



Legal Service Excellence Standard Self-assessment audit preparation checklist.

Sept 24

Key information

- **Complete the self-assessment audit preparation below to ensure you are properly prepared before signing up for the audit process.**
- Ensure you follow the **file-saving protocols** below to ensure that all documents required are uploaded for the audit and to ensure ease of marking by the auditors.
- Ensure you save files on your **digital practice letterhead**.
- A **marking guide** is available following application payment and includes a list of the files required for upload and files required for on site audit visit.

Requirement 1: Business planning, development, and continuity

1.1 Mission vision and values

- Can you provide evidence of a 'mission, vision, values' document?
- Can you provide evidence of a process document showing how the 'mission, vision, values' were arrived at?
- Can you provide evidence that the 'mission, vision, values' are publicly available?
- Can you provide evidence that staff are aware of the 'mission, vision, values'?

1.2 Legal structure

- Can you provide evidence (if appropriate to your firm's structure) of a partnership agreement?
- Can you provide evidence (if appropriate to your firm's structure) of a limited liability partnership or reasons for not establishing this structure?
- Can you provide evidence (if appropriate to your firm's structure) of awareness of the provisions of the *Legal Services Regulation Act 2015* (LSRA) relating to limited liability partnerships?

1.3 Operational structure human resources plan

- Can you provide evidence of documented roles and responsibilities of all working within the firm?
- Can you provide evidence that all staff are working under a contract?
- Can you provide evidence of staff awareness of the roles and responsibilities of other staff members?
- Can you provide evidence of a profile document that contains bank details, accountant's details, and other relevant details that would be necessary for a person to access in the event of the unexpected death of the principals of the firm?

1.4 Financial plan

- Can you provide evidence of a financial plan in place for the next 12 months?

- Can you provide evidence of a strategic financial plan for the next three years?

1.5 Business development plan and marketing strategy plan

- Can you provide evidence of a business development plan in place for the next 12 months?
- Can you provide evidence of a website with up-to-date contact details?

1.6 Insurance (life and non-life insurances, including reputational risk, long-term illness etc)

- Can you provide evidence of the following (or rationale for non-cover):
 - Employer's liability insurance,
 - Commercial property insurance,
 - Top-up PII (Professional Indemnity Insurance) cover,
 - Business interruption insurance,
 - Cyber-security insurance,
 - Life insurance,
 - Income protection insurance/keyman insurance,
 - Serious illness cover.
- Can you provide evidence of professional indemnity insurance?
- Can you provide evidence of a Letter of Engagement showing the firm has limited its liability pursuant to section 26A of the *Solicitors (Amendment) Act 1994* (section 48 of the *Legal Services Regulation Act 2015*) to the level of its professional indemnity insurance cover?

1.7 Leases, plant, and equipment

- Can you provide evidence of a folder containing all documentation and leases relating to its premises, plant, or equipment?
- Can you provide evidence of records of purchases and estimates for the date of replacement?
- Can you provide evidence of third-party data processor agreements, where required?

1.8 Measurement and review of targets

- Can you provide evidence of a documented performance-management plan?
- Can you provide evidence that a disaster-recovery policy has been implemented and is tested periodically?

1.9 Business interruption, disaster, and business continuity

- Can you provide evidence that data is backed up, stored off-site, and available if the firm premises are damaged or destroyed?
- Can you provide evidence that the partnership agreement deals with situations where a partner in the firm is unable to continue to act due to ill health or death?
- Can you provide evidence that, in the case of a sole practitioner, an alternate has been identified who will manage the running or closure of the firm in the event the sole practitioner is unable to do so?

1.10 Succession planning

- Can you provide evidence that an orderly succession plan in place, in the event of retirement, mental incapacity, or death?

- Where the firm is a partnership, can you provide evidence that each partner has a will that is consistent with the firm's partnership agreement?
- Where the firm is a sole practitioner or a firm principal who has no equity partners, can you provide evidence that:
- The sole practitioner/principal has a will that appoints a practice trustee,
 - The sole practitioner/principal has agreed in writing with another holder of a practising certificate that they will agree to be nominated to carry on the firm's practice for the purposes of section 31(2) of the *Solicitors (Amendment) Act 1994*.

