RECORD.

1. Matters arising
2. Financial management
3. Risk Management review
   a. High risk matters/Risk Notices
   b. Complaints
   c. Indemnity claims
   d. Current undertakings
   e. Adverse client feedback
   f. File review findings
3.6 Annual Quality Review (AQR) Meetings

AQR meetings will take place annually and provide an opportunity to conduct a fundamental review of the quality system. It will be conducted by the Directors who may invite other key members of the firm to participate in order to report on specific items.

1. Internal financial review and procedures
2. Consideration of firm’s legal framework and alternative structures
3. Review of risk assessment data:
   • Indemnity insurance claims
   • Analysis of client complaints trends
   • File review data
   • Client Feedback Questionnaire data/trends
   • Risk Notices
   • Breach Reports (material and non-material)
   • Other matters notified to the COLP/COFA
   • Situations where the firm acted where a conflict existed
   • Exit Interview Reports data/trends
   • Any remedial action arising from above
4. Learning and development needs
5. Any feedback/trends arising from departmental meetings
6. Review of Register of Experts and Counsel
7. Review of Register of Undertakings
8. Review of Referrals Register (legal aid work only)
9. Review of any fee sharing and introduction arrangements
10. Review of engagement letters and terms and conditions of business
11. Review of letterhead, email signatures, and other promotional material for regulatory compliance
12. Review of website for regulatory compliance and accessibility
13. Review of firm’s software
14. Review of Procedures (see Register in s3.4.1)
15. Review of Plans and Policies (see Register in s3.4.2)
16. Review of Other Key Documents (see Register in s3.4.3)
17. Review of Strategic Plan
18. Any other business

The Annual Quality Review will be minuted to demonstrate the reviews conducted and record any action points arising. The reviews will seek to verify that all policies referred to are in effective operation across the firm any revised policies, procedures or plans will be denoted by a revised issue date/number on the footer of the document in question.

3.7 Quality Representative

Quality is fundamental to the firm’s work and underpins all plans, procedures and policies. The firm's vision for quality is set out in the Quality Policy (Annex A). The Quality Representative (see s3.3) is the Senior Responsible Officer (SRO) accountable to the Law Society and responsible for fulfilling all obligations under the Lexcel scheme. This means the
leading the commitment to achieving and maintaining the requirements of the Lexcel standard, recognising and effectively managing risks in delivering legal services and providing consistent client care.

The Quality Representative/SRO is responsible for undertaking mandatory training on requirements in the Lexcel standard or best practice training on areas related to the standard, such as client feedback programmes, strategy and business planning and assessing risk on new matters. The Quality Representative/SRO is also responsible for compliance with the Lexcel application and assessment process including Annual Maintenance Visits.

4 Central records maintained

- Director Meeting Records
- Annual Quality Review Meeting Records
Charles Weidner
Director
Head of Department: Crime

Shaun McFaul
Solicitor
Crime

Emily Weidner
Solicitor

John Cairns
Crown Court Representative

Elizabeth Brown
Receptionist

Kerry Hindmarch
Receptionist

Nicola Twentyman
Legal Secretary

Larissa Price
Legal Secretary (Maternity Leave)

Hayley Purdy
Legal Secretary

Lauren Stuart
Office Junior

Brian Coulson
Cashier

Helen Neal
Cashier

Heather Pilkington
Practice Manager

Accounts Department

Family Tree
Gateshead Office
Kevin Graham
Director
Head of
Department:
Conveyancing,
Wills and Probate

Louise Johnson
Office Manager

Katrina Ilderton
Receptionist

Claire Turnbull
Legal Secretary
(P/T)

Kellie Longstaff
Legal Secretary

Olivia Aiston
Office Junior

Family Tree
Low Fell Office
### In-house lawyers

<table>
<thead>
<tr>
<th>Name</th>
<th>PIN No</th>
<th>Duty</th>
<th>Higher Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Weidner</td>
<td>1091</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Chris Kyle</td>
<td>6299</td>
<td>Y</td>
<td>-</td>
</tr>
<tr>
<td>Shaun McFaul</td>
<td>8159</td>
<td>Y</td>
<td>-</td>
</tr>
<tr>
<td>John Cairns</td>
<td></td>
<td></td>
<td>-</td>
</tr>
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</table>

### External Accredited Representatives

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<th>Name</th>
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<tr>
<td>Phil Toulson</td>
<td>15300</td>
</tr>
<tr>
<td>Alan W Thompson</td>
<td>7045</td>
</tr>
<tr>
<td>Jonathan Stirland</td>
<td>10253</td>
</tr>
<tr>
<td>Ruth Forster</td>
<td>9772</td>
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<tr>
<td>Paul McGee</td>
<td>13427</td>
</tr>
<tr>
<td>Andrew McGee</td>
<td>13062</td>
</tr>
<tr>
<td>Sue Grebby</td>
<td>8972</td>
</tr>
<tr>
<td>Andy Malik</td>
<td>2868</td>
</tr>
<tr>
<td>Arthur McArdle</td>
<td>1638</td>
</tr>
<tr>
<td>Mark Nichlin</td>
<td>13110</td>
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<tr>
<td>Christine Heslop</td>
<td>13680</td>
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<tr>
<td>Kevin Walsh</td>
<td>16422</td>
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<tr>
<td>Paul Richardson</td>
<td>16426</td>
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<tr>
<td>Hugh Docherty</td>
<td>12802</td>
</tr>
<tr>
<td>Amber Hobson</td>
<td>16831</td>
</tr>
<tr>
<td>Andrew Thompson</td>
<td>16969</td>
</tr>
</tbody>
</table>
1 Objective

To ensure that the firm complies with all professional, regulatory and legal requirements

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 Regulatory Compliance

The firm will use every effort to comply with all Law Society and Solicitors Regulation Authority (SRA) regulations and guidelines covering the conduct of private practice law firms. The same commitment is extended to the statutory framework within which the firm conducts its affairs both as a legal practice and a commercial organisation.

The firm’s practices will be underpinned by the following key principles set out in the SRA Handbook. The firm commits to:

- Uphold the rule of law and the proper administration of justice;
- Act with integrity;
- Not allow our independence to be compromised;
- Act in the best interests of each client;
- Provide a proper standard of service to our clients;
- Behave in a way that maintains the trust the public places in us and in the provision of legal services;
- Comply with our legal and regulatory obligations and deal with our regulators and ombudsmen in an open, timely and co-operative manner;
- Run our business or carry out our role in the business effectively and in accordance with proper governance and sound financial and risk management principles;
- Run our business or carry out our role in the business in a way that encourages equality of opportunity and respect for diversity;
- Protect client money and assets.

For the purposes of maintaining compliance with the SRA Outcomes-Focused Regulation (OFR) requirements, the firm has developed a Compliance Plan and a Risk Register. The content of these documents is, by necessity, confidential and not contained within this QPM. These documents link to the Risk Management Policy (Annex C) which provides the overarching framework for OFR compliance.

In accordance with the SRA Handbook, the firm has appointed Compliance Officers who are responsible for monitoring compliance against the SRA requirements. The identities of the Compliance Officers are set out in QP01 along with the arrangements for management oversight and reporting. The roles of the Compliance Officers are set out below.

3.2 Compliance Officers

3.2.1 Compliance Officer for Legal Practice (COLP)

The role of the COLP is as follows:
• To take all reasonable steps to ensure compliance with the terms and conditions of the authorised body's authorisation except any obligations imposed under the SRA Accounts Rules;
• To ensure compliance with any statutory obligations of the body, its managers, employees or interest holders in relation to the body's carrying on of authorised activities;
• To record any failure so to comply and make such records available to the SRA on request; and
• As soon as reasonably practicable, report to the SRA any failure so to comply which is material either taken on its own or as part of a pattern of failures so to comply.

The COLP will also be responsible for monitoring any SRA compliance issues by way of perusal of fee earner/staff meeting notes.

3.2.2 Compliance Officer for Finance and Administration (COFA)

The role of the COFA is as follows:

• To take all reasonable steps to ensure that the body and its employees and managers comply with any obligations imposed upon them under the SRA Accounts Rules;
• To record any failure so to comply and make such records available to the SRA on request; and
• As soon as reasonably practicable, report to the SRA any failure so to comply which is material either taken on its own or as part of a pattern of failures so to comply.

3.3 Reporting Protocol

3.3.1 Overview

The Compliance Officers are responsible for ensuring that the SRA is notified promptly in the following circumstances:

• In the event of serious financial difficulty, such as an inability to pay professional indemnity insurance premiums, or rent or salaries, or breach of bank covenants;
• In the event of an awareness that the business may not be financially viable to continue trading as a going concern, for example because of difficult trading conditions, poor cash flow, increasing overheads, loss of managers or employees and/or loss of sources of revenue;
• Any serious issues identified as a result of the firm's own monitoring of compliance and producing a plan for remedying issues that have been identified;
• Responding appropriately to any serious issues identified concerning competence and fitness and propriety of the firm's employees, managers and owners;
• Any disciplinary action taken against the firm by another regulator;
• In the event of a significant change to your firm such as:
  o Key personnel, such as a manager/partner, COLP or COFA, joining or leaving the firm;
  o A merger with, or an acquisition by or of, another firm.

3.3.2 Internal Breach Reporting

Any member of the firm discovering a breach in compliance with the SRA Handbook is required to complete a BREACH REPORT setting out details of the breach. This should include situations where it has been discovered that the firm has acted where a
conflict existed (see the Conflict Handling Policy (Annex O)). Reports must be passed to the firm’s COLP or COFA as appropriate. The COLP/COFA will review the report and will consider whether there has been a breach, whether the breach is material or non-material and, in the case of the former, whether the issue has been reported to the SRA. The COLP and COFA will maintain a BREACH REGISTER retaining copies of all BREACH REPORTS.

3.3.3 Breaches and ‘Material’ Breaches

COLPs and COFAs are required to report all breaches in compliances to the SRA as soon as reasonably practicable. However, in the case of non-material breaches, the firm will be deemed compliant if internal records of non-material breaches are kept, in order to support the identification and management of systemic risk issues. When deciding if a breach, or series of breaches are material, the COLP or COFA will need to consider:

- the detriment, or risk of detriment, to clients
- the extent of any risk of loss of confidence in the firm or in the provision of legal services
- the scale of the issue
- the overall impact on the practice, its clients and third parties.

It is important to note that while a single breach may be trivial, if it is part of a series then it may be material. For this reason, a compliance officer will need systems to identify patterns of breaches.

3.4 Confidentiality

The firm will comply with the SRA’s professional conduct requirements on confidentiality. All fee earning staff are required to be conversant with these regulations as contained in the SRA Code. Support staff are also bound by these requirements which, put at their most basic mean that no client information must be passed on to any third party without the express consent of the client. These requirements will be discussed with all staff as part of the induction procedure. Fee earners must also, however, consider the circumstances in which they are permitted to override client confidentiality such as:

- Information used by the client to facilitate the commission of a crime or fraud is concerned
- Express consent has been given by the client (or personal representatives of a deceased client) to disclose information (including express consent to disclose files for audit).
- It is considered necessary to reveal confidential information to prevent the client or third party from committing a crime that is likely to result in serious bodily harm.
- In exceptional cases involving children, information of a serious nature (e.g. sexual, mental or physical abuse) should be given to an appropriate authority.
- In proceedings under the Children Act 1989, experts’ reports (for the purpose of proceedings) are not privileged.
- A Court orders that material should be disclosed or where a warrant permits a police officer or other authority to seize confidential material.
- An act of terrorism could be prevented.

If the fee earner believes that any of these circumstances apply, then they must refer the matter to a Director for further consideration, before confidentiality is breached.

3.5 Status Enquiries (legal aid work only)
The firm if required under contract commits to allowing the LAA to conduct any enquiries relevant to status of any employees required by its regulatory role. To this end, the firm will supply details of staff to the LAA as required under the standard terms of the contract. It will be an implied condition of employment that staff must complete the relevant forms as and when required. The firm also commits to pass on to the LAA (if required under the standard terms of the contract) details of any adverse findings by the SRA and any paid out claims from the firm’s professional indemnity insurers.

3.6 Independent Advice

In accordance with the SRA Code, the firm will maintain its independent status and remain free from any outside influence or pressure, which would compromise its ability to provide clients with impartial, independent advice. All staff will be made aware of the importance of not developing any personal interest, which might jeopardise this status.

3.7 Equality and Diversity

A commitment to equality and diversity underpins the work that the firm does. The firm’s Equality and Diversity Policy (Annex B) sets out procedures for the avoidance of discrimination and the promotion of equality and diversity including training and monitoring.

3.8 Professional Indemnity Insurance

The firm will maintain adequate Professional Indemnity Insurance as required by the terms of any LAA contracts, the SRA Handbook and any other third party requirement.

3.9 Risk Management

A considered approach to risk is at the heart of the firm’s business activities. The Risk Management Policy (Annex C) sets out the over-arching approach to risk and the strategic, operational and regulatory risk factors that need to be considered. The Policy sets out the various risk management roles and responsibilities within the firm. The COLP is responsible for overall approach to risk. The Policy links to the separate Compliance Plan and Risk Register documents maintained by the firm which set out how the firm minimises its risk profile and manages its compliance obligations.

The Policy sets out the work that the firm will and will not undertake, including any steps to be taken when work is declined on the grounds that it falls outside acceptable risk levels. It also identifies the principal causes of claims associated with the areas of work that are undertaken by the firm. The Policy also sets out in detail the generic risks and work area-specific risks associated with the firm’s service portfolio. The COLP is responsible for ensuring that risk information such as this is effectively communicated to relevant staff in the firm. The firm’s various meeting arrangements are pivotal to this whereby risk issues are a standing items on agendas to facilitate the sharing of risk information up and down the hierarchy.

3.10 Health and Safety

The firm is concerned to ensure the safety of all personnel (whether at the office or working elsewhere) and visitors to the premises. The firm’s approach is set out in its Health & Safety Policy (Annex D).

3.11 Corporate Social Responsibility

The firm takes its corporate social responsibilities seriously and enshrines its commitment in the form of a Corporate Social Responsibility Policy (Annex E).
3.12 Client Care Policy

The firm is committed to providing a high quality service to all clients. The firm’s services should be recognised as being expert, accurate and appropriate and the firm must comply with the provisions of the SRA Code governing client care. To this end, the firm has in place a Client Care Policy (Annex F).

3.13 Duties to the Client and the Court

When exercising a right to conduct litigation or acting as an advocate, fee earners must achieve the following outcomes in order not to breach the SRA Code:

- You do not attempt to deceive or knowingly or recklessly mislead the court;
- You are not complicit in another person deceiving or misleading the court;
- You comply with court orders which place obligations on you;
- You do not place yourself in contempt of court;
- Where relevant, clients are informed of the circumstances in which your duties to the court outweigh your obligations to your client;
- You comply with your duties to the court;
- You ensure that evidence relating to sensitive issues is not misused;
- You do not make or offer to make payments to witnesses dependent upon their evidence or the outcome of the case.

3.14 ‘Whistleblowing’ Policy

The firm is committed to achieving the highest possible standards of service and the highest possible ethical standards in its business activities. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees. The firm’s approach is set out in its Whistleblowing Policy (Annex U).

3.15 Insurance Mediation

Solicitors who advise on or arrange contracts of insurance, such as defective title or search indemnity policies, are deemed to be carrying on insurance mediation services under the Financial Services and Markets Act 2000 and are thus subject to FCA regulations. This requires that, inter alia:

- The firm must be included on the FCA’s exempt professional firms (EPF) register;
- The firm must comply with the regulations laid down by the Solicitors Regulation Authority, or the FCA as applicable.
- The firm must appoint an Insurance Mediation Officer (IMO) whose details are made known to the FCA and who will be responsible for the firm’s insurance mediation activities.

Breach of the above can constitute a criminal offence. The identity of the IMO is set out in QP01. If the firm recommends a contract of insurance it must inform the client whether advice has been given on the basis of a fair analysis of a sufficiently large number of insurance contracts available on the market to enable it to make a recommendation. Before recommending a contract of insurance, the firm must take reasonable steps to ensure the policy is suitable for the client’s demands and needs and takes account of their best interests.

3.16 Duties to Lenders in Conveyancing Transactions
When conducting conveyancing transactions, conveyancing fee earners are under a professional obligation to report any relevant issues to the lender. Fee earners should be familiar with the reporting requirements for lenders as set out in the CML Lenders’ Handbook. Individual lenders may have different reporting requirements and fee earners should refer to Part 2 of the Handbook to ascertain those specific requirements pertaining.

Examples may include:

- Any discrepancies in the purchase price
- any differences between the mortgage application and information received during the transaction
- any cash back payments or discount schemes that a seller is giving the client
- Any other information, as appropriate, that the lender should be notified of including suspected financial crime

4 Central records maintained

- Breach Register
- Breach Reports
1 Objective

To ensure that the firm develops plans and strategies for its development and continuity and that these are periodically monitored, reviewed and communicated appropriately to staff. To further ensure that adequate measures of financial control are maintained by the firm.

2 Responsibility

- COLP
- COFA
- The Directors

3 Method

3.1 Strategic Plan

The firm will maintain a Strategic Plan to help guide the development of the firm. The plan will include the following elements:

- Objectives for at least the next 12 months
- The identification of resources required to meet the objectives
- A risk evaluation of the objectives
- The client groups to be served
- The services to be delivered
- How the services will be delivered and marketed
- Learning and Development Plan
- Reporting procedures

The Plan is confidential and is therefore not contained within the QPM. However, the firm recognises the importance of engaging all staff in the understanding of its aims and objectives and maintains a Staff Strategic Plan (see Annex R) containing a digest of key points.

3.2 Reporting of performance

The firm’s performance against the objectives set out in the Strategic Plan will be reported as per the meeting schedule contained in QP01. Substantive reviews will be undertaken six-monthly and include a thorough review and amendment (where necessary) of the background information. Updates and changes to the plan will be made (as necessary) and previous Plans will be kept for a minimum of 12 months.

3.3 Non-discrimination

The firm will undertake the above in line with the equal opportunities policy as outlined in QP02 and the Equality and Diversity Policy (Annex B).

3.4 Service promotion and publicity

It is an SRA Code requirement that the firm’s publicity is accurate, not misleading, and is not likely to diminish the trust the public places in the firm and in the provision of legal services. The firm will ensure the following:
• Any publicity relating to charges is clearly expressed and identifies whether VAT and disbursements are included;
• The firm does not make unsolicited approaches in person or by telephone to members of the public in order to publicise the firm;
• The firm’s letterhead, website and e-mails must show the words “authorised and regulated by the Solicitors Regulation Authority” and either the firm’s registered name and number if it is an LLP or company or, if the firm is a partnership or sole practitioner, the name under which it is licensed/authorised by the SRA and the number allocated to it by the SRA.

3.5 Business Continuity Planning

The firm has in place a Business Continuity Plan (Annex G) which sets out the risks that could lead to business interruption, the ways to reduce, avoid or transfer the risks and the key responsibilities within the firm. The Plan will be subject to testing procedures to ensure its effectiveness in the event of a business interruption. Testing will take place in April each year and it will be the responsibility of the Business Continuity Manager to ensure the test takes place, is documented as per the Plan and that any weaknesses and action points identified from the test are suitably followed up.

3.6 Financial Management

The person with responsibility for managing the firm’s finances is set out in QP01 along with the processes for periodic financial reviews. The firm will maintain appropriate levels of financial control. As a minimum this will include the following:

• An annual budget including income and expenditure
• Annual income and expenditure accounts
• Annual balance sheet
• Annual income and expenditure forecast to be reviewed quarterly
• Variance analysis conducted at least quarterly of income and expenditure against budgets
• Variance analysis conducted at least quarterly of cash flow and cash flow forecast

The firm will maintain appropriate documentation to evidence each of the above.

4 Central records maintained

• Strategic Plans including superseded versions
• Business Continuity Plan Test Reports
• Financial management reports
1 Objective

To ensure that all casework undertaken in the firm is adequately monitored by an appropriately qualified Supervisor.

2 Responsibility

- The Directors
- Heads of Department/Supervisors
- Fee earners
- Support staff

3 Method

3.1 Status

Supervisory status within the firm will only be accorded to fee earners who, for legal aid work, meet and maintain the LAA definition as laid down in the appropriate Contract Specification and SQM standard. With regard to privately-funded matters, or categories not covered under any LAA contract, Supervisor status will only be accorded to fee earners holding the relevant experience and competence within the area of law being undertaken. The current Supervisors are as follows:

<table>
<thead>
<tr>
<th>Work Area/Department</th>
<th>Head of Department</th>
<th>LAA supervisors*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>Chris Kyle</td>
<td>Chris Kyle</td>
</tr>
<tr>
<td>Crime</td>
<td>Charles Weidner</td>
<td>Charles Weidner</td>
</tr>
<tr>
<td>Personal Injury, Civil Litigation and</td>
<td></td>
<td>Shaun McFaul</td>
</tr>
<tr>
<td>Employment</td>
<td>Chris Kyle</td>
<td></td>
</tr>
<tr>
<td>Wills and Probate</td>
<td>Kevin Graham</td>
<td></td>
</tr>
<tr>
<td>Conveyancing</td>
<td>Kevin Graham</td>
<td></td>
</tr>
</tbody>
</table>

* Fee earner meeting LAA category specific supervisor standards

Supervisors will also be named and identified within the Family Tree (see QP01) as will the supervisory relationships. The firm will ensure that sufficient resources and time are made available to ensure that Supervisors are available to fee-earners so that their supervisory roles can be fulfilled.

3.2 Supervisor Training

All Supervisors in legal aid work areas are required to undertake as a minimum the training requirements established in the SQM standard and LAA Contract: currently 6 CPD hours per annum in each category supervised. Supervisors will be required to maintain their professional training requirements as required by any relevant governing body.

3.3 Supervisory Role

It is the Supervisor’s role to guide and assist fee earners in the performance of casework duties. The Supervisor will carry the ultimate responsibility for casework undertaken by supervised staff and must perform this activity accordingly. The following two activities are an essential pre-requisite of the performance of this role.

3.3.1 Fee Earner Competence Assessment
It is the Supervisor’s responsibility to undertake a comprehensive assessment of the limits on professional competence of each supervised fee earner working in any category of work. This should be updated when a fee earner’s status changes (e.g. on qualification as a Solicitor/CILEX) or annually.

### 3.3.2 Case Allocation

Cases should usually only be taken on in areas where the fee earner has identified professional competence. This will be established by completion of the competence assessment above. Fee earner profiles form an element of the Strategic Plan (see QP03) which is communicated to all Supervisors. The areas of work handled by fee earners will be specifically brought to the attention of first contact staff (see QP06). Where possible, initial appointments will be arranged to place the client with a fee earner who is identified as being competent to advise in that area. Where this is not possible another fee earner can take initial instructions but must reserve any substantive advice and make an appropriate internal referral.

Individual fee earners have a responsibility to ensure that they comply with this procedure, however, it is ultimately the Supervisor’s responsibility to ensure that inappropriately experienced staff are not conducting cases. This will be monitored as part of the methods outlined below and will take into consideration all factors, including current workload etc. and not simply casework competence. In certain situations there may be an embargo placed upon opening certain types of cases, this will be communicated to relevant staff and appropriate signposting or referral will be made.

On occasions, cases might be allocated in areas where the fee earner is not designated competent for training and development reasons. In such circumstances the case file will be noted to this effect.

### 3.4 Supervisory Methods

Supervisors in each category of work will use the following supervisory methods. It is for the individual Supervisors to determine the necessary balance of these methods based upon the skills, knowledge and experience of supervised staff.

#### 3.4.1 Incoming Post

Incoming post will be monitored for indicators such as: client and other side dissatisfaction, the rejection of forms, bills and applications by bodies such as the Courts and the Legal Aid Agency, unnecessarily slow progress on cases, etc. This task is always overseen by a Director or approved fee earner in the absence of a Director.

#### 3.4.2 Outgoing Post

Fee earners will be responsible for the signature of their own post where they have been specifically authorised by a Director or Head of Department/Supervisor. Supervisors may wish to undertake occasional sampling of such post to provided satisfaction with the nature and content of outgoing advice. This can be undertaken when signing post for a fee earner who is absent from the office. In addition, Supervisors may wish to implement closer supervision for certain matters e.g. those that have been classified as ‘High Risk’ (see QP08), for inexperienced fee earners or more experienced fee earners working on matters for which they have limited experience. All non-exempt undertakings and bills must be signed by a Director.
3.4.3 Departmental Meetings

Departmental meetings will be held on a quarterly basis usually on the following Departmental basis:

- Non-contentious
- Family, Personal Injury, Civil Litigation and Employment
- Crime

The meetings have a wide-ranging remit. The following areas are suggested topics only and are not mandatory. Summary notes and action points will be maintained and filed by the supervisor. Alternatively a DEPARTMENTAL MEETING RECORD will be used to record the meeting. Copies of meeting notes will be retained by the Head of Department.

1. New matters: significant issues
2. Ongoing matters: significant issues
3. Closed matters: significant issues
4. Review of complex and high risk matters
5. Fee earner caseload/inactivity reports
6. Training needs and evaluation of recent training
7. Legal update
8. SRA compliance issues/update/breach reports
9. Undertakings
10. File review
11. Register of experts and counsel

3.4.4 Office Meetings

Office meetings will be held six-monthly and offer a forum for staff to exchange views and information with the Directors. They will also provide opportunities for staff to be made aware of the aims and objectives of the firm and for staff to make suggestions for improvement particularly with regard to the operation of the QPM. Staff meetings will be chaired by a Director. Summary notes and action points will be maintained.

3.4.5 Availability, Informal Support & Guidance

In addition to the formal supervisory methods outlined above, the Supervisor must ensure that informal guidance and advice is regularly available. It is the firm’s aim that a culture is established in which casework issues and problems can be openly discussed and resolved. Supervisors should ensure that they have set clear arrangements for their availability to all staff.

3.4.6 Caseload Assessment and Inactivity Reports

Supervisors will check supervised staff caseload through the quarterly assessment of computer printouts in conjunction with Departmental meetings above. In addition to reviewing the caseload for volume and complexity, indicators such as date of last activity and pending key dates will be reviewed. Any identified problems should be raised directly with the relevant fee earner. Supervisors will continually review the workload of fee earners within their department and intervene where necessary to reduce their workload or re-allocate cases to other fee earners. Equally, staff are encouraged to discuss with their Supervisor any problems they may be having with their workload.
3.4.7 Certificates of Title (Conveyancing Transactions only)

All Certificates of Title must be signed by a Director having reviewed the file to which it relates.

3.5 Change of Supervisor and Temporary Supervision

If necessary, for whatever reason such as sickness, maternity leave etc., the firm will appoint either a temporary or deputy Supervisor. If the absence is in a legal aid work area and an LAA Supervisor is, for any reason, temporarily unable to act, the firm may, for a period of up to 6 weeks, either:

(a) nominate a fee earner who does not meet all the LAA Supervisor requirements to supervise; or
(b) nominate an external Supervisor to supervise.

If an LAA Supervisor is likely to be unable to supervise for more than 6 weeks, or following completion of the 6 week temporary period described above the Supervisor is not able to resume supervision, the firm must immediately inform the LAA Contract Manager who will decide, at their discretion, what the firm must do to comply with the Contract.

3.6 Legal Qualifications and Fee earner Training

It is the responsibility of the Supervisor to ensure that all fee earners have relevant training in the areas of law that they practice. This training can be by way of external or internal methods. This will maintain the level of competence appropriate to their work and level of responsibility. All casework staff working in legal aid areas will meet the minimum qualification and casework hours, as defined in the SQM/LAA contract and as relevant to their status. Similarly all casework staff will undergo annually the necessary minimum training as identified in the SQM: currently 6 hours CPD training per category of work. It is the Supervisor's duty to ensure that all of the above requirements are met and evidenced by way of training records.

3.7 Delegated Functions

The exercise of Delegated Functions will be monitored by Supervisors which will be discharged in line with office procedures in operation at that time and the published guidance of the Legal Aid Agency. Only LAA Supervisors have the authority to exercise Delegated Functions decisions.

3.8 Operational Risk Management

The firm maintains a comprehensive Risk Management Policy (Annex C). The firm has comprehensive risk management procedures in place to identify and deal with operational risk. Heads of Department are responsible for managing operational risks in the firm’s legal work. They will be responsible for identifying risk factors across the work areas and so facilitate the development of the Policy. They are also responsible for identifying appropriate actions to be taken when any unusual or high risk considerations are reported by fee earners and for mitigating the risks to the firm. They may decide to institute special supervisory/reporting/allocation arrangements over and above the requirements set out in this procedure in order to reduce operational risk exposure.

4 Central records maintained

- Departmental notes/minutes
- Office meeting notes/minutes
Objective

To ensure that, through the file review of current and concluded case files, case management procedures are in effective operation and that substantive legal issues are being dealt with professionally and appropriately. Furthermore, to ensure that legal aid work is being conducted within the rules and regulations of the relevant LAA Contracts.

Responsibility

- The Directors
- Heads of Department/Supervisors
- Fee Earners

Method

3.1 Number and frequency of file reviews

The following levels for file review have been agreed:

<table>
<thead>
<tr>
<th>Work area</th>
<th>Fee earner grade</th>
<th>Reviewer</th>
<th>Number/frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal aid work areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Family</td>
<td>All fee earners</td>
<td>LAA Supervisor*</td>
<td>1 legal aid file/month</td>
</tr>
<tr>
<td>Crime</td>
<td>LAA Supervisor*</td>
<td>LAA Supervisor*</td>
<td>1 legal aid file/month</td>
</tr>
<tr>
<td></td>
<td>Non-LAA Supervisor*</td>
<td>Supervisor</td>
<td>2 legal aid files/month</td>
</tr>
<tr>
<td>Privately-funded work areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conveyancing</td>
<td>Fee earner</td>
<td>Fee earner</td>
<td>1 file/month</td>
</tr>
<tr>
<td>Wills and Probate</td>
<td>Fee earner</td>
<td>Fee earner</td>
<td>1 file/month</td>
</tr>
<tr>
<td>Civil</td>
<td>Fee earner</td>
<td>Fee earner</td>
<td>1 file/month</td>
</tr>
</tbody>
</table>

* Fee earner meeting LAA category specific supervisor standards (see Table in QP04 or Family Tree in QP01)

In setting the above levels, consideration has been given to the individual fee earner’s competence assessment undertaken as part of QP04. Consideration has also been given to the range of services provided by the firm and to avoid disproportionate levels of file review. Crucially, the above levels have been set to achieve full compliance with LAA contract requirements for legal aid files. Fee earners who do not hold a caseload of matters and whose work outputs are actively supervised are not subject to formal file reviews in the above.

3.2 File selection criteria

The process will ensure that the range of different work undertaken in the fee earner’s designated areas will be reviewed and this will cover both privately and legal aid matters. Furthermore where a fee earner works in more than one category of law, it will also be ensured that the range of files audited covers the different categories in which the fee earner works. The file review selection should be on a random basis and the selection must be made by the reviewer. However, the reviewer may on occasions select specific files that are of elevated risk to the firm or where matter listing reports are suggestive of concerns on a particular file such as prolonged inactivity and WIP levels. The reviewer should also seek to
ensure samples cover recently-opened and older matters and both open and closed files should be selected as appropriate. Efforts should be made to sample different types of work within a category of law e.g. purchase/sale files, police station/magistrates/crown court matters etc.

3.3 File Review Scope and Method

File reviews of legal aid matters will be undertaken by an LAA Supervisor without day-to-day conduct of the matter. Where this is not possible, the most appropriately qualified member of staff will undertake the procedural element of the review and the Supervisor will undertake an objective self-assessment of the substantial legal issues contained within the file. File review of privately funded matters will be undertaken by a supervisor/fee earner without day-to-day conduct of the matter.

File Review is conducted to a FILE REVIEW FORM to ensure that all key file management procedures have been undertaken on each file review. On those work areas marked in the table in s3.1 above as requiring a ‘legal review’, the reviewer is also responsible for assessing the file to see if matters of substantive law have been effectively handled and that the client has received thorough and appropriate professional advice. Findings both positive and negative with regard to the latter must be fully recorded.

3.4 Corrective Action

Any omission or error identified by this procedure will be recorded on the form with a date by which this must be remedied. Should the corrective action relate to something urgently required on the case file, this must be undertaken immediately. The reviewer will separately forward-diary this date. The results of this will be brought to the attention of the relevant fee earner whose responsibility it is to ensure that the required corrective action is taken within the time limit set, which will be no longer than 28 days. Once this is completed the fee earner should pass the file back to the reviewer to confirm that the action has been taken. The Reviewer must verify that corrective action has been undertaken within the time limit by recalling the relevant file at the end of the time limit established.

3.5 Recording

In every case, even when no corrective action is required, the FILE REVIEW FORM must be placed on the file. Confirmation by fee earner and verification by reviewer, that timely corrective action has been undertaken must be completed on the Form maintained on file. Every file reviewed must also be recorded in Departmental File Review registers.

3.6 Monitoring File Review

Supervisors are required on an ongoing basis to review and monitor the data generated by file reviews. Supervisors will ensure that they are aware of the outcome of file reviews primarily through the conduct of the process but also by establishing a firm-wide picture of developing trends. The results of file review activity will be monitored at the Annual Quality Review meeting (see QP01). Any significant trends, such as indications of common recurring procedural errors or weakness at fee earner or team level in the substantive conduct of cases, will be considered. Any such issues will be subject to corrective action.

4 Central records maintained

- File Review Forms
1 Objective

To ensure that all fee earners and first contact staff in the firm are able to identify a client’s potential need for advice and services not provided by the firm and, if necessary, signposting or referring the client elsewhere. To further ensure that the firm retains its independence when recommending third parties to a client and that the firm acts in the client’s best interests.

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 ‘First Contact Staff’

For the purposes of this procedure, particularly the signposting element, the firm identifies ‘first contact staff’ as key to its successful operation. These are staff that have initial contact with clients either in the conduct of initial interviews or in arranging these appointments. This will therefore involve fee earners, secretarial staff and receptionists. However all other staff are required to be conversant with this procedure.

3.2 Signposting

When first approached by a potential new client, either in person or by way of phone or letter contact, fee-earners and support staff should be aware of the specialist services provided by the firm. There may be occasions when a request is made for advice in an area of law in which the firm does not provide services either from a new or existing client of the firm. At this point the client should be signposted to an appropriate service. The following websites and helplines should be used to assist clients.

<table>
<thead>
<tr>
<th>Service</th>
<th>Website/Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Society Solicitor Search</td>
<td><a href="http://www.lawsociety.org.uk">www.lawsociety.org.uk</a></td>
</tr>
<tr>
<td>Legal aid eligibility calculator</td>
<td><a href="http://www.gov.uk/check-legal-aid">www.gov.uk/check-legal-aid</a></td>
</tr>
<tr>
<td>Civil Legal Advice (free telephone advice)</td>
<td>0845 345 4 345</td>
</tr>
<tr>
<td></td>
<td><a href="https://claonlineadvice.justice.gov.uk/">https://claonlineadvice.justice.gov.uk/</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:emailhelp@civillegaladvice.org.uk">emailhelp@civillegaladvice.org.uk</a></td>
</tr>
<tr>
<td>Legal Advisor and Family Mediator Advisor Finder</td>
<td><a href="http://find-legal-advice.justice.gov.uk/">http://find-legal-advice.justice.gov.uk/</a></td>
</tr>
</tbody>
</table>

Alternatively, it is permissible to provide the client with a list prepared by the firm of local or specialist organisations by area of law, or provide the firm’s own recommendations. Any such lists must give preference to, or should clearly identify, those organisations that hold the LAA Quality Mark.

3.3 Referral (Legal aid matters only)

In contrast to signposting, referral will only be considered with regards to an existing client of the firm with a currently active case. When an issue is identified which requires advice or assistance beyond the competence of the fee earner, this should be subject to either an internal or external referral. The former will take place where the firm has a competent fee earner in that category of law the latter where an external specialist is required. This will be undertaken as follows:

- fee earners are vigilant to all issues of concern to their clients
• any separate matter of law is identified as early in the case as possible
• the reasoning for and the nature of the referral is clearly explained to the client
• the role of the firm in the referral is made clear
• the client will be advised as to the nature of the referral agency and, ideally only an approved referral agency is used (see below)
• advice must be given as to cost implications
• information on and advice or assistance provided and any relevant documentation will be provided to the referral agency
• where appropriate and/or possible (and only with the client’s express approval) to make an early appointment.
• any subsequent feedback on the referral agency will be recorded in the referrals log

3.5 Referrals Register (Legal aid matters only)

The firm will maintain a Referrals Register that will record the following with regard to any client referral made to another legal aid provider:

- date
- the client, case and fee earner
- the reason for referral
- the referral body
- any client feedback and/or difficulties finding a supplier

The above is recorded on a REFERRAL LOG form which is placed on the matter file and a copy placed in the Referrals Register to indicate that this took place in compliance with s3.3 above.

3.6 Fee Sharing and Introductions

Whenever the firm recommends that a client uses a particular person or business, its recommendation must be in the best interests of the client and does not compromise the firm’s independence. Clients must be fully informed of any financial or other interest which the firm has in referring the client to another person or business and must be in a position to make informed decisions about how to pursue their matter;

The following points should be noted:

- any arrangement the firm enters into in respect of regulated mortgage contracts, general insurance contracts (including after the event insurance) or pure protection contracts, provides that referrals will only be made where this is in the best interests of the particular client and the contract is suitable for the needs of that client;
- any referral to a third party that can only offer products from one source is made only after the client has been informed of this limitation;

In addition, the following apply where financial or other interests apply:

- Clients are informed of any financial or other interest which an introducer has in referring the client to you;
- Clients are informed of any fee sharing arrangement that is relevant to their matter;
- The firm does not make payments to an introducer in respect of clients who are the subject of criminal proceedings or who have the benefit of legal aid;
- Any financial arrangement entered into with an introducer must be in writing.
- The firm only enters into arrangements with reputable third parties;
• in any case where a client has entered into, or is proposing to enter into, an arrangement with an introducer in connection with their matter, which is not in their best interests, the fee earner must advise the client that this is the case;
• The firm will terminate any arrangement with an introducer or fee sharer which causes it to breach the Principles or any requirements of the SRA Code;
• Fee earners must be satisfied that any client referred by an introducer has not been acquired as a result of marketing or other activities which, if done by a person regulated by the SRA, would be contrary to the Principles or any requirements of the Code;
• Fee earners must draw the client's attention to any payments made, or other consideration provided, in connection with any referral;

For the avoidance of doubt the firm has a strict policy of not entering into any referral arrangements where it receives any financial or other interest from a referral or introduction.

4 Central records maintained

• Referral Logs
1 Objective

To ensure that all clients approaching the firm for advice have their requirements established, agreed, recorded and confirmed so that the firm can provide an appropriate professional response that meets their needs and complies with the client care requirements set out in the SRA Code.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 File Opening

The firm’s policies and procedures for dealing with initial client enquiries are set out in its Client Care Policy (Annex F). In all cases, a FILE OPENING DETAILS CHECKLIST must be prepared in order to allow for an entry to be made on to the central client database. The computer can then produce accurate matter listings of open and closed cases by category of law/department and by funder. The computer is also able to identify all files for a particular funder, all matters for a single client and any linked files where relevant. The records should include details of any third parties against whom a conflict of interest check is to be undertaken.

3.2 Client Care Issues

The fee earner will communicate the following to clients in writing, unless an alternative form of communication is deemed more appropriate:

- Where appropriate, the client’s requirements and objectives
- A clear explanation of the issues involved and the options available to the client. This should be given in clear, plain language and the fee earner should try to ensure that the client has understood this, particularly if action is to be taken on this basis.
- An explanation of what the fee earner will and will not do
- The agreed next steps to be taken
- Keep the client informed of progress, as agreed
- Establish in what timescale that matter will be dealt with
- The method of funding (see below)
- Where appropriate, whether the intended action would be merited on a cost benefit analysis
- An agreed, appropriate level of service
- The firm’s responsibilities and the client’s
- The name and status of the person dealing with their matter
- The name and status of the person responsible for the overall supervision of their matter

The fee earner should be precise about any further information required from the client, and about any action the firm is willing or not to take. All the above should be agreed with the client at the time of the first interview.
The client should also be informed at the outset of the matter, that in the event of a complaint, including about the bill, they are entitled to complain and given the identity of the person with overall responsibility for complaints. This is set out in QP15.

3.3 Case Funding

During an initial interview the fee earner must discuss how the client will pay, including whether legal aid may be available, whether the client has insurance that might cover the fees, and whether the fees may be paid by someone else such as a trade union. This must always include an assessment as to eligibility for legal aid. Dependent upon how the case is to be funded, the following must be explained:

3.3.1 Fixed Price/Free first interview (if appropriate)

The interview fee arrangements should be explained as early in the interview as possible.

3.3.2 Court Duty Solicitor Scheme

A brief explanation of the scheme and that the client will bear no cost liability should be given. The fee earner should ensure that LAA contract requirements are met in relation to recording and claiming. A COURT DUTY SOLICITOR RECORD form will be completed by the fee earner, where appropriate.

3.3.3 Advice at Police Station (Own and Duty Clients)

If an Investigations Claim is to be made a brief explanation of this and that the client will bear no cost liability should be given. A POLICE STATION ATTENDANCE RECORD should be completed to ensure compliance with LAA contract requirements.

3.3.4 Legal Help (Civil)

Where applicable the client should be means-assessed to establish if they qualify for legal help and, if so, the relevant form(s) should be fully completed and then signed by the client, including any Delegated Functions justifications. An explanation of the scope of the scheme and the statutory charge should be given if appropriate. If it is thought possible that the statutory charge might apply, the client should receive an estimate as to the total likely cost of the case, regardless of the limitation on the scope of the legal help scheme; this to include VAT and any expected disbursements. The fee earner should seek proof of means from the client or impress upon them the need to provide this at a later date.

3.3.5 Advice and Assistance (Crime)

If the circumstances of the case necessitate the provision of free standing advice and assistance, the client should be means-assessed to establish if they are eligible and, if so, a CRM1 and CRM2 should be fully completed and then signed by the client, including any Delegated Functions justifications. An explanation of the scope of the scheme should be given if appropriate particularly that this level of service does not cover representation in criminal proceedings. The fee earner should seek proof of means from the client or impress upon them the need to provide this at a later date.

3.3.6 Criminal Representation (including Advocacy Assistance)
A brief explanation of the appropriate level of service (full representation or Advocacy Assistance) should be given. In the case of advocacy assistance a note in justification of the self-grant should be made. This must include advice about the requirement to inform the firm and court about changes in circumstances. This explanation must include an indication of the circumstances in which advocacy assistance or a representation order can be withdrawn/revoked. In all cases the client should be advised of the possibility that, on losing the case, they may have an order to contribute to prosecution costs made.

In addition in Crown Court matters where there is any likelihood of a Defence Costs Order being made the client must receive an estimate as to the total likely cost of the defence case including disbursements, counsel’s fees and vat.

### 3.3.7 Legal Aid Certificate

If the case is one in which it is apparent, at outset, that an application for Legal Representation will be made, the scheme should be explained (with forms to be completed as and when appropriate). This explanation must include an outline of the means and merits tests and the possible effect of the statutory charge. When covering the means test the fee earners must outline the possibility of a contribution being required and the consequences of failure to make payments. Likewise it must be impressed upon the client that failure to notify the firm or the LAA of changes in circumstances could lead to discharge or revocation of a certificate with the attendant cost risks.

The client should also be given an estimate as to the total likely cost of the matter, this to include VAT and any expected disbursements and based upon the fee earner’s judgement of the likely length and complexity of the case and not the actual or likely limitation applied.

### 3.3.8 Privately-funded matters

On all privately funded matters (and, where appropriate, on legal aid matters), the client should be informed of the following:

- The basis of the firm’s current charging rates
- Whether the firm will receive a financial benefit as a result of acting for a client
- Whether/when the charging rates are to be increased
- The likely payments which the firm or the client may need to make to others
- A discussion of how the client will pay
- The circumstances where the firm may be entitled to exercise a lien for unpaid costs
- The client’s potential liability for any other party’s costs.

The client will be issued with the standard Terms and Conditions of Business either at the initial interview or via the post.

### 3.3.9 Conditional Fee Agreements

It is a requirement of the SRA Code that where the firm intends acting for a client under a fee arrangement governed by statute, such as a conditional fee agreement, the client must be given all relevant information relating to that arrangement. The fee earner must therefore ensure that the client is provided with a copy of the Conditional Fee Agreement along with any other associated documentation.
3.4 Cost Estimates

As indicated in above cost estimates have to be provided to clients in all but the following circumstances:

- Privately funded matters under a fixed fee arrangement
- Legal Help matters where it is not likely that the statutory charge will apply
- Public Law Child Care matters
- Child Custody & Abduction Act Matters
- Criminal matters in which a Defendant may pay a contribution to Legal Aid Costs

3.5 Willingness and Ability to Act

If, for any reason, the firm is unwilling or unable to act for a client, perhaps due to the lack of availability of case funding (e.g. the limitations on representation under the Legal Help Scheme) for the matter or the stage in the matter, this should be fully explained to the client.

3.6 Confirmation in Writing

Following the taking of initial instructions, the fee earner should confirm 3.2-3.5 above to the client, ordinarily in writing by dictating the relevant sections in the standard Client Care Letters and associated Terms and Conditions of Business. These should, where appropriate, contain confirmation of any key dates in the matter. If the matter consists of one off advice and no further involvement by the firm is envisaged is enough to offer the client written confirmation of the above.

Client care letters should, unless in exceptional circumstances, always be sent by post or DX and not by email alone. This is to ensure that the addressee has access to the address cited in the client care letter.

Where the firm acts for regular clients who are subject to standing terms of business, the firm will keep records which can be produced upon request.

3.7 Indemnity Insurance

In certain circumstances, it may be appropriate for the firm to seek to limit its liability to the client to a level above the minimum required by the SRA Indemnity Insurance Rules. It is a requirement of the SRA Code that any such limitation is put in writing and is brought to the client's attention. If the fee earner is in any doubt about this requirement then it should be brought to the attention of their Head of Department or the COLP.

3.8 Right to Cancel

Under the Consumer Contracts Regulations 2013, clients have the right to cancel a contract within 14 days without giving any reason on matters where instructions were commenced off-premises, such as during a home visit. The cancellation period will expire after 14 days from the day this notice is served on the client. To exercise the right to cancel, the client must inform the firm of their decision to cancel by a clear statement (e.g. a letter sent by post, fax or e-mail). If the client cancels the contract, the firm must reimburse all payments received from them. The Regulations only apply to privately-funded matters.

