



GUIDANCE NOTES FOR LEGAL PRACTICES

Supervision

Effective supervision is an essential risk management tool.

Supervision procedures

- Have a written supervision procedure. This should be agreed by all partners, and every department should apply it
- Appoint someone to take ownership of the procedure
- Include it in the office manual
- Ensure it forms part of the induction process for new staff
- Make it clear who is responsible for supervising whom
- Use an organisation chart to show clear lines of reporting
- What happens if a supervisor is absent? Set out alternative arrangements

Incoming post

- This should be reviewed by the appropriate partner or supervisor before it is distributed
- If a fee earner is away from their desk, ensure their secretary or another appointed person is responsible for checking faxes, hand deliveries etc
- Make sure any claims/complaints are referred to a name claims/complaints partner

Outgoing post

- This should be signed and approved by the fee earner but also reviewed by the partner or supervisor. Check the enclosures
- Do you have appropriate procedures for reviewing outgoing post depending on the seniority or experience of your fee earners?

Fee earner supervision

A genuine ‘open door’ policy is best, so that all staff feel comfortable in raising questions or problems.

- Team work, rather than competition between staff, is essential
- The level of supervision should be dependent on the seniority of the fee earner. Trainees and new staff will require more supervision than experienced employees
- Supervisors should be allocated time or given credit in targets to allow for proper supervision
- Set up regular team meetings that can be used to cover workloads, problem areas and to share knowledge. Give regular feedback
- Consider setting aside dedicated time to deal with questions and problems
- Conduct a regular review of file run lists and nil movement reports. Check work in progress, outstanding disbursements, and signs of inactive files which could be closed
- Operate a regular appraisal process

Email

- The same principles which apply to post equally apply to email but it is not usually practical to review emails in the same way
- Every team leader should have access rights to fee earners’ computers to monitor incoming and outgoing email. Inform all staff beforehand. Include a relevant clause in the contract of employment and make sure partners are included in the procedures
- If a fee earner is new to the firm, their supervisor should see all their outgoing email before it is sent
- If you allow undertakings by email, comply with the firm’s policy on undertakings in the usual way
- All employees should be reminded that use of the firm’s email is for business purposes, and that sending personal emails is the same as writing a personal letter on the firm’s letterhead

Diary

- All key dates must be included in the fee earner's computer diary and, if used, their desk diary. Ensure diaries are up to date and accessible
- In addition all key dates must be inserted in the departmental central diary

Procedural file audits

- Every department must operate a procedure for files (including partners' files) to be reviewed by someone other than the fee earner
- The procedure should state how many files will be reviewed and how often reviews will take place (depending on the level of seniority, volume of work and other matters)
- Auditing a smaller number of files regularly is better than auditing a large number less frequently
- A central record should be retained of the file audits. Any action required should be recorded, notified to the fee earner and monitored
- Fee earners should not be permitted to nominate the files for review

Do not allow anyone, no matter how senior, to bypass procedures or to breach rules. You cannot expect other staff to follow procedures if they see that partners or principals are not complying

If any member of the firm appears to be secretive about their files – for example, locking their filing cabinet when leaving the office, keeping files at home or declining offers of help while on holiday – there could be a cause for concern. All files should be available for review at any time.

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