

Quality Practice Standard

Improving the Quality and
Competitiveness of Legal Practices





INTRODUCTION

This QPS has been developed to improve the quality and competitiveness of legal practices and fits into the nationally endorsed quality standards framework for legal services which, I am pleased to say, has been endorsed by the Law Council of Australia.

The QPS Committee – originally established by the Law Society of Western Australia (Society) in 1996 and comprising senior practice managers, consultants and experienced lawyers from different fields of the profession – has spent a great deal of time, careful thought and analysis in developing this Standard.

The QPS was initially based on a similar model developed in the United Kingdom and on the international model for quality management, ISO 9001, as it specifically applies to law firms. However, it represents a far more cost-effective and more tailored alternative which is within reach of all legal practices.

The QPS is available to firms with lawyers who are members of the Society. Additional fees are applicable for firms where more than 50% of the lawyers at the firm are not members of the Society. It is not compulsory and does not cover all the requirements of ISO 9001 or the requirements imposed on legal practitioners by law or by the ethical rules of the profession.

However, I am confident that the process of gaining QPS accreditation will continue to help law firms in this State, regardless of their size, to develop better relationships with their clients and provide for improved file management, efficiency and profitability. The QPS accreditation provides firms with an excellent risk management tool.

QPS accreditation creates an environment which is likely to attract new business and generate additional work from existing clients. It goes a long way towards improving customer satisfaction and the internal systems of legal practices by clearly establishing and refining internal working procedures and avoiding wastage.

Moreover, accredited law firms will be able to use the 'Approved Quality Practice' logo on all their letterheads and promotional material. This logo has been registered as a Certification Trade Mark No. 70887 in the Register of Trade Marks by the TradeMarks office.

It is important that legal practices recognise that gaining QPS accreditation can be an important component of their risk management strategies by leading to potential reductions in premiums for professional indemnity insurance. For example, Law Mutual has offered to provide a 7% reduction in its professional indemnity insurance premiums to accredited QPS firms for the first year followed by a 5% reduction in its second and subsequent years.



The State Government has been very supportive of QPS, with the State Supply Commission – the body mainly responsible for tendering for outsourced government services - accepting the QPS for the purposes of government tendering. This means that accredited law firms can, in submitting their tenders to the Commission, expect full credit for having a quality assurance regime in place.

In summary, QPS has been designed to assist law firms to:

- understand and adopt quality management principles;
- understand and adopt modern management techniques;
- focus on clients' requirements and client care issues which impact on risk management and claims made against professional indemnity insurers; and
- enhance the status of the profession in the market place.

Although the attainment of the QPS is not mandatory, it creates an environment of client confidence, promotes a high level of professionalism and assists legal practices when tendering for State Government legal work. The process of attaining the QPS can also be a very rewarding experience for all those involved within a firm.

Last but not least, I would like to commend the ongoing efforts of the QPS Committee and Law Society of Western Australia staff in the continued development and maintenance of what has become an important benchmark for legal practices throughout the State.

President
Law Society of Western Australia

WHAT IS THE QPS?

The Quality Practice Standard (QPS) was originally developed by the Law Society of Western Australia (Society) in 1996 and has since been the subject of continual development by the Society's QPS Committee.

The QPS is not a prescriptive document that defines how a legal practice must operate or how it must undertake certain activities. It does, however, identify the requirements for a more effective and efficient practice by clearly defining what issues must be addressed.

This QPS is equally applicable and achievable at all levels, be it for a sole practitioner, a large international law firm, or the legal department of a large corporation.

The path to certification begins with a strong commitment by the practice concerned to introduce quality practice procedures for a wide range of activities.

However, the achievement of QPS certification can bring a great deal of clarity to day-to-day activities and practices and will result in a more positive interaction between the practice and its clients. Apart from achieving a more efficiently run practice, the QPS will assist firms to develop better client relationships, improve file management and to, identify and address legal risk issues..

The QPS is structured to reflect the flow of work through a firm. The QPS establishes procedures from the first contact with the client to the closure of the file, and is divided into five areas as follows:

The Procedures Manual

The Procedures Manual is to set out the procedures stipulated by the QPS which need to be adhered to by certified firms.

Taking Instructions

The law practice is to ensure that it has the appropriate expertise to handle a particular matter, identify and deal with any conflict of interest, confirm the basis upon which instructions are accepted and costs incurred, and identify and focus on clients' expectations generally.

Handling a Matter

The law practice is to address issues such as activity recording, file management and review, recording key dates, setting authority levels for personnel, progress reporting, handling subsequent instructions and/or variations to instructions and costs, controlling changes in personnel, handling or supervising a matter, and billing.

Finishing the Matter

The law practice is to report to the client and account for money, property, documents, matter files, and security and confidentiality issues.