3.9 Financial Benefits to the firm

Where the firm receives a financial benefit as a result of acting for a client, the firm must either:

- Pay it to the client;
• Offset it against the client's fees; or
• Retain it

Under the SRA Code, the firm can only justify keeping it if the client has been informed of the amount of the benefit (or an approximation if the exact amount is not known) and the client has agreed that the firm can retain it. This must therefore be set out in the Client Care Letters and Terms and Conditions of Business issued to the client.

3.10 Fee earner discretion

In taking instructions from clients, there are occasions where it is not possible or advisable to undertake some or all of the above actions at the first or even subsequent interviews. Examples of such circumstances are as follows:

• The client is too distressed to fully comprehend financial advice
• The client is unable to fully articulate his/her needs
• Confidentiality of correspondence cannot be guaranteed at the client's address

This list is not exhaustive and fee earners are encouraged to use their discretion in such circumstances to take a deliberate decision to omit one of the above requirements of the procedure. In such circumstance, and this can only be on a case by case basis, this decision and the reason for it must be fully recorded on the file. In addition, in taking instructions (and during the course of the matter) it is vital that fee earners ensure that they have proper regard to the client's mental capacity or other vulnerability, such as incapacity or duress.

When providing the above information, particular in regard to fee arrangements, the fee earner should ensure that it is provided in a clear and accessible form which is appropriate to the needs and circumstances of the client.

4 Central records maintained

• None
1 Objective

To ensure that, for each client, a new and uniquely identifiable file is opened, that a corresponding entry is made on the computer system and that this contributes to the smooth running of the case and the files traceability. To further ensure that the firm applies controls to the acceptance of new work including risk assessment and conflicts of interest identification.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 File opening

At the outset of every case, the fee earner is required to acquire sufficient information to allow for the opening of a file record on the central client database. This includes new matters for an existing client, where a new file should always be opened. This allows for the generation of a unique file reference number that should then be used to assist in the identification of all outgoing correspondence and other relevant documentation within the file. This is performed by the fee earner completing a FILE OPENING DETAILS CHECKLIST as set out in QP07.

3.2 Acceptance of instructions

3.2.1 Costs v Benefits Test

On appropriate cases, the fee earner should discuss whether the potential outcomes of the client's matter are likely to justify the expense or risk involved, including any risk of having to pay someone else's legal fees; for the purposes of this procedure, this is referred to as the 'Costs/Benefits Test'. On legal aid cases, this is known as the 'Sufficient Benefit Test'. The fee earner is responsible for obtaining sufficient information from the client to establish if there is sufficient merit to open a case file, the outcome of the assessment being recorded on the FILE OPENING DETAILS CHECKLIST.

3.2.2 Risk Assessment

Prior to accepting instructions from either existing or new clients, the fee earner will establish whether the firm is able to assist the client and further undertake an assessment of the potential risk to firm. This assessment will be carried out as per the criteria and procedure set out in the Risk Management Policy (Annex C). The fee earner will consider the following:

- If the matter is within an area of law undertaken by the firm. Work types not undertaken by the firm are set out in the Risk Management Policy;
- If the issues or complexity of the case are within the competence of individual fee earners within the firm;
- That the firm has sufficient resources, skills and procedures to deal with the matter and meet the client's reasonable expectations;
- That the firm is able to provide a service that is competent, delivered in a timely manner and takes account of the clients' needs and circumstances;
• That the matter falls within the acceptable limits of the Risk Management Policy.

A risk assessment is conducted by the fee earner at the outset of the case. The assessment of risk (High or Ordinary) must be recorded on the FILE OPENING DETAILS CHECKLIST. Matters regarded as ‘High’ risk will result in the fee earner raising a RISK NOTICE which is forwarded to the appropriate Head of Department for consideration. Such matters will not be proceeded with without their authority in accordance with the Risk Management Policy (Annex C).

The Head of Department is responsible for reviewing high risk matters and deciding whether the firm should accept the instructions and, if so, what precautionary steps in relation to responsibility, supervision, additional insurances, reviews and any contingency plans that need to be put in place. If the matter exposes the firm to an excessive, unmanageable risk then the instructions should be declined recording the justification on the RISK NOTICE and the client will be written to confirming the reasons for termination of the retainer and explaining the possible options for pursuing their matter. A central copy of the RISK NOTICE will also be maintained for filing in the central risk management file accompanied by a RISK NOTICE REGISTER form to provide a summary of all RISK NOTICES. A copy will also be placed prominently on the case file.

In all circumstances, when deciding whether to act, or terminate instructions, the firm must comply with the law and the SRA Code.

3.3 Conflict of Interest

Whilst undertaking the above, it is essential that fee earners provide sufficient information to undertake a conflict of interest check on the central database of any third party identified by the fee earner. The conflict of interest check is conducted by relevant members of support staff. This should include the following possibilities:

• known other parties to the action
• perpetrators of a relevant act e.g. domestic violence
• known victims of crime
• co-defendants and witnesses

This list is not exhaustive and the full circumstances of the case should be considered to identify any possible difficulties, which might arise. If this check proves positive (or the fee earner does not supply information for a conflict check to be undertaken), this should be referred back to the fee earner for further action. Should the search prove negative, file opening can then proceed. This must be recorded by a dated entry on the FILE OPENING DETAILS CHECKLIST.

Further information is set out in the Conflict Handling Policy (Annex O). It is vital that all members of the firm involved in operating the policy and procedures relating to conflicts of interest are adequately trained. Any such training needs should be raised with a Director or Department Head.

In all cases, where the firm has to cease acting for a client, then the fee earner must explain to the client their possible options for pursuing their matter. In accordance with the SRA Code, the firm must refuse to act where the client proposes to make a gift of significant value to the fee earner or a member of the fee earner's family, or a member of the firm or their family, unless the client takes independent legal advice.

Where the client notifies the firm of their intention to make a claim or if an act or omission is discovered which might give rise to a claim, the fee earner must consider whether a conflict of interests has arisen or whether the client should be advised to obtain independent advice.
In all circumstances where the firm is to cease acting for a client, the firm should write to the client confirming the reasons for termination of the retainer and explaining the possible options for pursuing their matter. External referral arrangements are set out in QP06.

3.4 Refusal of Instructions

When considering refusing to act for a client, fee earners should be aware that the Legal Ombudsman can accept complaints from prospective clients where:
- a person has unreasonably been refused a service;
- a person has persistently or unreasonably been offered a service that they do not want.

Reasonable reasons for refusing to provide a service include:
- the firm does not undertake that type of work;
- the client is unable to fund the work required
- you are too busy/do not have time to do the work;
- ethical, regulatory or other reasons to refuse (e.g. suspicion of money laundering, conflict of interest, insurance issues); or
- the case is too complex or difficult or you do not have the relevant skills and experience.

There may be other reasonable reasons for refusing to provide a service. The fee earner should consider whether the decision to refuse service is reasonable on the facts and whether it is likely to lead to breaching the SRA Principle requiring solicitors to act with integrity. It is unlawful to refuse to provide a service to a prospective client on the basis of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex or sexual orientation. It is also contrary to the SRA Code of Conduct. This is set out in the Equality and Diversity Policy (Annex B).

If the firm finds evidence that there was no legitimate reason for refusal of service then any complaint should be dealt with via the normal complaints handling procedure as set out in QP15.

3.5 File Covers

A physical file should be established with key information from the above placed on the front of the file. The firm adopts a colour coding convention for file covers as follows. This convention only applies to cardboard files. Larger files will be placed in lever arch files or box files and will not follow the colour coding convention.

<table>
<thead>
<tr>
<th>Work Area</th>
<th>Colour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime</td>
<td>Pink</td>
</tr>
<tr>
<td>Family</td>
<td>Green</td>
</tr>
<tr>
<td>Child care</td>
<td>Yellow</td>
</tr>
<tr>
<td>Employment</td>
<td>Red</td>
</tr>
<tr>
<td>Personal Injury</td>
<td>Buff</td>
</tr>
<tr>
<td>Civil litigation</td>
<td>Grey</td>
</tr>
<tr>
<td>Wills/Probate</td>
<td>Orange</td>
</tr>
<tr>
<td>Conveyancing</td>
<td>Blue</td>
</tr>
</tbody>
</table>

3.6 Multiple Matters

The firm’s policy is that all new substantive matters should result in a new file being opened. Multiple case files for one client should be opened as above and a cross reference made on the front of the file to those relevant, or related to other cases. In identifying relevant matters and in order to link files, a search on the computer database will be undertaken and some reliance will be made upon the advocate solicitor’s knowledge of the client.
3.7 Client Due Diligence (verification of identity)

On non-contentious matters only, at the outset of the case clients are requested to provide appropriate documentation to verify their identity. Completion of the check will be endorsed on the FILE OPENING DETAILS CHECKLIST. Checks will be conducted in accordance with the Anti-Money Laundering Policy (Annex H). Fee earners should raise any issues in relation to due diligence with the Money Laundering Reporting Officer (MLRO) set out in QP01.

3.8 Property and Mortgage Fraud Prevention (Conveyancing transactions only)

Fraudsters may pose as a solicitor or a conveyancer to add greater legitimacy to a transaction. Therefore in order to reduce the risk of Property and Mortgage Fraud, a check must be conducted at the outset of the case of the identity of the solicitors or conveyancers acting for the other party. If they are unknown then the enquiries should be made via online professional body directories for example:

<table>
<thead>
<tr>
<th>Directory</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Society Find a Solicitor</td>
<td><a href="http://www.lawsociety.org.uk/find-a-solicitor/">www.lawsociety.org.uk/find-a-solicitor/</a></td>
</tr>
<tr>
<td>Directory of Licensed Conveyancers</td>
<td><a href="http://www.conveyancer.org.uk/">www.conveyancer.org.uk/</a></td>
</tr>
</tbody>
</table>

In addition, a solicitor's details can be checked with the SRA over the telephone. Their contact number is 020 7320 5675. The fee earner must take adequate steps to establish that the organisation is genuine if necessary by conducting additional local enquiries. Confirmation of the above checks should be marked on the FILE OPENING DETAILS CHECKLIST.

3.9 Consent to inspection

As a general principle, the client’s consent to inspection of files is necessary for Lexcel purposes. The firm will obtain confidentiality undertakings from assessors/auditors, but in pursuance of Law Society guidelines the firm asks for the client’s consent by use of the standard wording on the point in the Client Care Letters and Terms and Conditions of Business. The client’s consent should be obtained at the outset. Where the client has indicated that they do not consent to inspection this should be clearly marked on the FILE SUMMARY SHEET and any information that would enable the assessor to know what the firm is doing for that client (e.g. matter print-outs) must not be disclosed.

Where the client has not refused consent the firm is entitled under SRA guidelines to assume that consent has been obtained. In such circumstances, however, if the fee earner feels that matters have developed in such a way that the client would not now approve of disclosure, or if the firm feels that it would not be appropriate because of particularly sensitive aspects of the file, the firm may decline to submit the file to inspection.

4 Central records maintained

- Risk Notice Register
- Risk Notices
1 Objective

To ensure that all files are structured in a consistent and orderly manner so that all items contained within it can be clearly identified, traced and the status of a file can be easily ascertained by someone other than the fee earner with day-to-day conduct of the file.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 Correspondence Bundle

All correspondence, attendance notes, telephone messages etc. will be maintained in reverse chronological order, and will be secured together by the method preferred by the individual fee-earner. Once this bundle is too large to be effectively secured it will be marked full, dated and a further bundle started.

3.2 Document Bundles

All other items and documents on the file will be maintained in separate related bundles. All items are to be bundled together by whatever means the fee earner prefers. Examples of such bundles are as follows although this list is not exhaustive:

- Pleadings
- Legal Aid papers
- Experts/Welfare Officer/ pre-sentence reports
- Disbursement vouchers/fee notes
- Advanced disclosure/custody records/charge sheets
- Client provided documentation
- Complex case plans (mandatory as a separate bundle)

3.3 Ring-binders

When a file becomes too large to maintain in a standard cardboard wallet, fee earners at their discretion should consider the use of a ring binder or lever arch file. In these circumstances it is not necessary to colour-co-ordinate the separate sections but cardboard file dividers should be used to indicate the different elements of the file.

3.4 Identification

Wherever possible, individual items within such bundles should be independently identifiable with the file, in particular all outgoing correspondence should contain the file reference number. This should also apply to any Deeds, Wills or any other items relating to the matter. Most of the above will have at least the clients name and some other reference, for example a court case number that will ensure this. Other items, particularly client provided material such as photographs, may have no independent identification. In examples such as this, the item should be marked with the client’s name and file number, in pencil if it is an item that might require photo copying at a later date. This is of particular importance when the firm is acting for the client in more than one matter.
3.5 Key Information

Key dates, undertakings and funding limitations are to be recorded on the appropriate FILE SUMMARY SHEET.

3.6 Traceability & Storage

All live files will be stored in the on-site filing system and will be accessible at all times save obvious exceptions such as while at court or when being cost drafted/taxed. The firm commits to maintaining an archive of files for a minimum of six years.

3.7 Unidentified Post/Documents

Unidentified post should be processed in the following way:

i. attempt to establish client name or number from information available
ii. approach colleagues for assistance
iii. contact the other side in the case of un-referenced post
iv. return to sender

Once identified the item in question should be placed in the file in the manner outlined above.

3.8 File Strategy

In undertaking the above, fee earners should ensure that the strategy, status of the file and any action taken is clearly evident and easily ascertainable by someone other than the file handler.

3.9 Confidentiality

All staff should adhere to the requirements for confidentiality as set out in the Client Care Policy (Annex F). Proper care must be taken of files removed from the office. If taking files home the fee earner is required to leave a note on their desk or in their diary of which files have been taken. This is to minimise the time that can be wasted by looking for files that are not in the office. Please take particular care about files in cars. In no circumstances should files be left in an unlocked car, or overnight. Staff should ensure that any work done on a client file on train journeys does remain confidential. Consideration should be given to who might overhear telephone calls on mobile phones in trains or in public places.

4 Central records maintained

- None
1 Objective

To ensure that all key dates are correctly identified, recorded and backed up.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 Definition

The firm is required to maintain a backup system for all key dates. Key dates should be regarded as any date, the missing of which could give rise to a cause of action in negligence. The list of key dates by work type is set out below and includes all court/tribunal dates.

<table>
<thead>
<tr>
<th>Work Type</th>
<th>Key date</th>
<th>Backup diary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conveyancing: Commercial</td>
<td>• Companies House registration deadline</td>
<td>Computer diary</td>
</tr>
<tr>
<td></td>
<td>• SDLT payment/form penalty deadline</td>
<td></td>
</tr>
<tr>
<td>Conveyancing: Residential</td>
<td>• Mortgage offer expiry date</td>
<td>Computer diary</td>
</tr>
<tr>
<td></td>
<td>• Final Search expiry date</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Repossession/new build exchange deadlines</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Stamp Duty submission deadline</td>
<td></td>
</tr>
<tr>
<td>Civil Litigation/Commercial</td>
<td>• Limitation dates and</td>
<td>Five year diary</td>
</tr>
<tr>
<td>Employment</td>
<td>• Protocol compliance dates</td>
<td></td>
</tr>
<tr>
<td>Litigation/Claims</td>
<td>• Hearing dates</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Police station appointments</td>
<td></td>
</tr>
<tr>
<td>Crime</td>
<td>• Hearing dates</td>
<td>Central court diary</td>
</tr>
<tr>
<td>Family</td>
<td>• Hearing dates</td>
<td></td>
</tr>
<tr>
<td>Probate</td>
<td>• Executors Year</td>
<td>Computer diary</td>
</tr>
<tr>
<td></td>
<td>• Limitation date for Inheritance Act claims</td>
<td></td>
</tr>
</tbody>
</table>

This list is not exhaustive and consideration should always be given to key dates at the start of the matter. With regard to court dates we exclude those dates where client/firm attendance is not necessary or excused.

3.2 Identification

Fee earners should be constantly vigilant for key dates both at the start of a case and throughout its lifetime. If a key date is established either at the outset or during the lifetime of a case it is the responsibility of the fee earner to ensure that this is recorded.

3.3 Recording

In all instances where a key date is identified this should be recorded on:

- FILE SUMMARY SHEET
- in the back-up system (see above)
Support staff will maintain the back-up system on identification of a key date at file opening or on receipt of a key date memo. Support staff will endeavour to record key dates to the file but it is the ultimate responsibility of the fee earner to ensure that this has taken place.

3.4 Pre-Warning Date

When putting non-court, key dates into the back up diary, an appropriate pre-warning date will also be entered, three months before the actual key date.

3.5 Monitoring

The key dates diary will be monitored and fee earners forewarned of any dates or pre-warning dates falling due. It is the responsibility of secretary to notify the fee earner responsible for any matter listed of an entry. This is done on a daily basis.

3.6 Client Confirmation

Fee earners are reminded of the requirements contained in Quality Procedure QP07, that on every case in which a key date is identified at the first interview, this should be confirmed to the client as part of the instructions section of the standard client care letter.

4 Central records maintained

- Key dates diaries
1 Objective

To ensure that all client matters are efficiently progressed and recorded and clients are kept suitably informed.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 Attendance Notes

Every contact with the client should be recorded either by way of an attendance note including attendances at court. This is especially important if any substantive legal advice was given. These notes can be either hand-written or dictated but ideally they should be formatted in the following way or ensure that all three categories of information are addressed:

- Client instructions or change in instructions
- Advice given even if deferred to a later date
- The next action to be taken

These notes must also include an indication of the time engaged. These will be placed on the correspondence bundle.

3.2 Reminder Dates and Inactivity Reports

Fee earners are encouraged to record forward diary dates on which the file will be reviewed. The fee earner has discretion as to what is an appropriate forward date. If other activity on the file such as court dates, exchange of correspondence etc. will, in the fee earner's judgement be sufficient to prompt timely action on the file, a reminder date is not necessary. Additionally, inactivity reports should be used to identify files on which no time recording has been undertaken in a given period.

3.3 Client Update

Clients should be updated in writing as to the progress at every substantive stage of their case. Examples of such stages include the following:

- Substantive letter to or from the other side
- Receipt of experts report or counsels’ advice
- Court hearing date and outcome of hearings
- Settlement offers
- Any change to the action planned on the case
- Any change in the handling of the case
- Receipt of advanced disclosure
- Application for Legal Aid, contribution arrears correspondence etc.
• Where an adverse costs order is made against the firm in relation to that matter (see Risk Management Policy (Annex C) and 3.7 below)
• Every three months if no other client contact

This list is not exhaustive and fee earners should exercise judgment as to the issues about which a client should be informed, always erring on the side of too much information rather than too little. Fee earners should endeavour to respond in a timely matter to any correspondence, telephone calls or other forms of communication received from the client and other parties. In the event of a change occurring in the fee earner responsible for the client’s case, the client should be informed in writing of the name and status of the fee earner. Where there is a change in the person responsible for handling complaints the client should be given in writing the name and status of the person responsible.

In taking instructions and during the course of the matter, fee earners should ensure that they have proper regard to the client’s mental capacity or other vulnerability, such as incapacity or duress. Fee earners should also be mindful of the risks of conflicts of interest arising throughout the case (see QP08). Where the firm has to cease acting for a client, then the fee earner must explain to the client their possible options for pursuing their matter.

Where the client notifies the firm of their intention to make a claim or if an act or omission is discovered which might give rise to a claim, the fee earner must consider whether a conflict of interest has arisen or whether the client should be advised to obtain independent advice.

### 3.4 Change of Status and Cost Advice

During the lifetime of a case the funding status of the case may change due to alteration in the client’s circumstances through application for a legal aid certificate. The main examples and the required action are as follows:

#### 3.4.1 Application for Legal Representation

Application to the LAA will be made in accordance with the latest published guidance. At time of submitting an application the client must be informed of effects of making this application. This explanation must include an outline of the funding code and the possible effect of the statutory charge. When covering the means test the fee earner must outline the possibility of a contribution being required and the consequences of failure to make payments. Likewise it must be impressed upon the client that failure to notify the firm or the LAA of changes in circumstances could lead to discharge or revocation of a certificate with the attendant cost risks.

The client should also at this point be given an estimate as to the total likely cost of the matter, including VAT and disbursements, based upon the fee earner’s judgement of the likely length and complexity of the case.

#### 3.4.2 Criminal Representation (including Advocacy Assistance)

A brief explanation should be given of the Criminal Legal Aid Scheme. This must include advice about the requirement to inform the courts about changes in circumstances. In all cases the client should be advised of the possibility that, on losing the case, they may have an order to contribute to prosecution costs made.

In addition in Crown Court matters where there is any likelihood of the client contributing towards their legal aid costs the client must receive an estimate as to the total likely cost of the defence case including disbursements, counsels’ fees and vat.
3.4.3 Case Reverts to Private Funding

If this should occur for whatever reason the client should be informed as to any remaining indebtedness to the LAA and subsequently advised as a new private client. On this basis they should be informed of the current charging rates, interim billing and payment on account of costs policy. The client should be given an estimate as to the total likely cost of the matter from that point onwards. This should be in accordance with QP07.

3.5 Amendment of Computer Database

Any substantive change to the client’s circumstances, such as funding status or alteration of address should be notified to the relevant member of support staff so that computer records can be accurately maintained.

3.6 Cost Updates

The client must be kept up to date as to costs and their potential costs liability on every case in which an initial cost estimate has been given and these should be given at the following eventualities, whichever is the earliest:

- Action to be taken on a case which would exceed the current estimate as to total likely costs
- It is six months since the client was last updated as to costs
- Costs incurred or to be incurred will exceed the exceptional case threshold on a matter where the Statutory Charge will apply

Each cost update must contain both a statement as to existing costs, including VAT and disbursements plus a re-appraisal as to the total cost estimate, even if this remains as previously given. If the case is legal aid and one in which the Statutory Charge might apply, this should be drawn to the attention of the client and the client should be reappraised of the advice given at outset with regard to the effect of the charge. When providing the above information, the fee earner should ensure that it is provided in a clear and accessible form which is appropriate to the needs and circumstances of the client.

3.7 Ongoing Risk Assessments

Fee earners should consider any changes to the risk profile of a matter in the light of progress and developments in the case. If at any point during the life time of a matter, the fee earner believes that the risk has increased to the point at which it has become ‘High’ risk then a RISK NOTICE must be raised as outlined in the Risk Management Policy (Annex C) and QP08. This risk reporting procedure should also be followed in the event of an adverse costs order being made against the firm in relation to the matter in question. The client should be informed of such adverse costs orders in all cases without delay.

3.8 Ongoing Monitoring of Risks

Heads of Department are responsible for reviewing all high risk matters on an ongoing basis. This is performed in conjunction with Director and Departmental Meetings (see QP01/QP04). As a result of these reviews the COLP it may be decided that additional actions are required i.e. closer supervision, transfers of matters or insurance cover as per the Risk Management Policy (Annex C). Such decisions will be confirmed back to the fee earner and must be noted to file.

3.9 Issue of Proceedings and Cost Risk
Prior to the issue of proceedings in civil cases all clients should be advised as to the likely cost risks inherent in litigation. In private matters this should be a general explanation of cost outcome of losing a case. In legal aid matters this must include an explanation that the client may be required to contribute to the opponents’ costs if they lose and that even if they win their opponent might not be ordered to or be capable of paying their costs. This should be confirmed in writing.

3.10 Ceasing to act for a client

Situations may arise from time to time where the firm has to decide whether to terminate a client’s instructions. Such situations could include (but are not limited to):

- A conflict of interest has arisen
- The firm is unable to act in the client’s best interests
- The client notifies the firm of their intention to make a claim or if an act or omission is discovered which might give rise to a claim
- A client’s instructions are affected by duress or undue influence and the firm cannot be satisfied they are the client’s wishes
- There has been a mutual breakdown in confidence between the fee earner and the client
- the client proposes to make a gift of significant value to the fee earner or a member of the fee earner’s family, or a member of the firm or their family,

If the fee earner has reason to believe that the above applies, then they should discuss the matter with their Head of Department or the COLP for a final decision. Should the decision to terminate the retainer be regarded as potentially exposing the firm to a high risk then a RISK NOTICE should be raised as set out above. In all situations, where firm wishes to stop acting for a client, the reasons for the termination of the retainer must be given to the client. In addition, the possible options for pursuing their matter must be explained to the client.

Where the reason for ceasing to act for the client is as a result of a conflict of interest, procedures are set out in QP08. Should this expose a failure in the systems for identifying conflicts of interest in breach of SRA Code Outcomes O(3.1-3.5) then a BREACH REPORT must be raised in accordance with QP02.

When deciding whether to cease to act for a client, the firm must act in compliance with the law and the SRA Code. This means that the firm must only terminate instructions where there is good reason and must provide reasonable notice to clients.

4 Central records maintained

- Risk Notice Register
- Risk Notices
1 Objective

To ensure that the firm has financial management procedures in place in order to effectively manage the business and meet obligations under the SRA Accounts Rules. To also ensure that all time spent upon cases is properly attributed to the file and that a running record of costs is maintained for each file.

2 Responsibility

- COFA
- The Directors
- Practice Manager
- Fee earners
- Support staff

3 Method

3.1 Introduction

The purpose of this section is to provide a basis upon which all members of staff can begin to understand the work carried out by the Accounts Department, the reasoning behind certain tasks and the facilities available to staff from the computer system. The financial procedures that follow below must be undertaken in order to maintain full compliance with SRA Accounts Rules 2011.

The Practice Manager has full knowledge of the requirements of the SRA Accounts Rules and of the accounting requirements of the firm. The Practice Manager has overall responsibility for maintaining the computerised accounting records containing clear information concerning each transaction recorded. Entries to the computerised ledgers are made in chronological order and all ledgers show clearly the current balance. Office and client account entries are maintained up to date in relation to each client and case/matter.

The accounts computer system provides hierarchical levels of access. The Accounts Department and Directors have enhanced access allowing the posting of transactions, report functions etc.

3.2 Access to computer systems

The computer system is password protected with different levels of user rights in order to prevent unauthorised access. Accounts staff have additional access rights to allow the posting of transactions. All other users have limited access to view ledgers. Designated Directors have access to the nominal accounts and reports related to the financial management of the firm. Passwords are changed regularly.

3.3 Access to internet banking facilities

The Accounts Department members have user access to the firm's bank accounts via Internet banking.

3.4 Time Recording

All work undertaken to progress a client matter should be time recorded. This requires fee earners to be alert to when attendances begin and end with the client, on the telephone or travelling to and from court. This must include any disbursements commissioned on the file.
Disbursements to be included in the bill must reflect the actual amount spent or to be spent on behalf of the client.

All times engaged with clients or in remunerable work on client matters should be recorded as a part of every attendance note including telephone attendances recorded. All such notes should make it clear how and why the fee earner was engaged and be sufficient to justify the times claimed at assessment or taxation. This should for instance include indications of the number of printed pages perused or the length of any documentation produced. Any other relevant factors such as client distress should also be identified.

It is essential that fee earners maintain accurate time records and that this includes time spent on phone calls and the number of letters sent. This is essential so that an accurate record of costs to date can be maintained and in order that the record can be accurately reconciled with time attributed to the body of the file. All times recorded to the file should be recorded onto timesheets on a daily basis and inputted on to the computer. It is essential that fee earners time record with discipline so that client files and the related computer records accurately reconcile.

### 3.5 Credit Control

The credit control procedures are based upon the following main principles:

- Wherever possible money on account from the client is to be obtained in respect of fees and disbursements.
- No credit will be allowed for new or existing clients without the authority of a Director.
- Wherever possible interim bills are to be raised. Agreement to this must be obtained from the client – such agreement being set out preferably in the client care letter. Smaller regular bills are less likely to be the subject of non-payment and where this does arise, consideration may need to be given as to whether to continue to act for the client.
- Fee earners remain closely involved in the credit control process notwithstanding any action taken by others such as the accounts department staff. A matter is not completed until the bill has been paid. Early intervention by the fee earner is more likely to generate payment than hastening correspondence from the accounts department.
- There will be a hastening process of escalating severity finalising in court proceedings being taken against the client.
- The credit control procedures will automatically be activated for all client debts unless under exceptional circumstances a Director intervenes to prevent some or all of the procedures from taking place.
- Except under exceptional circumstances, court proceedings will be taken if necessary irrespective of the client.
- The credit control procedures will be actioned as a priority task by whoever has the responsibility. The Practice Manager is the credit controller within the accounts department.

### 3.6 Private Bills

Once private client bills have been posted on to the ledger, they will be filed in the accounts department in date order on a lever arch binder. Any bill that remains unpaid for three months is regarded as being a potential problem. Once a bill enters the credit control process, the credit controller records what action has been taken plus any instruction or information about the debt received from the fee earner or other person concerned. It is most important that fee earners liaise closely with the credit controller to ensure that proper action is taken.

### 3.7 Debts

#### Private Client Debts
The escalating procedure for private client debts is as follows.

- **Step 1:** Bill sent to client with copy retained on the client file, and a copy passed to the accounts department for posting action and for filing in the unpaid bills binder. This copy is the VAT invoice.
- **Step 2:** After four weeks the Fee Earner sends a statement to the client.
- **Step 3:** After six weeks the credit controller asks the fee earner to contact the client about the non-payment. There may be understandable reasons from the client’s point of view and a process for settlement could be agreed.
- **Step 4:** After eight weeks, following further liaison the fee earner, sends the client a letter threatening court proceedings if payment is not forthcoming. This letter is always to be signed by a Director.
- **Step 5:** After 10 weeks from the date of the issue of the bill, if payment has not been made or alternative payment arrangements have been agreed with the client, a final letter will be sent to the client stating that court proceedings will be taken unless payment is made immediately. This letter will be signed by a Director who first will have necessarily liaised with the appropriate supervising Director.
- **Step 6:** When proceedings are to be taken all documentation will remain on the original file. The outstanding debt will remain on the fee earner’s print-out records for analysis and records purposes.

The head of accounts and the finance Director will monitor these procedures and will liaise with other Directors when necessary.

### 3.8 Creation and Submission of Legal aid Bills

Bills in relation to costs for legal aid matters will be drafted and submitted in line with the relevant contract requirements as imposed by the LAA.

### 3.9 Receipts of cash, cheques and electronic monies

#### 3.9.1 Cash and Cheques

The firm’s policy on cash receipts is influenced by its responsibilities under money laundering legislation.

Cheques received in the morning post must be passed to the fee earner without delay. Fee earners must give instructions to the Accounts Department as soon as possible for the cheque to be banked. The fee earner must complete the appropriate posting slip which is passed to accounts for posting action. Cheques received later in the day or direct by a fee earner are also to be sent to the accounts department without delay even if they cannot be banked on that day. At the point when payment is received a Yellow and/or Blue chit will completed to indicate if payment should be made into either the Office (Blue) or Client (Yellow) account.

Any cash or cheques held by the accounts department overnight are to be secured in the Accounts secure filing cabinet.

#### 3.9.2 Electronic Monies

Monies are also received as a result of electronic transfers. The Accounts Department will check the bank accounts on a daily basis for any electronic transfer receipts. In the event of an unidentified receipt, Accounts will contact fee earners to request information about the receipt. All monies received are considered by Accounts who will identify whether the money
is client money. Whether or not the money is client money its receipt is posted promptly to the relevant ledger. Client money is paid promptly into the relevant client account.

The firm has facilities for payment by credit card or debit card. The system is set to default such payments to client account. Any client wishing to make such a payment should be transferred to the Accounts Department or Reception Staff who will collect the necessary information from the client and print the relevant receipts. Clients will be notified that a surcharge will be applied for credit cards (but not debit cards). In no circumstances must any written card details be kept. Once the payment has credited the firms account, the transaction is posted to the ledger.

3.10 Receipts for cheques and cash

Only Accounts staff and fee earners are authorised to issue formal receipts for cheques or cash.

3.11 Cheque requisitions

If a fee earner requires a cheque to be drawn on Client Account or Office Account, the fee earner is to complete the appropriate coloured posting slip in duplicate. The client name, matter number, bank account on which the cheque is to be drawn, payee, amount and brief details of the reason for the cheque, are to be fully completed. The top copy of the requisition form is to be sent to the accounts department with any accompanying letters/documentation and the second copy retained on the client matter file. The accounts copy serves also as the posting form. Requisitions should contain or be supported by evidence showing clearly the reason for the payment and the date of it.

The accounts department will make the assumption that cheques will be issued on that day and will effect the ledger posting accordingly. If the issue of the cheque is to be delayed, then the fee earner must make this clear and liaise with the accounts department.

3.12 Transfers

The Practice Manager is responsible for identifying transfer by the generation of appropriate reports from the accounts system. The proper transferring of monies is directly the responsibility of fee earners and verbal instructions will not be accepted by the accounts department. Accounts should ensure that there is evidence to support the payment being made.

Any Telegraphic Transfers must be completed using the appropriate TT Form and authorised by a Director.

3.13 Payment out of client monies

Payment out of client monies by cheque or transfer, irrespective of the amount, can only be authorised by a Director.

3.14 Payment of client account interest

The firm pays its clients interest accrued on client money, in accordance with rules 22-25 of the SRA Accounts Rules 2011, when it is fair and reasonable to do so in the circumstances.

Any money received on behalf of the client will be held in Client Account. Interest will be calculated and paid to the client at the rate from time to time payable on Allied Irish Bank (GB) General Client Accounts. The period for which interest will be paid will normally run from the date(s) on which funds are received by us until the date(s) of issue of any cheque(s)
from our Client Account. The firm applies a *de minimis* rule; this means that no interest will be payable, if the amount calculated on the balance held is £20.00 or less.

The above is confirmed to clients at the outset of the case, when appropriate, in the Terms and Conditions of Business.

3.15 Write-offs

The write-off of any balance in respect of costs or disbursements can be authorised by a fee earner for balances of £50.00 or less. Any sum in excess of £50.00 must be authorised by a Director.

In exceptional circumstances it may be desirable to write off a balance of client monies where, despite all endeavours, it has not been possible to trace the client. In order to withdraw client money under Rule 20.1(j) the amount held must not exceed £500. The firm must make adequate attempts to ascertain the proper destination of the money, and to return it to the client, unless the reasonable costs of doing so are likely to be excessive in relation to the amount held. In such circumstances the funds may be paid to a charity.

The firm must record the steps taken to trace the monies and retain those records, together with all relevant documentation (including receipts from the charity) and keep a central register in accordance with Rule 29.22. Where the sum is in excess of £500 the SRA must be notified before any action can be taken.

For the withdrawal of balances in excess of £500 per client, the firm must always seek SRA approval under Rule 20.1(k) SAR. The SRA will be advised of the amount(s) in question, the length of time that the money has been held, and what attempts have been made to contact the client, or evidence that the reasonable costs of doing so are likely to be excessive in relation to the money held. Applications for authorisation under Rule 20.1(k) SAR should be made to the SRA Professional Ethics Guidance Team. As a matter of good practice, the SRA recommends that outstanding balances should be reviewed on at least an annual basis.

3.16 Petty cash

All petty cash transactions are controlled by the accounts department. If petty cash is required, a slip is to be fully completed and taken to the accounts department for their action. The form must clearly identify whether the expenditure is in respect of a client matter and is therefore recoverable, or is a charge to the firm itself.

3.17 Issue of bills and cheques

Occasionally there may be a reason for a fee earner not immediately to send out to a client a costs bill or cheque that has been processed through the accounts department. However, the accounts department will not be aware of the delay and will therefore have posted the appropriate accounting transaction. In respect of a costs bill this could lead to debt collection action being taken for the non-payment of the bill when action should not have been taken. In respect of a delayed cheque, this could cause problems when reconciling the bank account.

Whenever there is delay in issuing cost bills or cheques, the accounts department is to be informed at once. If a bill or cheque is to be cancelled altogether, then it must be returned to the accounts department for proper cancellation.

3.18 Amendments to cheques

No cheque, whether drawn on Client Account or Office Account, is to be amended in any way or for any reason without reference to a Director and the accounts department. If the amount of a cheque is to be altered, then it must be returned to the accounts department so that the
related posting transaction can be altered. Normally the faulty cheque will be cancelled and a new cheque issued.

3.19 Client ledger balances report

On the first working day each month the accounts department will issue a client ledger balances report to each fee earner. The report will show:

- client name, matter number, work type;
- balances on client and office accounts;
- balance of unbilled disbursements;
- balance of outstanding debts;
- balance of work in progress (WIP);
- lapsed months since last accounting or time recording activity.

Each fee earner is to review the report against their client files within three to five days of receipt of the report, and to update the matter files by:

- updating the client on costs information (including estimates) and matter activity;
- raising any outstanding client to office transfers (Director authority required);
- raising an interim bill where due;
- hastening any client debts in liaison with the accounts department;
- clearing any remaining small balances on completed matters;
- archiving files that are fully completed.

Through taking such action, client matters will be kept up to date which should be seen as a significant part of client care.

3.20 Investigation and clearance of ledger queries

Inevitably from time to time fee earners will have queries on their client matter ledgers such as those that arise from small un-cleared balances. While the accounts department will afford all reasonable help, it is the direct responsibility of the fee earner to first carry out the investigation to clear the query. They have the advantage of having the client matter file to help identify transactions and are able to review the ledgers from their own desk computer. If a problem persists, please raise it with the accounts department as soon as possible.

3.21 Policy for dealing with mixed payments

A "mixed payment" is one which includes client money as well as office money. On receipt of a mixed payment, the following procedures are followed:

a) The entire sum is paid promptly into client account; and
b) Any office monies are transferred out of client account within 14 days of receipt

Payments from the Legal Aid Agency are paid into office account in accordance with SAR Rule 19. Any unpaid disbursements are paid within 14 days of receipt.

3.22 Identifying monies which should not be in client/office account

Both Client Account and Office Account are checked online by the Accounts Department daily in order to identify any monies which should not be in either account. Any such monies which are identified are then transferred without delay.

3.23 Payments from Client Account only out of cleared funds and no debit balances on client ledgers
Payments from Client Account are made out of cleared funds only and can only be arranged by the Accounts Staff. Client ledgers are always kept up to date so that debit balances on client ledgers never arise as a result of payments from Client Account.

3.24 Transfers between clients

Transfers between clients arise occasionally. Where there is such a transfer (e.g. one client agreeing to pay the costs of another) a posting slip must be raised by the fee earner which is passed to Accounts for posting. Requisitions should contain or be supported by evidence showing clearly the reason for the payment and the date of it.

3.25 List of Accounts

The Practice Manager keeps a list of all Client Accounts; Designated Client Accounts and Office Accounts. The list is reviewed monthly by the COFA.

3.26 Reconciliations

Full reconciliations of all Client Accounts; Designated Client Accounts and Office Accounts are carried out on at least a monthly basis. This process includes the consideration of all Client ledger balances; all unpresented cheques and outstanding lodgements and all of the relevant bank statements. All unusual items/unresolved differences are investigated and if necessary corrective action taken. The reconciliations are signed off on a monthly basis by the COFA.

3.27 Retention of Accounting Records

All accounting records including books of account, reconciliations, bills, bank statements and internal payment authorisation documents are retained for a minimum of six years. Copies of paid cheques are retained by and available from our bankers for a minimum of two years.

3.28 Unused/cancelled cheques

The Client Account cheque book is stored securely in the Accounts Department safe at all times. Blank cheques are never pre-signed and cancelled cheques are returned to and retained by the Accounts Department.

3.29 SRA Accounts Rules Compliance

The COFA (see QP01) is responsible for taking all reasonable steps to ensure that the firm complies with any obligations imposed upon them under the SRA Accounts Rules. They are responsible for recording any failure to comply and make such records available to the SRA on request. Finally, the COFA must, as soon as reasonably practicable, report to the SRA any failure so to comply which is material, either taken on its own, or, as part of a pattern of failures so to comply.

The procedures for reporting breaches of SRA Accounts Rules is set out in detail in QP02. All reports need to be raised via a BREACH REPORT form. The COFA will maintain a BREACH REGISTER containing all BREACH REPORTS.

In order to demonstrate/monitor compliance with SRA Accounts Rules under the outcome focused regulation regime, the firm maintains an ACCOUNTING PROCEDURES AND SYSTEMS CHECKLIST. The checklist is prepared by the COFA in conjunction with the Practice Manager and is subject to quarterly review and update by the COFA and Practice Manager.

3.30 Prevention of Cybercrime
Solicitors' firms are targeted by fraudsters because of the large amounts of money that pass through their client accounts. They are increasingly sophisticated in how they persuade people to release information. Essentially, the fraudsters are confidence tricksters who will use a variety of methods to convince you that they are somebody else – for example, your bank, your client's bank or even another law firm. They will then try to trick you into releasing sensitive information that will allow them to access your client account, or persuade you to transfer funds to their account.

They may do this, for example, by calling and pretending to be the Firm's bankers, saying that they think you have been subjected to fraud. There may be nothing about such calls that raises a red flag with you; the person on the other end of the phone may come across as credible, well-spoken and articulate, and sound like they are speaking on a local landline.

Email is another popular tool with the fraudsters. ‘Phishing’ emails are common, as is creating an email address that looks like it belongs to your client – or hacking a client’s genuine email account and sending emails from that. Internet scammers have been known to gain access to a firm’s online systems when malicious software is downloaded from unsolicited email communications. The perpetrators can intercept emails between firms and replace them with their own in an attempt to hijack money from client accounts.

In order to prevent instances of cybercrime, the following prevention measures must be applied:

3.30.1 Bank Account Security

Never disclose any bank security details such as PIN numbers, security codes etc. in response to emails and telephone calls even if the request sounds convincing and genuine. The firm's bankers will never request security information in this way and therefore such requests are most likely to be fraudulent and should be reported to a Director and, if necessary, to the authorities. Also, never allow anyone to trick you into downloading software or asking you to run an application whilst they are on the telephone.

3.30.2 Bank account change requests

You should be alert for any email or telephone requests from a ‘client’ to change their bank account details as it might not have originated from the client. Whenever possible, obtain a client’s bank details from them at the outset of a case, preferably in person. If you do not obtain this information at the outset then you must not accept instructions from a client by email or a telephone regarding the account into which client monies are to be transferred or changing account details without further checks to check the provenance of the instructions.

Should such email/telephone instructions be received then the member of staff receiving the instructions must take all reasonable and necessary steps to confirm that the account details which we have received have been sent by the client and are correct. For example, in the case of email instructions, the client must be telephoned to authenticate the instructions. If in doubt, refer the matter to a Director. If you wish to check if a telephone call was genuinely from the client, then call the client’s number (taken from the case file) from a different phone or mobile. Do not ring back on the same line as the fraudster may not have disconnected the call.

In no circumstances must the firm’s bank account details be confirmed by email. Such confirmation must only be given in formal correspondence.

3.30.3 Fake Invoices
Fake invoice scams typically work by fraudsters pretending to be a supplier and contacting the business to say that the account details that an invoice needs to be paid to have changed. Innocently, an employee amends the account details only for the organisation to later find out that they have been sending money to a fraudster rather than a genuine supplier. Always check invoices carefully particularly for inconsistencies/errors, such as a misspelt company name. You should immediately be on alert if you receive a call, e-mail or letter out of the blue asking you to update payment details. The criminals will have done their homework on you – so don’t assume because they know a bit about you and the firm that they are genuine. Never respond to the contact details provided by someone requesting changes to financial details. Instead, use established email and telephone contacts to check that any request has come from the genuine supplier. If in any doubt, raise your concerns with a Director.

3.30.4 Beneficiary-related fraud

On occasions in Probate matters there will be a need to telegraph monies to a beneficiary. It is vitally important that we authenticate the bank details for the beneficiary to ensure the monies are sent to the correct person. Therefore all such beneficiaries must be asked to provide a bank statement to confirm their bank details.

4 Central records maintained

- Breach Register
- Breach Reports
- Accounting Procedures and Systems Checklist
1 Objective

To ensure the proper and effective authorisation and monitoring of all undertakings and Delegated Functions made within the firm.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 Definition

An undertaking is defined as:

*A statement made by you or your firm to someone who reasonably relies upon it, that you or your firm will do something or cause something to be done, or refrain from doing something. The undertaking can be given orally or in writing and need not include the words “undertake” or “undertaking.”*

3.2 Authorisation

The following points should be noted:

- there is no rule that an undertaking has to be written, though it may be difficult to prove an oral undertaking;
- an undertaking is binding on the firm if given by ‘a solicitor or a member of a solicitor’s staff’;
- an undertaking is binding even if it is to do with something outside the solicitor’s control;
- ambiguous undertakings are generally construed in favour of the recipient;
- solicitors who fail to honour an undertaking could be seen to be guilty of professional misconduct.

Undertakings must not be given unless necessary and, in the event that an undertaking is required, the fee earner must seek Director consent prior to providing the undertaking. The only exceptions to this rule are:

- the giving of routine conveyancing undertakings;
- undertakings that are offered to the Court;
- undertakings provided to secure ABE evidence.

Solicitors are permitted to provide exempted undertakings as above. Whether Director consent is required or not, great care must be taken to ensure that the firm will be able to honour any undertaking given. It is vital that the firm limits undertakings to those for which it is competent. For example, the firm may not give an undertaking to repay a loan if this depends upon a third party paying the monies to it. Undertakings must be specific in nature and the wording must take into account that the firm will only do what is within its power: undertakings that a third party will undertake a stated action must not be given as they are outside of the firm’s control. Also, all undertakings given by the firm must be honoured within
an agreed timescale or within a reasonable amount of time. Undertakings should be confirmed or recorded in writing for evidential purposes.

3.3 Recording of Undertakings

If and when an undertaking is given the copy of the undertaking, or a file note, must be completed. The original will be placed on the file and the file cover suitably marked via an Undertakings stamp. With the exception of routine conveyancing undertakings and undertakings given to the Court, a copy of the undertaking must be forwarded to the Quality Representative so that a central register of undertakings can be maintained. Fee earners should be cautious in relation to the giving and receiving of undertakings by email and should act in accordance with the Email and Internet Access Policy (Annex I).

3.4 Monitoring

Details details of all undertakings (save for the exceptions referred to in s3.3 above) must be placed on the register of undertakings maintained by the firm. This will be periodically monitored by the Quality Representative in conjunction with Director/Departmental meetings as set out in QP01/QP04. The discharge of undertakings must be noted on the central register.

An UNDERTAKINGS REGISTER form is maintained by the Quality Representative on the central register to provide a summary of non-exempted undertakings given and discharged.

Where an undertaking is given which is dependent upon the happening of a future event and it becomes apparent the future event will not occur, the recipient of the undertaking must be notified of this.

3.5 Delegated Functions

The exercise of Delegated Functions will be monitored by Supervisors which will be discharged in line with office procedures in operation at that time and the published guidance of the Legal Aid Agency. Only LAA Supervisors have the authority to exercise Delegated Functions decisions.

