

## **Policies and Procedures**

As well as the policies and business documents covered elsewhere in the stage by stage guide, namely, the:

- Business Plan
- Business Continuity Plan
- Anti-Money Laundering Policy

we would expect your firm to have policies in place covering all the key aspects of its operation.

There is no set list of policies that your firm must have. Equally we do not prescribe the name or content of individual policy documents. Some firms for example will have broader policies covering a range of matters, whereas others prefer a larger number of smaller policies controlling specific issues. Whatever approach you decide to take you should ensure that your policies are consistent, as the requirements of one will normally impact on another.

As a guide, we would recommend you have policies in place that adequately cover the following elements of your firm's work:

- Bribery and Corruption
- Case Management
- Client Care / Complaint Handling
- Compliance Management
- Data Protection
- Equality and Diversity
- Financial/ Accounts Management
- Health and Safety
- Risk Management
- Staff Management
- Undertakings
- Whistleblowing

The most helpful approach for a firm is to go beyond the remit of a basic policy, defining the firm's aims and requirements of that policy. That includes an explanation of why the policy is needed often linking this directly to legislative and regulatory requirements. The use of examples of the possible impact on a firm that does not follow the policy will help any staff understand better their use.

Also think about including the procedures defining how compliance will be maintained and any related processes, rather than as a separate document. That helps link theory to practice for the user.

Using this approach makes the policy document a more valuable training resource for staff and increases the likelihood of it being followed. The following template may help you with your drafting:

## Policy document template

Please remember this template is merely a suggestion and you are of course free to use your own layout and content of your policies.

Content	Comment
Policy title	Whilst it will sound obvious the title of your policy should be clear, to enable readers to quickly identify the policy document they need for that aspect of their work.
Date and review history.	The policy should be dated and include a review schedule, detailing its review history and when it is next scheduled to be reviewed.
Introduction	This will explain the reason why the policy is needed and the potential problems that it aims to address. This section will often include examples of the potential consequences of not following the policy
Legislative and regulatory framework	This section will set out the legislative duties that the policy is designed to ensure compliance with. It will also detail the potential offences that can result from non-compliance. In addition, this section can be used to demonstrate how the policy aids compliance with the principles in the CILEx Code of Conduct or the CILEx Accounts Rules.
Policy Statement	This is normally a short statement or set of statements defining the firm's overall requirements in respect of this element of the firm's work.
Procedures	These are the procedures that individuals in the firm will need to follow to ensure compliance with the policy. They can either be attachments to the policy document, or as is more common these days they can form a section of the policy document itself.
Attachments	<p>Most policies will refer to the use of supporting documentation, for example template letters or forms. It is important that such documents are referenced in the policy and up to date versions of the documents are provided as an annex to the policy. Where your policy is held in an Office Manual the supporting documents for all the policies will appear in a single annex at the end of the manual.</p> <p>Where a policy refers to the use of a computer package such as a case management system it can be useful to attach screenshots and reference these in the main body of the policy.</p>

If you are using an Office Manual to store your policies, either electronic or paper based, there should be an index to help staff navigate quickly to the policy document they require. Remember your policy documents may well overlap, so ensure they are consistent in the procedures that they apply and that they reference each other so that readers are alerted to the fact that they need to read the policy in conjunction with another.

We have listed some example policies with a few points that you should consider when developing their content. Remember that there are also templates for Anti-Money Laundering compliance, including a policy and a risk assessment, within the Risk section on our website.

We have also highlighted some possible documents that might be a useful annex to each policy.

Example Policies:

- Bribery and Corruption Policy
- Case Management Policy
- Client Care Policy
- Compliance Management Policy
- Data Protection Policy
- Equality and Diversity Policy
- Financial Management Policy
- Health and Safety Policy
- Risk Management Policy
- Staff Management Policy
- Whistleblowing Policy

**Bribery and Corruption Policy**

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• The requirements of the Bribery Act 2010</li> <li>• How you control gifts and hospitality offer to individuals in your firm</li> <li>• Controlling the provision of gifts and hospitality to individuals outside of the firm and other organisations.</li> <li>• The method by which staff can record gifts and hospitality.</li> <li>• Arrangements for monitoring compliance with this policy.</li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Gifts and Hospitality Register.</li> </ul>

**Case Management Policy**

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• The system that is in place for managing files whether this be electronic or paper-based.</li> <li>• File numbering.</li> <li>• How does the firm link electronic files to paper records?</li> <li>• Safeguarding of records either electronic or paper-based.</li> <li>• Requirements relating to the opening, updating and closure of a file.</li> <li>• File Reviews (When and who is responsible for carrying them out) where are the results captured.</li> <li>• Conflict of interest checks</li> <li>• AML checks</li> <li>• Key dates and how these are recorded</li> <li>• Controls on undertakings.</li> <li>• Time recording</li> <li>• Recording of payments</li> <li>• Attendance notes</li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Screenshots where the firm is using an electronic case management system.</li> <li>• File cover sheet.</li> <li>• File review sheets</li> </ul>