Requirement 2: Infrastructure

2.1 Operational systems management

- Can you provide evidence of the following:
 - Practice management system,
 - Computerised accounting solution,
 - Training in use of case management systems,
 - Training in use of accounting systems,
 - Training of staff in software systems such as Microsoft Word, Microsoft Excel, or alternatives,
 - Training of staff in email etiquette.

2.2 Regulatory

Can you provide evidence of the following:

- GDPR policies and procedures demonstrating compliance with the Law Society of Ireland '12 Steps' programme,
- Retention policies and procedures created in line with Law Society guidance,
- Accounting policies and procedures in line with regulatory requirements,
- Office policies and procedures on client confidentiality.,
- Policies and procedures demonstrating compliance with AML (Anti Money Laundering).

2.3 Data security and management

Can you provide evidence of the following:

- Threat model for the firm,
- Information security policies and procedures based on the information security checklist,
- Firm's communications are encrypted where possible and sensitive information is always password protected if sent by email,
- Appropriate firm training sessions on information security delivered to employees.

2.4 Confidentiality policies

- Can you provide evidence of the following:
 - Employee contracts include confidentiality provisions and are robust,
 - Non-employee personnel contracts include confidentiality provisions and are robust,
 - Training on firm's confidentiality policies.

2.5 Communication procedures

- Can you provide evidence of the following:
 - Acceptable use policy for email, social media, and intranet usage.
 - Stationary meets regulatory and best practice guidance,

- Employees have received communications-policy training.

Requirement 3: Operational systems – client care

3.1 Quality assurance policy (the firm's commitment to policy)

- Can you provide evidence of the following, which the client care policy should include:
- How enquiries from potential clients will be dealt with confidentially,
- Ensuring that, before taking on a client, the department has sufficient resources and competence to deal with protecting client confidentiality, including their data protection rights,
- A timely response is made to telephone calls and correspondence from the client and others,
- A procedure for referring clients to third parties,
- Client care policy has been communicated to staff,
- Client feedback has been sought,
- File review and actions arising,
- Peer review can be demonstrated,
- Recording of key client information.

3.2 Managing client expectations

- Can you provide evidence of the following:
- Compliance with section 150, data privacy, consent, and AML,
- Submission of client care statement to clients,
- Use of disengagement letters.

3.3 Communications with clients

- Can you provide evidence of the following:
- A policy on firm style,
- Firm has asked client about preferred methods and time of communication,
- Firm has committed to a response time for client queries and has a system for flagging when clients have not received a response within that timeframe,
- Staff are aware of above policies.

3.4 Vulnerable clients

- Can you provide evidence of the following:
- Firm has documented whether it deals with, or is likely to deal with, vulnerable clients,
- A vulnerable client communication policy in place.

3.5 Conflict checks

- Can you provide evidence of the following:
- Carrying out of conflict checks,
- Staff training re conflicts of interest.

3.6 Credit control and risk assessments

- Can you provide evidence of the following:
- An undertakings policy,

- An undertakings register,
- A critical dates policy,
- A critical dates register or a practice management system that manages critical dates,
- A wills register,
- A client complaints register,
- A deeds register,
- Firm carries out 'Know Your Client' (KYC) and AML procedures in lines with its documented policies,
- A credit control action plan that includes setting credit limits for clients, risk assessment re credit limits, collections policy, and monitoring of accounts receivable and outlays.

Requirement 4: Human resources, competence, and knowledge management

4.1 Human resource management resourcing**

- Can you provide evidence of the following:
- The firm has allocated HR responsibilities,
- **Staff performance targets/measures are in place for all roles, which are regularly reviewed and linked to the overall firms' performance,
- ** Staff feedback initiatives,
- Evidence of internal mentoring schedules, where appropriate.
*** (Not applicable if there are no staff).*

1.2 Staff resource planning and recruitment**

- Can you provide evidence of the following:
- A recruitment policy is in place that includes:
- The identification of vacancies,
- The drafting of the job documentation,
- Methods of attracting candidates,
- Clear and transparent selection,
- Storage, retention, and destruction of records,
- References and ID checking,
- Where appropriate, the checking of disciplinary records.
*** (Not applicable if there are no staff).*

4.3 Staff induction**

- Can you provide evidence of the following:
- A staff induction policy,
- A policy in place for personal and further development of staff,
- Implementation of a staff induction policy.
*** (Not applicable if there are no staff).*

4.4 Professionalism and recognition**

- Can you provide evidence of the following:
- A policy in place for personal and further development of staff.
- Implementation of a staff development policy.
*** (Not applicable if there are no staff).*

4.5 Effective internal communications

- Can you provide evidence of the following:
- Employees are clear on the communication etiquette when dealing with internal and external communications. There is a list of channels available.