4 Central records maintained

- Undertakings Register
- Copies of undertakings
1 Objective

To ensure that in all complex cases a case plan is agreed with the client so that the case progresses at and in an appropriate and timely manner.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Definitions

For the purposes of this procedure a complex case is defined as one of the following:

- an LAA defined multi party action
- a case subject to High Court jurisdiction
- a case with estimated costs in excess of £25,000
- a case requiring referral to the LAA special case unit
- a Criminal High Cost Case
- a case with wider public interest

4 Method

4.1 Case Plan

In every complex case a Case Plan will be prepared, recorded and agreed with the client. This Plan will set out, if necessary in stages, the key milestones in the preparation of the case such as collection of experts’ and other reports, counsel’s advice and the plan for the management of the proceedings. Each such stage should be set against a target date. The Case Plan must be maintained as a prominent and separate item within the case file.

It is a matter of professional judgement for the fee earner in charge of the matter to determine whether a letter or detailed case plan is required. The following matters should be considered and dealt with when preparing complex case plans:

- written description of matter and person(s) dealing;
- responsibility and supervision;
- frequency of team meetings, if any;
- agreed objectives of legal action;
- main steps to be taken by firm and client;
- frequency of file review if different from the normal frequency;
- billing frequency and procedures.

The LAA may impose specific requirements for legal aid high costs case plans and these requirements must take precedence.

4.2 File Procedures

All standard file procedures apply to complex cases and all such files should meet the requisite opening, initial instruction and ordering requirements. Cost estimation in such cases is also required although, given the staged nature of such cases and the restrictions placed upon Legal Aid certificates, the fee earner may wish to use discretion and provide staged
estimation whilst restrictions apply. Fee earners should note that, although a complex case is not automatically a ‘high risk’ case, should it meet the definition of a high risk matter as set out in the Risk Management Policy (Annex C), then a RISK NOTICE should be raised in accordance with the Policy.

4.3 Review

Case Plans must be reviewed at six monthly intervals and this process should be synchronised with cost updating and undertaken at the same diary date. The review must include client consent to any substantive changes in the original Case Plan.

4.4 Exemptions

Should it be felt that a specific complex case does not require a case plan there is scope to exercise discretion and exempt this from this procedure. Examples might include:

- Expected short duration of the proceedings
- Pre-determined timescales/directions imposed by the court make planning impossible

When such discretion is exercised this must be recorded clearly and prominently to the file.

5 Central records maintained

- None
1 Objective

To reinforce the firm’s commitment to providing high quality services, to ensure a high level of client satisfaction with these, and to deal promptly and effectively with client complaints.

2 Responsibility

- The Directors
- Client Care Director
- All members of staff

3 Method

3.1 Quality Policy

The firm aims to be client-focused in everything it does and strives to deliver a quality service to clients at all times. To achieve these objectives the firm has adopted a Quality Policy (Annex A). Underpinning the Quality Policy is the firm’s desire to continually improve its performance through employee engagement, client feedback and compliance with relevant regulatory requirements.

3.2 Client Care

All staff must contribute to creating a professional atmosphere in which clients are received and have their cases dealt with. To this end the firm has developed a Client Care Policy (Annex F). The Policy reinforces the firm’s focus on providing client care of the highest standards both in their individual dealings with clients and in their contribution through the implementation of quality procedures. The Policy also covers the less tangible, but equally important, need to make clients feel welcome and provide them with the confidence that the firm will provide an appropriate, sensitive and effective service.

3.3 Complaints Policy

It is the firm’s policy to treat complaints seriously and with the intention of learning from them to improve procedures. The last point is important because it indicates the firm’s intention not to blame individual staff for failings but to always be looking for ways to improve procedures. The firm’s complaints procedure is outlined in client care letters, which are sent to clients at the outset of every case (see QP07). This sets out how the client can initiate a complaint and the responsibilities within the firm. This must include their right to complain to the Legal Ombudsman, the time frame for doing so and full details of how to contact the Legal Ombudsman.

It is possible that a client may complain directly to the Legal Ombudsman without first following the internal complaints procedure. In such circumstances the Ombudsman will refer the complaint to the firm. Upon receipt of the complaint, it must immediately be passed to the Client Care Director (see QP01), who is the firm’s liaison with the Ombudsman. No other member of staff is authorised to engage with the Legal Ombudsman in respect of any complaint received without the express permission of the Client Care Director.

3.4 Client Information

The firm does not seek to encourage frivolous complaints, however, this procedure must, to be effective, make it easy for any client who is dissatisfied to express that concern in the most appropriate manner. To this end, client care letters sent at the outset of the case (see...
QP07) should inform the client that in the event of a problem they are entitled to complain and given the identity of the person with overall responsibility for complaints. Clients should be informed in writing if the identity of this person changes in accordance with QP11. Fee earners should also be aware that clients, should they wish, be entitled to a copy of the firm’s Complaints Handling Policy (Annex J). It is particularly important, in line with the procedure below, that should a client indicate a complaint, that they should be sent, at this point, a copy of the Policy should they so choose.

It is an SRA Code requirement that complaints can be made by any reasonable means and therefore fee earners should not insist, for example, that clients put their complaint in a letter if they would prefer to email. In handling complainants fee earners must be responsive to the needs of individual clients, especially those who are vulnerable.

3.5 Complaint Definition and Identification

The firm defines a complaint as, any statement of dissatisfaction with the provision or delivery of the firm’s legal services. Some degree of common sense is needed in the application of the Complaints Handling Procedure. If a client says ‘you solicitors charge a lot for what you do’ it would not usually be sufficient to amount to a complaint. If, however, the client claims that a quote or agreed costs ceiling has been exceeded without notice to them, it almost certainly will be. If, on checking the file, the fee-earner is able to advise the client that a letter that they had overlooked had been written to warn that the costs would be greater than previously discussed, the problem would probably have been dealt with and there would be no need to report the complaint as such. In all cases, however, it is necessary to take a view on how the client is reacting to the particular circumstances. The firm’s overriding objective is to address client dissatisfaction.

Where it is possible to deal with this by direct contact between the fee-earner and the client, this should be undertaken as a first step. However, where a client is still unsatisfied with this approach, this complaint will be treated as a formal complaint and must be reported to the person identified in the client care letter.

Please note that the complaints procedure also applies to complaints arising in connection with the client’s bill. Additionally, staff need to be aware that the Legal Ombudsman can also accept complaints from prospective clients where a person has unreasonably been refused a service or a person has persistently or unreasonably been offered a service that they do not want. Procedures for declining instructions are set out in QP08.

Where the client notifies the firm of their intention to make a claim or if an act or omission is discovered which might give rise to a claim, the firm must consider whether a conflict of interests has arisen or whether the client should be advised to obtain independent advice.

3.6 Responding to Complaints

The Client Care Director should at the outset, set out in writing for the client how the complaint will be handled along with an indication of the likely timescale for the conduct of their individual complaint. The latter will include timescales for receipt of initial or substantive complaint responses. This can obviously vary between clients and on the basis of the subject matter, however, it is important at the inception of a complaint that the client has some indication of how long the matter should take to resolve. Efforts should be made to respond within the timescales set out in the Complaints Handling Policy (Annex J). Where such timescales are not achievable then the client should be informed to that effect.

3.7 Complaints Resolution

The aim will always be to meet a client and to resolve the matter without the loss of the client’s goodwill. This activity will be undertaken by the Client Care Director who has the
authority to make decisions that might resolve matters. If the complaint is about the Client Care Director, then this will be referred to the Deputy Client Care Director who will undertake the requirements of this procedure.

This process requires that the investigator considers any complaint received in as objective a manner as possible and seeks to resolve the dissatisfaction. In particular they will offer to meet with the complainant when possible and suggest appropriate redress. In so doing they will also consider if a notification need to be made to the insurers and also consider if any aspect of the quality system needs amendment such as an unsatisfactory quality procedure.

A fundamental objective of the procedure is to identify the cause of any problems of which the client has complained. This is to facilitate the identification of any shortcomings in the firm such as staff competence/training issues and unsatisfactory procedures. Additionally, the firm will aim to offer redress to the client where this is deemed appropriate.

If a complaint is not resolvable or it is considered unjustified, the client will be informed of his or her right to transfer instructions if it is inappropriate for the firm to continue to act, and also of the right to complain to the Legal Ombudsman. Contact details are provided below:

Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9WJ
 0300 555 0333
 enquiries@legalombudsman.org.uk
 www.legalombudsman.org.uk

Any complaint to the Legal Ombudsman must normally be made within the following timescales:

a) Six years from the date of the act or omission about which the client is complaining occurred, or
b) Three years from the date the client should reasonably have known there were grounds for complaint (if the act/omission took place before 6th October 2010 or was more than six years ago), and
c) Within six months of receiving a final written response from the firm about the complaint.

In relation to a) and b), the act/omission, or when the complainant should reasonably have known there was cause for complaint, must have been after 5th October 2010.

3.8 Complaints Recording
All formal complaints will be recorded by way of a written note of the discussion with the client or a copy of the letter dealing with the complaint and any other documentation pertaining to it. A COMPLAINT REPORT form will be completed to summarise the complaint, the outcome and any corrective actions (for example staff training or changes to the firm’s procedures) that have been identified. Where a complaint or expression of concern could give rise to a claim against the firm, the insurers must be notified immediately in writing.

3.9 Complaint Closure
At the end of all complaints whatever the outcome, a final letter, indicating the firm’s opinion as to whether the complaint is or is not justified, will be sent to the client. If necessary this will include information about complaining to the Legal Ombudsman. Following the introduction of the EU ADR Directive on the 1st October 2015 relating to consumer alternative dispute resolution requirements, the Client Care Director must ensure that in the final response, not
only is the client informed of their right to complain to the Legal Ombudsman, but they must also be informed that alternative complaints bodies (such as Ombudsman Services, ProMediate and Small Claims Mediation) exist which are competent to deal with complaints about legal services. The notification state that this would be dependent upon both parties wishing to use such a scheme and should state if the firm agrees to use the scheme.

3.10 Register of Complaints

A register of complaints will be maintained containing all records concerning the complaint and the final closure letter. A COMPLAINTS REGISTER form will be kept on the central register to show the overall status of complaints. The register will be reviewed at the Annual Quality Review, to enable any procedural problems identified by complaints to be identified and corrective action taken.

4 Central records maintained

- Register of Complaints
- Complaint Reports
1 Objective

To ensure that all external experts and service suppliers instructed by the firm have been approved as meeting the firm’s requirements and that they can be reasonably expected to provide a competent service for clients. The term ‘Approved Supplier’ applies to all barristers, expert witnesses and other external advisers who may be instructed by the firm to further a client’s case. Outsourcing is an increasingly growing area in legal service delivery. This procedure ensures that the firm considers its obligations to its clients and the regulator at all times when considering outsourcing services.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 Selection Criteria

The firm will in normal circumstances only instruct experts who have been assessed as meeting the following criteria:

- Area of expertise
- Acceptable previous performance of instructions
- Acceptable speed of response
- Appropriate client manner
- Strong advocacy skills
- Acceptable report preparation
- Reasonable cost
- Flexibility to instructions

The Experts Manager (see QP01) is responsible for ensuring that the selection criteria used by the firm are in accordance with the firm’s Equality and Diversity Policy (Annex B).

3.2 Register of Experts and Counsel

The firm maintains a spreadsheet Register of Experts and Counsel that have been assessed against the above criteria and are graded as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Experts who meet all or majority of the above criteria and are approved for use in all circumstances.</td>
</tr>
<tr>
<td>B</td>
<td>Experts meet some but not all of criteria and are either under assessment by the firm for inclusion in A list or have been recently moved from A list for further assessment. B list experts should only be used in circumstances where a Grade A choice is unavailable or for assessment purposes. In the latter circumstance client’s consultation as at 3.3 below is vital.</td>
</tr>
<tr>
<td>C</td>
<td>These experts are not instructed by the firm</td>
</tr>
</tbody>
</table>

An EXPERT EVALUATION FORM will confirm for each expert how they meet the selection criteria set out earlier. The Experts Manager (see QP01) is responsible for the maintenance...
and update of the Register who is also responsible for ensuring that relevant staff have adequate access to the Register and understand the requirements of this procedure.

3.3 Client Consultation

When instructing an expert the fee earner should consider consulting the client on the choice of expert to be used. This will be most appropriate when an independent report from an expert with no previous contact with the client is required or when the matter is a sensitive one and a sufficiently understanding expert is needed. In all circumstances however the client should be informed of the choice of expert including the following:

- The name and status
- How long it is expected to receive a response
- Where disbursements are to be paid by the client, the costs involved
- An explanation of the selection procedure and if necessary an explanation that if the preferred choice is not available then an appropriate alternative will be used.

3.4 Instructions and Reports

Fee earners must endeavour to provide clear instructions that state precisely what is required so as to avoid the necessity of further correspondence, supplementary reports and the consequent delay. This should include a précis of the key facts, and identify issues as they are perceived. Identifying all important documentation and any arrangements for payment should also be addressed. The instructions must establish, if necessary, a time frame for the instructions to be performed. All reports received should be checked against instructions to ensure that the expert has done what the firm requires and in litigation matters, comply with the rules of court and any court orders. Consistent failure to do this should lead to a reassessment of their position on the Register. Clients should in most circumstances receive a copy of any report for their consideration. Should a fee earner feel this to be inappropriate the reasoning should be noted on the file.

3.5 Payment

Funds should always be sought in advance of instructing an expert so as to reduce the risk of the firm. This should be done by request for payment on account from the client (private case) or the Legal Aid Agency (legal aid). If this is not possible agreement should be made with the expert to await payment until the conclusion of the case or until funds are to hand.

It should be noted that on Family Legal Aid matters the LAA require full compliance with Practice Direction 25b regarding the instruction of experts. They require that firms must have systems in place to evidence that the experts they use meet the standards. This would typically involve retaining copies of an expert’s CV and signed ‘statement of truth’. When making applications for expert witness funding, firms need to confirm that their instructed expert meets the standards. In order to comply with this, the fact that an expert is compliant with Practice Direction 25b should be noted on the EXPERT EVALUATION FORM.

3.6 Non-Approved Experts

There may be occasions due to short notice or the unusual nature of expert needed that a non-approved expert has to be instructed. This should always be a last resort. In such circumstances recommendations should be sought and the reason for instructing the expert finally used noted on file. If appropriate the expert should be given a ‘B’ grading for assessment and an EXPERT EVALUATION FORM completed if appropriate. In general preference should be given to Quality Marked providers in such circumstances.

3.7 Review of Performance and Adverse Findings
Fee earners should evaluate the performance of all experts instructed. If the performance was satisfactory, no further action is required unless the expert is new whereby an attendance note should be forwarded for inclusion on the Register of Experts and Counsel if considered appropriate. Should an expert provide inadequate service quality with regard to the above selection criteria, or in breach of the Equality and Diversity Policy (Annex B), the following three steps should be taken:

- An attendance note detailing the inadequate performance should be made on the individual case file
- This should be forwarded to the Experts Manager (see QP01) for inclusion on the experts register and noting on the EXPERT EVALUATION FORM pertaining to the Expert where appropriate
- If appropriate, the relevant expert will be re-graded at the review of the Register of Experts and Counsel that as per QP01

The ongoing performance Experts and Counsel will be discussed at Departmental meetings (see QP04).

3.8 Equality and Diversity

The firm will instruct barristers and experts only on the basis of their skill, experience and ability in accordance with the Equality and Diversity Policy (Annex B).

3.9 Outsourced Activities

The SRA defines outsourcing as ‘firms or in-house solicitors who use a third party to undertake work that the firm or in-house solicitor would normally do themselves’. The firm outsources a limited range of its activities to third parties. The firm has developed an Outsourced Activities Policy (Annex P) to govern the conduct of such services and sets out:

- Details of all outsourced activities including providers
- Procedures to check the quality of outsourced work
- Procedures to ensure providers have taken appropriate precautions to ensure information will be protected.

4 Central records maintained

- Register of Experts
- Expert Evaluation Forms
1 Objective

To ensure that at the end of a case, all key issues are fully and effectively dealt with and that all necessary information is communicated to the client. To use this process to ascertain feedback for clients as to the quality of the service provided by the firm.

2 Responsibility

- The Directors
- Supervisors/Heads of Department
- Fee earners
- Support staff

3 Method

3.1 End of Case

At the end of a case, either because the outcome sought has been achieved, the client has withdrawn instructions or because all legal avenues possible have been exhausted, the file requires prompt and effective closure and the costs billing/reporting.

3.2 Outcome Report

At the end of each matter, and if required, the client should receive an outcome report summarising the result of the case and any further action that the firm or the client might have to take, if anything. This should be undertaken in every instance in the final letter even if a more substantive report has been previously given.

3.3 Risk Assessment

At the end of every case the fee-earner will undertake a risk assessment to ascertain if the client’s objectives have been achieved. The assessment will determine if the risk is ‘Ordinary’ or ‘High’ and will be recorded on the FILE CLOSING FORM, a copy of which will be placed on the file. Pivotal to this assessment will be the consideration of whether the client could fairly complain about the service provided or make a claim against the firm. If as a result of such an assessment it is felt that the client’s objectives have not been met and the rating is ‘High’ then a RISK NOTICE will be raised and reported in accordance with the Risk Management Policy (Annex C) and QP08/QP11. This risk reporting procedure should also be followed in the event of an adverse costs order being made against the firm in relation to the matter in question. The client should be informed of such adverse costs orders in all cases without delay.

3.4 Accounting for Money

The final closing letter will confirm the position with regard to any money involved in the case be this only to inform clients about taxation etc.

3.5 Documentation and Storage

The fee earner should identify any client-supplied documentation that should be returned to the client (with the exception of items which are by agreement to be stored by the firm on behalf of the client) and this should be included with the final letter. The client should also be informed about arrangements for storage and retrieval of papers and other items retained (including any charges in this regard and the storage periods). This will only be required
where such arrangements/charges were not confirmed to the client at the outset in the terms of business letters. The file will be filleted before archival to remove any surplus documentation.

3.6 Future Review

Should there be any reason why a file should be reviewed at a future date, particularly due to an outstanding key date, the client should have this clearly stated in final correspondence explaining the reasons and timescales for any future review.

3.7 Close of Case Letter

Paragraphs 3.2-3.6 above can be effectively complied with by the sending of a standard close of case letter and one of these should be sent on every occasion a file is closed. In exceptional circumstances, a decision may be made not to send a closing letter; in such situations, a full file note explaining the decision should be made on the client’s file.

3.8 Client Satisfaction Survey

Every client will receive a CLIENT FEEDBACK QUESTIONNAIRE at the end of case. The results of these will be collated by the Quality Representative and the findings of these surveys will be reviewed at Annual Quality Review meetings as per QP01. Evidence of this review will be made available to the Legal Aid Agency or assessment bodies upon request. The aim of the review will be to identify any shortcomings in the firm’s operation and bring about improvements such as correcting any unsatisfactory procedures. Should it appear that there is cause for concern between annual reviews, this will be brought to the attention of a Director at the earliest opportunity, in order to enhance the level of client care offered.

3.9 File closure, archival and destruction procedures

As soon as the legal work is completed on a matter, the fee earner handling that matter is to make arrangements to close the file so that it can be archived. The FILE CLOSING FORM is completed to ensure all necessary checks have been completed. In particular, the fee earner must ensure that all ledger balances have been reduced to nil otherwise the matter cannot be archived on the accounting system.

The file is passed to Accounts Department for closure of the matter on the computer system. Any outstanding financial issues will be raised with the fee earner and will be resolved. Upon closure the file will be boxed up into archive boxes. The storage details including Box Number will be recorded on the computer system. All files will be stored securely and archived for a minimum period of six years or in accordance with any other professional requirement. The firm has both on-site and off-site storage arrangements. Arrangements will be made with the firm’s storage contractors where archive boxes are to be stored off-site.

On at least an annual basis, a list will be produced by Accounts showing the archived files which can be destroyed. The files will be requested from storage and checked. All destruction requests must be ratified by the Directors before destruction can take place. The files will then be placed in the shredding bags and collected for destruction.

All files will be stored securely and archived for a minimum period of six years or in accordance with any other professional requirement.

4 Central records maintained

- Risk Notices
- Client Feedback Questionnaires
1 Objective

To ensure that all personnel issues are professionally handled and that the firm makes the best possible use of its staff resources.

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 Staff Policy

The firm is committed to providing a working environment where staff can achieve their potential and make a contribution to the success of the firm. This encompasses a commitment to learning and development and to establishing an atmosphere that encourages staff to participate in the improvement of services.

3.2 Job Descriptions (Role Profiles)

All positions in the firm are subject to a Job Description (see Chapter 3) which summarises the objectives of the post, the lines of accountability, the main duties to be undertaken and the skills, knowledge and experience needed to carry it out. These must be prepared with regard to the Equality and Diversity Policy (Annex B) and associated procedures.

3.3 Recruitment

The firm recognises the vital role that all personnel play in the development of the firm and is committed to providing rewarding careers for Directors and staff alike. Recruitment needs are considered as part of the annual strategic planning process. Openings for personnel may also, however, occur outside the strategic planning process, for example, as a result of the departure of an existing member of staff. Any such vacancies require the approval of the Directors.

As an employer, the firm will treat all employees and job applicants equally and fairly and will not unlawfully discriminate against them. All appointments to all jobs will be based solely on merit and the procedures are designed to provide a recruitment process that is clear and transparent. Recruitment activities are conducted strictly in accordance with the Equality and Diversity Policy (Annex B).

Prior to recruitment, the Job Description for the post to be filled will be reviewed or, if necessary, prepared along with other job-related documentation. Other more individual roles are specifically agreed with the Directors. The COFA will normally be responsible for preparing the recruitment documentation. The firm will use one of the following methods to identify potential candidates:

- public advertisement
- internal promotion
- recruitment agency
- head hunting
- job centres/ training scheme providers
It is for the Directors to determine the appropriate strategy for developing a suitable field of candidates. Methods employed include personal contacts from within the firm, the firm’s own advertisement and recruitment agents. Consideration is always given to internal promotion once the Job Description has been determined.

Selection methods are confined to interviews. Short-listed candidates will be interviewed to establish suitability for the post. For fee earners, at least one interview will be held. One or more Directors may be involved and another representative of the department in question may be invited to participate. Appointments of support staff are in line with the above procedures save that first interviews are generally held by the Practice Manager and keyboard skills may be subject to appropriate testing as part of the selection procedures. Interview notes will be completed in respect of each interviewee.

New appointees may be asked about their disciplinary record and enquiries may be sought with relevant regulatory authorities such as the SRA and CILEX, as appropriate. Following this an offer of the post will be made to the successful candidate. Following a decision to employ an individual, and with their consent, the firm may take up a minimum of two references to establish the integrity of the candidate. If telephone references are taken up then a contemporaneous note should be taken. The following websites provide the facility to check a fee earner’s disciplinary record:

**Solicitors**  
www.sra.org.uk/consumers/solicitor-check.page

**Legal Executives**  
www.ilex.org.uk/ips/ips_home/disciplinary_records.aspx

Documentation relating to the selection process is retained by the firm for a maximum of twelve months prior to confidential disposal to provide feedback to interested candidates and to demonstrate compliance with the firm’s **Equality and Diversity Policy (Annex B)**. Records include the specification, candidates applying, those rejected, interview records, and the final selection decision. All information obtained from recruitment will be treated in accordance with the Data Protection Act as set out in the **Information Management and Security Policy (Annex K)**.

The Asylum and Immigration Act applies to all persons starting new appointments within the U.K. Accordingly, all new starters should supply at Induction day proof of their eligibility for working in the U.K. and it is recommended that they produce the following documents:

- UK or EEA Passport, or
- Long Birth Certificate with parents names plus National Insurance Number (from N.I. card, payslip, P45, P60, etc)

The firm will often be asked to provide references on personnel who are leaving the firm or who have previously worked for it. All requests for references must be forwarded to a Director and no-one other than a Director is permitted to give any reference for anyone on behalf of the firm. Any references given must be accompanied by the following disclaimer: ‘This reference should not be relied upon in any decision which the recipient is considering. We accept no liability for any decisions taken or not taken as a consequence of information provided in this reference, whether direct or indirect.’

### 3.4 Induction

All new employees will receive a comprehensive induction into the firm that will comprise the following generic elements:

- Management structure and the individuals' responsibilities
- Terms and conditions of employment
- Health and safety
• Key policies
• The Quality Procedures Manual
• Information management and security
• Any immediate training requirements

This will be conducted by a designated member of staff and if appropriate, followed up by a longer-term job specific induction. It is important that the person responsible for the induction will identify any immediate training needs required for the new employee and put arrangements in place for their delivery. A detailed INDUCTION CHECKLIST will be completed for the above generic elements of the induction and maintained on the personnel record.

Any employees undergoing a significant transfer of roles within the firm will undergo an induction and training process to acquaint them with their new role.

3.5 Learning and Development

3.5.1 General approach

The firm is committed to providing learning and development to allow all members of the firm to fully realise their potential. This commitment is enshrined in the Learning and Development Policy (Annex L).

In accordance with the Equality and Diversity Policy (Annex B), all members of the firm will be treated equally and fairly and will not be unlawfully discriminated against them in terms of access to learning and development.

The firm considers its strategic learning and development needs as part of the annual Strategic Planning process and sets out its recruitment needs in the form of a Learning and Development Plan. This forms a sub-section of the Strategic Plan. Furthermore, individual needs are established at performance appraisals (see QP19) and each member of staff will have an annual LEARNING AND DEVELOPMENT PLAN prepared as part of that appraisal. This process will ensure that the firm identifies and delivers appropriate learning and development in relation to those who have managerial and/or supervisory responsibilities. Such needs will take into account the professional requirements for supervisory/managerial posts such as those set out in the SRA Code.

3.5.2 Lexcel-related learning

Equality and diversity

It is a requirement of Lexcel and the SRA Code that all personnel are given training on compliance with equality and diversity requirements. The firm will identify equality and diversity training needs for all members of the firm and draw up a plan to address these as appropriate to individual responsibilities. The plan will include details of the nature of training that will be provided, who will be trained, when training will be provided and who is responsible in the firm for ensuring that training is delivered. Equality and diversity learning needs will be monitored at annual appraisals and any needs will be identified on the individual’s Learning and Development Plan.

Information management and security

In accordance with the Information Management and Security Policy (Annex K), the firm will ensure that all members of the firm receive adequate induction and update training in relation to the Policy requirements, the Data Protection Act, the various firm/client information assets, the risk to these assets and the procedures for the protection and security of these assets.
Conflicts of interest handling
In accordance with the Conflict Handling Policy (Annex O), the firm will ensure that training is delivered to relevant members of the firm on how to identify and assess potential conflicts of interests.

3.5.3 Learning and Development: Additional requirements for Solicitors

From the 1st November 2016, all solicitors are required to comply with the SRA ‘Continuing Competence’ system which replaces the Continuing Professional Development (CPD) system. The competence-based system has been developed to show that solicitors meet the requirement under Principle 5 of the SRA Handbook to provide a proper standard of service to clients by meeting the competences set out in the Competence Statement.

In order to comply, Solicitors will undertake regular learning and development to ensure that their skills and knowledge remain up to date. This forms part of a process of reflecting on the Solicitor’s learning needs, planning of CPD activities, carrying them out and recording what has been done in order to make an annual declaration to the SRA. The new system does not require a set number of hours, or that Solicitors undertake accredited courses or training.

It is an LAA contract requirement that Duty Solicitors undertake at least two hours CPD training annually on issues relevant to the law, practice and procedure in the Police Station or magistrates’ courts. In addition, Solicitors should ensure that they meet any additional requirements for mandatory CPD such as for their specialist panel accreditation (e.g. Children/Family Panel), legal aid contract compliance or Lexcel/CQS accreditation.

Notwithstanding the fact that the SRA no longer sets out minimum CPD requirements for solicitors, the Directors have agreed that all fee earners must complete a minimum of 6 hours CPD each year in their specialist work area(s).

3.5.4 Learning and Development: Additional requirements for Legal Executives

CILEx members are required to undertake CPD hours or entries in accordance with CILEx requirements. Requirements vary according to the grade of membership. Details are set out on the CILEx website.

3.5.5 Evaluation

Evaluation of learning and development activities is vital for ensuring that feedback is collated and analysed to maintain value for money and so that appropriate action can be taken where adverse reports are received in training provision. Evaluation takes place on a number of levels:

- By reviewing the Learning and Development Plans/Records undertaken at annual performance appraisals (see OP19);
- By discussion of relevant activities at Fee Earer/Staff meetings (see OP04);

3.5.6 Recording

Each member of staff must maintain a TRAINING RECORD (non-Solicitors) or LEARNING AND DEVELOPMENT RECORD (Solicitors), which will be evaluated during the appraisal session.
3.6 Inadequate Performance

The firm confirms that it has a disciplinary and grievance procedure to ensure that action can be taken to deal with underperformance, and that this includes breaches of its equal opportunities procedure. This is particularly relevant for staff engaged in legal aid work. Should this ever arise the firm will not permit consistently under-performing staff to undertake such work.

3.7 Employment Cessation

At the point when any member of staff leaves the employment of the firm, an exit interview, where appropriate, will be conducted with a Director. This will cover broad issues such as workloads in order to identify volume and complexity, timescales, deadlines and reasons for leaving.

The Head of Department will, based on the above information, reallocate the workloads and tasks to other members of staff who have the relevant experience and competence to undertake such matters. If no such member of staff can be identified, then relevant training will be identified and given before any workloads/tasks are allocated.

Exit interviews offer an opportunity for evaluating any areas for improvement in the firm and employees should be asked about any concerns they have about the firm or areas that can be improved. Any such views should be fed back to the Directors with a view to correcting unsatisfactory practices/procedures. Notes of exit interviews should be recorded on an EXIT INTERVIEW REPORT maintained in a central file and kept for at least 12 months before confidential destruction.

The employee will be requested to return any company property in their possession and must be returned prior to any staff member ceasing employment. Examples may include office keys, mobile phones, tablets, laptops, dictation machines, textbooks, case files etc. Consideration must be given to removing user access that the employee may have, for example in relation to the accounts systems, email, social media websites, the website and Internet banking. Similarly, if the leaver has authorised signatory status then that must be attended to.

The details of any serious concerns identified during this process should be forwarded to the COLP for consideration.

3.8 Staff Policies

The following policies form part of the QPM and are promulgated to staff upon their induction:

- Grievance Policy and Procedure (Annex S)
- Disciplinary Policy and Procedure (see Annex T)
- Whistleblowing Policy (Annex U)
- Flexible Working Policy (Annex V)

4 Central records maintained

- Learning and Development Plans
- Learning and Development Records/Training Records
- Induction Checklists
- Recruitment records
- interview Assessment Forms
- Exit Interview Reports
1 Objective

To ensure that all staff receives an annual appraisal of their work performance and that learning and development targets which will assist staff to meet work goals and the firm's objectives are established and recorded.

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 Performance Appraisal

The appraisal process forms a fundamental part of the firm's overall performance management framework as set out in the Performance Management Policy (Annex Q). All members of the firm, will receive an annual performance appraisal designed to assist staff to identify and meet challenges related to their work. It is the firm's policy that these appraisals should be developmental and that they should be two-way allowing for the staff member to make a constructive contribution to improving the performance of the firm. The appraisal session last for between half an hour to one hour.

3.2 Appraisal Structure

Appraisees should carefully prepare for their appraisal. The APPRAISAL RECORD contains sections for both Appraiser and Appraiser to add their comments. Appraisals offer an opportunity for reviewing Job Description (see Chapter 3) to ensure that they adequately define the role and responsibilities of the post and the needs of the organisation.

3.2.1 Review of performance

This will include a general discussion of how the employee feels they are performing and progressing. It will also be used to assess progress against any objectives set at previous appraisals.

3.2.2 Review of learning and development activity

This will include a discussion about any learning and development activities undertaken during the past year by reviewing learning and development records. This will aim to highlight whether the needs identified in the previous Learning and Development Plan have been addressed. It will also include discussion of the effectiveness of activities undertaken.

3.2.3 Identification of skills/strengths

The emphasis will be on self-identification of where the staff member feels most confident of fulfilling their role and allows for positive feedback about past successes. A secondary aim is to identify staff skills that are under-utilised by the firm.

3.2.4 Identification of skills gaps and development needs

The emphasis will be on self-identification of where the staff member feels least confident in fulfilling their role and/or feels under supported. The aim will be to identify areas where further learning and support would allow for improved performance.
3.2.5 Contribution to the firm’s development

The discussion will focus on how the appraisee fits into the wider working environment and the general impact their performance has on the firm. This also allows the appraisee to comment on how they feel the firm is performing and to suggest ways in which this might be improved.

3.2.6 Looking forward: objectives

Reflecting back on the earlier discussions the aim will be to agree a clear set of performance objectives for the next 12 months. This element should address the employee's longer-term aspirations within the firm.

3.2.7 Achievement of Competence Statement (solicitors only)

In order to comply with the SRA ‘Continuing Competence’ system, discussion will centre on a review of how well the appraisee meets the competences set out in the SRA Competence Statement and identifying any additional actions required to meet or maintain competence.

3.3 Learning and Development Plans

The appraisal should address the preparation of an annual LEARNING AND DEVELOPMENT PLAN in place to identify any learning and development needs required over at least the next 12 months. Whilst such Plans can be prepared at any point in time, it is recommended that they be prepared in conjunction with performance appraisals so that a holistic approach to needs assessment can be taken. Plans will identify priorities in which further learning and development is to be provided. Plans are not limited to CPD training courses and a variety of interventions can be considered if appropriate such as:

- Formal training such as face to face, online courses etc;
- In-house training;
- Shared learning such as ‘cascade’ training by an individual providing feedback to their colleagues on what they have learned;
- Informal training such as a less experienced member of staff learning from an experienced member;
- Research, reading and discussion
- Use of team meetings for presentations and discussions on appropriate topics
- Networking;
- Observation;
- Mentoring;
- Coaching;
- Secondments;
- Social media.

Any approach to learning and development is valid as long as the individual can demonstrate it contributes to them remaining competent to deliver a proper standard of service. Individuals should review their Plan regularly to ensure that it remains appropriate and that progress is being maintained. Plans will be formally assessed and reviewed at subsequent appraisal sessions where an evaluation of all activities will take place.

Individual Plans will help feed into the organisational Learning and Development Plan which forms part of the Strategic Plan (see QP03).

3.3 Recording
An APPRAISAL RECORD and LEARNING AND DEVELOPMENT PLAN will be completed and signed by both parties and maintained on the personnel record with the appraisee receiving a copy. All the above will be strictly confidential.

3.4 Inadequate Performance

Any inadequate performance identified at appraisal will be monitored on a regular basis for improvement, failing which, removal from legal aid work will be mandatory.

4 Central records maintained

- Appraisal Records
- Learning and Development Plans
1 Objective

To ensure that the Quality Procedures Manual is reviewed and updated to enhance the continual improvement of its service and that all standard documentation is managed and controlled. Furthermore to ensure that the firm maintains adequate access to legal reference materials and fee earners have access to up to date legal information.

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 Quality Policy

The firm aim to be client-focused in everything it does and strives to deliver a quality service to clients at all times. The firm has a comprehensive Quality Policy (Annex A) which sets out its strategies for achieving these objectives.

3.2 The Quality Procedures Manual (QPM)

The Quality Representative is responsible for ensuring the distribution and control of the QPM. It is the responsibility of each member of staff to ensure that they read and understand the office procedures relevant to them. The Quality Representative is responsible for ensuring that all staff are adequately trained in respect of the procedures pertaining to them and are aware of the location of the Manuals. The content and accessibility of the manual is covered with new recruits as part of the induction procedure (see QP18).

Only the Quality Representative has the authority to make any changes to the Manual, although consultation will often take place before any final changes are decided upon. Suggestions for alterations are always welcome at any time (see below).

3.2.1 Hard copies

The Quality Representative will be responsible for deciding on the distribution of hard copies of the QPM to ensure adequate access for staff across the firm. The Quality Representative will designate copyholders of each manual in the distribution list at the front of the manual. The Quality Representative will issue amended pages from time to time to the copyholders who are responsible for the correct insertion of updates of the manual and the removal/destruction of superseded pages.

3.2.2 Electronic versions

The firm maintains an up to date version of the manual on the computer network. This is kept up to date at all times by the Quality Representative. All staff should know how to access the manual. If they are unsure about this they should speak to their line manager/supervisor or the Quality Representative. The Quality Representative is responsible for ensuring that staff unable to access the computer system have adequate access to the manual.

3.3 Review of the Quality Procedures Manual
All members of staff are encouraged to contribute to the evaluation and improvement of QPM at any time. The firm will hold informal review sessions from time to time for this purpose and the procedures will be formally reviewed as part of QP01 and amended as required. The Quality Representative will be considerably assisted in their role by receiving suggestions as to ways in which the quality system may be improved. Such suggestions may either be made directly to the Representative or be channelled through the appropriate line manager. In addition, suggestions for improvement are included as standing items on meeting agendas.

3.4 Amendments Log

The Quality Representative will maintain a record of all amendments made to the Manual on the Amendment Log detailing the date, the page(s) amended and the issue number.

3.5 Document Control

The Quality Representative will maintain a file of the standard forms and letters in use at any one time in the firm. This procedure will also encompass the maintenance of any computer files related to these forms. Only master copies should be used for reproduction and only the above can authorise changes to these items.

3.6 LAA Manual and LAA Update Bulletins

The firm ensures that it always has an up to date copy of the LAA Manual and subscribes to the LAA Update Bulletins service.

3.7 Library, Reference Materials and Journals

The firm maintains a legal reference library which is sufficient to meet most of the needs of fee-earners. The firm will purchase the key legal reference sources in each category of work identified by fee earning staff from time to time. The reference materials purchased will, as a minimum, cover the requirements outlined in the supervisory standards contained in the LAA Specialist Quality Mark or LAA Contract or as identified by the relevant category Supervisor. Those requiring updating will be kept up to date by a member of support staff delegated the task.

All fee earners will have the existence of the above materials drawn to their attention including the purchase of any new books or journals. All fee earners shall have access to these information sources.

4 Central records maintained

- Amendment Log (see QP00)
1 Objective

Solicitors have a significant role to play in ensuring their services are not used to further a criminal purpose. Having procedures in place to prevent the involvement of the firm in financial crime is therefore essential. This procedure sets out processes for preventing exposure to money laundering, mortgage fraud and bribery.

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 Anti-Money Laundering Policy

3.1.1 Policy

The firm must safeguard against becoming involved in the processing of illegal or improper gains for clients. Law firms are particularly attractive to criminals wishing to convert gains to a respectable status. It is the policy of the firm not to assist them to do so. To do so could in any event be an unlawful act on the part of anyone concerned and could place the firm and its representatives at risk of criminal and civil proceedings.

In order to ensure full compliance with the legislation, the firm has developed an Anti-Money Laundering Policy (Annex H) which relevant staff should all be familiar with. The Policy sets out the role of the Money Laundering Reporting Officer (MLRO). The MLRO is responsible for overall money laundering compliance, the development of effective procedures and the reporting of suspicious circumstances. The identity of the MLRO is set out in QP01. The Policy sets out responsibilities for making disclosures within the firm via the REPORT TO THE MLRO form and by the MLRO to the authorities. It also sets out the arrangements for identification checking known as ‘Client Due Diligence’ or ‘CDD’.

3.1.2 Identification and Reporting

The Policy sets out the circumstances in which concerns should be raised with the MLRO. The MLRO maintains a central register of such concerns.

3.1.3 Investigation and Resolution

It is the responsibility of the MLRO to investigate the cause for concerns raised. This will involve a thorough examination of the circumstances and the request for sufficient documentary evidence from the client to provide incontrovertible reassurance that the transaction is legitimate. Any transaction subject to the raising of a Money Laundering concern can only proceed with express written confirmation of the MLRO, which must be maintained on the case file.

3.1.4 Records

Records of all documentation relating to the investigation of the concern must be maintained by the MLRO on the Central Register. These records will be held active for a period of 6 years at which time they will be archived.
3.1.5 Training

The Policy requires that relevant staff receive appropriate training. The MLRO shall ensure that training needs are identified and resolved. Reviews will be carried out on an ongoing basis to ascertain whether or not the provisions thus far are working and to encourage any change in arrangements as required. The induction procedure (see QP18) includes a discussion with the MLRO (or nominee) with regard to potential money laundering risk within their department. The new staff member will be required as a minimum to familiarise themselves with the regulations and guidance sources in order to complete the induction process.

Supervisors, as an integral part of their wider supervisory duties are required to keep staff informed of any changes/development of such guidance as from time to time becomes necessary. As a minimum, awareness of this procedure, and the requirements therein, must be refreshed annually at a fee earner meeting.

3.2 Mortgage and Property Fraud Prevention Policy

Another aspect of the criminal law that affects the firm is in relation to the prevention of fraud, especially in connection with mortgages. There have, regrettably, been many instances where firms’ clients have been involved in such frauds, and the firms have been unwitting participants in the arrangements that have allowed such frauds to succeed. In such instances, the firms can pay a heavy price, since lenders will often be able to make the firms responsible for repayment of monies lost. In order to avoid this, it is essential that all procedures are followed. Further, the provisions of the Council of Mortgage Lenders Handbook should be strictly observed at all times to the extent that there is no contradiction with money laundering provisions or Law Society guidance.

3.2.1 Acting for buyer and lender

Close attention needs to be paid to the duty of confidentiality if the firm is acting contemporaneously for a buyer and a lender. The professional position is as set out in the SRA Code relating to ‘Conflict of interests’ and ‘Confidentiality and disclosure’. The position must be considered very carefully if there is any change in the purchase price, or if the firm becomes aware of any other information that the lender might reasonably be expected to think important in deciding whether, or on what terms, it would make the mortgage advance available. In such circumstances the duty to act in the best interests of the lender requires the firm to pass on such information to the lender with the consent of the buyer. If the buyer will not agree to the information being given to the lender, then there will be a conflict between the firm’s duty of confidentiality to the buyer and the duty to act in the best interests of the lender. The firm will then have to cease acting for the lender, and to consider carefully whether to cease acting for the buyer.

Solicitors must not withhold information relevant to a transaction from any client and are now under a specific duty of disclosure under the SRA Code. Where the client is a lender, this not only includes straightforward price reductions but may also include other allowances (e.g. for repairs, payment of costs, the inclusion of chattels in the price and incentives of the kind offered by builders such as free holidays and part-subsidisation of mortgage payments) that amount to a price reduction and would affect the lender’s decision to make the advance. It is not for the firm to attempt to arbitrate on whether the price change is material: the lender should be notified. The firm’s standard letter of instruction informs the client that it would be regarded as fraud to misrepresent the purchase price, and that the firm is under a duty to inform the lender of the true price being paid for a property, but the client may need to be reminded of this.
Some of the measures outlined in the firm’s procedures for anti-money laundering are applicable to this section as well, e.g. the requirements for the lawyer to establish his or her client’s identity properly. Additional guidance has however been issued by the Law Society, and the following are warning signs that have been identified in that guidance:

3.2.2 Verify the identity and bona fides of your client and solicitors firms/conveyancers you do not know

The requirements for getting to know the client appear in the Anti-Money Laundering Policy. Check also that the solicitor’s firm/conveyancer and office address appear in the recognised directory of their professional body (see QP08). The same applies to any third parties of whom you may be suspicious.

3.2.3 Question unusual instructions

If you receive unusual instructions from your client discuss them with your client fully. Examples of these might be:

- A client with current mortgages on two or more properties;
- A client buying several properties from the same person or two or more persons using the same solicitor;
- A client reselling property at a substantial profit, for which no explanation has been provided;
- Instructions from a seller to remit the proceeds of sale to someone other than himself.

3.2.4 Discuss with your client any aspects of the transaction that worry you

If, for example, you have any suspicion that your client may have submitted a false mortgage application or references, or if the lender’s valuation exceeds the actual price paid, discuss this with your client. If you believe that the client intends to proceed with a fraudulent application, you must refuse to continue to act for the buyer and the lender.

3.2.5 Check that the true price is shown in all documentation

Check that the actual price paid is stated in the contract, transfer, mortgage instructions and report on title. Ensure also that you have a satisfactory explanation for any part of the price (e.g. a deposit) being paid direct to the seller. Where you are also acting for a lender, tell your client that you will have to cease acting unless the client permits you to report to the lender all adjustments in the price, and all allowances and incentives.

3.2.6 Do not witness pre-signed documentation

No document should be witnessed by anyone within the firm unless the person signing does so in the presence of the witness. If the document is pre-signed, ensure that it is re-signed in the presence of a witness.

3.2.7 Verify signatures

Consider whether signatures on all documents connected with a transaction should be examined and compared with signatures on any other available documentation.

3.3 Anti-Bribery Policy
3.3.1 Introduction

The firm is committed to implementing and enforcing effective systems to counter bribery. Therefore, it is the firm’s policy to conduct all aspects of its business in an honest and ethical manner at all times. Under UK law (UK Bribery Act 2010), bribery and corruption is punishable for individuals by up to ten years imprisonment. If the firm is found to have taken part in the corruption or lacks adequate procedures to prevent Bribery, it could face an unlimited fine and be excluded from tendering for Government contracts.

3.3.2 Policy

The aim of this policy is to help the firm act in accordance with the Bribery Act 2010, maintain the highest possible standards of business practice, and advise individuals of the Firm’s ‘zero-tolerance’ to bribery. This policy applies to all permanent and fixed-term staff employed by the firm, and any contractors, consultants or other persons acting under or on behalf of the Firm.

The firm will not:

- Make contributions of any kind with the purpose of gaining any commercial advantage.
- Provide gifts or hospitality with the intention of persuading anyone to act improperly, or to influence a public official in the performance of their duties.
- Make, or accept, “kickbacks” of any kind.

3.3.3 Gifts and Hospitality

This policy does not prohibit giving and receiving promotional gifts of low value and normal and appropriate hospitality. However, staff may not offer to, or accept from, third parties, gifts, hospitality, rewards, benefits or other incentives that could affect either party’s impartiality, influence a business decision or lead to the improper performance of an official duty. Similarly, they may not offer or accept cash donations.

Staff may offer and accept ‘reasonable’ and ‘proportionate’ gifts and entertainment, such as dinner, theatre tickets or sporting events. In determining what is ‘reasonable’ and ‘proportionate’, employees should consider the value of the gift or benefit as well as the frequency with which the same or similar gift or benefit is offered. In all cases they must ensure that the gift or benefit:

- is being given as an expression of goodwill and not in expectation of a return favour (a gift designed to secure a return favour could be seen as a bribe);
- is commensurate with generally accepted standards for hospitality in the legal sector;
- is being provided openly and transparently, and is of a nature that will not cause the firm embarrassment if publicly reported;
- complies with local laws and regulations, including the recipient’s own rules;

Employees must seek prior approval from a Partner for all gifts or benefits received or offered with a value of more than £50 (or equivalent) prior to final acceptance. All approvals must be given in writing, and records of gifts received, from whom and by whom, must be recorded in the Register of Gifts and Entertainment maintained by the COLP.
3.3.4 Responsibilities

The firm will:
- Keep appropriate internal records that will evidence the business reason for making any payments to third parties.
- Encourage employees to raise concerns about any issue or suspicion of malpractice at the earliest possible stage.
- See that anyone raising a concern about bribery will not suffer any detriment as a result, even if they turn out to be mistaken.