Other Procedures

The law practice is to establish procedures to deal with client complaints, inductions and training of personnel, access to current library or other reference material, and systems for effectively dealing with electronic communications and data.

To get started with QPS certification, simply fill out the Registration Form enclosed in this Information Booklet or contact the QPS coordinator at the Society on (08) 9324 8600 – who will forward one to you. This form should be returned, with your application fee, to the Coordinator, who will advise you of the dates available for the first stage - a compulsory introductory workshop.

The latest schedule of fees for QPS process is enclosed in this Information Booklet.

THE QPS TRAINING PROGRAM

The Society offers a comprehensive but affordable training program to assist practices to understand and implement the QPS. This training program consists of two stages.

Stage 1: Compulsory Introductory Workshop

The workshop, which lasts about two hours, covers the certification process and the essential elements of the QPS and guidelines for implementation, documentation procedures, and an outline of the auditing process, ongoing training options and other forms of assistance provided by the Society, such as the use of consultants.

Depending on the size of your firm, the Society suggests that a Practice Coordinator be nominated to participate in this workshop and develop, manage and monitor the successful implementation of the programme. We also suggest that all employees within your practice be advised that you are seeking certification and that you will seek their involvement in development, documentation and implementation.

Stage 2: Optional Implementation Workshop

Following the initial compulsory workshop, the Society offers an optional implementation workshop to provide:

- a more detailed understanding of the key elements of the QPS;
- further assistance in the development of documented procedures;
- suggested ways to introduce new procedures into the practice; and,
- skills which enable internal assessment of the practice's readiness for the certification audit.

For each workshop:

CPD Points: 1 Point

Competency: 1 - Legal Skills and Practice

CPD Points: 1 Point

Competency: 2 - Values

AUDITING

Independent assessment of practices seeking certification is a vital component of the QPS process and, is carried out in two stages.

Once the QPS Procedures Manual is completed, it can be forwarded to the Society's auditor for a 'desktop' audit to ensure that all parts of the QPS have been adequately addressed. This will reduce the possibility of non-compliance to the QPS at the time of the on-site certification audit.

The auditor will advise practices of any changes that need to be made at this stage.

Once practices have clearance on their Procedures Manual, they can proceed with the second phase – the on-site certification audit, which is designed to verify QPS compliance over a period of three months.

The entire process of training and auditing can be expected to take a minimum of six months – three months to document your system and three months to implement it. Of course, this timing could vary significantly in practice.

Firms with ISO 9001 accreditation wishing to attain QPS certification will not be required to attend further training but must complete the 'desktop' audit before certification to QPS. This is required as the QPS addresses certain matters not specifically dealt with in ISO 9001.

ASSISTANCE

To ensure the smooth development and implementation of the Quality Practice Standard (QPS), the Society offers the following:

- an administrative help line, run by the QPS Coordinator;
- QPS workshops - the compulsory introductory workshop and the optional workshop (approximately 2 hours long each);
- in-house training for interested law firms; and,
- individual on-site consultancy (a list of preferred consultants is available from the Society).

IN SUMMARY - WHAT IS EXPECTED OF PRACTICES

To achieve certification as a Law Society of Western Australia Approved Quality Practice, your practice must:

COMPLY WITH DOCUMENT PROCEDURES RELEVANT TO QPS BY:

- nominating a Practice Coordinator to manage the programme (including assistant personnel if appropriate in larger practices);
- having this Coordinator attend the initial compulsory workshop;
- obtaining Partner/Proprietor support and commitment to the programme (which is essential to its continued success);
- making all legal and administrative staff fully aware of the programme and their involvement;
- identifying the status quo within the practice against the requirements of the QPS;
- where systems do not meet the requirements of the QPS, agreeing on modified systems;
- documenting all systems pertinent to the QPS as agreed above;
- trailing their effectiveness and suitability and modifying as necessary;
- submitting your documentation to the Society for an initial desktop audit; and,
- modifying your documentation accordingly as a result of this audit,
- Regular checks will be needed, on an ongoing basis, to ensure total commitment and adherence to the program by both professional and administrative staff.

IMPLEMENT AND COMPLY WITH THESE PROCEDURES DAILY BY:

- educating and re-training staff on system changes, especially those resulting from the desktop audit;
- implementing all systems according to your 'final' documentation;
- carrying out a self-audit of your compliance to all requirements of the documentation;
- complying with the procedures for a period of approximately three months (a sufficient period to generate a history of records which will allow the auditor to determine whether or not the principles of the QPS have been embraced throughout the firm); and,
- addressing any issues arising from the on-site certification audit.

To maintain certification, ongoing annual audits will be performed by the QPS auditor. These audits are designed to ensure that practices still meet the QPS and that any issues arising from such continuation audits are being addressed immediately. Major discrepancies may lead to certification being revoked.

Other QPS information can also be accessed on the Society's website: www.lawsocietywa.asn.au.



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