4.6 HR processes, policies and procedures

- Can you provide evidence of the following:
- Policies are in place and are reviewed and updated annually,
- A process is in place to make adjustments to policy within a reasonable timeframe, as the need arises,
- Policies have been communicated and there is an effective process in place to communicate updated policies,
- Employees have a clear understanding of the policies and where to access them.
*** (Not applicable if there are no staff).*

4.7 Health, psychological safety, and wellbeing**

- Can you provide evidence of the following:
- A policy covering health, psychological safety, and wellbeing,
- Employees are encouraged, supported, and participate in wellbeing initiatives,
- Signing the Law Society's Professional Wellbeing Charter has been considered,
- Employees can give examples of good supports that are in place for their wellbeing (such as EAP training and education etc)
*** (Not applicable if there are no staff).*

4.8 Diversity, equality and inclusion**

- Can you provide evidence of the following:
- A diversity, equality, and inclusion policy in place,
- Staff awareness of diversity, equality and inclusion policy,
- Signing the Law Society's Gender Equality, Diversity, and Inclusion (GEDI) charter has been considered.
*** (Not applicable if there are no staff).*

4.9 Professional development, including mentoring and CPD

- Can you provide evidence of the following:
- Participation in professional development training,
- Evidence of a central record of CPD.

4.10 Learning and development evaluation and planning

- Can you provide evidence of the following:
- Managers/partners can demonstrate evidence of long-term planning of learning and development for their employees through budget allocations and employee training approval documentation,
- Managers/partners can provide examples of how the organisation supports continuous learning (for example, scheduled CPD days, CPD attendance records).

4.11 Knowledge resource management (library, precedents, templates)

- Can you provide evidence of the following:
- Employees can demonstrate evidence of access to professional development resources/legal library/legal research tools for all staff.

Currently applications must be completed in one sitting, as there is no 'save' option operational.

File saving

- **Ensure you save files on your digital practice letterhead.**
- It would **assist the auditors** if the documents could be uploaded by referencing **the marking guide** so that each sub-requirement is referenced rather than simply the global requirements 1, 2, 3, and 4. To assist in this respect, start the name of each document with the requirement and sub-requirement number (for example, '2.2.1 Regulatory requirements relating to the firm data'; '2.2.2 File retention and GDPR policy'). Please follow the marking sheet.
- A **marking guide** is available following application payment and includes a list of the files required for upload and files required for on site visit.
- Save files for upload in a folder in advance with the category section it refers to, as per the LSES marking sheet where it mentions document upload.
- Select the category of file upload.
- File uploads cannot be greater than 10MB per file. File types .doc, .docx, .txt, .pdf, .rtf, .odt, .tex, .jpg, .png, .jpeg, .bmp are all accepted).
- **Example:** to save a file for upload, use the following format to identify the document for the auditor:
 - a) Select category (for example, 'Business planning development continuity'),
 - b) Use filename as below:
 - 1.1 Mission Vision Values Statement (firm name),
 - 1.2 Legal Structure Reasons for not registering as a LLP (firm name).
- Complete application uploading documents as per the marking sheet/checklist.

Preparing for an on-site audit

- 1) Once you have completed your audit application and document upload, the auditors will contact you to schedule an appointment within the next 60 days.
- 2) Please note that there is a cancellation policy.
- 3) The auditors will attend your office on the date agreed.
- 4) Please supply the auditors with your office Eircode address.
- 5) Please reserve an office for them for the entire day (allow for two auditors).
- 6) Some staff will be required to meet the auditors, so it is important that staff are aware and knowledgeable about all of the contents of the four requirements regarding the firm's policies and procedures.

If you need assistance or have any questions on the process, please contact a member of the team at solicitorservices@lawsociety.ie