Employees must not:
- Accept any financial or other reward from any person in return for providing some favour.
- Request a financial or other reward from any person in return for providing some favour.
- Offer any financial or other reward from any person in return for providing some favour.

3.3.5 Non Compliance

All employees have a role to play in enforcing the policy and are required to deal with any observed or reported breaches. Should employees feel apprehensive about their own safety in regard to addressing any breach, they should seek senior management support. Failure to comply with this policy may lead to a lack of clarity over job role, learning needs or expected standards of performance, resulting in reduced effectiveness or efficiency, underperformance and putting service delivery at risk.

Any member of staff refusing to observe the policy will be liable to disciplinary action in accordance with the firm’s disciplinary policy and procedures up to and including dismissal.

4 Central records maintained

- Reports to the MLRO
1 Objective

To ensure that the firm has comprehensive policies and procedures in place to manage its information and IT resources. The policies and procedures cover information risk management, data protection, data security, the management and security of the firm’s web/email facilities and the permitted usage of the IT resources.

2 Responsibility

- The Directors
- All members of staff

3 Method

3.1 Information Management

The firm has in place an Information Management and Security Policy (Annex K). The purpose of this policy is to comply with the law, follow good practice, protect clients, staff and other individuals, protect the organisation and provide for the effective and efficient management of the firm’s data, both in electronic and paper format.

3.2 Email and Internet Usage

The firm has in place an Email and Internet Access Policy (Annex I). The purpose of this policy is to set out the scope of permitted and prohibited content, procedures for monitoring usage and for the storage and destruction of emails.

3.3 Website Management

The firm has in place a Website Management Policy (Annex M). This policy sets out the firm’s approach to the management of its web presence. As such it details the processes for content approval, publishing, removal, the scope of permitted and prohibited content, the procedures for management of its security and the consideration of accessibility requirements for disabled clients.

3.4 Use of Social Media

The firm has in place a Social Media Policy (Annex N). This policy outlines the standards members of the firm need to observe when using social media including the scope of permitted and prohibited content.

4 Central records maintained

- None
Chapter 2
Policies and Plans
1 Commitment

The firm aims to be client-focused in everything it does and strives to deliver a quality service to clients at all times. To achieve these objectives the firm has decided to implement a Quality System conforming to the following standards:

- Lexcel - the Law Society’s Practice Management Standard
- Specialist Quality Mark
- Conveyancing Quality Scheme

Underpinning this Quality Policy is the desire to continually improve performance through employee engagement, client feedback and compliance with relevant regulatory requirements.

2 The Role of the Quality Policy

The Quality Policy encompasses all members of the firm. The firm’s strategy in relation to quality is as follows:

- To encourage clients to provide honest feedback on performance to enable continuous improvements to be made.
- To communicate proactively with clients, providing them with relevant and high quality information about their legal matter and the firm’s services.
- To train, develop and educate all staff to the highest professional standards.
- To maintain a QPM detailing all the firm’s quality management procedures.
- To promote an ethos of continuous improvement by engaging all staff in planning and performance review processes.
- To review the firm’s quality management systems on a continual basis to ensure that they remain current and effective.
- To seek to achieve and maintain accreditation against nationally-recognised quality standards

3 Responsibilities

The Directors are responsible for determining the firm’s overall strategic direction and for carrying out reviews of quality. They are also responsible for creating the environment and systems for quality management to operate effectively throughout the firm. To this end they have appointed a Quality Representative (see QP01). The Quality Representative will be responsible for:

- Acting as Senior Responsible Officer (SRO) accountable to the Law Society and responsible for fulfilling the firm’s obligations under the Lexcel scheme.
- Leading the firm’s commitment to achieving and maintaining the requirements of the Lexcel standard, recognising and effectively managing risks in delivering legal services and providing consistent client care.
- Undertaking mandatory training on requirements in the Lexcel standard or best practice training on areas related to the standard, such as client feedback programmes, strategy and business planning and assessing risk on new matters.
- Compliance with the Lexcel application and assessment process including annual maintenance visits.
- Planning, controlling and directing quality policies within the firm
- Reporting regularly to the Directors on the performance of the system and any concerns that arise in respect of it
- Maintaining relationships with external accrediting bodies
- Determining changes to the firm’s quality system and manual
- Ensuring that the overall performance of the quality system is reviewed not less than annually

Heads of Department/Supervisors have primary responsibility for managing quality on a day-to-day basis. They are also responsible for promoting quality awareness within their teams and encouraging staff to suggest improvements to the quality system. All staff have a responsibility for quality management at a level appropriate to their role. Specific responsibilities are included in their Job Description (see Chapter 3). Compliance with the requirements of the documented Quality System is mandatory for all staff.

4 Improvements to the quality system

Continuous improvement is a feature of any effective quality system. The firm has systems in place to ensure that our quality procedures are formally reviewed at least annually. However, the firm recognises that our staff are often in the best place to identify how things can be improved. As a consequence, the firm welcomes and encourages suggestions as to ways in which the quality system may be improved. Procedures for suggesting changes to the system are set out in QP20 of the QPM.
1 Commitment

The firm is committed to eliminating unlawful discrimination and to promoting equality and diversity within our policies, practices and procedures. This applies to the firm’s professional dealings with clients, staff and Directors, other solicitors, barristers, and third parties. The firm will treat everyone equally and with the same attention, courtesy and respect, regardless of:

- Sex (including marital status, gender (including transgender), pregnancy, maternity and paternity);
- Sexual orientation (including civil partnership status);
- Race or racial group (including colour, nationality and ethnic or national origins);
- Religion or belief;
- Age;
- Caring responsibility; or
- Disability.

In implementing its Equality and Diversity Policy, the firm will comply with the SRA Code of Conduct, the Equality Act 2010 and with any other relevant legislation in force from time to time relating to discrimination in employment and the provision of goods, facilities or services. The SRA Code of Conduct requires firms to achieve the following outcomes:

- You do not discriminate unlawfully, or victimise or harass anyone, in the course of your professional dealings;
- You provide services to clients in a way that respects diversity;
- You make reasonable adjustments to ensure that disabled clients, employees or managers are not placed at a substantial disadvantage compared to those who are not disabled, and you do not pass on the costs of these adjustments to these disabled clients, employees or managers;
- Your approach to recruitment and employment encourages equality of opportunity and respect for diversity;
- Complaints of discrimination are dealt with promptly, fairly, openly, and effectively.

2 Meeting Clients’ Needs

The firm will treat all clients equally and fairly and not unlawfully discriminate against them. The firm will also, wherever possible, take steps to promote equal opportunity in relation to access to the legal services that it provides, taking account of the diversity of the communities that it serves. The firm is committed to meeting the diverse needs of clients and will take steps to identify the needs of clients in the community and ensure the services provided are accessible to all. The firm will take into account, in particular, the needs of clients with a disability and clients who are unable to communicate effectively in English. The firm will consider whether particular groups are predominant within its client base and devise appropriate policies to meet their needs: including men and women; carers; children; the elderly; members of religious groups; ethnic groups or nationalities; and lesbian, gay or transgender people.

3 Dealings with third parties

The firm will not unlawfully discriminate in dealings with third parties. This applies to dealings with other legal service providers and general procurement. In all its professional dealings, the firm will instruct barristers and experts on the basis of their skill, experience and ability and not unlawfully discriminate, or encourage barristers’ clerks to unlawfully discriminate on the grounds of their age; gender; marital status; race; religion or belief; sexual orientation or on the grounds of disability.

4 Employment
General Statement

As an employer, the firm will treat all employees and job applicants equally and fairly and not unlawfully discriminate against them. This applies equally to voluntary positions and anyone undertaking work experience with us. This will, for example, include arrangements for recruitment and selection, terms and conditions of employment, access to training opportunities, access to promotion and transfers, grievance and disciplinary processes, demotions, selection for redundancies, dress code, references, bonus schemes, work allocation and any other employment related activities.

Recruitment and Selection

The firm recognises the benefits of having a diverse workforce and will take steps to ensure that:

- We endeavour to recruit from the widest pool of qualified candidates practicable and will consider the use of job centres, careers services and press advertisements in order to achieve the same;
- Employment opportunities are open and accessible to all on the basis of their individual qualities and personal merit;
- Where appropriate, positive action measures are taken to attract applications from all sections of society and especially from those groups which are underrepresented in the workforce;
- Selection criteria and processes do not unlawfully discriminate on the grounds of sex (including marital status, gender (including transgender), pregnancy, maternity and paternity), sexual orientation (including civil partnership status), religion or belief, age or disability; other than in those instances where the firm is exercising permitted positive action or a permitted exemption;
- Wherever appropriate and necessary, lawful exemptions (genuine occupational requirements) will be used to recruit suitable staff to meet the special needs of particular groups;
- Any recruitment agencies acting for the firm will be made aware of requirements not to discriminate and to act accordingly.

Conditions of service

The firm will treat all employees equally and create a working environment which is free from unlawful discrimination and which respects the diverse backgrounds and beliefs of employees. Terms and conditions of service for employees will comply with anti-discrimination legislation. The provision of benefits such as flexible working hours, maternity and other leave arrangements, performance appraisal systems, dress code, bonus schemes and any other conditions of employment will not unlawfully discriminate against any employee on the grounds of their age; gender; marital status; race; religion or belief; sexual orientation or on the grounds of disability.

Where appropriate and necessary, the firm will endeavour to provide appropriate facilities and conditions of service which take into account the specific needs of employees which arise from their ethnic or cultural background; gender; responsibilities as carers; disability; religion or belief or sexual orientation.

Promotion and Career Development

Promotion within the firm, including to Director, will be made without reference to any of the forbidden grounds and will be based solely on merit. The selection criteria and processes for recruitment and promotion will be kept under review to ensure that there is no unjustifiably discriminatory impact on any particular group.

While positive action measures may be taken in accordance with relevant anti-discrimination legislation to encourage applications from under-represented groups, appointments to all jobs will be based solely on merit. All employees will have equal access to training and other career development opportunities appropriate to their experience and abilities. However, the firm will take...
appropriate positive action measures (as permitted by the anti-discrimination legislation) to provide
special training and support for groups which are under-represented in the workforce and
courage them to take up training and career development opportunities.

Reasonable Adjustments

In accordance with the Disability Discrimination Act, the firm will ensure that reasonable
adjustments to the workplace and to work arrangements are considered in order that people with
disabilities are not disadvantaged. Such adjustments will also be considered for those who become
disabled during employment. For example considerations may relate to modification of an
employee’s existing job or, if not reasonably practicable, modifications in an alternative job, where
such an opportunity is suitable and available.

Staff with specific requirements should make requests for reasonable adjustment decisions to a
Director. All requests for reasonable adjustments will be considered on a case-by-case basis and
where it is not possible to make the adjustment requested, the firm will discuss viable alternatives
with the applicant. In no circumstances will the firm pass on the cost of a reasonable adjustment to
a disabled person.

Working with other organisations

All those who act on the firm’s behalf will be informed of this equality and diversity policy and will be
expected to pay due regard to it when conducting business on the firm’s behalf. In all its dealings,
including those with consortium members, suppliers, sub-contractors and recruitment agencies, the
firm will seek to promote the principles of equality and diversity.

5 Responsibilities

The ultimate responsibility for implementing the policy rests with the firm. The firm will appoint a
senior person within it to be responsible for the operation of the policy which will be evidenced
within the QPM. All members of the firm are expected to pay due regard to the provisions of this
policy and are responsible for ensuring compliance with it when undertaking their jobs or
representing the firm.

6 Breaches of the Policy

The firm will treat seriously all complaints of unlawful discrimination on any of the forbidden grounds
made by members of the firm, clients, barristers or other third parties and will take action where
appropriate. The grievance procedure is available to any employee who believes that he or she
may have been unfairly discriminated against or subject to harassment.

Employees will not be victimised in any way for making such a complaint in good faith. Complaints
of this nature will be dealt with seriously, in confidence and as soon as reasonably possible. The
Directors will provide, in confidence, advice and assistance to employees subjected to alleged
breaches of this Policy and assist in the resolution of any problems, whether through informal or
formal means.

Complaints of unlawful discrimination against the firm by clients and other parties will follow the
firm’s complaints procedure set out elsewhere in the QPM. Disciplinary action will be taken against
any employee who is found to have committed an act of unlawful discrimination. Serious breaches
of this policy and serious incidents of harassment may be treated as gross misconduct. Further,
employees should be aware that they could be personally liable for damages in circumstances
where a court or tribunal finds them to have harassed a fellow employee or client.

If the allegation is not well founded, consideration will be given to whether it is necessary to transfer
or reschedule the work of both or either party in cases where the Firm considers it would not be
reasonable for either of you to continue to work in close proximity to each other. Allegations of
discrimination that are not made in good faith will be considered as a disciplinary matter. Malicious
complaints of harassment can have a serious and detrimental effect upon a colleague and the efficiency of the business. As such an allegation made in bad faith will be deemed potential gross misconduct. We are sure that all employees appreciate that this must be so to protect the integrity of this policy.

The firm will also monitor the number and outcome of complaints of discrimination made by members of the firm, clients, barristers, and other third parties.

7 Monitoring

The policy will be monitored to and also reviewed at least annually to measure its progress and judge its effectiveness. In particular, the firm will, as appropriate, monitor and record:

a) The age, race, gender, disability, religion or belief, sexual orientation and disability composition of the workforce as well as at different levels of the organisation.
b) The age, race, gender, disability, religion or belief, sexual orientation and disability of all applicants, short-listed applicants and successful applicants for jobs and training contracts.
c) The age, race, gender, disability, religion or belief, sexual orientation and disability of all applicants for promotion and training opportunities and details of whether they were successful.
d) Where it is possible to do so, and where doing so will not cause offence or discomfort to those whom it is intended to protect, the age, race, gender, disability, religion or belief, sexual orientation and disability of members of the firm will be monitored so as to ensure that they are not being discriminated against in terms of the opportunities or benefits available to them.
e) The number and outcome of complaints of discrimination made by members of the firm, barristers, clients and other third parties.
f) Disciplinary action (if any) taken against employees by age, race, gender, disability, religion or belief, sexual orientation and disability.
g) Situations where permitted exceptions and justifiable discrimination has been applied.

The firm will monitor annually equal opportunities information about job applicants from different gender, disability and ethnic groups. The firm will store this data as confidential personal data and restrict access to this information. Equal opportunities information will be used for exclusively the purposes of equal opportunities monitoring and have no bearing on opportunities or benefits. If as a result of these reviews, under-representation in the above groups is identified then the firm will consider the taking of positive action such as consideration of specific training requirements and/or the amendment of this policy.

8 Training

It is a requirement of Lexcel and the SRA Code that all personnel are given training on compliance with equality and diversity requirements. The firm will identify equality and diversity training needs for all members of the firm and draw up a plan to address these as appropriate to individual responsibilities. The plan will include details of the nature of training that will be provided, who will be trained, when training will be provided and who is responsible in the firm for ensuring that training is delivered. Equality and diversity training needs will be monitored at annual appraisals and any needs will be identified on the individual’s Learning and Development Plan.
1 Overview

The firm is committed to providing a reliable, effective and expert service to all clients. This policy is achieved through the adoption of risk and quality management processes and procedures (‘the risk management system’) as contained in the QPM.

2 Definition

Risk is normally described as a function of impact and probability. For example, something that would be very costly if it occurs and is very likely to occur would be considered high risk. Risks can be seen as a threat to the success of a firm because they have a negative impact on cost and performance. However, with appropriate procedures, risks can be managed and in so doing, present new opportunities with a positive impact. It is as much concerned with good things not happening as bad things happening.

The objective of risk management is to identify, assess, reduce, accept and control risk in a systematic and proactive way, while at the same time taking into account the firm’s constraints (e.g. finance, resources, regulations etc.). To achieve this, risk needs to be captured effectively so that appropriate management attention can be directed to the essential issues. The best course of action for mitigating the risk can then be agreed. This approach underpins the key objective of risk management.

3 The Context for Risk Management

The need to avoid professional indemnity claims has become an essential part of a firm’s strategy and firms, as a result, have had to become more successful at managing risk. Risk in this context is defined as the potential for loss through inability to meet our business objectives. It is a fact that many claims arise as a result of poor administration and lack of supervision, as opposed to lack of knowledge of the law. Common problems include:

- Failure to comply with time limits (> 60% of personal injury claims)
- Communication problems with the client
- Lack of supervision
- Cases being handled at too low a level
- Delay, often caused by inexperience, stress or overwork
- Breach of undertakings

The introduction of the SRA Code of Conduct has added an additional stimulus to the concept of risk management in the legal profession. The SRA has emphasised the need for law firms to take a risk-based approach to compliance and managing their business so requiring them to identify and assess risk.

4 Risk Roles and Responsibilities

4.1 Overview

Accountability is fundamental to the success of a risk management strategy. The person with overall responsibility for the Risk Management Policy is the COLP (see QP01) who is responsible for keeping up-to-date with developments in risk management, amending this Policy as appropriate (particularly in the light of changes in the services provided by the firm) and communicating the Policy and relevant risk information to relevant members of the firm.

4.2 Operational risk responsibilities
The COLP/Risk Manager/Heads of Department/Supervisors is/are responsible for managing operational risks in the firm’s legal work. They will be responsible for identifying risk factors across the firm’s work areas and so facilitate the development of the Policy. They are also responsible for identifying appropriate actions to be taken when any unusual or high risk considerations are reported by fee earners and for mitigating the risks to the firm. They may decide to institute special supervisory/reporting/allocation arrangements over and above the requirements set out in this procedure in order to reduce operational risk exposure.

All staff are responsible for adhering to the requirements set out in this policy. The advent of Outcomes-Focused Regulation (OFR) has led to the creation of two further roles in the firm, both of whom play a key role in managing risks to the firm.

4.3 Compliance Officer for a Legal Practice (COLP)

The COLP must:

- Take all reasonable steps to ensure compliance with the terms and conditions of their firm's authorisation
- Take all reasonable steps to ensure compliance with any statutory obligations e.g. the duties imposed by the Legal Services Act 2007, the Solicitors Act 1974 and the Administration of Justice Act 1985
- Take all reasonable steps to record all failures to comply. Also to report any such failures to comply to the SRA as soon as reasonably practicable

It is important to note that compliance with the conditions of the licence includes compliance with all the SRA’s regulatory arrangements including those within the Handbook.

4.4 Compliance Officer for Finance and Administration (COFA)

The COFA must:

- Take all reasonable steps to ensure compliance with the SRA’s Accounts Rules
- Record all failures to comply. Also to report any such failures to comply to the SRA as soon as reasonably practicable

5 Types of Risk

For the purposes of constructing this Policy, risks have been categorised as follows:

5.1 Strategic Risks

Strategic risk is the current and prospective impact on a firm arising from adverse business decisions, improper implementation of decisions, or lack of responsiveness to changes in the profession or the market. This risk is a function of the compatibility of a firm’s strategic goals, the business strategies developed to achieve those goals, the resources deployed against these goals, and the quality of implementation. The resources needed to carry out business strategies are both tangible and intangible. They include communication channels, operating systems, delivery networks, and managerial capacities and capabilities.

5.2 Operational Risks

An operational risk is, as the name suggests, a risk arising from execution of a firm’s business functions. It is a very broad concept which focuses on the risks arising from the people, systems and processes through which a firm operates. It also includes other
categories such as fraud risks, legal risks, physical or environmental risks. Essentially, operational risk is the cost of making mistakes.

Operational risk is considered and recorded in all matters throughout the case. Before the matter is undertaken fee-earners must consider if a new client and/or matter should be accepted by the firm and, if it is to be accepted, whether any contingency plans or other arrangements need to be put into place. During the retainer the fee earner must consider any changes to the risk profile of the matter from the client's point of view. At the end of the matter the fee earner must undertake a concluding risk assessment by considering if the client's objectives have been achieved and if the client could fairly complain or make a claim for damages in relation to the service provided. The Heads of Department must be notified promptly by the fee earner of any unusual or high risk considerations via a RISK NOTICE system. The firm has procedures in place to analyse at least annually all risk assessment data generated within the firm. This is reviewed at the Annual Quality Review meeting (AQR) as set out in QP01. The aim of such analyses and reviews is to identify remedial action and reduce the future risk to the firm.

The Operational Risk Assessment Guide set out in Appendix 1 of this Policy sets out the key operational risk assessments that should be considered by fee earners when assessing risk. These encompass generic risks and any work-type specific risks that may have been identified. These risk profiles will be considered during the periodic reviews of this Policy. Heads of Department are responsible for ensuring that this information is communicated to all relevant members of the firm.

Heads of Department are responsible for reviewing all high risk matters and deciding whether the firm should accept these instructions and, if so, what precautionary steps in relation to responsibility, supervision, additional insurances and reviews should be imposed. Any contingency plans that need to be put in place should also be identified. If the matter exposes the firm to an excessive, unmanageable risk then the matter should be declined recording the justification on the RISK NOTICE and will write to the client confirming the reasons for termination of the retainer. Copies of RISK NOTICES along with a RISK NOTICE REGISTER are maintained centrally along with a copy placed prominently on the case file.

Where the client notifies the firm of their intention to make a claim or if an act or omission is discovered which might give rise to a claim, the firm's quality procedures provide that the fee earner must consider whether a conflict of interests has arisen or whether the client should be advised to obtain independent advice. The client must be notified in all instances where an adverse cost order has been made against the firm in connection with the client's matter.

In appropriate non-legal aid matters, the fee earner is required to discuss whether the potential outcomes of the client's matter are likely to justify the expense or risk involved, including any risk of having to pay someone else's legal fees; for the purposes of this procedure, this is referred to as the 'Costs/Benefits Test'. In legal aid matters, the 'Sufficient Benefit Test must be applied on all relevant cases.

Appendix 2 of this Policy sets out the areas in which the firm does not normally operate. The areas of work that the firm will and will not undertake will be kept under review and communicated to all relevant members of the firm when updates occur.

5.3 Regulatory Risks

Regulatory risks are those that a change in the law or regulations will materially impact on a business. A change in laws or regulations made by the government or a regulatory body can increase the costs of operating a business, threaten its viability and result in legal actions. The key laws and regulations that impact on the firm's risk policy are set out below. They will change on a regular basis and will be kept under review.
6 The Risk Register

A comprehensive evaluation of the key strategic, operational and regulatory risks impacting on its business is set out in the Risk Register. The document provides an integrated approach to the requirements of Lexcel and Outcomes-Focused Regulation (OFR). Given that the document necessarily contains an honest and thorough assessment of the various risks impinging on the firm, its content is sensitive and is not contained within this QPM. The Risk Register categorises each risk and assesses the likelihood and potential impact arising from each risk. The Risk Register also sets out the steps taken by the firm to mitigate, transfer, prevent or eliminate each risk.

Each risk is assigned an owner who is a senior member of the firm. The Risk Register will be kept under regular review by the COLP in conjunction with other senior members of the firm to ensure that it remains appropriate to the firm’s business.

7 The Compliance Plan

The Compliance Plan sets out comprehensively how the firm manages its compliance activities in particular its obligations under the Outcomes-Focused Regulation regime (OFR). The document's content is sensitive and is not contained within this QPM however key elements will be communicated to members of the firm through the various communications and meetings structures.
Appendix 1: Operational Risk Assessment Guide

Fee earners are required to assess the risk on all matters, in order to categorise matters as **Ordinary** or **High** risk.

### Generic Risk Factors

Generic risk factors will be applied on all matters. Cases that meet any of the following criteria are more likely to be regarded as **High** risk.

- Novel or unusual aspect of law involved
- A matter beyond the normal area of expertise
- Foreign jurisdiction involved
- Unusually high value of potential claim
- The client has transferred the matter to the firm following dissatisfaction with the advice or service provided by their previous advisers
- Former client who has failed to pay the firm’s bills

### Work Type Risk Factors

In addition to the generic factors above, fee earners should apply the risk factors below according to the work type associated with the matter. Cases that meet any of the following criteria are more likely to be regarded as **High** risk.

<table>
<thead>
<tr>
<th>Work area</th>
<th>Main causes of claims</th>
<th>High risk factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime</td>
<td>• Negligent advice on plea, venue, sentence</td>
<td>• Confiscation cases</td>
</tr>
<tr>
<td></td>
<td>• Tactical errors</td>
<td>• Client acting against professional advice</td>
</tr>
<tr>
<td></td>
<td>• Poor service</td>
<td>• Complex fraud</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Child abuse</td>
</tr>
<tr>
<td>Civil litigation</td>
<td>• Breach of time limits</td>
<td>• Imminent expiry of a time limit</td>
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<tr>
<td></td>
<td></td>
<td>• Multi-track valuation</td>
</tr>
<tr>
<td>Conveyancing</td>
<td>• Negligence in contract drafting</td>
<td>• Deposit paid by seller</td>
</tr>
<tr>
<td></td>
<td>• Breach of time limits</td>
<td>• Unknown/ suspect conveyancing solicitors</td>
</tr>
<tr>
<td></td>
<td>• SDLT requirements</td>
<td>• Acting for buyer and seller</td>
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<tr>
<td></td>
<td>• Joint ownership provisions</td>
<td>• Unusual instructions e.g. 3rd party, non-local client</td>
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<tr>
<td></td>
<td>• Appropriate searches</td>
<td>• Unusual urgency for transaction</td>
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<tr>
<td></td>
<td>• Mortgage fraud</td>
<td>• Unusual settlement requests</td>
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<tr>
<td></td>
<td></td>
<td>• Non high street lender</td>
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<tr>
<td></td>
<td></td>
<td>• Consideration &gt;£900K</td>
</tr>
<tr>
<td>Employment law</td>
<td>• Breach of time limits</td>
<td>• Imminent expiry of a time limit</td>
</tr>
<tr>
<td>Family law</td>
<td>• Discontent over settlement/order</td>
<td>• Assets outside jurisdiction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• High value assets (&gt;$1M)</td>
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<tr>
<td></td>
<td></td>
<td>• Complex assets</td>
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<tr>
<td></td>
<td></td>
<td>• Child abduction matters</td>
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<tr>
<td></td>
<td></td>
<td>• Bankruptcy</td>
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<tr>
<td></td>
<td></td>
<td>• Risk of party dissipating assets</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Client refusing to accept professional advice</td>
</tr>
<tr>
<td>Licensing law</td>
<td>• Procedural irregularities</td>
<td>• Imminent expiry of licence</td>
</tr>
<tr>
<td>Personal injury</td>
<td>Breach of time limits</td>
<td>Accident injury outside Jurisdiction</td>
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<td></td>
<td></td>
<td>Accident type not RTA, employer’s liability</td>
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<td></td>
<td></td>
<td>Catastrophic injury</td>
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<td></td>
<td></td>
<td>MIB claim</td>
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<td></td>
<td>Delay/Time limits</td>
<td>Unusual urgency for transaction</td>
</tr>
<tr>
<td></td>
<td>Incorrect distribution/misreading</td>
<td>Estate &gt;£1M</td>
</tr>
<tr>
<td></td>
<td>Missed legacies</td>
<td>Estate/domicile in foreign jurisdiction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Disputed estates</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unusual instructions/secrecy</td>
</tr>
<tr>
<td>Wills</td>
<td>Misunderstanding instructions</td>
<td>Undue influence</td>
</tr>
<tr>
<td></td>
<td>Delay</td>
<td>“Death-bed” wills</td>
</tr>
<tr>
<td></td>
<td>Clerical errors</td>
<td>Doubtful capacity</td>
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<tr>
<td></td>
<td></td>
<td>Sudden changes of mind</td>
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<tr>
<td></td>
<td></td>
<td>Instructions from 3rd parties</td>
</tr>
</tbody>
</table>
Appendix 2: Work areas not undertaken by firm

The firm has reviewed its work areas and will not undertake the following work. Should clients approach the firm then they should be signposted elsewhere in accordance with QP06 of the QPM.

- Agricultural law
- Community Care
- Commercial litigation
- Defamation
- EU law
- Financial services
- Foreign property conveyancing
- Scottish property conveyancing
- Debt and money advice
- Human Rights
- Immigration
- Mental health
- Military law
- Notarial
- Prison Law
- Public Law
- Social Welfare Law
1 Overview

The firm is concerned to ensure the safety of all its personnel (whether at the office or working elsewhere) and all visitors to the firm’s premises. The firm is required to inform you of its general policy to look after your health and safety while at work in its offices, and the organisation and arrangements for carrying it out.

The firm’s general policy is to make sure, so far as it is able, that everyone in the offices has a safe and comfortable environment in which to work. The firm is not aware of any unusual hazards to people’s health and safety and provided reasonable care and common sense is used in carrying out your work, there should be nothing more dangerous encountered here than you would encounter in your own home.

The firm has appointed a Health and Safety Officer (see QP01 of the QPM) who has responsibility for advising the Directors on health and safety issues and for monitoring standards and for carrying out the annual review of health and safety risks. Any staff concerns about possible health and safety issues should be immediately raised with the Health and Safety Officer.

2 Legislative background

The Health and Safety Officer will take all necessary steps to acquaint him/herself with relevant legislation and its development. There are many legislative provisions that potentially apply to the firm, but particular attention will need to be paid to:

- the Health and Safety at Work etc. Act 1974;
- the Management of Health and Safety at Work Regulations 1999, SI 1999/3242;

3 External advice

The Health and Safety Officer or others to whom he/she may have delegated responsibilities in this field may from time to time need to seek external expert advice on health and safety matters.

4 The role of personnel in health and safety issues

The law provides duties for employees as well as employers. It is the responsibility of employees to take care in relation to activities both in relation to themselves and in respect of their colleagues and others who might be affected by their actions. A prime source of assistance for the maintenance of proper working conditions is the help of all personnel throughout the firm. This may take any of the following forms:

- Personnel exercising their own judgement in taking suitable precautions to ensure not only their own health and safety, but also that of all those who may be affected by what they do, or leave undone.
- Participation in consultation exercises that may be arranged with regard to health and safety matters.
- Actively supporting the health and safety programme by complying with such procedures as may from time to time be laid down.
- Participating in such training as the firm may arrange.
- Reporting to the Health and Safety Officer any relevant concerns they may have.
- This list is not exhaustive
5 Risk assessments

The firm will take all such steps as are reasonably necessary to ensure proper working conditions for everybody. In order to enable that to be done, the Health and Safety Officer will undertake suitable and sufficient risk assessments, whether by him or by anyone to whom he/she delegates the task. The assessments will be conducted at least every twelve months. Any such assessor will need to be trained in the task, and have sufficient knowledge of both current health and safety legislation and standards, and the work processes operated by the firm. Assessments will be repeated as often as circumstances (including in particular any changes to the firm’s work, premises or equipment) may require. The Health and Safety Officer will retain records of all such assessments. A HEALTH AND SAFETY RISK ASSESSMENT form is used to facilitate the assessments.

The purpose of such assessments is to detect any potential problems before any damage or accidents occur, in order to identify any measures that can be taken to remove or reduce risk. While it is not intended to limit the scope of such assessments, they will at least cover the following matters, which are commonly recognised as potential risk areas within an office environment:

- Floors;
- Waste Disposal Facilities;
- Furniture;
- Electrical Equipment, Including:
  - Display Screen Equipment (DSE);
  - Printers;
  - Photocopiers;
- Lighting;
- Ventilation;
- Heating;
- Fire Precautions;
- Water and Sanitary Facilities.

When assessments are carried out the assessor should identify people who might be harmed by the hazard, including employees, other workers in the workplace and members of the public. Do not forget the cleaners, external maintenance Contractors, and other visitors. It is also necessary to identify groups of employees who may be particularly at risk, such as young or inexperienced employees, new and expectant mothers, out of hours activities, home workers, those who work alone and disabled staff.

All assessments will be reported on by or to the Health and Safety Officer. Such reports must include details of any problems discovered. It is then the responsibility of the Health and Safety Officer to:

- take such steps as may be needed immediately to ensure safety;
- undertake such consultations, e.g. with the assessor and personnel in the affected area, as may be appropriate to identify appropriate remedial measures;
- take such remedial steps, if that lies within [his/her] authority; or
- report the matter to the firm’s management, to agree what steps are to be taken, and then implement them;
- monitor subsequently the effectiveness of the steps taken.

6 Circulating information

The Health and Safety Officer will take all such steps as may be reasonably practical to inform all personnel of health and safety issues which may affect them, by any or all of the following methods:
7 First aid

The firm will at all times maintain an adequate number of suitably trained first aiders at its premises. Those first aiders will have been trained in accordance with the requirements of the Health and Safety Executive. The firm will consider providing such training, at its cost, to any personnel who may wish to volunteer for it, and they should contact the Health and Safety Officer to discuss this. The current representative(s) are set out below along with the locations of First Aid Boxes which should be kept replenished as and when needed.

<table>
<thead>
<tr>
<th>Gateshead Office</th>
<th>Low Fell Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Aider(s)</td>
<td>Heather Pilkington</td>
</tr>
<tr>
<td>Location(s) of First Aid Box</td>
<td>Kitchen area</td>
</tr>
</tbody>
</table>

8 Accident book

A book is kept by the Health and Safety Officer in which are recorded details of all accidents which happen to personnel, or members of the public (e.g. clients, visitors, contractors etc), whether on the firm’s premises or elsewhere when on the firm’s business. It is essential that details of such accidents are fully and properly reported. An ACCIDENT REPORT form is available for this purpose.

Immediate reporting by the quickest practicable means of fatalities, major injuries and dangerous occurrences (as defined by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) will be made by the firm to the Health and Safety Executive on Form F2508 or F2508A. The Health & Safety Officer will take responsibility for this. Accidents and incidents will be investigated by the Health & Safety Officer as soon as they occur, particularly those involving lost time at work, using the information on the accident report form and personal interviews with the injured party and witnesses. Suitable judgements are made from the investigation and recommendations implemented where necessary.

9 Central heating

Central heating systems are regularly checked and, if necessary, overhauled. If anyone has any reason to suppose that any system is not working properly they should inform the Health and Safety Officer or a Director immediately.

10 Working on Display Screen Equipment (DSE)

It is important that any user of DSE helps the firm to ensure their safe working conditions by taking adequate precautions to ensure that they are using the DSE in a safe manner. These include:

- making adjustments to their positioning so that they are comfortable when using the DSE and can look at it with their head in a natural and relaxed manner;
- taking short breaks from the DSE, to do other tasks, at least once an hour;
- avoiding eye strain or glare.

If any of the above proves difficult, the operator should contact the Health and Safety Officer. He/she will investigate whether the firm ought reasonably to make any adjustments and, if so, will arrange for them to be made. If any operator is concerned that the use of a DSE may be affecting
their eyesight then the firm will, at its expense, provide an eye test by a qualified optician of its choice.

A DSE WORKSTATION ASSESSMENT CHECKLIST is available to allow DSE users to evaluate their workstation setup.

11 Smoking

Smoking is not permitted anywhere on the firm’s premises and, since the law changed in July 2007, it is an offence to smoke anywhere within the offices. ‘No smoking’ signs are widely displayed. The policy applies to all personnel, clients and to visitors who should be asked politely not to smoke. To permit anyone to smoke while on the premises leaves the firm open to criminal prosecution.

12 Control of Substances Hazardous to Health (COSHH)

There is legislation covering COSHH. Fortunately, in an office environment there are relatively few substances that might be hazardous to health but there are some such as photocopier toner, typing-correction fluids and kitchen cleaning materials. Where appropriate, the firm has endeavoured to store the main supplies of these substances separately and safely.

13 Personal security arrangements

The firm is concerned to ensure the personal safety and security of all personnel, including clients and visitors, whether in the office or elsewhere on the firm’s business. All personnel should comply with such security precautions as the firm has provided, such as locking and access control arrangements, and burglar alarms.

The safety of personnel going to meetings out of the office is also a concern. If anyone is going to a meeting with someone they have not previously met, and they are not going to be accompanied, they should ensure that reception knows exactly where they are going, who they are meeting, and what time they are expected to return. If there is subsequently any change in those arrangements, they should inform one of their colleagues as soon as possible.

14 Security of premises and property

The firm’s premises are protected by a burglar alarm system. Details of the operation of this, and of the access control system, will be given to those who need to know about them. When leaving the premises, all personnel should check that all windows in their area are closed, and that all electrical equipment is switched off (unless notices indicate that particular machines should be left on). All personnel are responsible for the security of their own property. They should be aware that this might not be covered by the firm’s insurance.

15 Personal Possessions

All personnel are responsible for the security of their own property as the firm’s insurance policies may not cover the loss of personal possessions while at work. We therefore ask you to take every care of your personal possessions during office hours. Staff should ensure their valuables such as money handbags, wallets, purses, keys and mobile phones are not left unattended at any time and ideally kept out of sight. However, if you do suffer loss or damage to your personal possessions, please notify a Director immediately.

16 Eye Tests

The Firm will reimburse the cost of eye tests annually or more regularly if required by your optician for those employees who use a DSE regularly as part of their job. Employees should make an
appointment with their local Optician and reclaim the cost of the eye test via the expenses procedure. An Eye Test normally costs around £15.00.

In the event of an employee needing glasses specifically for use when working with DSE, the Firm will make a contribution towards the cost of the glasses. The firm requires a copy of the Optician’s prescription before any contributions can be made and this prescription must clearly state that the employee needs to wear glasses specifically for DSE use. The firm will not make a contribution towards anti-glare coating for glasses as this will not make a difference when working with DSE.

17 Medical Examinations

The Firm reserves the right to request you to attend a medical, at the Firm’s expense in the event of long-term ill health or injury. You may request a copy of the report. Your express authorisation is required before any information may be released about you to the Firm. Only information relevant to your ongoing absence will be requested. The report will be kept confidential with restricted access.

18 Manual Handling and Lifting

Incorrect handling of objects is a major cause of injury and can result in muscle strain, musculoskeletal injuries, and broken or fractured bones. You can prevent pain and injury by following a few simple steps:

- Plan the job. Make sure that your route is clear and that you can rest and unload safely.
- Check the object you are carrying for sharp/uneven edges. Decide how best to hold the object.
- Get a good grip and wear gloves with grip to protect your hands from sharp edges if necessary.
- Wear safety shoes where appropriate.
- Get help if the load is too heavy or awkward for you to lift easily.
- Always lift with your legs NOT your back. Assume a comfortable stance with your feet shoulder width apart and lift smoothly keeping the object close to the body.
- Minimise lifts above the shoulder and below the knee.
- Ensure you have good vision and can see where you are going
- Don’t twist your body. Move your feet to change direction
- When unloading bend your knees and keep your back straight
- Keep fingers and feet clear to avoid crushing incidents when putting objects down.

19 Safety Signs

Always look for and observe any safety signs in your place of work. Ensure that you understand what the sign means, do not cover or obstruct safety signs, use appropriate clothing or equipment where required and ensure that others observe the safety signs also.

20 Safe Working Practices

Always adopt a safe system of work:

- Only use equipment for the purpose for which it was designed or intended
- Don’t use equipment or chemicals unless you have been trained or instructed in how to use them
- Always follow manufacturer’s or supplier’s guidelines
- Never tamper with equipment, especially if it is not working. Refer or report the defect to the appropriate person.
- Do not rough handle equipment
- Never block fire exits or stairs
• Do not use fire extinguishers to prop open doors. Ensure that fire doors are closed.
• Keep your workspace tidy and clear and pick up litter

21 Stress

Stress is the adverse reaction people may have to excessive pressure. It is not a disease but if the stress goes on for some time it can lead to mental and physical health deterioration. Common symptoms of stress can include headaches, mood swings, poor sleeping habits, irritability, indecisiveness, absenteeism or reduced performance. If you feel that you are experiencing stress at work please contact a Director for further advice and support.

22 Electricity

Electricity can kill – you cannot see it, hear it or smell it so treat it with respect. Personnel must use common sense and caution when dealing with electrical equipment in the office as they would in their own homes. If anyone suspects that equipment, plugs or the supply may be faulty he/she must report it at once to the Health and Safety Officer.

Maintenance checks will be carried out periodically by external contractors under the supervision of the Health and Safety Officer. Always observe the following:

• No person should work on electrical systems unless appointed or appropriately skilled
• Check for defective cables, plugs or sockets before using equipment. Defective equipment must be taken out of service – do not carry out temporary repairs
• Do not overload electrical equipment
• Switch of or disconnect any equipment that sparks or stalls
• Wherever possible, avoid letting cables trail across floors. Cables can become damaged or create a trip hazard. Keep use of cables to a minimum and tape them to the floor with hazard tape (black/yellow stripe)
• Do not use lighting sockets to power portable tools
• Disconnect equipment when not in use but do not pull the cable to disconnect; pull the plug.
• Avoid kinking, twisting, binding or crushing cables
• Keep all electrical equipment clean and dry.
• Never touch plugs or sockets with wet hands.

23 Fire instructions

23.1 Immediate action to be taken

If you discover a fire:
• Raise the alarm
• Attempt to put the fire out if possible with the appliances provided but without taking personal risks

Once the alarm has been raised:
• Call the Fire Brigade immediately
• Evacuate the premises using the nearest exit or fire exit
• Do not stop to collect personal belongings.
• Assemble at the Assembly Point (see below)
• Do not re-enter the building until told it is safe to do so

23.2 Fire Equipment
The offices are fitted with fire alarm systems which are subject to periodic testing. Staff will be notified if other tests or maintenance are carried out on the alarm system. From time to time fire drills will be carried out and such drills will be pre-warned to staff.

Fire extinguishers are provided throughout the premises and extinguishers for use on electrical equipment are provided where required. A maintenance inspection of extinguishers is carried out annually.

There are signs throughout the premises showing the exit routes in the event of an alarm.

23.3 Assembly Points and Fire Wardens

Fire Wardens have the prime responsibility for ensuring that the premises are evacuated quickly and safely of staff and visitors and for carrying out a roll call of at the assembly point. The designated Fire Wardens and Assembly Points are set out below:

<table>
<thead>
<tr>
<th>Office</th>
<th>Assembly Point</th>
<th>Fire Warden(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gateshead</td>
<td>In the area in front of the building</td>
<td>Heather Pilkington</td>
</tr>
<tr>
<td>Low Fell</td>
<td>In the area in front of the building</td>
<td>Louise Johnson, Kevin Graham</td>
</tr>
</tbody>
</table>
1 Objective

As a firm we recognise that our success depends upon more than merely being good lawyers and that we hold a wider responsibility for all our activities to our employees, clients, service providers and the broader society in which we operate. Our philosophy is therefore to ensure that as full a contribution as possible is made to our social and local economic development whilst improving the quality of life of all our members of staff. The key components of our Corporate Social Responsibility Policy revolve around our Clients, our People, the Community and the Environment.

2 Our Clients

Our clients are at the core of our business and we constantly seek to improve the overall client experience when dealing with the firm in all capacities. Feedback is sought from clients on a regular basis. We review this and make changes if need be to ensure that clients are provided at all times with a professional, friendly and efficient service. We provide information to clients in electronic format whenever possible to minimise the impact on the environment.

We look to learn about our clients so we understand their individual needs and circumstances and, by doing this, we can provide them with a tailor-made service for all their legal requirements. Understanding their needs means listening to our clients and finding out about issues in their community and shaping our services accordingly.

3 Our People

The firm values diversity in the workplace and expects and promotes mutual respect and understanding between people with different personal situations or backgrounds. We believe in caring for our employees and are committed to delivering a competitive and fair employment environment and the opportunity to advance. We believe continued learning is important for all our employees, and we strive to ensure that everyone in our organisation has ready access to development opportunities at all times.

We are fully committed to creating a culture of equal opportunity, fairness, inclusivity and respect for all. To these ends, our policy objectives are to:

- Value the differences in people
- Seek to build a workforce that reflects the communities in which we live and work so that we are best able to meet the needs of our clients
- Strive to ensure that we recruit on ability and potential to do the job alone
- Promote professional and personal growth to ensure that the talents of all our employees are fully utilised
- Aim to provide our employees with a supportive working environment that encourages dignity, mutual trust and respect and is free from discrimination and harassment
- Aspire to be an employer of choice that has a reputation for fairness, integrity and innovation in order to recruit and retain the most talented people whatever their background and to attract and retain clients

4 The Community

The firm is dedicated to being a responsible contributing member of the community, seeking to build strong relationships with the local community and act as a good neighbour.

The firm is proud of the contribution made by employees to community and social responsibility programmes and aims to encourage and facilitate the growth and development of projects by the
firm. The success of the policy is dependent on the contribution made by individuals and all employees throughout the firm are encouraged to consider how they can participate. Our policy outlines our support for a broad range of activities. Participation is both by individuals and as a firm and includes:

- Providing pro bono or low-cost legal advice to charities and not for profit businesses
- Wherever possible, using local businesses to provide services such as catering, cleaning, supplies, etc.
- Supporting initiatives aimed at assisting businesses in the local community
- Volunteering in community projects
- Supporting and sponsoring community work by employees
- Charitable donations
- Encouraging its employees to contribute to the local community by joining committees, trusts and boards.

5 The Environment

We recognise that our business practices have environmental effects, both directly and indirectly and, as such, we are committed to improving our environmental performance. Our goal is to be not only conscious of, but also responsible in the way we deal with our environmental impact. The firm will be guided by the following objectives:

- to comply with all relevant environmental legislation
- to consider the environmental impacts of the materials we purchase at all stages of their life cycle and to adopt a sustainable procurement policy
- to reduce the environmental impacts of our transport use through adoption of a ‘green’ transport philosophies, reducing unnecessary car journeys and promoting the use of cycling and public transport
- reducing the volume of paper and plastic waste we produce and maximising its reuse and recycling through proactive waste management
- saving energy by encouraging staff to be aware of their impact on the environment, and through intelligent use of IT
- implementing a “switch off” policy and actively encouraging members of staff to switch off all electrical equipment at the end of the working day.
Introduction

The SRA Code of Conduct requires that the service firms provide to clients must be competent, delivered in a timely manner and takes account of the clients’ needs and circumstances. The firm is committed to providing a good service to all clients. The firm’s services should be recognised as being expert, accurate and appropriate. The firm strives to ensure that its advice is cost effective and communicated in a manner that is appropriate for each client. The firm is also committed to providing a truly professional service, meaning that all personnel must act with integrity in all their dealings with clients. This is in part achieved by ensuring that everyone complies with the provisions of the SRA Code. All personnel should at all times consider the need to perform to the ‘four Cs’, namely:

- Competence
- Confidentiality
- Commitment
- Courtesy

Competence

The firm will accept instructions only where it can meet its commitment to the provision of an expert and professional service to clients. Where instructions would be beyond the expertise or the capabilities of the firm they will be declined. The firm has in place a Risk Management Policy (Annex C) which sets out work that the firm will and will not undertake along with the processes for risk assessing all matters. In any cases of doubt as to the ability of the firm to act appropriately for the client, the appropriate person set out in the Policy should be consulted. In addition, the firm will only accept instructions where it has sufficient resources to deal with the matter. If the firm cannot provide the necessary resources to deliver a quality service to the client then the matter should be declined. In delivering services, the SRA Code requires that services are provided to clients in a manner which protects their interests in their matter, subject to the proper administration of justice.

Confidentiality

The SRA Code states that “you keep the affairs of clients confidential unless disclosure is required or permitted by law or the client consents”. This means that nobody may reveal to any outsider the nature of instructions provided or advice given to any client, other than in the pursuit of the client’s instructions. In most circumstances it will also be inappropriate to reveal that the firm is in receipt of instructions from any named client. This is particularly the case in litigation, especially crime or divorce. If you are aware that friends or other people that you know are instructing the firm it may be tempting to reveal this information to others; do not do so. If you are ever in doubt as to whether you should reveal whether the firm acts for a given client, or give out his, her or its address, check with a Director or Head of Department. Breaches of confidentiality could cause considerable problems for the firm and will usually be treated as a serious disciplinary offence.

It is easy to fall foul of this important duty by thoughtless conversations and quick meetings in the reception area. Please keep any discussions of client business in the reception area to a minimum and, wherever possible, take clients into a meeting room when they come in to sign a document or bring in papers that need to be explained or discussed. What should be a short visit can easily change if the client asks questions and they should be entitled to do so out of the earshot of other clients or visitors.

Fee earners are under a duty to disclose to the client all information material to the client’s matter of which they are personally aware, except when:
• the client gives specific informed consent to non-disclosure or a different standard of disclosure arises;
• there is evidence that serious physical or mental injury will be caused to a person(s) if the information is disclosed to the client;
• legal restrictions effectively prohibit you from passing the information to the client, such as the provisions in the money-launhering and anti-terrorism legislation;
• it is obvious that privileged documents have been mistakenly disclosed to you;
• you come into possession of information relating to state security or intelligence matters to which the Official Secrets Act 1989 applies;

4 Commitment

Clients seek legal advice for a variety of reasons, but many approach a solicitor when they are vulnerable and in turmoil, whether in their personal lives or in their business activities. Clients are entitled to expect a genuine commitment from all personnel in handling their instructions, and for the firm to attach appropriate priority to their requirements.

5 Courtesy

All clients are entitled to be dealt with in a respectful and courteous manner. This will have many implications, from not keeping clients waiting in the reception area without explanation, to showing them the way to and from meeting rooms, to returning telephone calls and e-mails as a priority, and generally taking an interest in them and their problems. All personnel should show a genuine concern for the firm’s clients by doing their best to help them.

6 Responsiveness

A lack of responsiveness to clients’ communications is a common source of complaints. Staff should endeavour to respond in a timely matter to any correspondence, telephone calls, emails or other forms of communication received from the client and other parties. This will lead to greater client satisfaction. If a substantive response is not feasible within a reasonable time then let the client know. In the event of a change occurring in the fee earner responsible for the client’s case, the client should be informed promptly in writing of the name and status of the fee earner.

7 Dress and demeanour

It is important that the firm should at all times project a sense of professionalism in its dealings with clients. First impressions gained by clients do matter. All personnel should dress in a manner that is appropriate for a professional practice, and guidance can be sought from the Directors. Please also try to conduct yourself in a way that will reassure clients. This can be achieved by appropriate behaviour around the office and a smile or a ‘good morning’ or ‘good afternoon’ to those clients you encounter in the office. Please try to be as helpful as possible to all clients of the firm – not just those that you happen to be dealing with.

8 Fee earner responsibilities

The firm is more likely to project an organised and professional image if fee earners take responsibility to:

• Advise reception of all appointments;
• Make a reservation as soon as possible when meeting rooms are required;
• Ensure that clients are not kept waiting;
• Inform their secretary (if any) of their whereabouts in the building;
• Ensure that reception and their secretary (if any) are informed if they leave the firm’s premises other than at lunchtime, telling them when they are leaving and their expected time of return.
9 Receptionists’ responsibilities

The reception area is the firm’s ‘shop window’ and is critical to the first impression that visitors will gain of the firm. The receptionists should take responsibility to ensure that:

- The reception area is clean and tidy;
- Any newspapers and magazines are up to date and are neatly arranged;
- The firm’s publicity material is made available to clients and is kept in presentable condition, and that any floral displays are kept fresh.

If there is a delay of more than 10 minutes before the lawyer/staff member arrives, the receptionist should endeavour to:

- Keep clients informed of the reasons;
- Provide clients with suitable refreshments, coffee, tea, biscuits, etc;
- Offer an apology and explanation after 20 minutes’ delay and suggest a different appointment time, or organise the fee earner’s secretary to do so.

10 Client enquiries

Client enquiries about possible services are received:

- By telephone to the office;
- By telephone directly to an individual known to the client, potential client or referrer;
- By letter, fax or e-mail;
- By callers to the office.

It is essential that all enquiries as to whether the firm could or would be willing to act should be dealt with as quickly, efficiently and courteously as possible. Even if declining to act on this occasion, the firm has the opportunity to make a favourable impression for the next. For procedures on general telephone enquiries and callers into the Reception Area see Appendix 1 of this Policy.

11 Referring of clients

It is the firm’s policy to ensure that all staff with responsibility for client matters are adequately trained to identify a client’s potential need for advice and services not provided by the firm and, if necessary, promptly signposting or referring the client elsewhere. Even if the firm is no longer acting for the client, an effective and prompt referral can ensure that the client returns for future matters.

It is vital that whenever anyone in the firm recommends that a client uses a particular person or business, that recommendation is in the best interests of the client and does not compromise the firm’s independence. This is an SRA Code requirement and should never be compromised. Clients should also be put in a position to make informed decisions about how to pursue their matter. If there is any financial or other interest which the firm has in referring the client to another person or business, the client must be fully informed of this. The firm has comprehensive procedures for signposting and referral of clients in QP06 which must be adhered to by fee earners and staff.

12 Reasonable adjustments

In accordance with the Equality and Diversity Policy (Annex B), the firm is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled clients. Whilst we will consider each request for reasonable adjustments individually, there are some common adjustments which we will offer as a matter of course and some other adjustments that we can make particular arrangements to provide. The adjustments will always be agreed with the
person concerned to avoid making incorrect assumptions about a person's needs. Some examples of the simple reasonable adjustments that the firm can make may include:

- Arrangements for meetings to take place at a client's home or alternative venues;
- Provision of information in electronic form and/or in large print;
- Allowing a client who has a learning disability or mental health problems more time than would usually be allowed;
- Using email or the telephone in preference to hard copy letters where appropriate, which may assist those with a vision impairment

We will use our best efforts to agree in advance with the individual in question the reasonable adjustments that we are able to make and provide reasons when it may not be possible. In no circumstances will the firm pass on the cost of a reasonable adjustment to the disabled client.
Appendix 1: Handling of Client Enquiries

For a potential new client, the enquiry for an initial appointment will normally be made by telephone or through visiting the reception in person. If the enquiry is by telephone, the first impression the client gains of the firm is by the manner in which the call is answered. Invariably the name of the firm should be clearly given ‘Good morning, Bloggs & Co Solicitors’. If the call is taken by anyone other than the Receptionist, it is good practice to give a name. The tone should be friendly, interested and professional. The aim should be to answer calls within three rings wherever possible.

The Receptionist will need to ascertain what the client enquiry is about and then transfer the call to the appropriate department where the enquiry can be dealt with more fully. If at all possible an appointment should be agreed then. The objective is to show the client that something is being done without delay and in a professional manner, and to secure a new client matter. Normally Conveyancing calls will be directed to Low Fell office.

When the caller requires to speak to someone who is not on the firm’s premises the caller will be told that the person is ‘out of the office’ or ‘at court/meeting’. It is important that the client is not given the impression that someone else’s business is more important than theirs. The Receptionist should indicate when the person is expected back before being asked if the caller would wish to leave a message with the relevant secretary.

Secretaries should notify clients of the expected return time of the fee earner. This:

• gives a client a time when (s)he will call back;
• prevents the client from calling again before the stated times;
• gives a business-like and efficient impression to the client.

If a new client has called in person to reception, then similarly the Receptionist is to ascertain what the client wants and then pass the enquiry to the relevant department for processing. All personnel should avoid a conversation about possible services occurring in the reception area.

Parking

Nearby parking, both on- and off-street is available at both offices. The offices are also on major bus routes and the Gateshead office is located close to the Metro Interchange.

Interview rooms

There is a Conference Room and two other Interview Rooms available at Gateshead office. At Low Fell, clients are normally attended on in the Director’s office.

Appointment notification to receptionist

All appointments in the office are accessible by the receptionist via the computer diary. It creates a good impression if it can be seen that a client is expected.

Fax

Although e-mail correspondence has to a large extent reduced the volume messages by fax, it still remains an important means of communication with the firm’s clients and professional contacts. While there is no restriction on using fax for transmitting correspondence or documents, the facility should be used with common sense and not just because it is available. The general rules are:
• If there is no urgency to get the document to the addressee on the same day, use the DX or normal mail, first or second class.
• Unless essential do not follow up a fax transmission by sending the original copy by mail.
• For outgoing messages, the standard fax transmission sheet is to be used. This is stored as a standard precedent document.
• Secretaries are responsible for sending their own fax messages including the re-transmission of messages that have become corrupted.

Email

Email enquiries via the website are received by the Client Care Director (see QP01) and redirected to relevant departments as appropriate.

Conveyancing Quotations

Requests for conveyancing quotations may be made via the telephone, email or in person. All enquiries are redirected to designated support staff who will respond immediately with a quotation. The response will be via email, telephone or written quotation according to client preference.
1 Purpose and objectives

The purpose of this Business Continuity Plan (BCP) is to prepare the firm in the event of a disaster caused by factors beyond our control (e.g., natural disasters, man-made events) and to restore services to the widest extent possible in a minimum time frame. The plan identifies vulnerabilities and recommends necessary measures to prevent extended service disruptions. The objectives of the Plan are to:

- To define and prioritise the critical functions of the business
- Analyse and respond to the risks to the organisation
- Provide a detailed prioritised and timetabled response to an emergency situation
- Identify the key roles, responsibilities and contacts to respond to an emergency

2 The need for a Business Continuity Plan

The following facts should be considered:

- 80% of businesses suffering a major incident close within 18 months if they have no BCP
- 90% of businesses that lose their data in an emergency close within two years
- 58% of UK organisations were disrupted by events on 9/11. One in eight was seriously affected
- 94% of organisations which now invoke plans in response to an incident agreed that planning had effectively reduced the disruption experienced.

3 Definitions

A ‘disaster’ is defined as any loss of utility service (power, water), connectivity (system sites), or catastrophic event (weather, natural disaster, vandalism) that causes an interruption in the service provided by the firm.
4 Responsibilities

4.1 Business Continuity Manager (BCM)

The key towards having a successful plan is to be able to organise an effective team, and communicate, in order that key personnel are involved at the right levels to deal with any crisis. The Business Continuity Manager will be responsible for the overall coordination of continuity plans and will serve as the company spokesperson in an emergency. In the event of their absence, the Deputy BCM will assume responsibility.

4.2 Business Continuity Team (BCT)

The Business Continuity Team (see below) is responsible for assessing and coordinating the recovery operations in the event of a disaster. The team comprises of the key decision makers within the firm. The Business Continuity Manager may also elect to co-opt external contacts onto the Team such as trades people and insurers. They will be responsible for authorising any variations to the continuity plan. The team membership is as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Weidner</td>
<td>Overall responsibility for the Business Continuity Plan as Business Continuity Manager (BCM)</td>
</tr>
<tr>
<td>Chris Kyle</td>
<td>Support the implementation of the Plan.</td>
</tr>
<tr>
<td></td>
<td>Act as Deputy BCM in the absence of the BCM</td>
</tr>
<tr>
<td>Heather Pilkington</td>
<td>Support the implementation of the Plan.</td>
</tr>
</tbody>
</table>

Contact details for the Business Continuity Team will be maintained off-site by the Business Continuity Manager.

5 Premises Disruptions

As a two-office firm, a significant degree of resilience is present in order to protect the firm in the event of a premises disruption such as fire. In addition, the Directors enjoy good relations with other nearby firms particularly Tait Farrier Graham and would be confident about receiving support in an emergency.

Gateshead Office

Should the firm's head office suffer a severe disruption then the firm would need to seek emergency accommodation in the locality. Given the impact of the recession, there is a plentiful supply of suitable property in Gateshead which could be acquired rapidly. The firm would contact local property agents to identify suitable property. The key to recovery would be the operational status of the file server which also supports Low Fell Office.

The Low Fell office would serve as an emergency contact and recovery centre. Telephones would be redirected to this office and key staff would be redeployed to Low Fell to manage the recovery.

Low Fell Office

As a small branch office, the disrupted staff could be readily redeployed at Gateshead Office subject to the procurement of additional PCs.

6 Business Interruption Risks and Risk Reduction
The main interruption risks to the firm may include one or a combination of the following. Alongside each is set out our assessment of the risk of such a threat emerging.

<table>
<thead>
<tr>
<th>Threat</th>
<th>Risk Assessment (H / M / L)</th>
<th>Comments on risk reduction measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire</td>
<td>L</td>
<td>Not located near high risk premises. Protection measures in place</td>
</tr>
<tr>
<td>Flood</td>
<td>L</td>
<td>Not on flood plain</td>
</tr>
<tr>
<td>Power cut or other utilities outage</td>
<td>L</td>
<td>No abnormal risk factors</td>
</tr>
<tr>
<td>Loss of telecoms</td>
<td>L</td>
<td>No abnormal risk factors</td>
</tr>
<tr>
<td>IT systems failure</td>
<td>L</td>
<td>IT support availability under contract of service. Data backup in place.</td>
</tr>
<tr>
<td>No or restricted access to premises</td>
<td>L</td>
<td>No abnormal risk factors</td>
</tr>
<tr>
<td>Significant data loss</td>
<td>L</td>
<td>Data backup in place</td>
</tr>
<tr>
<td>Loss of key staff</td>
<td>M</td>
<td>There is overlap in all areas</td>
</tr>
<tr>
<td>Significant negligence claim</td>
<td>M</td>
<td>Firm operates in many low risk work areas. All higher risk services are</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Director-led.</td>
</tr>
<tr>
<td>Supplier problems</td>
<td>L</td>
<td>Not reliant on suppliers</td>
</tr>
<tr>
<td>Loss of key clients</td>
<td>L</td>
<td>No key clients</td>
</tr>
<tr>
<td>Failure to secure insurances</td>
<td>M</td>
<td>Firm operates in many low risk work areas. All higher risk services are</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Director-led.</td>
</tr>
<tr>
<td>Legal, regulatory or other business</td>
<td>M</td>
<td>Risk arising from dependence on legal aid</td>
</tr>
<tr>
<td>change</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Damage to image/reputation</td>
<td>L</td>
<td>No abnormal risk factors</td>
</tr>
</tbody>
</table>

In addition to the above, a comprehensive evaluation of the strategic operational and regulatory risks to the firm, including those risks that could disrupt the business, is set out in the firm's Risk Management Policy (Annex C) and associated Risk Register setting out how the firm categorises the various risks and the steps it has taken to mitigate, transfer or eliminate the risks.

7 Critical Business Processes

The critical business processes which could be affected in the event of an incident are set out below along with the key aim of the recovery actions.

<table>
<thead>
<tr>
<th>Process</th>
<th>Responsibility</th>
<th>Action Plan for recovery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintain Court and Police Station</td>
<td>Business Continuity Manager</td>
<td>• Recover backup diaries from data backup</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Access court lists via internet and court and/or other side</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Notify Courts of any temporary change of address.</td>
</tr>
<tr>
<td>Station representation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintain matter progress e.g:</td>
<td>Business Continuity Manager</td>
<td>• Recover backup diaries from data backup</td>
</tr>
<tr>
<td>• Maintain client contact</td>
<td></td>
<td>• Attempt to reconstitute files by printing</td>
</tr>
<tr>
<td>• Progress urgent cases</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8 Invoking the Business Continuity Plan

The normal threshold for invoking the Plan will be as follows:

i) An interruption or event which will disrupt:
   a. 100% of the business operations for more than 24 hrs
   b. 50% of the business operations for more than 48 hrs
   c. Between 10-50% of the business operations for more than 72 hrs

ii) Any occurrence which is considered by the Directors to be significantly serious to require specific consideration and treatment. This includes both business and reputational issues.

If any member of staff becomes aware of an event or occurrence that could disrupt the business as outlined above, they should report it to a Director. The first attempted contact should be to the Business Continuity Manager. Notification should be made as soon as possible and pursued actively until contact is established. Do not hesitate to make contact out of hours, on holiday or in any other circumstances.

The decision to declare a disaster will be determined by the Business Continuity Manager who will take immediate steps to notify the Emergency Response Team. The Plan will remain in effect until operations are resumed at the original location, or a replacement location and control is returned to the appropriate functional management.

9 Discharging the Business Continuity Plan

The Plan is designed to restore the business to the best possible state of activity and financial position after a disruption. The larger the disruption, the longer the period during which the firm will continue to implement the Plan. In most circumstances, the Plan will cease when:

- The business is restored with 95% of its operational capacity
- As and when decided to do so by the Directors

11 Staff

Health, Safety and Protection of Staff

The health, safety and support of staff are the first priorities during and following any event that leads to use of this plan. Staff should be evacuated safely from any damaged or unsafe buildings. If the building is inaccessible for any length of time, staff should be encouraged to return home and where feasible, transportation should be provided.
All steps should be taken to protect staff. Should injuries or, in extreme circumstances, loss of life occur, this should be handled by the most senior person available who should undertake close family liaison and provide support, assistance and care.

Communication with Staff
Staff should be issued with emergency information verbally or if possible, in writing, within 24 hours of a major disruption. In addition to assist us in reaching staff in an emergency or thereafter, a schedule of staff contact details is kept off-site by the Business Continuity Manager. It is the responsibility of the Business Continuity Manager to maintain the accuracy of contact details.

We should attempt to meet with all staff as soon as possible after a disruptive event, to reassure and to outline the recovery and continuity plans for the firm. Where possible, staff should be asked to contribute to the preparation and implementation of any recovery and continuity strategy. A process of staff liaison should be continued throughout the business recovery process. Staff working in the midst of the recovery will have excellent feedback to assist the firms’ decisions and, if they feel valued, are more likely to commit to work hard to recover the business.

A system of regular communication with staff will be established to ensure everybody is fully updated with developments as frequently as feasible, but for long periods of staff downtime after a major disruption twice weekly communication should be the minimum.

Reorganisation and Relocation of Staff
An early assessment of the relocation and reorganisation needs for the staff base should be urgently undertaken. An appropriate ‘draft’ strategy should be determined to discuss with staff within 72 hours of any disruption. Staff should be consulted individually to discuss the recovery and continuity strategy and their role within it. Any relocation or re-assignment of staff should only be undertaken with staff member commitment and proper recompense for additional time or cost incurred by each staff member.

Key staff essential to the recovery should be identified. This may be dependent on the nature of the disruptive event. This may be driven by factors such as technical skill, client relationships and management capabilities.

Key staff should be provided with the necessary resources and assistance to work as effectively as possible and support the business recovery. The firm should proactively consider the need to bring in additional temporary staff to assist where the volume of work (especially during the recovery phase) would outstretch permanent resources.

The reorganisation, relocation and reassignment of staff, undertaken in emergency circumstances, may highlight certain operational efficiencies, such as roles no longer required or new ways of working more efficiently. The firm should take full advantage of these business efficiency savings, and work with staff to implement the necessary changes.

Handling External Enquiries
All staff should be informed of what comments to make when questioned by external parties about the disruptive event. These external questions will come from a variety of sources including suppliers, clients and the media. Unless this is specifically not possible, staff should be instructed to issue simple, positive comments about the implementation of the Business Continuity Plan and how the company is working hard to restore normal operations.

Staff Remuneration, Recompense and Reward
Staff payroll payments will be made on schedule through normal (e.g. BACS) payments or via an alternative payment method (e.g. online bank transfer). The firm will consider, approve and budget for the additional staff payments for such as overtime, staff bonuses or otherwise as required to maintain staff loyalty and to expedite the business recovery.

Upon full business recovery the firm should ensure staff are fully informed of the return to normal operations and issue thanks and congratulations for their support and effort. Staff should be
properly recompensed for additional effort and material work over and above normal contractual duties.

12 Management And Strategy

Should the firm need to relocate to an alternate venue, it should be secured immediately and the first meeting held within 24 hours of the event. If a return to the original premises is unlikely (e.g. due to severe flood or fire damage), the alternative venue should be booked for a reasonable period (e.g. 1 to 3 months ahead). It is vital that all the information and equipment requirements are made available immediately. The COFA holds ultimate responsibility to ensure the firm is promptly and adequately resourced.

Structure and Meeting Management

A standard meeting agenda should be adopted to which additional points can be added as required. Minutes should be taken for all meetings, with clearly documented decisions, actual points, personal responsibilities and dates for implementation. It is vital that staff and all necessary external parties are informed of relevant decisions taken. A regular meeting schedule should be established, which will involve daily meetings during and immediately after the event, falling to weekly meetings thereafter. The Business Continuity Team will form the core recovery team, however, after an early and ongoing review of resource requirements, additional staff members and Directors may be co-opted (including those from external agencies) where specialist skills are required.

Impact Assessment and Operational Direction

A full impact assessment should be conducted at the earliest opportunity to determine the areas of the business affected and the recovery measures necessary. Inevitably this information will flow in on a piecemeal basis, but care should be taken devoting resources to specific recovery measures, until the broader impact assessment reveals the most expeditious and economic route to recovery.

13 Finance and Working Capital

Maintenance of working capital is critical. We must prepare and examine an analysis of the working capital position at each meeting. The first analysis should be available within 48 hours of the disruptive event. This analysis should be continuously updated to enable the Directors to take decisions based on the underlying working capital position at least weekly.

We should identify all areas where additional working capital support could be achieved. This may include improving credit control, creditor payment delays, active pursuit of insurance monies, seeking additional temporary bank facilities and agreeing deferral of bank loan repayments. In all cases the impact on the external relationships with clients, creditors and banks should be considered and preferable discussions held with each to explain the approach being taken.

Ensure credit control activities are restored very quickly after a disruptive event to maintain the link with debtors and ensure that outstanding debts are collected as soon as possible to assist with management of cash flow. The COFA should manage liaison with all finance providers to discuss the consequences of the impact, including the short and medium term financial impact. This should be done within 3 days of an event and should cover, at the earliest opportunity, areas where additional funding may be required.

Insurance Claim Management

The insurance brokers or insurer should be notified as soon as possible. Following notification it is important to establish relationships with insurers and their representatives. The broker may be able to help in the liaison process. For larger claims insurers are likely to appoint loss adjusters who will work with policyholders to recover the business and quantify the financial loss covered under the policy. A closer relationship between the firm and the loss adjuster/insurer will allow easier agreement on key decisions and faster payment of insurance monies to support working capital.
Refer carefully to the insurance policy to determine the extent of coverage and applicable terms and conditions (if the policy was destroyed the insurance company or broker can supply a copy). Ensure all physical damage to buildings, equipment, fixtures and stock is properly recorded. Equally ensure that all elements of disruption to normal business are properly documented to provide evidence in support of a business interruption claim.

If considered necessary Loss Assessors can be appointed to support the business recovery and claim preparation and negotiation, which can be useful if the BCP event necessitates all management focus on business recovery. Alternatively, the insurance broker may be able to help with this. Copies of insurance policies and file should be kept outside the office. Incident related expenditure should be extracted and posted to separate nominal ledger accounts. Ideally this should be under a general insurance heading with sub accounts for buildings, plant and equipment, leasehold improvements, stock, increased costs of working (e.g. alternative premises costs) and other sundry costs.

It is noted that during the recovery phase it may be necessary to pay premium prices to get the right support at short notice. This is entirely normal and often the additional costs can be recovered from insurers, if covered by the policy and properly documented (e.g. premium short term, short notice building lease costs). We will need to support each additional expenditure and normal budget spend levels may need to be set aside in the short term whilst recovery activities proceed.

Maintenance of Financial Control
Post-incident financial controls must be maintained. Where all financial systems are interrupted, a temporary electronic or manual system should be implemented. As soon as practical, post-incident normal accounting systems should be re-established with full financial controls. Where a temporary system has been utilised this should be re-integrated into the main system as soon as possible.

14 Premises And Equipment

Damage Assessment
Following damage to or destruction of premises we should provide an initial summary of damage within 24 hours of the event and a detailed analysis ASAP thereafter but not more than 72 hours after the event.

Reorganisation and Relocation Requirements
For lost working space we should produce an initial assessment of relocation and reorganisation requirements. An initial assessment should be supplied within 24 hours of the event and a detailed analysis within 7 days. Where agreed, acquisition of replacement (temporary) premises should be undertaken ASAP. We must commit to the acquisition of alternative premises urgently, on the basis of information supplied. This commitment should be based on sound information about space requirements although in areas where limited spare property is available the decision should necessarily be made more quickly.

The selection of alternative premises must be made on the basis of the operational requirements of the business (e.g. power, gas, water, waste disposal, environmental concerns, operating hours, local authority approval etc) and the need for expeditious transfer of activities. Consideration should also be given to the disruption to staff, including compensation for additional travel costs and, where necessary, additional transportation to work.

Equipment restoration
For damaged equipment where salvage might be achievable, disaster recovery experts should be engaged. No equipment should be moved, adjusted or utilised until checked for damage by the experts. For electronic equipment affected by water damage, no equipment should be turned on until checked by the experts.

A schedule of damage and destroyed equipment should be drawn together from the full equipment listings. The initial schedule should be prepared within 24 hours and a detailed list within 7 days. This should include consideration of working models and other similar assets used in the course of
business operations. Orders for replacement equipment should be placed urgently, where equipment is essential to the clients work or future work. Where the loss of equipment will disrupt operations, we should consider outsourcing typing to other organisations (if there are any) or to providers.

Securing the Original Premises
If the event has weakened security (e.g. fire damage to doors or windows) ensure sources of additional security (especially for overnight and weekends) are provided. If the disruptive event has caused the building or the equipment to be exposed to the effects of the weather ensure temporary protection is provided. This generally includes plastic sheet to the roof, with building related suppliers.

Files
A full review of files should be undertaken where not destroyed. As with premises and equipment an initial report should be supplied within 24 hours and a detailed report within 7 days. Should temporary facilities be required for storage of damaged items awaiting inspection and recovery, this should be obtained urgently.

Returning to Reinstated Premises
Planning will need to be undertaken for the return to reinstated premises and the transfer of people, equipment and information thereto. This will avoid additional disruption during a critical recovery period.

15 IT and Communications
Following a material IT disruption, a meeting should be scheduled urgently. A target for complete restoration of IT capabilities should be set urgently after a disruptive event. Where normal operational procedures depend upon IT capability, establishment of manual procedures may be required. This should be set up enabling paper business records to be collated, together with a manageable switch back to computer based systems once restoration is effected.

Should back-up data be required, this should be instigated urgently by the Practice Manager where recent active data is essential, but care should be taken when incurring recovery costs for old data that may not be required and the recovery of which may slow the recovery process down.

16 Suppliers
Regular contact should be maintained with suppliers at all times during the business recovery process.

17 Clients
Regular contact should be maintained with clients at all times during the business recovery process. This could be via ad hoc liaison, by the production of a newsletter/standard letter informing them of developments and/or via website updates.

18 Emergency Response Checklist
The EMERGENCY RESPONSE CHECKLIST set out at Appendix 1 of this Policy is intended to guide the Business Continuity Team throughout a disaster. It should be adapted depending on the precise circumstances of the disaster. All tasks will not always be needed depending on the type and gravity of the emergency. It is the responsibility of the Business Continuity Manager to ensure the checklist is maintained.

19 Actions and Expenses Log
The ACTIONS AND EXPENSES LOG set out at Appendix 2 of this Policy represents best practice in business continuity planning. The Log should be maintained by the Business Continuity Manager
and used to record decisions, actions and expenses incurred in the recovery process. This will provide information for the post-recovery debriefing and help to provide important evidence of costs incurred for any claim under an insurance policy.

20 Key Suppliers

The Business Continuity Team will have to establish and maintain contact with several key contacts throughout any disaster scenario including the firm’s suppliers of goods and services, utilities providers and other important contacts. It is the responsibility of the Business Continuity Manager to maintain the accuracy of the contact details which are set out in Appendix 3 of this Policy.

21 Key Clients

Key clients are those whose business relationship is critical for the ongoing viability of the firm. As such they require prioritisation in the event of a disaster as it will have a potential impact on the relationship and services. Such clients will need to be contacted as priority to alert them of any impact the disaster is likely to have on service provision, communications, and to advise on what contingencies are in place to minimise this disruption. An indication of time scales before normal operations are resumed should also be given if possible. Key Client contact details are set out below. It is the responsibility of the Business Continuity Manager to maintain the accuracy of the contact details listed.

<table>
<thead>
<tr>
<th>Client</th>
<th>Address</th>
<th>Telephone</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAA</td>
<td>Berkley Way Viking Business Park Jarrow. DX 742 350 Jarrow 2</td>
<td>0191 428 3600</td>
<td>Richie Leech</td>
</tr>
</tbody>
</table>

22 Emergency Services

According to the type of disaster encountered, the emergency services may need to be contacted to provide assistance as below. It is the responsibility of the Business Continuity Manager to maintain the accuracy of the contact details listed.

<table>
<thead>
<tr>
<th>Service</th>
<th>Location</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>Emergencies</td>
<td>999</td>
</tr>
<tr>
<td></td>
<td>Non emergencies</td>
<td>111</td>
</tr>
<tr>
<td>Fire Service</td>
<td>Emergencies</td>
<td>999</td>
</tr>
<tr>
<td>Gas Leaks</td>
<td>National number</td>
<td>0800 111 999</td>
</tr>
<tr>
<td>Floodline</td>
<td>Information service</td>
<td>0845 988 1188</td>
</tr>
<tr>
<td>Police</td>
<td>Emergencies</td>
<td>999</td>
</tr>
<tr>
<td></td>
<td>Non emergencies</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>Crimestoppers</td>
<td>0800 555 111</td>
</tr>
</tbody>
</table>

23 Evacuation Plan

The firm’s evacuation plans have been developed in collaboration with neighbouring businesses and building owners to avoid confusion or gridlock. All exits are clearly marked in the firm’s premises. Evacuation procedures are addressed during staff training and practiced periodically.

24 Communications

We will communicate our emergency plans with co-workers in a variety of ways.

- Notice Board
- Fee earner & support staff meetings
- Induction process

25 Testing
Testing the Business Continuity plan is an essential risk management strategy as it is only through testing that the firm will be able to establish how well the Plan is likely to perform in the event of an emergency. Although by their nature, crises are hard to simulate in a rehearsal, the intention should be to simulate the possible events in a paper-based exercise. The test procedures set out in subsequent sections should be conducted on at least an annual basis.

The following test regime will be the overall responsibility of the Business Continuity Manager who will involve appropriate personnel according to the test. Attempts should be made to simulate an emergency as realistically as possible. The Business Continuity Manager will maintain notes of each test conducted by way of a BUSINESS CONTINUITY TEST REPORT and file it in the Business Continuity records.

<table>
<thead>
<tr>
<th>Test Element</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Infrastructure and IT</strong></td>
<td>• Check that data backup was performed according to procedures</td>
</tr>
<tr>
<td></td>
<td>• Check security of backup storage</td>
</tr>
<tr>
<td></td>
<td>• Check that restoration was successful</td>
</tr>
<tr>
<td><strong>Business Continuity Team</strong></td>
<td>• Check accuracy of all contact information</td>
</tr>
<tr>
<td></td>
<td>• Check that Team all have an up to date copy of the Business Continuity Plan stored off-site</td>
</tr>
<tr>
<td></td>
<td>• Check that Team understands their role in the Plan</td>
</tr>
<tr>
<td><strong>Staff contacts</strong></td>
<td>• Check accuracy of key staff contacts maintained: Have new staff been added? Have people left the firm and not deleted from the list? Are there contact numbers missing? If errors are found, the list should be fully updated</td>
</tr>
<tr>
<td></td>
<td>• Check contact numbers for accuracy</td>
</tr>
<tr>
<td><strong>Suppliers</strong></td>
<td>• Check accuracy of supplier contacts</td>
</tr>
<tr>
<td></td>
<td>• Is the list of suppliers accurate and up to date? Should new suppliers be added or existing suppliers be amended/deleted? Amend details as appropriate</td>
</tr>
<tr>
<td><strong>Thematic Review</strong></td>
<td>• The Business Continuity Manager should convene a meeting with the Business Continuity Team to review the Business Continuity Plan. A disruption theme or scenario should be chosen and should be varied on each test. This should encompass:</td>
</tr>
<tr>
<td></td>
<td>a. Is the Plan comprehensive?</td>
</tr>
<tr>
<td></td>
<td>b. Are the scenarios appropriate and the responses effective?</td>
</tr>
<tr>
<td></td>
<td>c. Is the Plan accurate?</td>
</tr>
<tr>
<td></td>
<td>d. Are there new threats that need to be considered</td>
</tr>
</tbody>
</table>
# Appendix 1: Emergency Response Checklist

## Actions within 24 hours

<table>
<thead>
<tr>
<th>Task</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start Actions and Expenses Log</td>
<td>✓</td>
</tr>
<tr>
<td>Evacuate premises if applicable and alert the emergency services</td>
<td></td>
</tr>
<tr>
<td>Alert Business Continuity Team (BCT)</td>
<td></td>
</tr>
<tr>
<td>Team to recover Business Continuity Plans from offsite location along with contents of Disaster Pack</td>
<td></td>
</tr>
<tr>
<td>Obtain essential items/records from offsite location</td>
<td></td>
</tr>
<tr>
<td>Agree with the BCT the critical functions disrupted and the recovery actions to be followed/timescales and implement the recovery action plan.</td>
<td></td>
</tr>
<tr>
<td>Establish immediate business needs and necessary actions</td>
<td></td>
</tr>
<tr>
<td>Advise staff required to carry out actions to report to the designated centre at an appointed time or to be available for a telecom briefing</td>
<td></td>
</tr>
<tr>
<td>Advise all remaining staff to remain at home until they are contacted</td>
<td></td>
</tr>
<tr>
<td>Notify the appropriate key contacts</td>
<td></td>
</tr>
<tr>
<td>Notify the appropriate key clients</td>
<td></td>
</tr>
<tr>
<td>Establish operations as the designated recovery site</td>
<td></td>
</tr>
<tr>
<td>- Contact telecoms supplier to redirect telephones</td>
<td></td>
</tr>
<tr>
<td>- Contact IT provider and make necessary arrangements re data and IT equipment</td>
<td></td>
</tr>
<tr>
<td>- Arrange necessary equipment and consumables</td>
<td></td>
</tr>
<tr>
<td>Contact the landlord regarding property security, recovery of items, arrangements for returning etc</td>
<td></td>
</tr>
<tr>
<td>Establish status of workload and extent of work outstanding and take necessary steps such as:</td>
<td></td>
</tr>
<tr>
<td>- Cancelling/postponing events and other activities</td>
<td></td>
</tr>
<tr>
<td>- Arranging alternative cover from amongst own or outside staff</td>
<td></td>
</tr>
<tr>
<td>- Updating website</td>
<td></td>
</tr>
<tr>
<td>Contact bank and accountant</td>
<td></td>
</tr>
<tr>
<td>Make arrangements for the payment of wages and bills</td>
<td></td>
</tr>
<tr>
<td>Liaise with emergency services</td>
<td></td>
</tr>
<tr>
<td>Identify and quantify any damage to the organisation, including staff, premises, equipment, data, records, etc</td>
<td></td>
</tr>
<tr>
<td>Obtain authorisation from the COFA for business recovery expenditure</td>
<td></td>
</tr>
<tr>
<td>Contact insurers and arrange appropriate claims, checking what we can and can’t do</td>
<td></td>
</tr>
<tr>
<td>Be alert for signs of stress in staff and take appropriate actions</td>
<td></td>
</tr>
<tr>
<td>Provide information to:</td>
<td></td>
</tr>
<tr>
<td>- Staff</td>
<td></td>
</tr>
<tr>
<td>- Suppliers and clients</td>
<td></td>
</tr>
<tr>
<td>- Insurance company</td>
<td></td>
</tr>
</tbody>
</table>
## Daily actions during the recovery process

<table>
<thead>
<tr>
<th>Task</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convene those responsible for recovery to understand progress made, obstacles encountered, and decide continuing recovery process</td>
<td>✔️</td>
</tr>
<tr>
<td>Maintain Actions and Expenses Log</td>
<td></td>
</tr>
<tr>
<td>Provide information to:</td>
<td></td>
</tr>
<tr>
<td>• Staff</td>
<td></td>
</tr>
<tr>
<td>• Suppliers and clients</td>
<td></td>
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<tr>
<td>• Insurance company</td>
<td></td>
</tr>
<tr>
<td>Provide public information to maintain the reputation of the organisation and keep relevant authorities informed</td>
<td></td>
</tr>
</tbody>
</table>

## Following the recovery process

<table>
<thead>
<tr>
<th>Task</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrange a debrief of all staff and identify any additional staff welfare needs (e.g. counselling) or rewards</td>
<td>✔️</td>
</tr>
<tr>
<td>Review Actions and Expenses Log</td>
<td></td>
</tr>
<tr>
<td>Use information gained from the debrief to review and update this business continuity management plan</td>
<td></td>
</tr>
</tbody>
</table>
## Appendix 2: Actions and Expenses Log

<table>
<thead>
<tr>
<th>Date/time</th>
<th>Decision/action taken</th>
<th>By whom</th>
<th>Costs incurred</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
### Appendix 3: Key Supplier Contact Details

#### (a) Key Suppliers

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact details</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>IT Support and Equipment</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSG</td>
<td>0333 220 0777</td>
<td>Provide remote back up of data and should be contacted for data recovery.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contact for hardware and software requirements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Acct HAT0004NE</td>
</tr>
<tr>
<td><strong>Telephone Systems</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pbit Comm Solutions</td>
<td>0845 8385000</td>
<td>Provide all telecoms facilities for firm. Acct 0NSY0006</td>
</tr>
<tr>
<td><strong>Internet Service Provider</strong></td>
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</tr>
<tr>
<td>Vodafone</td>
<td>0345 272 2666</td>
<td>Acct 1-43690110 (Low Fell)</td>
</tr>
<tr>
<td>Virgin Media Systems</td>
<td>0800 0520 800</td>
<td>Acct 121454502 (No 18/19)</td>
</tr>
<tr>
<td><strong>DX</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DX Network Services Ltd</td>
<td>01604 496777</td>
<td>Will need to be notified of any premises problems or redirection arrangement</td>
</tr>
<tr>
<td><strong>Photocopier</strong></td>
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<td></td>
</tr>
<tr>
<td>United Carlton</td>
<td>0191 4222700</td>
<td>Acct 11HATHAW</td>
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<tr>
<td><strong>Police Station and Court Attendance Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AWT (Legal Services) Ltd</td>
<td>08450 755 875</td>
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</tr>
<tr>
<td><strong>File Archive Services</strong></td>
<td></td>
<td></td>
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<tr>
<td>Homecare Removals &amp; Storage</td>
<td>0191 4896000</td>
<td>Off-site storage of closed matter files</td>
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<tr>
<td><strong>Refuse Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gateshead Council</td>
<td>0191 4333646</td>
<td>Acct 98133472 (Low Fell)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Acct 98299556 (No 18/19)</td>
</tr>
<tr>
<td><strong>Bank</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allied Irish</td>
<td>0191 255 1801</td>
<td>Account 00195-076</td>
</tr>
<tr>
<td><strong>Professional Bodies</strong></td>
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<td></td>
</tr>
<tr>
<td>SRA</td>
<td>Tel: 0370 606 2555</td>
<td>Need to notify SRA of any major changes to the practice</td>
</tr>
<tr>
<td>Law Society</td>
<td>Tel: 0370 606 2522</td>
<td>Need to notify Law Society of any major changes to the practice</td>
</tr>
<tr>
<td></td>
<td>0191 232 5654</td>
<td></td>
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<tr>
<td><strong>Software</strong></td>
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</tr>
<tr>
<td>Advanced Legal Solutions Ltd</td>
<td>0845 160 6162</td>
<td>Provide IRIS accounts software</td>
</tr>
<tr>
<td><strong>Accountants</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fitzpatrick Royle</td>
<td>0191 244 2549</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0191 291 3565</td>
<td></td>
</tr>
<tr>
<td><strong>Employment Agency</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Employment Agency</td>
<td>0191 2324816</td>
<td>Can provide support staff in an emergency</td>
</tr>
<tr>
<td><strong>Law Costs Draftsmen</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cosgrove Costing Agency</td>
<td>0191 4928204</td>
<td></td>
</tr>
<tr>
<td><strong>Franking/Printer Supplies</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Mailing Room</td>
<td>0800 019 2033</td>
<td>Acct 14120067</td>
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### Alarm System

<table>
<thead>
<tr>
<th>Company</th>
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<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>BT</td>
<td>0800 777666 0800 800 154</td>
<td>Phone line for intruder alarm at No18 Acct NE19858748</td>
</tr>
<tr>
<td>DB Security &amp; Fire Systems Ltd</td>
<td>0191 2170999 0844 556 5587</td>
<td>Alarm system for No19 Acct HAT02 Acct for Low Fell Acct HAT01</td>
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### Legal Reference Material

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<thead>
<tr>
<th>Source</th>
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<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>Lexis Nexis</td>
<td>0845 3701234</td>
<td>Update services, Acct EDWA5030</td>
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### Office Supplies

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<tr>
<th>Supplier</th>
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<th>Comments</th>
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</thead>
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<tr>
<td>Normans</td>
<td>01642 564190</td>
<td>Acct SORD00185910</td>
</tr>
<tr>
<td>Office Team</td>
<td>0191 477 7745</td>
<td>Account 1294424</td>
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### Hygiene Services

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<tr>
<th>Supplier</th>
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<th>Comments</th>
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<tbody>
<tr>
<td>PHS Group</td>
<td>029 20851000</td>
<td>Acct HATL02</td>
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### Land Registry

<table>
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<tr>
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<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Land Registry</td>
<td>0300 006 0411</td>
<td>(Cust supp)</td>
</tr>
<tr>
<td></td>
<td>0300 824 7037</td>
<td>(Accts)</td>
</tr>
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</table>

### Utility Suppliers

Utilities suppliers are key to our ongoing viability throughout an emergency and will need to be contacted as appropriate.

**To report an emergency loss of supply, contact:**

<table>
<thead>
<tr>
<th>Service</th>
<th>Contact Number</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>GAS</td>
<td>0800 111999</td>
<td></td>
</tr>
<tr>
<td>ELECTRICITY</td>
<td>0800 668877</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact details</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>British Gas Business</td>
<td>0800 980 6961</td>
<td>Acct 600897160 (18 Regent Terrace)</td>
</tr>
<tr>
<td>Water</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Northumbrian Water</td>
<td>0345 7335566</td>
<td>Acct 305742350010 (No 18)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Acct 103779450027 (Low Fell)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Acct 103779450018 (No 18)</td>
</tr>
<tr>
<td>Electricity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>British Gas Business</td>
<td>0330 100 02220800 668877 (emergency loss of supply)</td>
<td>Acct 600982949 (No 19)</td>
</tr>
<tr>
<td>Npower</td>
<td>0845 166 3360</td>
<td>Acct 79539152860 (No 18)</td>
</tr>
<tr>
<td>E.on</td>
<td>0345 0550065</td>
<td>Acct 0144 7523 9150 (Low Fell)</td>
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1 Overview

This Policy sets out the firm’s policies and procedures relating to the prevention of money laundering. It is important that all staff read this Policy, and refer to it when relevant issues arise. The identity of the firm’s Money Laundering Reporting Officer is set out in QP01. The MLRO should always be consulted in cases of difficulty.

2 Introduction

The Money Laundering Regulations 2007 require the firm to establish and communicate procedures for “Client due diligence”, reporting suspicions, record keeping and training. The objective is to prevent criminals from being able to use this firm to launder money, or to finance terrorism. All references in this manual to money laundering include terrorist financing. If you are unsure how to apply the policies in this manual, consult the firm’s Money Laundering Reporting Officer (MLRO). Note also that the Law Society website contains extensive guidance on money laundering issues and the following resources may be useful:


The Money Laundering Regulations only apply if we are doing certain types of work (regulation 3(9)). This is referred to as ‘regulated work’. Litigation work, and some other work which does not involve any financial or real property transaction, is not regulated. The firm is required to maintain records of client identification evidence for at least five years from the end of our business relationship with a client. We must also keep records in relation to transactions for at least five years from the end of the relevant transaction, or if they relate to a business relationship, from the end of the relationship. Any disclosures made to the authorities must also be kept for at least five years. Please bear this in mind when deciding a destroy date when archiving files.

The firm must ensure that you are made aware of the law relating to money laundering, and regularly given training in how to recognise and deal with transactions that may be related to money laundering. You must attend such training, and study written materials on the subject, including this Policy.

Your main obligations are to carry out ‘Client due diligence’ and to recognise and report suspicious transactions. You must also avoid tipping off a suspect about a report. This Policy explains what you should do to comply with these obligations.

3 Client Due Diligence

The Money Laundering Regulations require you to carry out ‘Client due diligence’ (or CDD) and ‘ongoing monitoring’ when you do regulated work. This involves several elements.

- Client identification.
- Identifying any beneficial owners.
- Obtaining information on the purpose and intended nature of the business relationship.
- Risk assessment. CDD and ongoing monitoring must be done on a risk-sensitive basis.
- Ongoing monitoring of the business relationship.
Our reputation is our greatest asset. Thorough CDD will not only ensure compliance with the law, but will tend to deter undesirable clients from instructing this firm. When taking instructions from new clients, explain your obligation to do due diligence, and the reason for that obligation. Where appropriate ask questions about the source of the client's wealth, and how any transaction is to be financed. Few honest clients will resent such questions. Our client care letter explains our CDD obligations, and you may wish to draw that explanation to clients' attention.

Due diligence should be conducted at the following times:

- when taking on a new client,
- when opening a new matter file for an existing client (whenever you send an engagement letter to a client, you should complete a fresh CDD form), and
- if you suspect money laundering, or doubt the veracity of due diligence documents previously supplied (regulation 7 requires you to carry out fresh CDD at such times).

Evidence of the checks should be marked on the FILE OPENING DETAILS CHECKLIST.

4 Client Identification

4.1 Identification and Verification

Identification of a client or a beneficial owner is simply being told or coming to know their identifying details, such as their name and address. Verification is obtaining evidence which supports this claim of identity.

You should normally verify the identity of the client (and any beneficial owner) before accepting instructions to act. But regulation 9 allows verification to be "completed during the establishment of a business relationship if (a) this is necessary not to interrupt the normal course of business, and (b) there is little risk of money laundering or terrorist financing occurring." However verification must be completed as soon as practicable after contact is first established.

4.2 Documents

You should be satisfied that any documents offered to verify identity are originals, to guard against forgery. Ensure that any photographs provide a likeness of the client. Take copies of the relevant evidence, and sign and date the copies, to certify that they have been compared with the originals.

4.3 Clients who are not physically present

Where the client is not physically present for identification purposes you must compensate for the higher risk. If it is not possible to meet your client, for example because he is not in the area, you should normally ensure that a trustworthy third party, such as a solicitor, accountant or consular official carries out the identification process on our behalf, and sends us the certified copies of the evidence of identity. In lower risk cases it will be sufficient to ensure that the first payment from the client is carried out through a bank or building society account in the client’s name. Alternatively you may be able to accept a reference from another organisation (see the following section).
Regulation 17 states that instead of carrying out identification ourselves, we may sometimes rely on due diligence conducted by certain other regulated businesses such as banks and similar financial institutions, law firms, insolvency practitioners, external accountants, auditors or tax advisers. To rely on the due diligence of another organisation, you need the consent of the business on which you rely and their agreement that they will provide you with the due diligence material upon request.

The firm remains liable for any failure by the other party to apply verification correctly. Accordingly only rely on organisations which you have reason to believe are reputable and take their responsibilities in this area seriously. The regulations require that the body on which you rely is authorised by the FSA (in the case of a bank or financial institution) or supervised by a listed professional regulator, such as the ICAEW, ACCA or Law Society. If in doubt, check that they are so regulated.

When accepting identification documentation certified by a third party, you should ensure:

- the certification is from someone whose own ID can be easily verified
- the organisation represented by that person is genuine.

4.5 Evidence Required

Detailed guidelines about the evidence required in different circumstances have been published by the Law Society, and are available on its website (see section 2 above). You should apply common sense to what you require, bearing in mind the level of risk. You should also be aware that different forms of evidence have different levels of security. If in doubt consult the MLRO. You should not apply the guidelines in a mechanical way. In the words of the Law Society “Your firm will need to make its own assessments as to what evidence is appropriate to verify the identity of its clients.” In their guidance they merely “outline a number of sources which may help you make that assessment.”

5 Beneficial Owners

5.1 The Duty to Identify

Money launderers may seek to hide their identity behind nominees, or corporate or trust structures. Regulation 5 requires you to identify any beneficial owner who is not the client, and take adequate measures, on a risk-sensitive basis, to verify his identity, so that you know who the beneficial owner is. That includes measures to understand the ownership and control structure of a company, trust or similar arrangement.

5.2 Definition of a Beneficial Owner

The goal is to understand who is the natural person who owns and controls the client, and in whose interests it is operating. It will rarely be necessary to consult the detailed definition of a beneficial owner, if you keep that principle in mind. Broadly a beneficial owner is anyone with 25% ownership or voting rights. It also includes anyone who exercises control over the management of the client. Hence directors of private companies should generally be identified as beneficial owners, because of the control that they exercise. In cases of difficulty, refer the matter to the MLRO.

5.3 Evidence Required to Verify the Identity of Beneficial Owners

Your obligation to verify the identity of beneficial owners is less onerous than the obligation to verify the identity of the client. The Law Society states “Only in rare cases will you need to verify a beneficial owner to the same level that you would a client.” To
assess which verification measures are needed, consider the client's risk profile, any business structures involved and the proposed transaction.

You may often be able to accept assurances from directors, trustees and others as to the identity of beneficial owners. But you should obtain such assurances in writing. Consider also asking the beneficial owner so named to confirm in writing that they agree they are the beneficial owner. If a person is reluctant to put such information in writing, that may be suspicious, and you should consider referring the matter to the MLRO. If it seems the client may be a mere nominee or front for another person, insist on full and strict verification of that other person's identity. In particular, if the client is a company or LLP which is owned and controlled by three people or fewer, verify their identity just as you would for a client.

6 Risk Assessment

6.1 What is Risk Assessment?

Risk assessment means considering the circumstances of a particular client, and of a particular matter, and identifying factors that make it high or low risk for money laundering. Your risk assessment will determine the approach you take to CDD in general, and ongoing monitoring in particular. Although you are required to make a risk assessment when conducting initial CDD, risk assessment is something that you should also do informally throughout a client relationship.

Regulation 5(c) says that Client due diligence includes “obtaining information on the purpose and intended nature of the business relationship.” The normal inquiries you make of any new client to understand their plans and objectives should be enough to meet your obligations under regulation 5(c).

6.2 High Risk Matters

It is important that you identify high risk matters. The 'Detecting Money Laundering' section set out later in this Policy should be considered. Regulation 14 requires enhanced due diligence and enhanced ongoing monitoring “in any situation which by its nature can present a higher risk of money laundering or terrorist financing.” What is necessary will depend on the circumstances. For example you may require strict verification of the identity of beneficial owners, or question your client closely on relevant issues, such as the source of his funds.

In high risk cases you should identify the action you will take to mitigate the risk. Often merely being aware of the risk and applying enhanced ongoing monitoring is sufficient.

6.3 Politically Exposed Persons (PEPs)

A PEP is a person who is or has at any time in the preceding year been entrusted with a prominent public function by a state other than the UK, a Community institution or an international body. It also includes immediate family members and known close associates of such a person. If a client is a foreign national you should make enquiries to establish if s/he is a PEP. You may not accept a PEP as a client without approval from the firm's MLRO. If you act for a PEP you must take adequate measures to establish the source of wealth and the source of funds which are involved. You must also conduct enhanced ongoing monitoring of the business relationship (regulation 14(4)).
6.4 Low Risk Matters

If a matter is low risk for money laundering, (for example because the client is well known and reputable, or well regulated, or the value involved is small) you may take a proportionate approach to due diligence. For example you might not require documentary evidence to verify the identity of beneficial owners, and you may apply less rigorous ongoing monitoring. Even in low risk matters, if there is reason to suspect money laundering, even of a technical nature, you must report it to the firm's MLRO.

6.5 Existing clients

Regulation 7(2) states you must apply CDD measures to an existing customer at other appropriate times and on a risk-sensitive basis, repealing the previous exemption for customers with whom you had a business relationship prior to 1 March 2004. You do not have to ensure all existing clients have been identified and verified by 15 December 2007, nor update all current identification in accordance with the new requirements by that date. Factors that may trigger a need for CDD include:

- a gap in retainers of three years or more
- a client instructing on a higher risk retainer
- where you develop a suspicion of money laundering or terrorist financing by the client
- an existing high risk client

For all clients, you should ensure ongoing monitoring of the business relationship to identify any suspicious activity.

When conducting CDD on existing clients or a subsidiary of an existing client, you may consider information already on your files which would verify their identity or publicly available information to confirm the information you hold, rather than approaching the client to provide that information initially. It may be appropriate for a fee earner or Director who has known the client for long time to place a certificate on the file providing an assurance as to identity.

7 Ongoing Monitoring

7.1 What is Ongoing Monitoring?

Regulation 8 requires us to undertake ongoing monitoring of business relationships. This means scrutiny of transactions, including where necessary, the source of funds, to ensure they are consistent with our knowledge of the client, his business and risk profile. It also involves keeping our due diligence documents and data up to date.

The Law Society states that "ongoing monitoring will normally be conducted by fee earners handling the retainer, and involves staying alert to suspicious circumstances which may suggest money laundering, terrorist financing, or the provision of false CDD material."

7.2 Enhanced Ongoing Monitoring

For higher risk clients, including PEPs, you must conduct enhanced ongoing monitoring. What this involves will depend on the circumstances, but it may include paying strict attention to the source of funds applied during a transaction, and questioning your client closely about relevant issues as the matter proceeds.
8 Reporting Suspicious Transactions

8.1 Why Report?

You must report anything that should give you grounds to suspect that money laundering has taken place or is being attempted, to the MLRO. To fail to do so is a serious criminal offence, under s330 Proceeds of Crime Act 2002.

8.2 Privilege

Information received from a client, or from the representative of a client, for the purposes of legal advice may be covered by legal advice privilege. If so, that may prevent you from making a disclosure. The law on privilege is complex and if it may apply you should discuss the issue with the MLRO.

Even if information is privileged it will still be an offence to be involved in a money laundering transaction (s327 - 329 Proceeds of Crime Act 2002). So even if privilege prevents you from making a report, you may still need to cease to act, if to continue would involve you in, for example, facilitating a money laundering transaction.

8.3 Renewed Due Diligence

If you have concerns, you may make inquiries of your client, or a third party, to help you decide whether you have a suspicion. Regulation 7 requires you to "apply Client due diligence measures" when you suspect money laundering or terrorist financing or doubt the veracity or adequacy of identification documents. That may include you making normal inquiries to clarify facts. These inquiries will not amount to tipping off.

8.4 Tipping Off / Prejudicing an Investigation

If you decide you have grounds to suspect money laundering it is important that you only report this to the appropriate persons within the Firm. You must not tip off the person suspected, even if it is a client. Otherwise you may commit an offence under s333A or s342 Proceeds of Crime Act 2002. The MLRO will guide you as to what information you may properly give, and to whom.

8.5 How to Report

If you need to report a suspicion of money laundering, a form has been designed for this purpose: a REPORT TO THE MLRO form. In view of the need to maintain strict confidentiality in such cases, the report should be placed in a sealed envelope sent to the addressee personally and marked ‘Strictly Private & Confidential’. At the same time telephone to check that the MLRO is available. The MLRO will:

- Consider the form and make such further enquiries as are necessary to form a view on whether a report to the authorities is needed;
- Ensure that nothing done by the firm could alert the client in question that a report and an investigation could ensue;
- Make a disclosure to the National Crime Agency (NCA), if appropriate, making full notes of the reasons for doing so;
- Make diary notes in the firm’s key dates system of when the firm may continue to act;
- Consider whether the intended subject of a disclosure, if a client, needs to be consulted about the planned disclosure for permission to use the privileged information that forms the knowledge or suspicion leading to the need for a disclosure;
• Co-operate with any production orders made by the proper authorities;
• Maintain all records of disclosures and reports for at least five years.

The NCA will consider the report and may pass the intelligence on to the enforcement agency with the power to investigate further.

Do not store a completed REPORT TO THE MLRO form on the matter file to which it relates. This would create a risk that the client might see the disclosure report, especially if the file is sent out of the office. To alert all personnel to the fact that a disclosure has been made, however, and that the firm may do no more for the client until it has permission to proceed, you must:

• place a red sticker on the file when you have made a report;
• place a green sticker on the file when the MLRO says that you may continue to act.

Please be aware of the secret code: proceed with great caution if any file has either or both colour stickers on it.

8.6 Authorised and Protected Disclosures

You need not fear that making an erroneous report will expose you to legal or professional sanctions. Sections 337 and 338 Proceeds of Crime Act 2002 provide that a report of suspicions of money laundering is not to be taken to breach any duty of confidentiality.

9 Detecting Money Laundering

9.1 Suspicion

This section contains guidance on when you should suspect money laundering, and make a REPORT TO THE MLRO. Note that for suspicion you would not be expected to know the exact criminal offence or that particular funds were definitely those arising from the crime. The “reasonable grounds for suspicion” test is objective. Generic or stereotypical views of which groups of people are more likely to be involved in criminal activity cannot be the basis of the “reasonable grounds”. Well-documented due diligence procedures and ongoing monitoring will enable you to demonstrate that you took all reasonable steps to prevent money laundering.

9.2 Grounds for Suspicion – General

In any practice area any of the following factors may make you suspicious.

• Cash. Any party (whether our client or otherwise) proposes to pay significant sums in cash.
• Rapid transfers of funds. Paying money into and out of our client account may be designed to conceal the true origin of the funds.
• No commercial purpose. A transaction which has no apparent purpose and which makes no obvious economic sense is suspicious.
• Unusual transaction. Where the transaction is, without reasonable explanation, out of the range of services normally requested by that client or outside the experience of the firm. A request to use junior or inexperienced staff may be suspicious. Criminals can believe that an inexperienced solicitor will be less likely to note or report unusual features.
• **Lack of concern about costs.** A client who wishes matters to be done in an unduly complex manner, or who otherwise does not seem concerned to control costs.

• **Secretive clients.** The client refuses to provide requested information without reasonable explanation, including client identification information.

• **Unusual sources of funds.** The client provides funds other than from an account in his/her own name maintained with a recognised and reputable financial institution.

• **Suspect jurisdictions.** Take particular care where the funds come from a jurisdiction with less rigorous anti-money laundering controls. The Financial Action Task Force (FATF) and HM Treasury have issued warning about these jurisdictions: Uzbekistan, Iran, Pakistan, Turkmenistan, São Tomé and Príncipe and the northern part of Cyprus. Other countries not on that list may still be suspect, since not all countries can be effectively monitored. On the other hand all EEA states are subject to the money laundering directive, and can be assumed to have similar money laundering systems to our own. On 12 May 2008 HM Treasury stated that the following non-EEA states may also be considered as having equivalent anti-money laundering systems. Argentina, Australia, Brazil, Canada, Hong Kong, Japan, Mexico, New Zealand, The Russian Federation, Singapore, Switzerland, South Africa and the USA.

• **Politically Exposed Persons.** You need approval to take on a client who is a PEP. Thereafter you must take adequate measures to establish their source of wealth and the source of funds involved in the transaction, and must conduct enhanced ongoing monitoring.

• **Terrorism.** Particular care should be taken where the client or other party to a transaction is believed to have sympathies with a terrorist group. Fund raising for apparently benevolent objects, or payments to accounts in politically unstable areas may in some circumstances give rise to suspicion.

### 9.3 Grounds for Suspicion – Litigation

You need not report suspicions of money laundering based on information received when undertaking litigation work, since it is not regulated business. You may also continue with a litigation matter involving the transfer of criminal property, without being guilty of an offence. Litigation work is exempted from normal money laundering rules by the judgment of the Court of Appeal in Bowman v Fels (2005) EWCA Civ 226. That decided that s328 Proceeds of Crime Act “is not intended to cover or affect the ordinary conduct of litigation by legal professionals”.

This exemption extends to settlement of a dispute “where there are existing or contemplated legal proceedings”. In the view of the Law Society it also extends to Alternative Dispute Resolution and to dealing with the final division of assets under a judgment or settlement, including handling “criminal property”.

The protection only applies to legal professionals. Clients may still be committing an offence under s327 - 329 Proceeds of Crime Act 2002, unless they make a disclosure to the National Crime Agency (NCA) and obtain consent to proceed. They should be so advised. For example, in matrimonial litigation, it may be that the assets which are the subject of an application for a property adjustment order are criminal property, most commonly due to tax evasion or benefits fraud. In litigation involving allegations of dishonesty, money held by a party may be the proceeds of that dishonesty.
The Bowman v Fels exemption does not apply to “sham litigation”. One example of sham litigation is where litigation or settlement negotiations are fabricated by the parties to launder the proceeds of an earlier crime. A more common example is where a dishonest claimant fabricates a claim or category of loss, against an innocent defendant. By acting in sham litigation we could be guilty of money laundering under POCA, if criminal property has come into existence. There may also be other legal and ethical issues.

9.4 Grounds for Suspicion – Property

Real estate transactions are a high-risk area for money laundering. The purchase and sale of property can be used to confuse an audit trail (“layering”) or an investment in property may be the long term goal of money laundering (“integration”). In addition to the general risk factors listed above, factors particularly relevant in property transactions include the following:

- Transactions with no clear commercial motive.
- Transactions where the source of the client’s wealth is unclear. Large amounts of money provided by a client who appears to have a low income.
- Property purchased and sold rapidly, for no clear reason.
- Insistence that a matter be completed very urgently, since this may be a tactic to distract you from making proper checks.
- Cancelled transactions, particularly where the client requests that funds s/he has provided should be paid out to a fresh destination.
- Properties owned by nominee companies, off shore companies or multiple owners, where there is no logical explanation.
- Difficulties with identification of client or beneficial owners, including reluctance to attend for identification processes, which may suggest impersonation.
- A third party providing the funding for a purchase, but the property being registered in somebody else’s name. Of course people often assist relatives with purchases. However if there is no family connection or other obvious reason why the third party is providing funding, make inquiries.
- Transactions where the value involved is unusually large.
- A misleading apportionment of the purchase price, with the intention of avoiding Stamp Duty Land Tax. If you discover such tax evasion after it has taken place this will normally trigger an obligation to report.
- Information about past tax evasion or welfare benefit fraud may also come to light in conveyancing matters, and may necessitate a report.
- Be alert to signs of mortgage fraud. Any attempt to mislead lenders may indicate mortgage fraud, as may the use of shell companies or nominees, and the rapid re-sale of property. Property lawyers should read the Law Society Practice Note on Mortgage Fraud and Property and Registration Fraud set out in Section 2 above.

9.5 Grounds for Suspicion - Private Client

Wills and probate work is generally low risk, because transferring wealth on death provides few opportunities for professional criminals to hide or enjoy criminal property. However the need to make a report may arise in a variety of circumstances.
• A solicitor administering an estate may become aware that the deceased committed benefit fraud, for example because the estate includes assets that exceeded the relevant limits for benefits the deceased was claiming.

• If the deceased was known to have committed acquisitive crimes (for example because the firm acted for him in criminal matters) it may be suspected that his estate includes criminal property.

• Solicitors may suspect that a testator or beneficiaries have committed tax evasion. For example it may be discovered that beneficiaries have failed to declare gifts received from the deceased in the seven years before death.

• If the estate includes assets in poorly regulated foreign jurisdictions, it may be appropriate to make further inquiries.

• Some trust work may be high risk, especially if the trust was set up *inter vivos* and there is inadequate information about the source of the wealth used to fund the trust. Discretionary trusts and offshore trusts can be used to conceal the ownership or origin of assets. Care is appropriate if the trust has an unusual or unduly complex structure, the assets involved are high in value, or there is no logical explanation for their origin, or there is difficulty obtaining evidence of identity.

10 Cash Receipts

The mere fact that a client pays in cash or wishes to do so is not in itself a cause for suspicion. Nonetheless, the larger the intended cash payment, the more likely it is that suspect money laundering will be suspected. Substantial amounts of cash are often the result of failure to declare income to HM Revenue and Customs and, as tax evasion, would amount to criminal conduct under the money laundering regime. The approach to cash receipts is therefore as follows:

• In the absence of any complicating factors the firm will accept sums of up to £500 in cash (complicating factors could include, most obviously, a capital declaration from a client in receipt of legal aid that they have less than this sum in capital).

• Sums of over £500 should not be accepted and can only be considered in extreme circumstances and with the permission (to be noted on file) of the MLRO or, if they are unavailable, the Deputy MLRO.

• Where a larger payment than you can accept is offered you must complete a REPORT TO THE MLRO and forward to the MLRO in order that he can consider if a disclosure should be made.
1 Purpose and Scope

The purpose of this policy is to provide a guide to the rules that the firm requires to be observed by users of the firm’s Information Technology (IT) systems. By IT systems we mean telephones, computers including (without limitation) laptops, tablets, smartphones and other telecommunications equipment. This policy is intended to contain guidance on your conduct. You are expected to exercise professional judgement at all times. Comments on the policy are welcome.

The firm sees the internet and the use of e mail as an important business tool. Staff are encouraged to enhance their productivity by using such tools - but only according to guidelines on their use as set out in this document. The internet is largely unregulated and uncensored and we have a duty of care to protect the security of the firm’s internal information, our clients, our suppliers and our employees from malevolent, obscene and illegal material.

It will be assumed that all staff understand and agree to the policies unless a Director is notified otherwise. Any exceptions are to be appended to the copy of this statement, and signed by a Director and employee.

The firm’s resources, including computers, access to the internet and email are provided for business purposes. The purpose of this policy is to ensure that staff understand to what extent they may use the computers owned by the firm for private use and the way in which access to the internet should be used within the firm, to comply with legal and business requirements.

This policy supplements, and should be read in conjunction with, the firm’s Social Media Policy (Annex N) which governs the usage of social media Internet resources.

2 Security

All members of staff are responsible for the security of the IT equipment allocated to them, and must not allow them to be used by another person unless permitted by this policy. Passwords are unique to each user, and must not be made available to any other member of staff unless authorised by a Director.

3 General Principles

A computer and internet access is provided to you to support the firm’s activities. Private use of computers and the internet is permitted, subject to the restrictions contained in this policy. Any private use is expected to be in the employee’s own time and is not to interfere with the person’s job responsibilities. Private use must not disrupt our IT systems or harm the company/firm’s reputation. You should exercise caution in any use of the internet and should never rely on information received or downloaded without appropriate confirmation of the source.

4 Personal Use

The limited use of the firm’s IT facilities to send personal e-mail or to browse the World Wide Web is acceptable provided that:

- Use must be minimal and take place substantially out of normal working hours;
- Use must not breach any of the rules set out in the subsequent sections.
- Use must not interfere with business or office commitments;
• The usage does not commit the firm to any marginal costs (at present the marginal cost of sending or browsing the web may be taken to be zero); and

• Use must comply with our policies including the Social Media Policy (Annex N), Equality and Diversity Policy (Annex B), Information Management and Security Policy (Annex K) and Client Care Policy (Annex F).

This policy on personal use is designed to be liberal, but its continuance is, of course, dependent upon its not being abused or overused and may be withdrawn or amended.

5 Monitoring

You should bear in mind that, for business reasons, your use of office systems including the telephone and IT systems may be monitored. You should also be aware that other members of the firm have access to your system and the data stored or may oversee what you are doing. You should be aware that the system provides the capability for other people to monitor e-mail, voice-mail, internet and other communications traffic. The firm reserves the right to monitor e-mail, voice-mail and any other data held on its IT systems, including workstations and laptops owned by the firm.

6 E-mails and Email attachments

Take care in what you say in e-mail messages. Improper statements can give rise to personal or firm liability. Work on the assumption that e-mail messages may be read by others, particularly by people who do not usually work for you, such as temporary secretaries, and do not include in your e-mails anything which would offend or embarrass any such reader, or would embarrass the firm if it found its way to the public domain. Specifically:

• Never send abusive, obscene, sexist, racist, harassing or defamatory messages. If you receive such a message, do not forward it to anyone. Report it to a Director. If a recipient asks you to stop sending them personal messages then always immediately stop.

• Never send messages from another member of staff’s computer or under a name other than your own name (although secretaries are permitted to send e-mails in their own name on behalf of any of the lawyers they work for if instructed to do so by their lawyer provided that they use the e-mail tool which automatically states at the top of the e-mail that it is sent on behalf of the relevant lawyer).

• Never send confidential messages by e-mail without getting the recipient's agreement.

• Never open an e-mail attachment from an unexpected or untrustworthy source or if, for any reason, it appears 'suspicious' (for example, if it ends in .exe). Most viruses are propagated by e-mail. If you suspect you have been sent a virus inform a Director immediately.

• Remember that e-mail messages are documents which must be disclosed in legal proceedings if relevant to the issues unless protected by privilege. Therefore, always exercise the same caution in what you say in e-mails as you would in more formal correspondence.

• Never send or forward private e-mails at work which you would not want a third party to read.

• Do not create e-mail congestion by sending trivial messages or unnecessarily copying e-mails to those who do not have a real need to have them.

• Do not send or forward “chain-mail” e-mails as they have a propensity to over-load the system.

• Do not advertise by e-mail or send messages about lost property.

• Always remember that text, music and other content on the Internet are copyright works. Never download or e-mail such content to others unless you are certain that the owner of such works allows this.
• If sending important information by e-mail, always obtain confirmation of receipt (either a reply to your e-mail or by following up with a telephone call).

• Never agree to terms or enter into contractual commitments or make representations by e-mail without having obtained proper authority. Remember, when you type your name at the end of an e-mail, this act is just as much a signature as if you had signed it personally.

Never send strictly confidential messages via the Internet, or by other means of external communication which are known not to be secure. If requested to forward information over the Internet, make sure that your client knows that it is not totally secure and is willing to accept that risk. Printed copies of all significant business e-mails should be retained on file.

E-mails which do not include a solicitor’s letterhead should not, in themselves, be considered as letters. However, fee earner should be aware that if an e-mail takes the form of a letter, then the requirements relating to solicitors’ professional stationery, set out in the SRA Code will apply. Similarly they will apply to an electronic copy of a letter sent as an attachment to an e-mail.

E-mail presents problems because it can arrive unseen by other members of staff. Staff, therefore should make arrangements to check incoming emails if they are to be absent from the office for a period of time. A limited number of people (a secretary and a colleague, for example) should be given access to their inbox in order to check the contents regularly to deal with urgent e-mails. It is recommended that staff set up an automated out-of-office response when they are away from the office for extended periods.

Copies of emails must be printed out and placed on the correspondence pin as for letters. This ensures that the status of the matter and action taken is apparent to anyone perusing the file. It is particularly important for supervision and file review purposes. Fee earners must ensure that when a matter is transferred within the firm, or to another firm of solicitors, they check the file to ensure that all relevant email messages relating to the file have been printed and placed on the files. The firm’s policy is to include a confidentiality and security ‘signature’ to all outgoing messages. Fee earners are therefore discouraged from using their personal email accounts for legal correspondence.

The firm takes a risk-based approach to the storage and destruction of records of e-mails. Significant and substantive e-mails (including e-mails that are subject to statutory retention periods) as set out earlier, must be printed and stored on the file. A check for this is particularly important at the end of the case or in the event of a transfer of the file. Emails of an ephemeral nature will be left to expire from electronic storage in the ordinary course of events.

Professional undertakings may be given by unsecured e-mail but fee earners should be cautious when accepting them: it is not difficult to fake both content and sender. The act of typing a name into an electronic document, including an e-mail, is a form of electronic signature. The use of digital signatures may also provide assurance for the recipient of the authenticity of e-mail. Fee earners receiving a professional undertaking by e-mail should check that the context provides reasonable assurance of its authenticity and should consider the need for a check by telephone or fax that it came from its purported sender.

7 The Internet

Staff should remember that web sites can “know” who has visited them. We store recently accessed web pages in our own system, to improve access times. This is called “caching” web pages. If you visit a site, you may well leave a “calling card” which will enable the site owner to work out who has visited. If you are visiting a site for proper purposes, such as gathering evidence on a fraudulent website, consider accessing it other than from the firm’s
systems if this could prejudice your investigation. If the web site is an inappropriate one, that
calling card could embarrass the firm. If you access, download, store or forward inappropriate
material others might be offended. In some cases you may be committing a criminal offence
if, for example, the material is pornographic in nature.

8 Prohibited Use

Computers are a valuable resource to our business but if used inappropriately may result in
severe consequences to both you and the firm. The firm is particularly at risk when you have
access to the internet. The nature of the internet makes it impossible to define all
inappropriate use. However you are expected to ensure that your use of computers and the
internet meets the general requirements of professionalism.

Specifically, during any use of the computer or internet you must not:

- Copy, upload, download or otherwise transmit commercial software or any copyrighted
  materials belonging to the firm or other third parties
- Use any software that has not been explicitly approved for use by the firm
- Copy or download any software or electronic files without using virus protection
  measures approved by the firm
- Visit internet sites or download any files that contain indecent, obscene, pornographic,
  hateful or other objectionable materials
- Make or post indecent, obscene, pornographic, hateful or otherwise objectionable
  remarks, proposals or materials on the internet
- Reveal or publicise confidential or proprietary information about the firm, our employees,
  clients and business contacts.

9 Mobile devices

Mobile devices used for work purposes including phones, laptops and tablet computers are
liable to be inspected by authorities particularly if travelling by air/sea/rail, both within and
outside the UK. Where an employee possesses a mobile device of the firm they must ensure
that it does not knowingly contain illegal material. The firm’s mobile devices may be used for e
mail/internet use without being connected to the firm’s file server. The software to allow such
access and to control viruses, should be installed only by an authorised member of the firm.

10 Security - Home Software

Security issues encompass the need to ensure that the firm is protected both against misuse
of others’ copyright material, for example, by loading onto office machines programs that are
not properly licensed; and against computer viruses, for example by loading onto office
machines programs or files which have not been properly virus checked. Accordingly, you
may not load onto office machines any software not provided by the firm without the
permission of an authorised member of the firm.

11 Disclosure

Employees have a duty to report the following to management:

- Suspect e-mails/e mail attachments
- Suspect websites
- Obscene/illegaless material found on a PC or mobile device
- Persistent use of the internet for personal reasons
- Persistent downloading of illegal/obscene/offensive material.
12 Disciplinary

Staff should be aware that a breach of any of the policies is a disciplinary matter. Illegal activities may also be reported to the relevant authorities.
We are committed to providing a high-quality legal service to all our clients. When something goes wrong, we need our clients to tell us about it. This will help improve our standards. Whenever possible, please raise any initial client care problems with the person acting on your case to give them the opportunity of resolving matters with you. Often, matters can be quickly resolved in this way.

If you are unhappy about any aspect of the service you have received, or about the bill, please contact us by post at 18/19 Regent Terrace, Gateshead, NE8 1LU, by telephone on 0191 477 2288. We have a procedure in place which details how we handle complaints as follows:

The procedure

1. We will send you a letter acknowledging receipt of your complaint within five days of receiving it, enclosing a copy of this procedure.

2. We will investigate your complaint. This will normally involve passing your complaint to our Client Care Director Mr Charles Weidner, who will review your matter file and speak to the member of staff who acted for you.

3. We will then invite you to a meeting to discuss and hopefully resolve your complaint. He/she will do this within 14 days of sending you the acknowledgement letter.

4. Within five working days of that meeting we will write to you to confirm what took place and any solutions that we have agreed with you.

5. If you do not want a meeting, or it is not possible, you will be sent a detailed written reply to your complaint, including the suggestions for resolving the matter, within 21 days of sending you the acknowledgement letter.

6. At this stage, if you are still not satisfied, you should contact us again and we will arrange for another Director within the firm to review the decision.

7. We will write to you within 14 days of receiving your request for a review, confirming our final position on your complaint and explaining our reasons.

8. If you are still not satisfied with our handling of your complaint you can ask the Legal Ombudsman to consider the complaint. We would hope that this does not become necessary and that we can resolve matters between ourselves. Contact details are as follows:

   PO Box 6806
   Wolverhampton
   WV1 9WJ
   ☎ 0300 555 0333
   📧 enquiries@legalombudsman.org.uk
   🌐 www.legalombudsman.org.uk

Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint and within the following timescales:

a) Six years from the date of the act or omission about which you are complaining occurring, or

b) Three years from the date you should reasonably have known there were grounds for complaint.

The Legal Ombudsman will not accept complaints where the act or date of awareness was before 6th October 2010.

9. If we have to change any of the above timescales we will let you know and explain why.

Complaints in relation to bills

The complaints procedure above also applies to complaints arising concerning our bill. There may also be a right to object to the bill by applying to the court for an assessment of the bill under Part III of the Solicitors Act 1974; The Legal Ombudsman may not consider a complaint about a bill if you have applied to the Court for assessment of that bill.
1 Introduction

This document sets out the firm’s policies governing information risk management, data protection and data security. The policy aims to eliminate mismanagement of data which can result serious consequences for the firm including proceedings under the Data Protection Act 1998, breaches of confidentiality and breaches of the SRA Code of Conduct. If any member of staff, regardless of their position or importance, fails to comply with this written policy they could be subject to the firm’s disciplinary and grievance procedures which could ultimately result in dismissal. The purpose of the policy is to:

- Set out the various categories and types of data held at the firm
- Identifies the information storage assets
- Comply with the law
- Follow good practice
- Describe the roles and responsibilities of the different types of users in relation to the Data
- Protect clients, staff and other individuals
- Protect the organisation
- Comply with regulatory requirements
- Provide for the effective and efficient management of the firm’s data, both in electronic and paper format

2 Responsibilities

2.1 Information Manager

The firm has nominated a senior individual as Information Management and Security lead to have overall responsibility for ensuring that the organisation complies with its legal obligations in relation to information management and this Policy in particular. This is set out in QP01 of the QPM.

2.2 Data Protection Officer

The firm also has a designated Data Controller (the ‘Data Protection Officer’) within the firm (see QP01) whose responsibilities include:

- Briefing members of the firm on Data Protection issues
- Reviewing Data Protection and related policies
- Ensuring that Data Protection induction and training takes place
- Handling subject access requests
- Approving unusual or controversial disclosures of personal data
- Approving contracts with Data Processors

The firm is registered with the Information Commissioner’s Office (ICO). Renewal of the firm’s registration or any amendments to it can be made via the internet, by telephone or by post. Further information can be obtained from the ICO website www.ico.org.uk or by telephoning 01625 545740. All details of the firm’s registration are maintained by the Data Protection Officer.

3 The Data Protection Act 1998 (DPA)

3.1 Overview
The DPA governs the use of personal information by businesses and other organisations. The Act regulates how personal information is used and requires it to comply with their principles or rules of good information handling. The DPA applies to personal information. Appropriate security measures must be taken against unlawful or unauthorised processing of personal data and against accidental loss of, or damage to, personal data. These include both technical measures, e.g. data encryption and the regular backing-up of data files and organisational measures, e.g. staff data protection training.

3.2 Data protection principles

The key principles are that information is:

1. Processed fairly and lawfully;
2. Processed for one or more specified and lawful purposes, and not further processed in any way that is incompatible with the original purpose;
3. Adequate, relevant and not excessive;
4. Accurate and, where necessary, kept up to date;
5. Kept for no longer than is necessary for the purposes for which it is being used;
6. Processed in line with the rights of the individuals;
7. Kept secure with appropriate technical and organisational measures taken to protect the information;
8. Not transferred outside the European Economic area unless there is adequate protection for the personal information being transferred.

3.3 Personal data

Data to which the DPA refers:

- Data about living, identified or identifiable individuals and includes information such as names, addresses, bank details and feelings expressed about an individual.
- Also sensitive personal data relating to ethnicity, political opinion, religion, trade union membership, health, sexuality or criminal record of the data subject

3.4 Commitment

Under this policy the firm commits to:

- Comply with both the law and good practice
- Respect individuals’ rights
- Be open and honest with individuals whose data is held
- Provide training and support for staff who handle personal data, so that they can act confidently and consistently
- Notify the Information Commissioner voluntarily, even if this is not required

4 Definitions

Document: A ‘document’ can be defined as “Information that is stored as a single entity on some medium (e.g. on a computer drive or paper file etc.).” The term also covers information in what might seem non-documentary formats: e.g. computer applications and databases.

Record: A ‘record’ can be defined as: “A document which has content, context and structure and which provides evidence of a business transaction or contains information needed to carry on the firm’s business.” A ‘record’ can either be created in the firm or outside. It may be created to fulfil a legal requirement and may be required as legal evidence or to satisfy accountability. As records derive from documents, all records will be documents but not all documents will be records. For
example, a publication in a library provides information and so it is a document, but it is not a record because it does not provide evidence of an activity by the firm.

5 Information Risk Management

The person responsible for the Policy will undertake an annual review of the Policy which will include a risk assessment process. The main risk to the firm is the loss of financial and client data through corruption, theft or system failure. Also loss of client data such as key dates and personnel information could affect the progression of individual cases. Also such loss could leave the firm in breach of their professional code of conduct rules as outlined by the SRA with regard to confidentiality and accounting rules.

The review will ensure that all risks to information are identified and then assessed. At that point steps can be taken to mitigate the likelihood of the risk emerging and the impact of it should it occur. This will take place in conjunction with the firm’s Business Continuity Plan (Annex G) it is believed that any impact on the firm will be over a short period.

6 Register of client and firm information assets

A register of all the firm’s client-related and firm-related information assets is set out in Appendix 1 of this Policy.

7 Information Management Principles

The success of the firm depends on effective use of its information. It has therefore adopted the following information management principles.

1. The firm’s information is a corporate resource. All information belongs to the firm and not to any individual or group.
2. Staff will limit colleagues’ access to information they create or capture only if its sensitivity requires it.
3. Staff will manage information consistently, including the use of approved naming conventions and filing structures.
4. Staff will ensure that information is accurate and fit for purpose.
5. Staff will retain or dispose of information appropriately.
6. Staff will accept responsibility for the information they personally manage. Every member of staff is personally responsible for the effective management of the information they create, capture or use.
7. Staff will manage information in compliance with statutory and regulatory requirements. In managing information, staff will comply with the relevant statutory and regulatory requirements – including the requirement not to destroy information where there is a legal obligation to retain it.

The firm has the responsibility to train staff so that they can follow these principles. This is addressed by the induction process and annual review training to all staff.

8 Storage and Retrieval of Information

All staff have a responsibility to make their information accessible to as wide an audience within the firm as possible, as early as possible. A consistent approach is important to preserving the quality and integrity of our information and ensuring that it can be identified and retrieved in a predictable manner. All staff should consider the wider business goals of the firm when managing information. Staff are required to consider the overall information needs of the business rather than just managing information in a way that simply suits their personal interests or those of their particular project area. Some examples of the implications of this on the way staff should work are as follows:
9 Storage retention and disposal of information assets

Information is captured, stored, and maintained because it has a value to the organisation. Information that is inaccurate or out-of-date should not be kept (unless there is a clear historical value to the information). Indeed, keeping inaccurate information can be damaging. Staff should therefore aim to delete or destroy information appropriately that is no longer needed for business purposes and where there is no legal obligation to retain it.

10 Intellectual Property of Others (Copyright)

A document shall not incorporate the intellectual property of others unless the firm has the relevant rights. Staff will not enter documentation (including scanning) into an information system unless the firm owns or has obtained the copyright to do so. Material specifically addressed to the firm can be entered into an information management system.

11 Confidentiality and the authorisation for disclosures

Confidentiality is covered within the firm’s QPM (see QP02 and the firm’s Client Care Policy (Annex F)) and outlines the circumstances under which confidentiality can be broken. This is in line with the SRA’s guide to professional conduct. Within this policy, we would extend the scope of that procedure to include data/information about the firm, its plans, or finances. The firm is not allowed to use personal information for a reason an individual would not expect and is not allowed to pass an individual’s information on to another business or organisation, unless they have asked that this be specifically done and the individual(s) have given their consent. Insofar as the firm is concerned the only time that there will be a transfer of information is when a file is transferred to another organisation or our files are audited by the accountants, SRA etc.

As indicated above, as far as the firm is concerned the only time that there will be a transfer/disclosure of information is when a file is transferred to another organisation or files are audited by the relevant bodies. Clearly though the Rule of Law allows exceptions for example if we were asked by the Police for information about someone, (clearly if not privileged), we can provide this information without notifying the individual, if notifying would likely to prejudice the investigation or impede the prevention of a crime. Clearly an example of this is money laundering notification. Disclosures can also be made if they are necessary for a Court case or to obtain legal advice for example, in connection with an employment tribunal.

12 Information Security

12.1 Scope

Security must not be confused with confidentiality. The latter is about defining what is allowed — setting the boundary; the former is about ensuring that the boundary is maintained. However, there must be a relationship between the two. Information security covers not only electronic forms but also paper forms, whether handwritten or printed. In order to preserve security the firm needs to ensure maintenance of confidentiality, integrity, and availability of such information. Compliance with these aims will allow use of the
information with confidence. Such information and systems are at threat from internal and external sources

12.2 Types of threats

Physical: This results from either physical access to the systems from unauthorised personnel or damage to the components of the system i.e. computer terminals. It could also result from the computer equipment being stolen.

Electronic: These typically come from external sources and include hackers and viruses. Hackers gain control of computers primarily through the use of viruses that allow them to gain access to sensitive material which they can then copy alter or destroy. Alternatively websites can contain links that take you to other websites that copy your personal details by recording any key strokes that are made. Once infected a virus can be transferred from computer to computer through the use of external media such as USB drives. Virus is a term that incorporates Trojans and Worms into the definition.

Technical failure: If data is stored on only one computer, if that computer fails the data would be irretrievable. Hard disks will inevitably fail as they get older regardless of the expense of it.

Human Error: Misuse of a system, even if by way of an honest mistake, can result in information being lost. Security policies need to address human factors whether by a malicious outsider or an honest employee.

12.3 Security measures

The following security measures are in place:

Backup of data
To reduce any loss suffered by the practice if our IT security was breached, we back up all of our IT data on a regular basis to minimise the impact on the business. Backup routines are the responsibility of the Practice Manager. A daily backup of the file server takes place automatically each night and backed up onto a tape. Any errors in the backup routine will be notified to the Practice Manager in the morning. The backup tape is despatched to the firm’s Low Fell office for secure off-site storage. Due to the process used by backing up data, the risk posed when reinstating data is low.

Prevention of unauthorised use/theft of the computers
All computer terminals including mobile devices used for work purposes including phones, laptops and tablet computers must be closed down after use to prevent unauthorised use when the employee is not at their desk or in the office. All such devices must be password or security number protected so no-one can access the information stored or software installed on them without first entering the correct code.

Mobile devices used for work purposes including phones, laptops and tablet computers are stored out of sight when not in use by an employee. Staff should take all reasonable precautions to protect the physical security of such mobile devices, for example, they should use locked desks/cupboards/offices where available. Mobile devices must never be left unattended in cars at any time.

The computer terminals themselves are not physically accessible by anyone other than employees. The main entrance to the premises is policed at all times by the Receptionist. The likelihood of unauthorised intrusion is very low as a consequence. All clients are accompanied at all times. All interview rooms are located on the ground floor. The file servers are located in non-public, secure areas to reduce the risk of damage or theft.
Prevention of the use of unauthorised/infected USB drives
The use of USB drives is restricted to those belonging to the firm. The firm holds a limited number of USB drives to be used by employees to transfer documents from one workstation to another. No personal USB drives are to be used by the employees. All other use of USB drives is strictly prohibited. Staff should take all reasonable precautions to protect the physical security of USB devices used for work purposes. For example, they should use locked desks/cupboards/offices where available. USB devices must never be left unattended in cars at any time. Any USB devices used for personal or client data should be encrypted.

Procedures for detecting and removing malicious software
It is the firm’s policy that all computers, laptops and tablets have software installed on them that prevents, detects and removes malicious software. The software must be kept up to date at all times. All staff must immediately notify a Director or the Practice Manager of any situation arising with the computers such as error messages or warnings of detection of potential malicious software who will then investigate and address the problem. Staff must not to open emails from suspicious sources or if they contain a suspicious attachment to minimise the risk of infecting the computer system. All emails from an anonymous sender are automatically treated as suspicious to minimise the risk of a virus.

Viruses are often contained in email attachments displayed as .exe or .scr. In order for the virus to infect the computer system the attachment has to be opened. Alternatively the virus can be picked up simply by visiting an infected website. Because of this, staff must be constantly vigilant to these risks when using the firm’s equipment for email and internet access to reduce the chance of them containing harmful data that would infect the IT systems.

Prevention of loss/misuse of case files and papers
Staff should take all reasonable precautions to protect the physical security of case files and papers. Staff should take particular care about files in cars. In no circumstances should files be left unattended in cars. Also, staff should store case files/papers in locked desks/cupboards/offices where available. Staff should ensure that any work done on a client file on train journeys does remain confidential. Consideration should be given to who might overhear telephone calls on mobile phones in trains or in public places or view case papers/laptop screens etc.

Preventing the misdirection of emails
Due to the risks from email, staff should observe the following precautions to avoid emails being misdirected:
- Consider whether the content of the email should be encrypted or password protected.
- When you start to type in the name of the recipient, some email software will suggest similar addresses you have used before. If you have previously emailed several people whose name or address starts the same way - eg “Dave” - the auto-complete function may bring up several “Daves”. Make sure you choose the right address before you click send.
- If you want to send an email to a recipient without revealing their address to other recipients, make sure you use blind carbon copy (bcc), not carbon copy (cc). When you use cc every recipient of the message will be able to see the address it was sent to.
- Be careful when using a group email address. Check who is in the group and make sure you really want to send your message to everyone.
- If you send a sensitive email from a secure server to an insecure recipient, security will be threatened. You may need to check that the recipient’s arrangements are secure enough before sending your message.
Due to the severity of this risk employees are referred to the firm’s Email and Internet Access Policy (Annex I) and Social Media Policy (Annex N). Any breach of this could result in dismissal from the firm.

**Preventing the misdirection of Faxes**

Care needs to be taken when sending fax messages as serious breaches can occur should faxes be misdirected. Staff should therefore take the following precautions:

- Consider whether sending the information by a means other than fax is more appropriate, such as using a courier service or secure email. Make sure you only send the information that is required. For example, if asked to forward a statement, send only the statement specifically asked for, not all statements available on the file.
- Make sure you double check the fax number you are using. It is best to dial from a directory of previously verified numbers.
- Check that you are sending a fax to a recipient with adequate security measures in place. For example, your fax should not be left uncollected in an open plan office.
- If the fax is sensitive, ask the recipient to confirm that they are at the fax machine, they are ready to receive the document, and there is sufficient paper in the machine.
- Ring up or email to make sure the whole document has been received safely.
- Use a cover sheet. This will let anyone know who the information is for and whether it is confidential or sensitive, without them having to look at the contents.

**Use of firewalls**

[Add the firm’s procedures]

**Procedures for the secure configuration of network devices**

[Add the firm’s procedures]

**Management of user accounts**

[Add the firm’s procedures]

### 13 Software

#### 13.1 Register of software used by the firm

A register of all the software in use at the firm is set out in Appendix 2 of this Policy. The maintenance of the Register is the responsibility of the IT Director.

#### 13.2 Updating and monitoring of software

The register of software as set out above will be subject to annual review by the IT Director who will identify the need for the installation of new or updated software. This will take place in conjunction with the Annual Quality Review meeting set out in QP01.

### 14 Information security training

It is vital that all members of the firm are made fully aware of this policy and the specific requirements contained within the ‘Information Security’ sections above. This will be effected in a number of ways:

- Through the induction process;
- Considered at performance appraisals where any learning needs will be identified;
- Access to this Policy;
- Periodic updates at team meetings, one-to-ones and specific update training sessions.
### Appendix 1: Register of client and firm information assets

<table>
<thead>
<tr>
<th>Asset Description</th>
<th>Media Type</th>
<th>Format type</th>
<th>Key risks</th>
<th>Backup type</th>
<th>Lead responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinets of paper folders and files.</td>
<td>Paper</td>
<td>Within cabinet drawer and paper folders / lever arch folders</td>
<td>Fire/flood/major incident</td>
<td>Documents produced by the firm also available on server and backup Business Continuity Plan</td>
<td>Heads of Department</td>
</tr>
<tr>
<td>Personnel Records</td>
<td>Paper</td>
<td>Within locked cabinet drawers</td>
<td>Fire/flood/major incident</td>
<td>Documents produced by the firm also available on server and backup Business Continuity Plan</td>
<td>Practice Manager</td>
</tr>
<tr>
<td>Recruitment records</td>
<td>Paper</td>
<td>Within locked cabinet drawers</td>
<td>Fire/flood/major incident</td>
<td>Documents produced by the firm also available on server and backup Business Continuity Plan</td>
<td>Practice Manager</td>
</tr>
<tr>
<td>General fee earner and miscellaneous computer documents</td>
<td>Hard Disk</td>
<td>MS Office Documents Third Party Application Documents (e.g. PDFs)</td>
<td>Virus attack, IT failure</td>
<td>Server backup</td>
<td>IT Director</td>
</tr>
<tr>
<td>Exchange (Emails, Faxes, Calendars and User Contacts)</td>
<td>Hard Disk</td>
<td>Within Exchange database</td>
<td>Virus attack, IT failure</td>
<td>Server backup</td>
<td>IT Director</td>
</tr>
<tr>
<td>Precedent and Library</td>
<td>Hard Disk</td>
<td>MS Office Documents Third Party Application Documents (e.g. PDFs)</td>
<td>Virus attack, IT failure</td>
<td>Server backup</td>
<td>Heads of Department</td>
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Appendix 2: Register of software used by the firm

<table>
<thead>
<tr>
<th>Software</th>
<th>Version</th>
<th>Comments (e.g. licences etc.)</th>
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</tbody>
</table>
1 Introduction

The firm regards the learning and development of all members of staff as being vital to its future and to achieving its overall objectives. It is the policy of the firm to ensure that all personnel are competent to perform all tasks for which they are responsible and are developed in a manner that is appropriate for a forward-looking professional firm.

2 Aims

The main aims of this policy are to:

- Provide a working environment where continuous learning and development take place
- To ensure that employees are supported and enabled to meet the changing demands of the organisation and its clients.
- To ensure that the organisation achieves its strategic objectives and statutory obligations
- To enable employees to meet their responsibilities in completing continuous professional development required by relevant professional bodies
- To ensure IT skills are at a basic level of competency and developed in accordance with work needs
- Enable management development in relation to those who have managerial/ supervisory responsibilities
- Provide learning and development essential for the generation and maintenance of income
- To facilitate employee development at work and/or personal development through assisting employees to broaden, deepen and thereby further enhance their existing skills base.

3 Equal Opportunities

As set out in the Equality and Diversity Policy (Annex B), the firm is committed to ensuring equality of learning opportunity, hence no employee will be excluded from learning on the grounds of gender (including gender reassignment), age, marital status, disability, racial grounds (race, colour, nationality – including citizenship - ethnic or national origin), sexual orientation, religion or belief, responsibility for dependants, trade union membership or employment status. Part-time and fixed-term employees will have equal access to learning and development opportunities.

4 Responsibilities

The Learning & Development Director has responsibility for planning, co-ordinating and overseeing the firm’s overall training needs and implementation. They are also responsible for evaluating learning and coordinating training activity to ensure that delivery is both effective and offers value-for-money. An organisational Learning and Development Plan is prepared and reviewed in accordance with QP18.

It is the responsibility of all employees, particularly those with management responsibility, to actively support the learning, development and coaching of others and to enable them to gain the necessary experience, as appropriate, to allow them to realise their full potential. All employees share responsibility for the planning, implementing and evaluating of their own training needs.

The primary responsibility for the learning and development of an employee rests with the Head of Department in which the employee works. They have a key responsibility for learning and development and will support an employee in helping to identify any relevant needs and in deciding on the most appropriate way of meeting these. The relevant Learning and Development Director can provide professional advice to support this process. Individuals also have a responsibility for their own development and should raise any perceived needs with their Head of Department.
All posts in the firm are covered by a documented Job Description (see Chapter 3) that summarises the objectives of the post, the lines of accountability, the main duties to be undertaken and the skills, knowledge and experience needed to carry it out. Such documents are fundamental for the ongoing evaluation of training needs.

5 Performance Appraisal Process

The firm operates an annual appraisal process which all employees participate in. The process is intended to assist the firm in effectively managing the performance and development of all employees. In order to support the firm’s continued development, it is important that all employees:

- Are committed to developing their skills and knowledge so they can fully contribute to the business.
- Understand the performance requirements and contribution that is expected from them.
- Are trained from the time they join the firm and that this development continues as their careers develop.
- Skills and knowledge are regularly reviewed and updated to meet changes within the business.
- Understand and are focussed on delivering the aims of the business.

The key objectives of the annual appraisal process are to:

- Give all employees an opportunity to receive feedback on their performance. This is with the aim of helping them to become more effective in their current role and to develop both personally and professionally.
- Set individual objectives that are linked to those of the business on which effort and contribution can be focussed and against which performance can be measured.
- Identify any learning and development which may further enhance an employees’ effectiveness in their current role or develop them for future roles.
- Ensure that all supervisors and managers receive appropriate training to develop and improve their management skills.
- Improve communication and encourage the giving and receiving of feedback.
- Ensure all employees should take an active role in identifying their own training needs and make use of the opportunities available to them.

6 Induction

The firm recognises that the induction process is vital for ensuring that new employees are made to feel welcome in the organisation. An effective induction assists new employees in gaining an understanding of the firm, their role and where they fit. It also helps them to understand the firm’s values and business objectives and how they can make an early and effective contribution to the firm. The firm’s induction programme is comprehensive in nature and guided by a detailed INDUCTION CHECKLIST.

7 Learning and Development Plans

Learning needs of employees will be identified in a number of ways. The key method of identifying learning and development needs is via the performance appraisal of staff where a Learning and Development Plan is prepared for each individual. Learning needs may also be identified during the induction process and through the firm’s various feedback and monitoring activities such as file reviews, fee earner meetings, complaints, client questionnaires, and Annual Quality Reviews. The firm will seek to source appropriate learning and/or development activity to meet these needs. Employees are able to propose specific courses where they feel they are appropriate to the business need.
The firm shall ensure that training is provided to managers and supervisors in order to fulfil their duties in accordance with the SRA Code of Conduct requirements. This could include, but is not limited to, supervisory skills training, business and financial management skills and regulatory requirements. Adequate training must also be provided to meet the LAA supervisor standards for legal aid work such as those set out in the appropriate LAA Contract Specifications.

The firm supports requests from individuals who wish to gain additional professional qualifications, where related to their role. Each request will be considered on its own merit and may be subject to a sponsorship agreement. This would set out the support that the firm will provide and the commitment that is required from the individual. The firm will, under a sponsorship agreement, typically pay for course and examination fees and offer an agreed level of paid study and exam leave during working hours. The firm will also reimburse the cost of one basic annual subscription to a recognised professional body, where membership is relevant to the role performed by an individual.

8 Evaluation of Training

The firm will regularly review the effectiveness of learning and development activities. Informal evaluation of learning and development is discussed at fee earner and staff meetings as a standing agenda item. Feedback will be monitored so that appropriate action can be taken where adverse reports are received and to maintain value for money in training provision. In addition, appraisal sessions will include a formal review of the effectiveness of learning and development activities undertaken.

9 Learning and Development Records

Learning and development records for all personnel will be maintained as part of the individual personnel records.
1 Introduction

This policy sets out the firm’s approach to the management of its web presence. As such it details the processes for content approval, publishing, removal, the scope of permitted and prohibited use and the procedures for the proper management of its security, accessibility and contents.

2 The Website

The firm’s website can be found at www.hathaways.uk.com.

The website is designed and maintained by:

Union Room
Unit 17
Quay Level
St Peters Wharf,
Newcastle upon Tyne
NE6 1TZ
Tel: 0191 228 9444
Email: info@unionroom.com

3 Responsibility

The member of the firm with overall responsibility for the management of the content of the firm’s website is set out in QP01 of the QPM. For the purposes of this Policy, they are referred throughout as the Website Manager. Their responsibilities include:

- Ensuring content is up to date
- Ensure out-of-date or inaccurate content is removed or amended;
- Ensuring content does not infringe copyright;
- Specifying conditions for downloading material;
- Ensuring any publicity conforms to the SRA Code, Chapter 8;
- Ensuring compliance with the Disability Discrimination Act 1995;
- Ensuring posting of a privacy notice explaining how any data collected from visitors will be managed by the firm.

4 Content approval, publishing and removal

The day-to-day management and maintenance of the website content is undertaken by the Website Manager or nominated deputy. No other members of staff are authorised to undertake any form of maintenance. Any major alterations to the structure or look of the site will be undertaken by the website designers or any other such company with the approval of the Website Manager. Any requests from members of the firm to add, amend or remove content from the website should be submitted to the Website Manager.

The Website Manager will be responsible for conducting regular reviews of the website to ensure its continuing accuracy and fitness for purpose. Any additions/amendments/removals made should be viewable by different browsers, should be downloadable in a short period of time and should be tested after upload.

Should the firm provide social media content linked to the website then this should be in accordance with the Social Media Policy (Annex N).

5 Jurisdiction and applicable law
The website will specify that the jurisdiction and applicable law to be invoked is that of England and Wales in the event of any dispute arising as a result of content posted on the firm’s website.

6 Permitted content

The purpose of the website is to promote and market the firm generally as one of the leading local providers of legal advice. All content should seek to achieve this objective. The website content may include:

- The firm’s profile and history
- Services offered
- Profiles of key personnel and their experience/expertise/qualifications
- News stories that promote the firm positively
- Recruitment opportunities
- Contact details
- Links to other websites

7 Prohibited content

Any use of material from the website - text, pictures or otherwise, may only be done so to promote and market the firm or one of its staff. If the use of any such information is unlikely to do so, you must submit a formal request to the Website Manager giving reasons for the use of the information. The following will not be permitted on the website:

- Personal staff contact details
- Libellous material
- Publicity material not in accordance with SRA Code of Conduct, Chapter 8

8 Website security

The Website Manager is responsible for ensuring the ongoing security of the firm’s website. Where a content management system (CMS) is utilised to maintain the website, the Website Manager should ensure that any security patches are promptly installed as recommended by the CMS provider. CMS authorised users should use strong passwords to prevent unauthorised access and should in no circumstances share passwords. The Website Manager may from time to time wish to test the website security. The most effective way of doing this is via the use of some website security tools, often referred to as penetration testing or pen testing for short.

9 Disclaimers and Copyright

The Website Manager is responsible for ensuring that the website contains all necessary disclaimers and copyright notices in order to protect the firm’s interests.

10 Solicitors Regulation Authority Compliance

The Website Manager is responsible for ensuring that the firm’s website meets the requirements laid down by the SRA in the SRA Code. This includes but is not limited to ensuring the following is addressed on the website:

- The name under which the firm is authorised by the SRA and the SRA number
- The wording ‘authorised and regulated by the Solicitors Regulation Authority’
- Links to the SRA Code
- Any other requirement pertaining

11 Privacy and Electronic Communications Regulations (PECR)
On 26 May 2011, the Privacy and Electronic Communications (EC Directive) (Amendment) Regulations 2011 came into force. These amend the Privacy and Electronic Communications (EC Directive) Regulations 2003. The Information Commissioner already has enforcement powers under the 2003 Regulations. The 2011 Regulations enhance these powers and introduce new requirements, most notably in relation to ‘cookies’. The revised rules replace the requirement of the 2003 Regulations that users must be given an opportunity to refuse cookies (an “opt out”) with a requirement for user consent. The requirement to also provide users with clear, comprehensive information on the use of cookies remains. In fact these requirements do not only apply to cookies. They apply to any means of storing information or gaining access to information stored on a user’s terminal equipment. They do not apply where the storage or access is strictly necessary for a service requested by the user.

The Website Manager is responsible for ensuring that the firm’s website complies with the above and that any developers similarly abide by the Regulations.

12 Accessibility

The firm is committed to making its websites as accessible as possible for all website visitors, including those with disabilities. The website is designed to ensure that all users can access the content on the website, including blind users, partially sighted and colour-blind users, deaf users, hearing-impaired users, users with limited mobility, users with cognitive disabilities or learning difficulties and users with photo-sensitive epilepsy.

The firm will endeavour to adhere to the standards set by the World Wide Web Consortium (W3C), which is an international group responsible for setting standards for web technologies. The Consortium has set up a specialist task group, the [Web Accessibility Initiative (WAI)](https://www.w3.org/WAI), to define standards on web accessibility for disabled users.

The Website Manager will be responsible for ongoing monitoring of the website for accessibility purposes such as:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Accessibility considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual impairment</td>
<td>The ability to scale all pages, text and menu items on the site to suit users’ requirement.</td>
</tr>
<tr>
<td>Hearing impairment</td>
<td>Omission of audio clips or, if present, providing a text version of the soundtrack or time-indexed subtitles.</td>
</tr>
<tr>
<td>Speech</td>
<td>Ensuring the website may be fully accessed using any voice-controlled computer and web browser.</td>
</tr>
<tr>
<td>Physical disability</td>
<td>Ensuring that for those that have difficulty using a mouse, keyboard access is supported by using standard shortcut techniques so that navigation can be fully effected without the use of a mouse.</td>
</tr>
<tr>
<td>Cognitive</td>
<td>Ensuring that main menus are structured identically on all pages (i.e. all main sections can be accessed from anywhere in the site). Ensuring that legal jargon is minimised.</td>
</tr>
</tbody>
</table>

The accessibility of the website will be subject to review at the Annual Quality Review meeting as set out in [QP01](#).
1 Introduction

This policy is intended to help staff make appropriate decisions about the use of social media such as blogs, wikis, social networking websites, podcasts, forums, message boards, or comments on web-articles, such as Twitter, Facebook and LinkedIn. The policy outlines the standards we require staff to observe when using social media, the circumstances in which we will monitor use of social media and the action the firm will take in respect of breaches of this policy. This policy supplements the Email and Internet Access Policy (Annex I). This policy does not form part of any contract of employment and it may be amended at any time.

2 Who is covered by the policy?

This policy covers all individuals working at all levels and grades, including Directors, employees, consultants, contractors, trainees, part-time and fixed-term employees, casual and agency staff and volunteers (collectively referred to as ‘staff’ in this policy).

3 The scope of the policy

All staff are expected to comply with this policy at all times to protect the privacy, confidentiality, and interests of the firm, its services, Directors, staff, clients, professional associates and competitors. Breaches of this policy may be dealt with under the firm’s disciplinary procedures and, in serious cases, may be treated as gross misconduct leading to summary dismissal.

4 Responsibility for implementation of the policy

The IT Director (see QP01 of the QPM) has overall responsibility for the effective operation of this policy. They are responsible for monitoring and reviewing the operation of this policy and making recommendations for changes to minimise risks to the firm’s operations. All staff are responsible for their own compliance with this policy and for ensuring that it is consistently applied. All staff should ensure that they take the time to read and understand it. Any questions regarding the content or application of this policy or any breach of this policy should be reported to a Director.

5 Using social media sites the firm’s name

The firm may, from time-to-time, choose to operate social media websites in order to promote the firm, its services, its team and to improve communications with anyone associated with the firm. The firm will designate specific Partners and staff to act as social media editors on behalf of the firm. Only those designated editors are permitted to post material on any social media website in the firm’s name and on the firm’s behalf. Any breach of this restriction could amount to gross misconduct. Passwords for access to social media websites should be changed regularly and in no circumstances should they be given to anyone who has not been designated as a social media editor.

Social media content may include news stories, events, developments in the firm, developments in the law, and commentary on topics impacting on the firm or its clients. The social media editors will be required to strictly observe the editorial guidelines of the firm which does not permit the publication of any of the following:

- Anything that could potentially identify an individual client or case;
- Names of other parties involved in cases including, but not limited to, Judges, Counsel, expert witnesses, other solicitors etc.
- Personal Partners and staff contact details;
- Defamatory material;
- Publicity material not in accordance with SRA Code of Conduct, Chapter 8
• Instructions on new matters will not be accepted via social media.

The designated social media editors are responsible for the regular monitoring of the firm’s social media websites and will remove any content that could cause the firm embarrassment or reputational damage.

6 Expectations

6.1 Use of social media at work

The firm is aware that phone technology enables staff to access social media sites or other non-work related sites on personal phone applications. Staff must not use their personal phones when they are supposed to be working or to the detriment of the expected level of performance. Furthermore when staff are working from home using personal computers to undertake firm business they should not use social media sites or other non-work related sites when they are supposed to be working or to the detriment of the expected level of performance.

6.2 Use of social media on personal PCs/devices

The firm recognises that a lot of staff make use of social media in a personal capacity. While they are not acting on behalf of the firm, staff must be aware that they can damage the image of the firm if they are recognised as being a firm member of staff, and may bring the firm into disrepute.

When using social media on personal PCs or devices all staff must adhere to the following guidelines:

• Avoid any postings or responses on social media which are bullying or harassing in tone towards other members of the firm;
• Maintain confidentiality of clients and other staff when using social media. Under no circumstances should any client details or any photographs which may include images of clients be posted via social media;
• Behave professionally, and in a way that is consistent with the firm’s values and policies, if they have identified the firm as their employer via social media.

And all staff must not:

• Post information about colleagues that they have been asked not to share, and should remove information about a colleague where instructed to do so;
• Make disparaging remarks about the firm, its clients, members of the firm, professional associates or competitors on a social media site
• Make any remarks on a social media site that may compromise the firm;
• Air personal grievances related to any aspect of employment with the firm where others may be able to read them;
• Post anything which may be considered unlawful or may otherwise bring the firm into disrepute on their social media site / social media profile page;
• Take photos or videos on firm premises and then post these via social media without ensuring there is anything in the photo/video that could breach client confidentiality, the Data Protection Act or that may bring the firm into disrepute;
• Use social media to communicate on behalf of the firm unless this is a normal, accepted part of their role;
• Unless specifically authorised, post messages under the firm’s name to any newsgroup or chat room.
Such breaches of this policy are taken very seriously by the firm and may constitute misconduct or gross misconduct as detailed in the firm’s disciplinary procedures.

6.3 Professional Networking Sites

The expectation above relating to the avoidance of identification of the firm on Social Media sites does not apply to professional networking sites, e.g. LinkedIn, where appropriate identification is permitted. However, all other expectations set out above still apply and contravention will be subject to the same sanctions as set out above.

7 Monitoring use of social media websites

Staff should be aware that any use of social media websites (whether or not accessed for work purposes) may be monitored and, where breaches of this policy are found, action may be taken under our disciplinary procedures. We reserve the right to restrict or prevent access to certain social media websites if we consider personal use to be excessive. Monitoring is only carried out to the extent permitted or as required by law and as necessary and justifiable for business purposes.

Misuse of social media websites can, in certain circumstances, constitute a criminal offence or otherwise give rise to legal liability against you and us. It may also cause embarrassment to us and to our clients. In particular uploading, posting forwarding or posting a link to any of the following types of material on a social media website, whether in a professional or personal capacity, could amount to gross misconduct (this list is not exhaustive):

- Pornographic material (that is, writing, pictures, films and video clips of a sexually explicit or arousing nature);
- A false and defamatory statement about any person or organisation;
- Material which is offensive, obscene, criminal discriminatory, derogatory or may cause embarrassment to us, our clients or our staff;
- Confidential information about us or any of our staff or clients (which you do not have express authority to disseminate);
- Any other statement which is likely to create any liability (whether criminal or civil, and whether for you or us); or
- Material in breach of copyright or other intellectual property rights, or which invades the privacy of any person.

Any such action will be addressed under the firm’s disciplinary procedures and is likely to result in summary dismissal. Where evidence of misuse is found we may undertake a more detailed investigation in accordance with our disciplinary procedures, involving the examination and disclosure of monitoring records to those nominated to undertake the investigation and any witnesses or managers involved in the investigation. If necessary such information may be handed to the police in connection with a criminal investigation.

If you notice any use of social media by other members of staff in breach of this policy please report it to a Director.
1 Introduction

It is in the best interests of the firm to be aware of and properly manage all conflicts of interest. This conflict of interest policy is designed to help members of the firm and employees to identify situations that present potential conflicts of interest and to provide procedures to appropriately manage conflicts in accordance with the SRA Code and the requirements of quality standards.

2 What is a Conflict of Interest?

Conflicts of interests can arise between:

- The firm and its current clients ("own interest conflict"); and
- Two or more current clients ("client conflict").

3 Own Interest Conflicts

Own interest conflicts are those in which the ability as an individual, or that of anyone within your firm, to act in the best interests of the client(s), is impaired by:

- any financial interest;
- a personal relationship;
- the appointment of you, or a member of your firm or family, to public office;
- commercial relationships; or
- employment.

The firm can never act where there is a conflict, or a significant risk of conflict, between the firm and the client.

4 Client Conflicts

The procedures for identifying client conflicts are set out in QP08 of the QPM. In conducting the conflict check, the checker must assess all relevant circumstances, including whether:

- the clients’ interests are different;
- the firm’s ability to give independent advice to the clients may be fettered;
- there is a need to negotiate between the clients;
- there is an imbalance in bargaining power between the clients; or
- any client is vulnerable;

The firm will not act if there is a client conflict, or a significant risk of a client conflict, unless the circumstances set out in 4.1 and 4.2 below apply;

4.1 Clients with ‘Substantially Common Interests’

Where there is a client conflict and the clients have a substantially common interest in relation to a matter or a particular aspect of it, the firm will only act if:

- The firm has explained the relevant issues and risks to the clients and there is a reasonable belief that they understand those issues and risks;
- All the clients have given informed consent in writing for the firm to act;
- The firm is satisfied that it is reasonable for it to act for all the clients and that it is in their best interests; and
- The firm is satisfied that the benefits to the clients from acting so outweigh the risks.
4.2 Clients ‘Competing for the same Objective’

Where there is a client conflict and the clients are competing for the same objective, the firm will only act if:

- The firm has explained the relevant issues and risks to the clients and there is a reasonable belief that they understand those issues and risks;
- The clients have confirmed in writing that they want the firm to act, in the knowledge that the firm acts, or may act, for one or more other clients who are competing for the same objective;
- There is no other client conflict in relation to that matter;
- Unless the clients specifically agree, no individual acts for, or is responsible for the supervision of work done for, more than one of the clients in that matter; and
- The firm is satisfied that it is reasonable for the firm to act for all the clients and that the benefits to the clients of the firm doing so outweigh the risks.
- The clients are sophisticated users of legal services.

5 Acting for Lender and Borrower

When proposing to act for clients who are the lender and borrower on the grant of a mortgage of land, the firm must take care to avoid breaching the provisions of Chapter 3 of the SRA Code regarding conflicts of interest. Guidance provided in Indicative Behaviour IB3.7 of the SRA Code states that the following will tend to assist firms in achieving the Outcomes in Chapter 3. However, they are not binding on firms and can be overridden where there is sufficient justification.

- The mortgage is a standard mortgage (i.e. one provided in the normal course of the lender's activities, where a significant part of the lender's activities consists of lending and the mortgage is on standard terms) of property to be used as the borrower's private residence;
- The firm satisfied that it is reasonable and in the clients' best interests for it to act; and
- The certificate of title required by the lender is in the form approved by the Society and the Council of Mortgage Lenders.

For the avoidance of doubt, the firm will not act for clients in the following situations:

- Clients whose interests are in direct conflict, for example claimant and defendant in litigation;
- Where the firm may need to negotiate on matters of substance on their behalf, for example negotiating on price between a buyer and seller of a property;
- Where there is unequal bargaining power between the clients, for example acting for a seller and buyer where a builder is selling to a non-commercial client;
- Where the clients have a ‘substantially common interest’ or are ‘competing for the same objective’ where the clients cannot be represented even-handedly, or will be prejudiced by lack of separate representation.
- In a personal capacity, selling to or buying from, lending to or borrowing from a client, unless the client has obtained independent legal advice;
- Advising a client to invest in a business, in which you have an interest which affects your ability to provide impartial advice;
- Where a power of attorney is held for a client, using that power to gain a benefit for yourself which in your professional capacity you would not have been prepared to allow to a third party;
- Acting for two or more clients in a conflict of interests where the clients' interests in the end result are not the same, for example one partner buying out the interest of the other partner in their joint business or a seller transferring a property to a buyer;
• Acting for two or more clients in a conflict of interests where it is unreasonable to act because there is unequal bargaining power;
• Acting for two buyers where there is a conflict of interests, for example where two buyers are competing for a residential property;
• Acting for a buyer (including a lessee) and seller (including a lessor) in a transaction relating to the transfer of land for value, the grant or assignment of a lease or some other interest in land for value.

6 Conflicts of Interest by Work Area

The firm has defined the following conflicts of interest in each of its key work areas:

<table>
<thead>
<tr>
<th>Work area</th>
<th>Definition of a conflict of interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime</td>
<td>• Multiple defendants where there is a conflict in their versions of events&lt;br&gt;• Acting for complainant and defendant&lt;br&gt;• Complainant known to firm’s staff&lt;br&gt;• Professional embarrassment caused by admissions to lawyer and instructions to pursue a different defence</td>
</tr>
<tr>
<td>Civil litigation</td>
<td>• Acting for claimant and defendant&lt;br&gt;• Previously acting for one or both parties concerning the subject matter</td>
</tr>
<tr>
<td>Conveyancing</td>
<td>• Acting for seller and buyer whereby there is likely to be a conflict of interest arising during the transaction which may require the firm to put the interests of one party above that of the other&lt;br&gt;• Acting for husband and wife in the mortgage of a property where the loan is for the sole purpose of the husband/wife’s business unless both parties agree to see separate solicitors in the firm and the agreement of the bank is obtained&lt;br&gt;• Acting for a developer and purchaser of a plot unless exceptional circumstances apply&lt;br&gt;• Acting for a lender whereby whereby the firm is aware of issues which may prejudice the client or the bank&lt;br&gt;• Acting for both family members in a transfer unless both parties consent</td>
</tr>
<tr>
<td>Employment law</td>
<td>• Acting for employer and employee or former employee</td>
</tr>
<tr>
<td>Family law</td>
<td>• Acting for both parties&lt;br&gt;• Acting for one party having previously acted for the other party with knowledge of their joint affairs</td>
</tr>
<tr>
<td>Landlord and tenant</td>
<td>• Acting for landlord and tenant</td>
</tr>
<tr>
<td>Personal injury</td>
<td>• As Civil Litigation plus&lt;br&gt;• In RTA cases, acting for driver and passenger where there is a dispute over liability</td>
</tr>
<tr>
<td>Wills, Probate and Trusts</td>
<td>• Acting for both intended donors and expectant beneficiaries where the ‘substantially common interest’ or ‘competing for the same objective’ test (see above) has been satisfied in relation to wills, trusts and lasting powers of attorney.</td>
</tr>
</tbody>
</table>

7 Action

Where it appears that there may be a conflict, the relevant Department Head or Director will be advised so that a decision can be made as to whether it is actual conflict or not. If there is, a further
decision will be made about which clients should be represented, taking into account all relevant factors and the requirements and guidance of the SRA Code of Conduct on Conflicts.

Informed consent will be obtained in appropriate circumstances and where there is potential for a conflict of interest to develop, plans will be established (and agreed with clients where appropriate), to deal with such problems in that event. Any such plans must be noted on the file. If work cannot be accepted immediately as further investigation is considered necessary, this will be made clear to the client. The eventual decision will be confirmed in writing.

8 Confidentiality

It is a fundamental duty that the firm keep the affairs of clients confidential unless disclosure is required or permitted by law or the client consents. Where your duty of confidentiality to one client comes into conflict with your duty of disclosure to another client, your duty of confidentiality takes precedence. The firm should not act for A in a matter where A has an interest adverse to B, and B is a client for whom you hold confidential information which is material to A in that matter, unless the confidential information can be protected by the use of safeguards, and:

a) You reasonably believe that A is aware of, and understands, the relevant issues and gives informed consent;
b) either:
   i. B gives informed consent and you agree with B the safeguards to protect B’s information;
   or
   ii. where this is not possible, you put in place effective safeguards including information barriers which comply with the common law; and
   c) it is reasonable in all the circumstances to act for A with such safeguards in place;

9 Training

The firm will ensure that training is provided, where relevant, in relation to identifying, assessing and dealing with potential conflicts of interests. This will be conducted in a variety of ways:

- Induction training
- Ongoing reviews of training needs during appraisals
- Formulation of the organisational Learning and Development Plan during the preparation of the Strategic Plan.

During training, trainees will be given specific guidance on how to identify ‘own interest’ conflicts which are, in practice, more difficult to identify than client conflicts.
Introduction

Outsourcing is an increasingly growing area in legal service delivery as firms seek to reduce costs and improve efficiency by sub-contracting activities that were formerly the preserve of law firms. This procedure ensures that the firm considers its obligations to its clients and the regulator (e.g. the SRA Code) at all times when considering outsourcing services.

What is an outsourced activity?

The SRA has provided some examples of outsourcing which the outcomes in the SRA Code are intended to capture. These include services which are critical to the delivery of legal activities, for example legal secretarial services and proofreading. The following is not an exhaustive list:

- Activities which would normally been undertaken by a paralegal
- Initial drafting of contracts
- Legal secretarial services- digital dictation to an outsourced secretarial service for word-processing or typing
- Proofreading
- Research
- Document review
- Companies House filing
- Due diligence, for example in connection with the purchase of a company
- IT functions which support the delivery of legal activities
- Business process outsourcing

The provision of specialist legal services to a client, for example instructing counsel, medical experts, tax experts or accountancy services is not regarded by the SRA as outsourced.

Steps to be taken when outsourcing activities

The following should be considered when activities are to be outsourced.

Confidentiality

Outsourcing presents specific challenges to confidentiality. There is a risk outsourcing will result in loss of confidentiality and that information may be disclosed to third parties. The firm must ensure that the SRA Code requirements on confidentiality and disclosure are adhered to when work is outsourced. When planning to outsource any work relating to confidential client information, all necessary steps must be taken to ensure that the third party providing the service will keep that information confidential. An adequate confidentiality agreement must be put in place for all such activities. In addition, as outsourced providers will not be constrained by the same professional duties as solicitors, the firm must make providers aware of its professional duties in relation to outsourcing. In addition to having confidentiality agreements in place, the firm will consider auditing and checking the outsourcing provider's confidentiality processes.

Information for clients

Clients should be made aware, for example through the firm's terms and conditions of business, that such outsourcing may take place. The firm should consider whether specific consent is needed from clients prior to outsourcing taking place. There is a risk that an outsourced provider may breach client confidentiality when work is outsourced on client files.
Drawing the client’s attention to this risk may mitigate any breach of confidentiality which then occurs. The Law Society Practice Note on outsourcing should be consulted where required.

### 3.3 Management of the business

The firm must ensure that outsourcing an activity does not adversely affect its ability to comply with, or the SRA’s ability to monitor the firm’s compliance with its obligations in the SRA Handbook. Outsourced activities should be subject to contractual arrangements that enable the SRA or its agent to obtain information from, inspect the records (including electronic records) of, or enter the premises of, the third party, in relation to the outsourced activities or functions. The firm must ensure that the outsourced provider is aware of its professional obligations in this area.

The firm must ensure that any outsourcing arrangement does not affect its professional obligations towards clients, including the requirements of the SRA Code dealing with Client care. The firm should consider whether it is in the client’s interest to outsource and should inform clients about any arrangements which are made in relation to outsourcing. Any outsourced arrangements must not cause the firm to breach the conditions with which it must comply in order to be authorised and to remain so.

### 3.4 Risk Management

The SRA has emphasised the need for law firms to take a risk-based approach to compliance and managing their business. This will mean firms identifying and assessing risk. There are clearly specific risks in relation to outsourcing and the firm must thoroughly assess any risks before making the decision to outsource. These risks must be monitored throughout the term of the outsourcing and not just at the outset of the outsourcing arrangement. The level of risk will depend on the particular type of outsourcing e.g. whether the firm is outsourcing an administrative function or whether it is outsourcing legal activities. The COLP (see QP01) is ultimately responsible for assessing and mitigating the risks arising from any outsourced activity. This will normally be documented in the firm’s Risk Management Policy (Annex C) and associated Risk Register.

### 3.5 Equality and Diversity

The firm must consider equality and diversity requirements when entering into outsourcing arrangements so that it remains compliant with the SRA Code requirements on equality and diversity. The firm must also consider how to apply its equality and diversity principles to third parties instructed in connection with client matters. Outsourcing providers should be made aware of the firm’s own obligations in relation to equality and diversity, which could include providing them with the firm’s Equality and Diversity Policy (Annex B).

### 4 Outsourced Activities

Details of currently outsourced activities are set out in Appendix 1 of this Policy.
# Appendix 1: Outsourced Activities

<table>
<thead>
<tr>
<th>Provider name and contact details</th>
<th>Procedures to check the quality of outsourced work</th>
<th>Information protection measures</th>
</tr>
</thead>
</table>
| **Police Station Representatives** | • The firm only uses reputable specialist firms for services  
• The firm limits the use of representatives and seeks to maximise the use of in house resources  
• All police station attendances require a full written report to be submitted to the firm  
• A Crime LAA supervisor reviews every report for the quality of work performed in terms of both procedural and legal requirements | • Provider is aware of duty of confidentiality and privilege secured through accreditation process  
• Provider is required to sign a confidentiality agreement  
• There will be close communication with the supplier on a case by case basis |
| A.W.T (Legal Services) Ltd  
Phil Toulson  
Hugh Docherty | | |
| **Law Costs Drafting Services** | • The firm only uses reputable specialist law costing firms for services  
• The instructing fee earner reviews every bill prepared for the quality of work performed  
• Suppliers who raise cause for concern will no longer be instructed | • Provider is required to sign a confidentiality agreement |
| Cosgrove Costing Agency | | |
| **Storage of archived matter files** | • The firm will only contract with reputable businesses with specialist expertise in the storage of confidential legal documentation  
• Contractors must have proven track record of providing services to legal firms.  
• The firm has a designated member of staff who liaises with the contractors and will report any problems with the service to the Practice Manager. | • Provider is required to sign a confidentiality agreement |
| Homecare Removals & Storage | | |
| **Compliance/consultancy services** | • The firm will only contract with reputable providers with specialist expertise in legal aid consultancy and who are accredited Lexcel consultants | • Provider is required to sign a confidentiality agreement |
| JRS Consultants | | |
| **IT Support Services** | • The firm will only contract with reputable providers with specialist expertise in IT support. The current contractor is a Microsoft Partner. | • Provider is required to sign a confidentiality agreement |
| Technology Services Group (TSG) | | |
1 Introduction

The aim of this Policy is to foster an organisational environment which supports and values all members of the firm in the achievement of shared objectives.

2 Objectives

The key objectives of the firm's performance management framework are to:

- Create a clear direction for all members of the firm by ensuring that work is aligned with the strategic efforts and directions of the firm;

- Assist staff to improve performance by providing them with:
  - Clarity regarding roles, responsibilities and performance expectations;
  - Rewards for strong performance and assisting to improve performance; and
  - Learning and development relevant to individual work areas, professional aspirations and longer-term firm needs.

- Provide an equitable and transparent framework for regular and constructive discussions between supervisors and employees about:
  - Future firm developments, plans and their alignment with individual work plans, goals and priorities;
  - Past performance efforts, giving recognition to significant achievements and defining strategies to address identified performance issues; and
  - Career aspirations and long-term professional development plans

- Creating a process for determining how high performance should be rewarded, managing performance improvement, and identifying unsatisfactory performance.

3 Performance Management Procedures

3.1 Induction

Performance management commences immediately following an employee's induction where the firm's performance management framework will be outlined to the new staff member. The employee will be introduced to their Job Description (see Chapter 3) and the quality/performance expectations of the role will be clearly set out. Induction procedures are set out in QP18 of the QPM. The process will be carried out over a 12 month review cycle, and should provide guidance on an ongoing basis throughout the year.

3.2 Performance Appraisals

There should be at least one formal performance appraisal over the review period. Appraisals should be planned including designated date/times. Supervisors must allow sufficient time for the employee to prepare. The firm's procedures for performance appraisals are set out in QP19 of the QPM.

3.3 Interim Discussions

Interim discussions provide an opportunity for the employee and their supervisor to review objectives, their level of achievement and review employee development needs. Discussions should also include the provision of adequate resources and training. The supervisor is responsible for maintaining a record of any interim discussions.

3.4 Performance Assessment Processes

Performance is to be assessed against:
4 Record Keeping and Confidentiality

Confidentiality about the performance management outcomes is to be maintained at all times by all relevant parties.

5 Grievance Resolution

Should any employee believe that they are disadvantaged or discriminated against by the incorrect application of the performance management procedures, they may raise a dispute in accordance with the firm’s grievance procedures.
1 Introduction

The firm of Edward Hathaway & Co. commenced business on the 1st September 1985, with Edward Hathaway and Charles Weidner as original partners. Although they had purchased the firm of F. S. Lowe, a predominantly private client based practice handling mainly conveyancing matters, Messrs Hathaway and Weidner, with the assistance of Therese Silver, who joined as a partner in 1986, widened the client base to include criminal and family matters, as well as matters of a contentious and non-contentious nature, including legally aided work. This initial platform was built upon in subsequent years with the addition of partners Kevin Graham and Christopher Kyle. Sadly, Edward Hathaway retired due to ill health in June 1994 and died on the 10th September 1994. Therese Silver retired as a partner at the end of 1999. With effect from 4th March 2002, the Firm changed its name to Hathaways. In June 2014 to firm converted into a private limited company the Partners changing to Directors.

Throughout its existence the firm has been located at 19 Regent Terrace, Gateshead which is a well-known legal centre of the town. On the 4th March 2002 the Firm opened a branch office at 572a/574a Durham Road, Low Fell, Gateshead where privately funded matters only are handled. Any matters which may attract public funding are referred to the office at 19 Regent Terrace. The firm also operates out of the adjoining property at 18 Regent Terrace but operates the two premises, effectively, as a single office.

The firm developed as a general practice aiming to provide an efficient and speedy legal service to all sections of the communities of Gateshead and beyond. The intention always has been to serve all who request legal advice, assistance and representation, irrespective of race, creed, sex, colour or status in the best possible way.

The firm wishes to distinguish itself from the other small-medium high street firms by placing the emphasis on quality of service with clear expertise in all its areas of practice. The firm’s ethos is one of specialising in its chosen fields of work. To this end all work is performed by senior members of the firm. The firm in this Plan has chosen to reappraise its aims, for the next three years, to develop a plan for all Directors and staff so that there was sufficient skills to implement this plan. This plan has been further developed so as to document the strategy and commitment that has been agreed to achieve the aims of the firm.

2 Business Aims

The firm has a strong commitment to client service, a commitment to using the legal system to defend and protect clients’ legal rights and a wish to offer access to justice to all seeking the firm’s services.

To this end the firm will continue to strive to provide the best in legal advice, assistance and advocacy for those having recourse to the law. The firm endeavours to undertake all case work with high standards of client care and a commitment to protecting client’s rights whilst consolidating a reputation of client and professional respect for the firm and its work.

Ultimately the firm aims to provide a stable, secure and friendly working environment developing the skills, talents and career opportunities of all staff, whilst trying to ensure the continuing financial success and stability of the firm.

The firm’s core aims are:

- To provide a portfolio of specialist, high quality, legal services which offer only the best in advice, assistance and advocacy;
To continue to undertake all legal work with the traditional high standards of client care associated with the firm;
To maintain the reputation of client and professional respect for the firm and its work;
To try to ensure the continuing financial success and stability of the firm.

The firm is proud to recognise that it has built up a reputation for offering high quality services. This is reflected in the levels of repeat business. It has been fortunate in that it has not had to rely on major advertising of our services to secure a regular flow of business. However, from time to time, the firm has promoted, and will continue to promote, the firm through market campaigns where the need arises, as identified in this Plan.

The underlying theme of this document is one of attempting to consolidate the firm in its current format whilst continuing to try to meet these challenges and maintain its market share. The firm, like many of its size and style, is continuing to try and develop and improve. As with the rest of the profession, it is faced with the ever-changing nature of the legal services market and systems and the continuing need to remain competitive.

3 Services to be delivered

Our core services are as follows:

Family Law
- Divorce and separation
- Civil partnerships
- Domestic abuse
- Finance disputes
- Pre-nuptial agreements
- Child care issues

Criminal Law
- Police station advice and assistance
- Magistrates Court
- Crown Court
- Appeals and Reviews
- Courts Martial
- Prosecution work on behalf of the DWP

Other Work
- PI and Civil Litigation
- Employment
- Conveyancing
- Wills and Probate

Our portfolio extends to advocacy in the Higher Courts as Charles Weidner has acquired higher rights of audience. Given our specialist structure, we have effective referral procedures in place to direct clients to other specialist such as in the sphere of social welfare law.

4 Client Groups to be Served

The firm’s core client base are those clients residing in the district of Gateshead (see map below). The client base encompasses limited companies, unincorporated businesses, private clients (individuals), and individual clients in receipt of Legal Aid. The firm has a strong presence on local police station and court duty schemes and can assist legally aided clients under detention.
In serving clients we will operate in compliance with our **Equality & Diversity Policy**. Given the socio-economic mix of the local communities, the firm's income is split between legal aid and privately funded clients.

5 **Service Delivery**

The firm currently operates from premises in Gateshead and Low Fell. Key information is set out below:

| Office location:          | 18/19 Regent Terrace  
|                          | Gateshead            
|                          | Tyne and Wear        
|                          | NE8 1LU              
|                          | 572A/574A Durham Road 
|                          | Low Fell             
|                          | Gateshead            
|                          | Tyne and Wear        
|                          | NE9 6HX              
| Office opening hours:     | 9.00am - 5.00pm Monday to Friday 
| Website:                  | [www.hathaways.uk.com](http://www.hathaways.uk.com) 
| Email enquiries:          | Via contact page on website 
| Telephone enquiries:      | 0191 477 2288 (Gateshead)  
|                          | T: 0191 482 8700 (Low Fell)  
| Fax enquiries:            | 0191 490 0358 (Gateshead) 
|                          | 0191 482 6396 (Low Fell) 

Both of the firm’s offices are located in good business locations. The firm’s head office in Gateshead is located on a well-known legal centre of the town. The firm’s branch office in Low Fell is located in a busy high street location with high footfall. The firm will focus its contentious business in the Gateshead office with Low Fell offering primarily non-contentious services.

The Low Fell office affords good access for people with disabilities. At the Gateshead office, as with most firms on Regent Terrace, disabled access is more problematic owing to steps. Where access is difficult, staff are trained to identify access problems and will offer alternatives. The firm provides a home visit service for those clients who by reason of age, vulnerability or infirmity cannot access the office. The firm also attends criminal defence clients at the police station, court or in custody.
The firm has three solicitors who are qualified as Crime supervisors and members of the Gateshead local duty solicitor scheme. Our policy has always been to service these police station attendances from within the firm although we will use agents when necessary. The firm also offers Crime clients a 24-hour emergency service. In criminal defence work, the firm maintains a strong 'own client' base which has been cultivated over the years and which reflects the quality of service provided to clients. In addition, it receives extensive numbers of referrals based on word of mouth recommendations.

The firm maintains a strong, visible presence in all the Police Stations and Courts across the area. This assists in acquiring new instructions from clients. The firm has a very solid presence on police station and court duty schemes allowing it to pick up duty clients detained at the police station and appearing in the Magistrates Court.

The firm holds Legal Aid Agency contracts in Crime and Family allowing it to provide legally aided services to eligible clients.

6 Marketing and Promotion

The firm prides itself on its traditional service values and its range and breadth of specialists within the firm. This has ensured that only legal advice and client care of the highest quality is delivered, which has resulted in the firm establishing a good reputation, both amongst the profession and clients. Previous research undertaken strongly indicates that casework results and word of mouth recommendation provides the backbone of new client instruction. Indeed, by far the majority of cases opened in the last 12 months relate to existing clients of the firm.

The firm does not have any grandiose marketing strategy other than to continue to secure good casework results and to work hard and effectively for clients in the hope that this will result in at least the maintenance of the firm’s market share. The firm will continue to monitor responses from the client feedback questionnaires and adapt accordingly to any constructive comments received in order to achieve the above. The firm does not engage in any advertising activity.

The firm has its own website http://www.hathaways.uk.com which is intended to showcase the firm’s services, its legal team and expertise. The Directors recently invested in a major refurbishment of the website as it is viewed as critical in winning new private client business. The new website is up and running and projects a more professional, business-like but personal image.

7 Strategic Objectives

The firm’s key aims for the next year are set out below:

- Secure Lexcel accreditation
- Secure Crime Legal Aid Contracts for 2017
- Implement new procedures to comply with SRA Regulations for CPD training from 1st November 2016
- Improve overall Cybercrime prevention measures

8 Learning and Development Plan
The firm is committed to the ongoing learning and improvement of all staff members. Learning needs are identified both through the strategic planning process, annual reviews of trends such as complaints, file reviews, claims and client feedback along with the annual appraisal process. All staff will have individual Learning and Development Plans prepared as part of the annual performance appraisal scheme.
Introduction

The firm recognises that, from time to time, employees may wish to seek redress for grievances relating to their employment. In this respect it is the firm's policy is to encourage free communication between employees and the management of the firm to ensure that problems can be resolved quickly to the satisfaction of all concerned.

Definitions

Under the Employment Act 2002, a grievance is “a complaint by an employee about action which his employer has taken or is contemplating taking in relation to him” provided that the subject of the grievance could form the basis of one of a specified list of employment tribunal complaints. It includes grievances about the actions of work colleagues where the firm could be held vicariously liable.

Principles

This procedure sets out the informal and formal stages which must be followed to comply with the Arbitration and Conciliation Advisory Service (ACAS) Code of Practice 2009. In addition, the following principles will be followed in the consideration of all grievances under this procedure.

1. Each step must be followed through without unreasonable delay.
2. Both employee and employer must take reasonable steps to attend each meeting under the procedure and will have the opportunity to state their case.
3. Meetings will be at a reasonable time and location.
4. All relevant information will be provided to both employer and employee in advance of any meeting under the procedure.
5. If the employee or their companion is disabled, reasonable adjustments will be made to enable them to participate fully.
6. Confidentiality will be maintained. Only those who need to know about the grievance will be informed.
7. After the grievance and regardless of the outcome both parties will endeavour to work together in a positive manner.

Representation

The employee has the right to be accompanied by a work colleague or trade union representative at the meetings at Step 2 and Step 3. This representative may take notes and seek clarification of any issues that arise.

Informal Discussions

If you have a grievance about your employment you should speak to a Director about it and discuss it informally to see if it can be resolved there and then. It is hoped that the majority of concerns will be resolved in this way.

Formal Procedure

Step 1: Written statement by employee
If you feel that the matter has not been resolved through informal discussions, you should set out your grievance in full in writing to a Director so that its consideration takes place in a more formal setting.

**Step 2: Meeting**

A meeting will be arranged to meet with you to endeavour to find a satisfactory solution and will aim to give you a written response within one week. If this is not possible, he or she will inform you of the reason for the delay and when you can expect a response.

**Step 3: Appeal**

If you are not satisfied with the response, you may put your grievance in writing to a Director. Arrangements will be made to meet with you and a response will be provided within one week. If this is not possible, he or she will inform you of the reason for the delay and when you can expect a response. Step 3 is the final stage of the procedure and there is no further right of appeal.

7 **Grievances and the disciplinary process**

Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance. However, where the disciplinary and grievance cases are related, it may be appropriate to deal with both cases concurrently.
1 Introduction and Purpose

This procedure is designed to ensure that there is a fair, transparent and systematic approach, compliant with employment legislation, in order to maintain standards of conduct for all staff within the firm. The firm will encourage improvement in individual conduct and performance, and will, as far as possible, through all informal mechanisms, make the employee aware of any shortcomings and possible remedies before formal steps become necessary.

The following procedure, which is non-contractual, sets out the action which will be taken when our rules and standards of conduct are breached. Matters will be dealt without undue delay and will allow for information to be kept confidential.

Employees must ensure they are familiar with the standards expected of them in relation to their work and of the procedure that will be followed when the standards are not observed. This policy is also in place to provide clear guidance for managers in the firm. This helps to ensure that procedural irregularities are minimised.

2 Principles

The following principles will apply:

- No disciplinary action will be taken against an employee until an allegation has been fully investigated. The investigation will be appropriate to the nature of the allegation and will be undertaken by a Director.
- At every stage in the procedure the employee will be advised of the nature of the complaint against him/her and will be given the opportunity to state his/her case before any decision is made.
- At all stages the employee will have the right to be accompanied by a union representative or work colleague during a disciplinary interview.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct.
- The procedure may be implemented from any stage if the employee’s alleged poor performance or misconduct warrants such action.
- An employee will have the right of appeal against any disciplinary penalty imposed.

3 Informal discussions

Before taking formal disciplinary action the Directors will make every effort to resolve the matter by informal discussions with the employee. This may result in the issue of an informal verbal warning, and the employee will be given the opportunity to improve. Should this fail to bring about the desired improvement, the formal disciplinary procedure below may be implemented.

4 Procedural Steps

Investigation

If the Directors believe that there are grounds for a disciplinary investigation, the facts surrounding the alleged misconduct will be gathered through meeting(s) with the employee and any other relevant person. No formal disciplinary action will be taken as a result of the investigation alone.

Notification of meeting
If it is decided that there is a disciplinary case to answer, the employee will be notified of this in writing. The notification will contain sufficient information about the alleged misconduct or poor performance and its possible consequences to enable the employee to prepare to answer the case at a disciplinary meeting. The notification will also give details of the date, time and venue of the meeting plus a reminder of the right to be accompanied.

The notification will be provided at least two working days before the scheduled meeting. Every effort should be made by all parties to schedule meetings at a reasonable time to ensure attendance. Failure by the employee to attend meetings may result in a decision being made in his/her absence based on the information available at the time.

**Meeting is held**
The meeting is held in accordance with the arrangements set out in the notification. Where practicable, a different person will carry out the investigation and any subsequent disciplinary meeting.

## 5 Disciplinary Outcomes

Following the meeting, a decision will be made whether or not disciplinary action is justified, and the employee will be notified in writing. Outcomes will be as follows:

### Written Warning

Where misconduct is confirmed or the employee is found to be performing unsatisfactorily, a written warning will be issued. The warning will contain details of:

- The poor performance/misconduct and the improvement required.
- How long the warning will remain current – usually (insert timescale e.g. 6 months) (although in exceptional cases the period may be longer).
- The consequences of further misconduct or failure to improve performance within the timescale e.g. further disciplinary penalties under this procedure.
- The right of appeal and the person to whom this should be addressed

A copy of the written warning will be kept in the employee’s personal file.

### Final Written Warning

A final written warning will normally be given to the employee in circumstances where:

- there is still failure to improve conduct,
- and/or performance is still unsatisfactory,
- or where the initial offence is deemed sufficiently serious to warrant more than an informal verbal warning or a written warning,

The final warning will contain details of:

- The poor performance/misconduct and the improvement required.
- How long the final warning will remain current – usually (insert timescale e.g. 12 months).
- It will also advise that the consequences of further misconduct or failure to improve performance within the timescale will normally result in dismissal.

The right of appeal and the person to whom this should be addressed will be included in the letter. A copy of the written warning will be kept in the employee’s personal file.

### Dismissal
If, despite previous warning(s), conduct or performance remains unsatisfactory, and the employee still fails to reach the prescribed standards within the required timescale, dismissal will normally result.

Following a further disciplinary meeting, the employee will be advised in writing of the reasons for dismissal and the date on which employment will terminate. Dismissal on these grounds is with notice.

In the event of an employee being dismissed for gross misconduct, after a thorough investigation of the facts and holding a disciplinary meeting as above, dismissal will be without notice. The right of appeal against dismissal and the person to whom this should be addressed will be included in the letter.

Appeals
Employees have the right of appeal at any stage of the formal disciplinary procedure. An appeal should be made in writing within five working days of the date when the employee was notified in writing of the outcome of the disciplinary process. An appeal meeting will be convened without unreasonable delay thereafter, at which the employee will be given an opportunity to state his/her case and will be entitled to be accompanied by either a work colleague or trade union representative. The decision of the appeal will be confirmed in writing and will be final and binding.

6 Definitions
For the purposes of this document the terms “poor performance” and “misconduct” are defined as:

Poor Performance
• Consistent failure to perform work to a reasonable and acceptable standard
• Evidence of negligence or inadequate attention to the requirements of the job

Misconduct
• Breaches, infringements or non-observance of any of the working rules, e.g. Poor attendance, time-keeping, failure to comply with a legitimate or reasonable management instruction
• Mis-use of equipment, including making long or numerous private telephone calls (and emails)
• Smoking in non-smoking areas
• Gambling on the premises
• Unreasonable or unacceptable conduct, e.g. abusive, insolent or otherwise unhelpful or offensive behaviour including being under the influence of alcohol
• Threatened violence on a colleague or any other person whilst at work
• Harassment likely to cause offence to staff, clients, visitors or suppliers

Gross Misconduct
• Theft
• Falsifying various records or documentation such as claim sheets or expenses, and other such fraudulent behaviour within the work context
• Malicious damage to or abuse of organisational property
• Failure to comply with duties and/or legal obligations in respect to health & safety
• Sexual/racial harassment; indecency at work
• Harassment, bullying (physical & verbal) or threatening behaviour towards another employee, worker or client
• Acts of incitement or actual acts of discrimination on the grounds of sex, race, colour, religion or belief, ethnic origin, sexual orientation, marital status or age
• Fighting, assault on another person
• Serious negligence which causes unacceptable loss, damage or injury
• Gross insubordination to or deliberate provocation towards others
• Incapability through alcohol or being under the influence of illegal drugs
• Serious failure to observe rules on confidentiality
• Unauthorised entry to computer records, accessing offensive material via the internet or sending offensive material via email
• A criminal offence which renders the staff member unsuitable to carry out their duties; or where the penalty imposed by a court of law for any offence makes it impossible or impracticable to continue employment
• Personal acceptance of significant gifts or benefits from those outside the organisation, or hoping to further personal interests

The above lists of offences are not exclusive or exhaustive and offences of a similar nature will be dealt with under this procedure.

7 Suspension

Where the alleged misconduct is considered to be inconsistent with the employee remaining at work, he/she will be suspended from duty on full basic pay during the period of an investigation, which will be for as short a period as possible. The decision to suspend the employee will be confirmed in writing, along with a brief description of the alleged breach of discipline.
1 Introduction

The firm seeks to run all aspects of its business with full regard for high standards of conduct and integrity. In the event that members of staff become aware of activities which give cause for concern, the firm has established the following policy which acts as a framework to allow concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion. The provisions of this policy apply to matters of suspected fraud and impropriety and not matters of personal grievance which would be dealt with under the firm’s grievance procedures.

2 The Law

The Public Interest Disclosure Act 1998 protects employees who raise legitimate concerns about specified matters. It makes provision about the kinds of disclosure that may be protected and the circumstances in which disclosures are protected. These rules are therefore intended to comply with the Act by encouraging employees to make disclosures about fraud, misconduct or wrongdoing to the firm, without fear of reprisal, so that problems can be identified, dealt with and resolved quickly.

3 Qualifying disclosures

Certain kinds of disclosure qualify for protection. These are disclosures of information which are made in good faith and which you reasonably believe tend to show one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health or safety of any individual
- Damage to the environment
- Deliberate concealment of information tending to show any of the above.

Your belief must be reasonable, but it need not be correct. It might be discovered subsequently that you were, in fact, wrong, but you must be able to show that you held the belief in good faith and that it was a reasonable one to hold in the circumstances at the time. Note that it is not your responsibility to investigate the matter. That is the firm’s responsibility.

4 The disclosure procedure

In order to qualify for protection, there are specified methods of disclosure, or procedures, which you must have followed in order to disclose one of the above matters. The firm encourages you to raise your concerns under this procedure in the first instance. If your concern relates to a breach of your own contract of employment, you should use the firm’s grievance procedure. This procedure applies to all employees. In addition, agency workers and contractors who perform functions in relation to the firm are encouraged to use it. The procedure is as follows:

a) If you wish to make a qualifying disclosure, you should, in the first instance, report the situation to a Director.

b) Such disclosures should be made promptly so that investigation may proceed and any action taken expeditiously.

c) All qualifying disclosures will be treated seriously. The disclosure will be promptly investigated and, as part of the investigatory process, you will be interviewed and asked to provide a written witness statement setting out the nature and details of your qualifying disclosure and the basis for it. Confidentiality will be maintained during the investigatory
process to the extent that this is practical and appropriate in the circumstances. However, in order to effectively investigate a disclosure, the firm must be able to determine the scope of the investigation and the individuals who should be informed of or interviewed about the disclosure. The firm reserves the right to arrange for another member of the firm to conduct the investigation other than the person with whom you raised the matter.

d) The firm will also invite you to attend at least one meeting at a reasonable time and place at which your disclosure can be discussed. You should take all reasonable steps to attend that meeting and you have the right to be accompanied by either a trade union official or a fellow employee of your choice.

e) Once the investigation has been completed and after the meeting with you has taken place, you will be informed in writing of the outcome and the firm's conclusions and decision as soon as possible. You will also be notified in writing of your right to appeal against the firm's decision if you are not satisfied with it. The firm is committed to taking appropriate action with respect to all qualifying disclosures, which are upheld.

f) If you wish to appeal against the firm's decision, you must do so in writing within five working days of the firm's decision. On receipt of an appeal, a Director (who may not be the person to whom you addressed your appeal) shall make arrangements to hear your appeal at an appeal meeting. At that meeting you may again, if you wish, be accompanied. You should take all reasonable steps to attend the appeal meeting. Following the meeting, you will be informed in writing of the firm's final decision on your appeal.

g) You will not be penalised for raising a qualifying disclosure even if it is not upheld, unless the complaint was both untrue and made in bad faith.

h) Once the firm's conclusions have been finalised, any necessary action will be taken. This could include either reporting the matter to an appropriate external government department or regulatory agency and/or taking internal disciplinary action against relevant members of staff. If no action is to be taken, the reasons for this will be explained to you.

i) If, on conclusion of the above stages, you reasonably believe that appropriate action has still not been taken, you may then report the matter to the proper authority in good faith. The Act sets out a number of prescribed bodies or persons to which qualifying disclosures may be made. However, the firm always encourages all employees to raise their concerns directly in the first instance, rather than externally. This enables issues to be dealt with promptly and speedily.

5 General principles

- Be aware of the importance of eliminating fraud or wrongdoing at work. Report anything that you become aware of that is illegal
- You will not be victimised, subjected to a detriment or dismissed for raising a legitimate matter under this procedure
- Victimisation of an employee for raising a qualifying disclosure under this procedure will be a disciplinary offence and will be dealt with under the firm's disciplinary procedure
- Covering up someone else's wrongdoing is also a disciplinary offence. Never agree to remain silent about a wrongdoing, even if told to do so by a person in authority
- Finally, maliciously making a false allegation is a disciplinary offence.
1 Introduction

The firm recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements. In turn, it recognises that staffing levels must at all times remain in line with the demands of the firm and the services we provide. This Policy sets out the framework within which flexible working arrangements can be managed in accordance with the needs of the business.

2 Eligibility

Every employee in the firm has the statutory right to apply for flexible working arrangements after 26 weeks employment service. An employee can only make a statutory request once in every 12 month period. It is recognised that not all of the flexible working patterns considered will be suitable for all types of post, however, there are no arbitrary barriers. All applications will be dealt with in accordance with the firm’s Equality and Diversity Policy (Annex B).

It should understood that there is no automatic right for employees to change to any of the flexible working patterns; each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, Departmental or firm needs.

3 The Request

Any request for flexible working must be made in writing and contain the following information:

- The date of the application, the change to working conditions the employee is seeking and when the employee would like the change to come into effect;
- What effect, if any, the employee thinks the requested change would have on the Department and/or the firm and how, in the employee's opinion, any such effect might be dealt with;
- Confirmation that it is a statutory request and if, and when, the employee made a previous application for flexible working.

Your written request should be submitted to a Director. Once a request has been made, the employee may withdraw the application. Any withdrawal must be in writing.

4 The Meeting

Where a meeting is required, this will be arranged within 28 days of receipt of the request and will take place privately at the convenience of both parties. Employees have a right to be accompanied at the meeting by a fellow employee. The meeting will take place with a Director. The firm reserves the right to forgo the meeting if the request is approved. During the meeting the employee will have an opportunity to outline their request in more detail. If the employee misses two meetings, without good reason, the firm can treat the application as withdrawn.

5 The Outcome

Following the meeting full consideration will be given to the request by a Director. Any decision will be made with three months of receiving the request, or longer if the employee agrees. The decision will be given in writing.

6 Acceptance of an Application
Where an application is granted, this will be confirmed in writing. This notification will provide the following information:

- A statement of the agreed changes
- A start date for flexible working

If the changes are agreed, the new terms and conditions will be attached to the employee’s contract within 28 days of the request being approved.

7 Trial Period

If the firm is uncertain about the impact a request for flexible working will have on the business, it may request the employee to work the requested flexible working arrangement for a trial period. The purpose of any trial period is to determine, in practice, whether the arrangement can be successfully implemented. A request for a trial period, may require an extension of the 3-month time limit. If this is required a date will be set for the trial period to come to an end.

Before any trial period can commence the employee must be aware of the following:

- Any agreement to the request for flexible working will be subject to the outcome of the trial period;
- The length of the trial period;
- Any changes to the employee’s terms and conditions of employment during the trial period is a temporary change only;
- The date on which the employee will revert to their previous terms and conditions, if after the trial period, the firm rejects the request for flexible working.

8 Rejection of an Application

The firm reserves the right to reject any application on the following grounds:

- The burden of additional costs;
- An inability to re-organise work amongst existing staff;
- An inability to recruit additional staff;
- A detrimental impact on quality;
- A detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

If an employee’s request for flexible working is rejected, the employee will be notified in writing. This will clearly set out the reasons for the rejection and why the business reasons apply in the case. If a request for flexible working has been rejected, the employee has the right to appeal against the decision.

9 Appeals

Employees wishing to appeal should submit their appeal in writing to a Director. Employees have 14 days to appeal from the date they received notification of the decision. The appeal must be dated and set out the grounds of the employee’s appeal. Once notice of an appeal has been received, a meeting will be arranged at a time convenient to both parties. Employees have a right to be accompanied at the meeting by a fellow employee.

If the employee misses two meetings, without good reason, the firm can treat the application as withdrawn.
Following the meeting a decision on the appeal will be given to the employee within 14 days. If the appeal is upheld, the flexible working arrangement will be specified along with the contractual variation and the date it is to begin. If the appeal is dismissed, the grounds for the decision will be specified along with an explanation of why the grounds apply.

10 Complaints Procedure

If any employee considers that he or she has been unfairly treated or discriminated against under the terms addressed in this scheme, the appropriate avenue of complaint will be through the firm’s grievance procedure.
Chapter 3
Job Descriptions (Role Profiles)

Contents

- Director
- COLP
- COFA
- Solicitor
- Trainee Solicitor
- Accredited Police Station Representative
- Crown Court Representative
- Practice Manager
- Cashier
- Legal Secretary
- Receptionist
- Office Junior
Job Description
Director

Overview of role

<table>
<thead>
<tr>
<th>Reports to:</th>
<th>The Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported to by:</td>
<td>Fee earners, Practice Manager, support staff</td>
</tr>
</tbody>
</table>

Key purpose of role:
- Ensure the successful development of the firm in line with the strategy identified in the firm’s Strategic/Business Plans.
- Provide leadership and motivation to staff
- Undertake and supervise fee earning work in assigned specialist work areas efficiently and effectively

Key tasks

Leadership and Management
- Contribute positively at all times to the continuous improvement and profitable development of the firm and its quality systems.
- Formulation and implementation of policy decisions for the management and future of the firm and ensuring the development, review and implementation of the firm’s Strategic/Business Plan
- Attend Director and Annual Quality Review Meetings making a positive contribution to the continuous improvement of the firm’s policy and procedure, and thereby its future successful development.
- Ensuring that the firm’s Quality Procedures Manual and associated systems/policies/procedures are understood and implemented by all staff members and making recommendations for their continuous improvement
- Carry out independent file reviews in accordance with operating procedures
- Authorisation of revenue purchases and joint authorisations of capital purchases
- Maintenance of highest possible standards of interpersonal skills with colleagues and clients.
- Provide leadership, motivation and supervision to all staff that they oversee or supervise, whether on an office or departmental basis.
- Be effective in developing new work from existing clients and seek new clients for themselves and others. Develop and support marketing initiatives.
- Maintain and nurture an appropriate network of contacts and referrers and endeavour to promote the firm in their professional and personal lives.
- Carry out staff performance appraisals where appropriate and agree individual learning and development plans
- Carry out induction training for new employees in accordance with operating procedures as appropriate
- Authorisation of undertakings given on behalf of the firm
- Authorisation of client invoices prior to issue
- Review remuneration policy with Directors

Legal Casework
- Perform fee earning work accurately, reliably and in accordance with the firm’s Quality Procedures Manual
- Ensure that the firm’s risk management procedures are adhered to.
- Manage a personal caseload and ensure that files are managed competently, efficiently and profitably
- Provide effective advocacy in courts and tribunals
- Participate in the firm’s police station and court duty rota where applicable
- Achievement of any assigned billing targets where appropriate
- Ensure proper control of work in progress, billing and cash collection.
- Ensure that time and cost recording data is maintained for each case in accordance with operating procedure
- Gain or maintain IT skills appropriate to modern legal practice
- Understand the main uses and applications of the office telephone system
- Development and updating of legal knowledge in chosen area(s) of law in accordance with SRA Continuing Professional Development requirements by personal attendance at training courses, webinars, self-study and perusal of reference material
- Ensuring that expert witnesses, counsel and other external services are instructed, approved, subject to client consultation where appropriate and evaluated in accordance with the firm’s quality
Dealing with any client complaints in accordance with operating procedure
Compliance with the SRA Code of Conduct and SRA Accounts Rules

Other Responsibilities
To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures
Contribute to maintaining a safe and healthy working environment
Contribute to maintaining and improving procedures
Ensuring compliance with the firm’s Equality and Diversity Policy
Undertake other reasonable duties related to the job purpose required from time to time.

Person Specification

<table>
<thead>
<tr>
<th>Qualifications</th>
<th>Current Practicing Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience</td>
<td>Preferably a minimum of 5 years post-qualification experience as a solicitor in private practice</td>
</tr>
<tr>
<td></td>
<td>Preferably a minimum of 2 years’ experience of staff management and business/financial responsibility in legal practice</td>
</tr>
<tr>
<td>Skills and knowledge</td>
<td>Wide legal experience and in-depth knowledge of the law in chosen specialist areas</td>
</tr>
<tr>
<td></td>
<td>Skilful and effective advocacy abilities</td>
</tr>
<tr>
<td></td>
<td>Excellent written and oral communication skills</td>
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<tr>
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<td>Personal Characteristics</td>
<td>Honesty and integrity</td>
</tr>
<tr>
<td></td>
<td>Ability to cope under pressure</td>
</tr>
<tr>
<td></td>
<td>Leadership</td>
</tr>
<tr>
<td></td>
<td>Congenial and a good team player</td>
</tr>
<tr>
<td></td>
<td>High standards of personal appearance</td>
</tr>
</tbody>
</table>
Job Description

COLP

Overview of role

Reports to: The Board
Reported to by: N/A

Key purpose of role: To ensure compliance with the terms and conditions of the firm’s authorisation by the SRA

Key tasks

- Act as a channel of communication between the firm and the Solicitors Regulation Authority (SRA) regarding compliance.
- Develop, initiate, maintain, and revise policies and procedures for risk management and compliance.
- Manage the day-to-day operation of the compliance programme.
- Direct compliance issues to the appropriate resources for investigation and resolution. This may involve collaborating with other departments and people, such as: IT, finance, the Compliance Officer for Finance and Administration (COFA), the Money Laundering Reporting Officer (MLRO), the Data Protection Officer (DPO), etc.
- Monitor, record and report, as necessary, any breaches of compliance.
- Respond to alleged breaches of rules, regulations and policies.
- Remain up to date regarding the firm’s compliance obligations.
- Identify potential areas of compliance vulnerability and risk; develop and implement corrective action plans for resolution of problematic issues, and provide general guidance on how to avoid or deal with similar situations in the future.
- Monitor the performance of the compliance regime and review policies on a continuing basis, taking appropriate steps to improve their effectiveness.
- Act as an internal resource with whom concerned members of the firm may communicate and seek advice.
- Report, on a regular basis, and as directed or requested, to the Board with regard to the operation and progress of compliance efforts.
- Work with others, as appropriate, to develop an effective compliance training programme, including appropriate introductory training for new employees as well as ongoing training for all members of the firm.

Person Specification

Qualifications

- Current Practicing Certificate
- Be a lawyer of England or Wales; registered European lawyer (REL) or European lawyer regulated by the Bar Standards Board;

Experience

- Excellent knowledge of the SRA Handbook;
- Excellent knowledge of compliance requirements;

Skills and knowledge

- Be commercially aware, astute and proactive in developing ideas and solutions;
- Have well-developed project management, time management and organisational skills;
- Have well-developed persuading and influencing skills;
- Be confident, assertive and resilient;
- Have excellent interpersonal and communication skills (written and oral);
- Be a Director or employee in a senior position of responsibility;
- Meet the criteria set out in the SRA Suitability Test 2011;
- Be authorised to do one or more of the reserved activities specified in the firm’s certificate of authorisation.

Personal Characteristics

- Have well-developed persuading and influencing skills;
- Be confident, assertive and resilient;
- Have excellent interpersonal and communication skills (written and oral);
- Honesty and integrity
### Job Description

**COFA**

**Overview of role**

<table>
<thead>
<tr>
<th>Reports to:</th>
<th>The Board</th>
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</thead>
<tbody>
<tr>
<td>Reported to by:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Key purpose of role:** To take all reasonable steps to ensure compliance with the SRA’s accounts rules

**Key tasks**

- Manage the day-to-day operation of the SRA Accounts Rules compliance programme.
- Direct compliance issues to the appropriate resources for investigation and resolution. This may involve collaborating with other departments and people, including the Compliance Officer Legal Practice (COLP), the Money Laundering Reporting Officer (MLRO), the Data Protection Officer (DPO), etc.
- Monitor, record and report, as necessary, any breaches of SRA Accounts Rules compliance.
- Respond to alleged breaches SRA Accounts Rules.
- Remain up to date regarding the firm’s SRA Accounts Rules compliance obligations.
- Identify potential areas of SRA Accounts Rules compliance vulnerability and risk; develop and implement corrective action plans for resolution of problematic issues, and provide general guidance on how to avoid or deal with similar situations in the future.
- Monitor the performance of the SRA Accounts Rules compliance regime and review policies on a continuing basis, taking appropriate steps to improve their effectiveness.
- Act as an internal resource with whom concerned members of the firm may communicate and seek advice re SRA Accounts Rules.
- Report, on a regular basis, and as directed or requested, to the Board with regard to the operation and progress of SRA Accounts Rules compliance efforts.

### Person Specification

**Qualifications**

- N/A

**Experience**

- Excellent knowledge of the SRA Handbook
- Excellent knowledge of the SRA Accounts Rules;
- Excellent knowledge of compliance requirements;

**Skills and knowledge**

- Be commercially aware, astute and proactive in developing ideas and solutions;
- Have well-developed project management, time management and organisational skills;
- Have well-developed persuading and influencing skills;
- Be confident, assertive and resilient;
- Have excellent interpersonal and communication skills (written and oral).
- Be a Director or employee in a senior position of responsibility;

**Personal Characteristics**

- Have well-developed persuading and influencing skills;
- Be confident, assertive and resilient;
- Have excellent interpersonal and communication skills (written and oral).
- Honesty and integrity
**Job Description**  
**Solicitor**

**Overview of role**

| Reports to: | The Directors  
|            | Head of Department/Supervisor |
| Reported to by: | N/A |
| Key purpose of role: | To perform fee earning work in assigned specialist work areas efficiently and effectively |

**Key tasks**

**Legal Casework**
- Perform fee earning work accurately, reliably and in accordance with the firm’s Quality Procedures Manual.
- Manage a personal caseload and ensure that files are managed competently, efficiently and profitably.
- Provide effective advocacy in courts and tribunals.
- Participate in the firm’s police station and court duty rota where applicable.
- Achievement of any assigned billing targets where appropriate.
- Ensure proper control of work in progress, billing and cash collection.
- Ensure that time and cost recording data is maintained for each case in accordance with operating procedure.
- Gain or maintain IT skills appropriate to modern legal practice.
- Understand the main uses and applications of the office telephone system.
- Development and updating of legal knowledge in chosen area(s) of law in accordance with SRA Continuing Professional Development requirements by personal attendance at training courses, webinars, self-study and perusal of reference material.
- Ensuring that expert witnesses, counsel and other external services are instructed, approved, subject to client consultation where appropriate and evaluated in accordance with the firm’s quality system.
- Dealing with any client complaints in accordance with operating procedure.
- Compliance with the SRA Code of Conduct and SRA Accounts Rules.

**Other Responsibilities**
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures.
- Contribute to maintaining a safe and healthy working environment.
- Contribute to maintaining and improving procedures.
- Ensuring compliance with the firm’s Equality and Diversity Policy.
- Undertake other reasonable duties related to the job purpose required from time to time.

**Person Specification**

<table>
<thead>
<tr>
<th>Qualifications</th>
<th>Current Practising Certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experience</td>
<td>Pre or post-qualification experience of legal work is desirable</td>
</tr>
</tbody>
</table>
| Skills and knowledge | Skilful and effective advocacy abilities  
|                 | Excellent written and oral communication skills  
|                 | Good interpersonal skills with clients, colleagues and professionals  
|                 | Clean driving licence  
|                 | Specialist accreditation panel membership is preferable where appropriate |
| Personal Characteristics | Honesty and integrity  
|                           | Ability to cope under pressure  
|                           | Congenial and a good team player  
|                           | High standards of personal appearance |
Overview of role

Reports to:  
Training Principal  
The Directors  
Head of Department/Supervisor

Reported to by:  
N/A

Key purpose of role:  
To perform fee earning work in assigned specialist work areas efficiently and effectively  
To qualify as a solicitor

Key tasks

Legal Casework
- Perform fee earning work accurately, reliably and in accordance with the firm’s Quality Procedures Manual
- Manage a personal caseload and ensure that files are managed competently, efficiently and profitably
- Provide effective advocacy in courts and tribunals
- Participate in the firm’s police station and court duty rota where applicable
- Achievement of any assigned billing targets where appropriate
- Ensure proper control of work in progress, billing and cash collection.
- Ensure that time and cost recording data is maintained for each case in accordance with operating procedure
- Gain or maintain IT skills appropriate to modern legal practice
- Understand the main uses and applications of the office telephone system
- Development and updating of legal knowledge in prescribed areas of law in accordance with SRA requirements by personal attendance at training courses, webinars, self-study and perusal of reference material
- Ensuring that expert witnesses, counsel and other external services are instructed, approved, subject to client consultation where appropriate and evaluated in accordance with the firm’s quality system
- Dealing with any client complaints in accordance with operating procedure
- Compliance with the SRA Code of Conduct and SRA Accounts Rules

Other Responsibilities
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures
- Contribute to maintaining a safe and healthy working environment
- Contribute to maintaining and improving procedures
- Ensuring compliance with the firm’s Equality and Diversity Policy
- Undertake other reasonable duties related to the job purpose required from time to time.

Person Specification

Qualifications
- Qualifying Degree
- Legal Practice Course (LPC)

Experience
- Previous experience of legal work is desirable

Skills and knowledge
- Skilful and effective advocacy abilities
- Excellent written and oral communication skills
- Good interpersonal skills with clients, colleagues and professionals
- Clean driving licence

Personal Characteristics
- Honesty and integrity
- Ability to cope under pressure
- Congenial and a good team player
- High standards of personal appearance
Job Description
Accredited Police Station Representative

Overview of role

Reports to: The Directors
Head of Department/Supervisor

Reported to by: N/A

Key purpose of role: To perform fee earning work in assigned specialist work areas efficiently and effectively

Key tasks

Legal Casework
- Taking client instructions, providing legal advice and assistance to clients of the firm who are in custody at the Police Station
- Undertaking the above duties with regard to LAA contract regulations and requirements
- Preparing attendance and case notes in respect of Police Station attendances, subject to office procedures
- Dealing with client enquiries and providing Police Station telephone advice and assistance where appropriate
- Perform fee earning work accurately, reliably and in accordance with the firm’s Quality Procedures Manual
- Manage a personal caseload and ensure that files are managed competently, efficiently and profitably
- Participate in the firm’s police station and court duty rota where applicable
- Achievement of any assigned billing targets where appropriate
- Ensure proper control of work in progress, billing and cash collection.
- Ensure that time and cost recording data is maintained for each case in accordance with operating procedure
- Development, maintenance and update of legal knowledge in chosen area(s) of law.
- Gain or maintain IT skills appropriate to modern legal practice
- Understand the main uses and applications of the office telephone system
- Dealing with any client complaints in accordance with operating procedure
- Compliance with the SRA Code of Conduct and SRA Accounts Rules

Other Responsibilities
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures
- Contribute to maintaining a safe and healthy working environment
- Contribute to maintaining and improving procedures
- Ensuring compliance with the firm’s Equality and Diversity Policy
- Undertake other reasonable duties related to the job purpose required from time to time.

Person Specification

Qualifications
- Good standard of education

Experience
- Fully accredited Police Station Representative
- Minimum two years’ previous experience as a fee earner

Skills and knowledge
- Skilful and effective advocacy abilities
- Excellent written and oral communication skills
- Good interpersonal skills with clients, colleagues and professionals
- Clean driving licence

Personal Characteristics
- Honesty and integrity
- Ability to cope under pressure
- Congenial and a good team player
- High standards of personal appearance
Job Description
Crown Court Representative

Overview of role

Reports to: The Directors
Head of Department/Supervisor

Reported to by: N/A

Key purpose of role: To perform fee earning work in assigned specialist work areas efficiently and effectively

Key tasks

Legal Casework
- Maintaining Crown Court appointments for client and Counsel, including Prison visits;
- Conduct of matters on behalf of clients, including attending Crown Court and conference with Counsel;
- Dealing with clients, Counsel and other professionals and experts both face-to-face and on the telephone;
- Completing court attendance records
- Returning files to designated fee earner with actions identified
- Perform fee earning work accurately, reliably and in accordance with the firm’s Quality Procedures Manual
- Ensure that time and cost recording data is maintained for each case in accordance with operating procedure
- Gain or maintain IT skills appropriate to modern legal practice
- Understand the main uses and applications of the office telephone system
- Dealing with any client complaints in accordance with operating procedure
- Compliance with the SRA Code of Conduct and SRA Accounts Rules

Other Responsibilities
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures
- Contribute to maintaining a safe and healthy working environment
- Contribute to maintaining and improving procedures
- Ensuring compliance with the firm’s Equality and Diversity Policy
- Undertake other reasonable duties related to the job purpose required from time to time.

Person Specification

Qualifications
- Good standard of education

Experience
- Minimum two years’ previous experience as a fee earner

Skills and knowledge
- Skilful and effective advocacy abilities
- Excellent written and oral communication skills
- Good interpersonal skills with clients, colleagues and professionals
- Clean driving licence

Personal Characteristics
- Honesty and integrity
- Ability to cope under pressure
- Congenial and a good team player
- High standards of personal appearance
## Job Description
### Practice Manager

#### Overview of role

<table>
<thead>
<tr>
<th>Reports to:</th>
<th>The Directors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reported to by:</td>
<td>Cashier</td>
</tr>
<tr>
<td>Key purpose of role:</td>
<td>To provide effective management of the finance functions.</td>
</tr>
<tr>
<td></td>
<td>To provide managerial support to the Directors</td>
</tr>
<tr>
<td></td>
<td>To ensure compliance with SRA Accounts Rules</td>
</tr>
</tbody>
</table>

#### Key tasks

**Leadership and Management**

- Attend Director and Annual Quality Review Meetings when requested making a positive contribution to the continuous improvement of the firm’s policy and procedure, and thereby its future successful development.
- Provide leadership, motivation and supervision to all staff that they oversee or supervise, whether on an office or departmental basis.
- Ensuring that supervised staff are adequately trained.
- Making recommendations to Directors to improve office efficiency.
- Carry out staff performance appraisals where appropriate and agree individual learning and development plans.
- Ensuring that the firm’s Quality Procedures Manual and associated systems/policies/procedures are understood and implemented by all staff members and making recommendations for their continuous improvement.
- Assist in the selection and recruitment of administrative staff.
- Carry out induction training for new employees in accordance with operating procedures as appropriate.

**Finance and Administrative**

- Verify and enter all transactions into computerised office and client accounts.
- Updating of all office and client accounts and payments.
- Verifying and issuing cheques and payments from office and client accounts.
- Verifying all bills rendered to client and Legal Aid Agency and post to appropriate client ledgers.
- Checking and posting Monthly Contract Claims in respect of LAA Civil and Criminal Contracts.
- Verify and post monthly standing orders to nominal and Directors accounts.
- At month end close of nominal ledgers, prepare range of financial debtors reports, bills reports for Directors/Fee Earners.
- Complete quarterly V.A.T. return for Customs and Excise.
- At year end prepare documents required for audit by external accountants.
- Verifying and paying all suppliers invoices and post to nominal account.
- Attend and record Directors drawings into their accounts.
- Record all petty cash drawings, keep securely and update reconciliations.
- Make payroll payments to staff and keep PAYE and N.I. records.
- Ensure the regular run of the end of day reports and negative balances.
- Preparation of daily back-up tapes for all accounting data/deskbank and store in a secure location.
- Maintain and update staff holiday chart.
- Order and maintain stocks of stationery and legal forms.
- Place orders for office equipment when approved by the Directors and establish maintenance agreements.
- Check offices and machinery are correctly secured, and front and back doors securely locked.
- Opening, sorting and distributing morning post with a Director.
- Issuing receipts to clients for cash and cheque payment at the office and completing cash/cheque requisition in duplicate.
- Monitoring of all financial dealings and liaising with Bank and Accountant.
- Ensuring that Solicitors Accounts Rules are followed in respect of client and office monies.
- Ensuring reception is adequately and professionally manned.
- Agreeing part-time staff requirements to cover holiday and busy periods.
- Ensuring Directors are aware of change in financial circumstances.
- Compliance with the SRA Code of Conduct and SRA Accounts Rules.
Other Responsibilities
- To operate in accordance with the firm’s documented quality system as set out in the Quality
  Procedures Manual and associated plans, policies and procedures
- Contribute to maintaining a safe and healthy working environment
- Contribute to maintaining and improving procedures
- Ensuring compliance with the firm’s Equality and Diversity Policy
- Undertake other reasonable duties related to the job purpose required from time to time.

## Person Specification

<table>
<thead>
<tr>
<th>Qualifications</th>
<th>Minimum 5 GCE/GCSE, including English and Maths;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Preferably Business and Administrative qualifications;</td>
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<tr>
<td></td>
<td>Preferably Membership of Institute of Legal Cashiers and Administrators or similar.</td>
</tr>
<tr>
<td>Experience</td>
<td>Minimum 5 years management experience;</td>
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<tr>
<td></td>
<td>Minimum 2-3 years’ experience with solicitors accounts;</td>
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<td></td>
<td>Payroll experience, preferably computer based.</td>
</tr>
<tr>
<td>Skills and knowledge</td>
<td>Good communications, interpersonal and analytical skills;</td>
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<tr>
<td></td>
<td>Sound knowledge of SRA Accounts Rules and computer-based systems</td>
</tr>
<tr>
<td>Personal Characteristics</td>
<td>Ability to communicate well at all levels;</td>
</tr>
<tr>
<td></td>
<td>Good team building skills and organisational abilities</td>
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<td></td>
<td>Ability to cope under pressure</td>
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<tr>
<td></td>
<td>High standards of personal appearance</td>
</tr>
</tbody>
</table>
Overview of role

Reports to: The Practice Manager
Reported to by: NA

Key purpose of role: Provide finance and administrative support to the Practice Manager in accordance with SRA Accounts Rules

Key tasks

Finance, Administrative and Support
- Checking daily receipts of cash and cheques for banking into either Client or Office accounts.
- Reconciling Client and Office accounts to bank statements on a weekly basis.
- Checking all private bills for costs and disbursements.
- Verifying Legal Aid payments and ensuring rates are correct within computer database for time recording.
- Checking supplier invoices and statements.
- Posting of receipts and payments to Client's account as directed by Practice Manager.
- Checking Time sheets from fee earners and posting to computerised system.
- Assist with the checking and storage of closed files, maintaining details on a database for easy retrieval.
- Provide reception cover as required.
- Assist Practice Manager with month/year end procedures.
- Amend Quality Procedures Manual and associated procedures, plans and policies as required and updating of copies.
- Checking and entering new Client details on computerised database and updating personal details as necessary.
- Prepare details of outstanding accounts and where necessary, take follow up action.
- Assist with preparation of cash flow and budgets.
- Checking aged client balances and disbursements unpaid. Notify fee earners as to appropriate action.
- Preparing costing information on files as requested by fee earners.
- Word processing duties where required

Other Responsibilities
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures
- Contribute to maintaining a safe and healthy working environment
- Contribute to maintaining and improving procedures
- Ensuring compliance with the firm’s Equality and Diversity Policy
- Undertake other reasonable duties related to the job purpose required from time to time.

Person Specification

Qualifications
- Minimum 5 GCE/GCSE including English and Maths
- Preferably a basic accountancy qualification.

Experience
- Minimum 2 - 3 Years computerised accountancy experience, preferably within legal environment.
- Nominal Ledger, some credit control or debt collection experience.

Skills and knowledge
- Good communication skills both verbal and written
- Good communications, interpersonal and analytical skills.
- Sound knowledge of Solicitors Accounts Rules
- IT and keyboard skills
- Familiarity with office equipment
- Ability to understand Client ledgers.

Personal Characteristics
- Capable of using own initiative with little supervision
- Honest, reliable, hardworking and good team player
- Good standard of personal appearance
- Mature outlook and flexible attitude to work.
- Ability to communicate effectively at all levels.
# Job Description

## Legal Secretary

### Overview of role
- **Reports to:** Director, Head of Department or designated fee earner
- **Reported to by:** NA
- **Key purpose of role:** To provide secretarial support to his/her principal to enable them to operate at optimum efficiency.

### Key tasks

**Secretarial**
- Prepare correspondence and documents through audio-typing and word processing.
- Administer filing which will include daily filing and the opening, closing, storage and retrieval of client files in accordance with the detailed procedures contained in the Quality Procedures Manual.
- Prepare mail and enclosures for dispatch.
- Arrange for all copying to be done, in person if the office assistant is not available to undertake the task.
- Make appointments, arrange meetings and to maintain an up to date diary for his/her principal.
- Prepare the conference room for meetings as necessary and for the tidying and clearance of the room at the end of the meeting.
- Provide refreshments when asked to do so.
- Provide support to other secretaries as required.
- Provide guidance to junior and temporary secretaries when required to do so.
- Attend clients both in person and on the telephone and to provide such support in a professional and friendly manner in keeping with the firm’s standards for client care.
- Undertake any specific training when required to do so and overall to have a responsibility towards self-development.
- Ensure the confidentiality of all the firm’s and clients documentation and information.

**Other Responsibilities**
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures
- Contribute to maintaining a safe and healthy working environment
- Contribute to maintaining and improving procedures
- Ensuring compliance with the firm’s Equality and Diversity Policy
- Undertake other reasonable duties related to the job purpose required from time to time.

### Person Specification

**Qualifications**
- Preferably 3 GCSE passes (C+) including English;
- Good typing proficiency with speed up to 60-80 wpm.

**Experience**
- Preferably 3-5 years legal secretarial experience
- Capable of dealing with client and other enquiries in the fee earners absence;
- Capable of using own initiative and making and maintaining fee earners appointment diary;
- Preferably with experience of computerised time and cost recording systems.

**Skills and knowledge**
- Good English writing and communication skills including sound spelling capability;
- IT and keyboard skills particularly in the use of word processing software;
- Good accurate typing proficiency and presentation skills;
- Good communicating skills, particularly with taking messages and dealing with client enquiries.
- Familiarity with office equipment

**Personal Characteristics**
- Capable of using own initiative with little supervision
- Honest, reliable, hardworking and good team player
- Good standard of personal appearance
- Conscientious, loyal and discreet and an ability to maintain confidentiality
## Job Description

### Receptionist

#### Overview of role

- **Reports to:** The Directors, Practice Manager
- **Reported to by:** NA
- **Key purpose of role:**
  - Process all incoming telephone calls without delay.
  - Receive and process all clients and other visitors to the firm in a helpful, friendly and professional manner.
  - Project the image and ethos of the firm at all times.

#### Key tasks

**Reception duties**
- Carry out full range of receptionist duties including making welcome all client and other visitors and directing them to the fee earners room.
- Deal with all incoming telephone calls in a courteous and professional manner.
- Obtain outgoing telephone calls as required by the fee earners.
- Record details of clients and visitors attending the practice and all incoming telephone calls in the telephone/clients book.
- When fee earners and their secretaries are not available, take detailed telephone messages and pass them to fee earners/secretaries for actioning on their return.
- Maintain fee earner in/out board in an up-to-date condition at all times.
- Update court diary for fee earners where designated.
- Maintain the Wills book giving details of all documents held on behalf of clients with relevant identification numbers.
- Assist with the preparation and mailing of outgoing post.
- Maintain list of archived case files in alphabetical order, showing file reference and box number.
- Ensure incoming faxes are brought to the immediate attention of the relevant fee earner or in his/her absence, their secretary.
- Keep legal reference material up-to-date.
- Assist Practice Manager in the control and input of daily Time Sheets from fee earners.

**Other Responsibilities**
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures
- Contribute to maintaining a safe and healthy working environment
- Contribute to maintaining and improving procedures
- Ensuring compliance with the firm’s Equality and Diversity Policy
- Undertake other reasonable duties related to the job purpose required from time to time.

### Person Specification

#### Qualifications
- Three subjects at GCSE or equivalent preferably including English

#### Experience
- 2-3 years’ experience of dealing with members of public in a face-to-face situation.

#### Skills and knowledge
- Telephone/switchboard skills
- Good communication skills both verbal and written
- IT and keyboard skills
- Familiarity with office equipment

#### Personal Characteristics
- Pleasant outgoing manner, ability to work under pressure and without supervision, with a flexible attitude.
- Ability to work alone or as a member of a team
- High standards of personal appearance and a clear speaking voice
## Job Description
### Office Junior

### Overview of role

<table>
<thead>
<tr>
<th>Reports to:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Practice Manager</td>
<td></td>
</tr>
<tr>
<td>Reported to by:</td>
<td>NA</td>
</tr>
<tr>
<td>Key purpose of role:</td>
<td>Assist in the smooth running of the practice by providing a range of general office support services</td>
</tr>
</tbody>
</table>

### Key tasks

#### Administrative and Support
- Provision of typing services for Directors, fee earners and Practice Manager as required.
- Preparation of routine and standard letters, engrossing wills, particulars of claim and personal injury forms.
- Create and maintain files in an up-to-date condition at all times in accordance with the firms file management procedures.
- Assist secretaries with filing and other duties at peak and holiday times.
- Ensure daily correspondence produced is presented to the Director/fee earner for signature in good time to meet post and DX collection deadlines.
- Provide reception cover at lunch times and assist with the evening post when necessary.
- When required by fee earner, act as witness for wills and other documents.
- Raise cheque requisition, obtain cheque for authorisation by Directors and then attach to relevant correspondence for signature by Director.
- Raise cheque requisition to pay incoming cheques into account as directed by fee earner.
- Issue documents to court with the required issue fee, after having been checked by a Director or Solicitor.
- Ensure photocopied documents are correct and colour any plans enclosed as and when necessary.
- Complete Recorded Delivery slips for all important documents. The returnable portion of the recorded delivery slip is then attached to the postal clip in the case file as proof of posting.
- Enter new court dates in Court Diary and fee earners diary, if required.
- Carry out additional secretarial duties as required in the absence of the fee earners’ secretary.
- Amend Quality procedures Manual as instructed by Directors.

#### Other Responsibilities
- To operate in accordance with the firm’s documented quality system as set out in the Quality Procedures Manual and associated plans, policies and procedures.
- Contribute to maintaining a safe and healthy working environment.
- Contribute to maintaining and improving procedures.
- Ensuring compliance with the firm’s Equality and Diversity Policy.
- Undertake other reasonable duties related to the job purpose required from time to time.

### Person Specification

#### Qualifications
- Preferably 3 GCSE passes (C+) including English;
- Good standard of typing proficiency with speed of 40-60 wpm.

#### Experience
- General experience of office procedures.
- Minimum of 1 year working in a legal practice with background knowledge of legal environment;
- Capable of dealing with client and other enquiries in the fee earners absence;
- Capable of using own initiative and making and maintaining fee earners appointment diary; in the absence of a secretary.
- Preferably with experience of computerised time and cost recording systems.

#### Skills and knowledge
- Telephone/switchboard skills.
- Good communication skills both verbal and written.
- IT and keyboard skills.
- Familiarity with office equipment.
- Good English writing and communication skills including sound spelling capability;
- IT and keyboard skills particularly in the use of word processing software;
- Good accurate typing proficiency and presentation skills;
<table>
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<th>Personal Characteristics</th>
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<td>Good communicating skills, particularly with taking messages and dealing with client enquiries.</td>
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<tr>
<td>Honest, reliable, hardworking and good team player</td>
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