## Client Care Policy

<p>When drafting your policy please make sure you consider the following points</p>	<ul style="list-style-type: none"> <li>• Requirements as to the information that you will provide to a client prior to commencing work on their matter.</li> <li>• Detail on how you will keep clients informed on the progress of their matter.</li> <li>• Details on how your firm will be complying with the CILEx Transparency Rules.</li> <li>• If you work for clients falls within the scope of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, your arrangements for complying with these regulations.</li> <li>• Your internal arrangements for dealing with complaints.</li> <li>• The content of your Complaints Handling Procedure and how this is communicated to your clients.</li> <li>• Information on any internal client satisfaction surveys that the firm undertakes and how these are done.</li> </ul>
<p>Possible attachments</p>	<ul style="list-style-type: none"> <li>• Privacy Notice</li> <li>• Template Client Care Letters</li> <li>• Template follow-up letters</li> </ul>

## Compliance Management Policy

<p>When drafting your policy please make sure you consider the following points</p>	<ul style="list-style-type: none"> <li>• Detail what aspects of the firm's operation fall within the scope of its compliance monitoring arrangements.</li> <li>• Detail the frequency of compliance checks and dependent on the nature of the check whether it is conducted monthly, quarterly or even annually. It should explain who is responsible for these checks and how the information is recorded.</li> <li>• Detail how the information from individual compliance checks feeds into the ongoing management of the firm.</li> <li>• Detail what actions are required to be taken should non-compliance be identified.</li> </ul>
<p>Possible attachments</p>	<ul style="list-style-type: none"> <li>• Compliance Register</li> <li>• Compliance reporting form.</li> <li>• Annual schedule of planned compliance checks</li> <li>• Breach reporting form.</li> </ul>

## Data Protection Policy

<p>When drafting your policy please make sure you consider the following points</p>	<ul style="list-style-type: none"> <li>• The requirements of the General Data Protection Regulation (EU) 2016/679 (The Seven key principles)</li> <li>• The wider requirements of the Data Protection Act 2018</li> <li>• How and when the firm will carry out an audit of the personal data that it holds.</li> <li>• How on information on data protection is provided to clients. This should cover subjects such as the individual's rights and how and why the data is held, including the lawful basis upon which the data is held and how it will be used.</li> <li>• Controls on the data you hold.</li> <li>• Data storage arrangements and safe disposal.</li> <li>• How you will respond to 'Subject Access Requests'.</li> <li>• Compliance checks on data protection.</li> <li>• Staff training</li> </ul>
<p>Possible attachments</p>	<ul style="list-style-type: none"> <li>• Privacy Notice</li> <li>• Client Care Letter</li> </ul>

## Equality and Diversity Policy

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• The requirements of the Equality and Diversity Act 2010</li> <li>• Requirements on staff in respect of their dealings with clients.</li> <li>• Requirements on the firm when dealing with staff and prospective staff, (Recruitment, reasonable adjustments etc).</li> <li>• Monitoring compliance with the Equality and diversity Policy</li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Equality and Diversity monitoring form for staff.</li> </ul>

## Financial Management Policy

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• Compliance with the CILEx Accounts Rules</li> <li>• Controls on payments into and out of the Client Account.</li> <li>• Controls on payments out of the Office Account.</li> <li>• Payment of interest on client money.</li> <li>• Client Account reconciliations.</li> <li>• The daily maintenance of the firm's ledgers</li> <li>• The production of monthly, quarterly and yearly accounting records.</li> <li>• The arrangements for monitoring the financial position of the firm and for notifying CILEx Regulation when there are concerns regarding viability.</li> <li>• Arrangements for VAT and Corporation Tax returns</li> <li>• Production of an Account's Certificate where no client money is held</li> <li>• Production of an Accountant's Report where client money is held.</li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Terms and Conditions document, detailing interest on client money</li> <li>• Example ledger record</li> <li>• Where an electronic financial management system is used appropriate screenshots from that system explaining how data is to be entered into the system and how accounting records can be produce by the system.</li> </ul>

## Health and Safety Policy

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• Insurance cover</li> <li>• The firm's Health and Safety Risk assessment.</li> <li>• Health and safety Law poster or leaflets</li> <li>• Location of the Aid Kit and training of staff</li> <li>• The use of an Accident Book.</li> <li>• Explaining the systems in place for maintaining compliance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013</li> <li>• Display screen equipment</li> <li>• The safety of electrical equipment</li> <li>• Avoiding trips and falls</li> <li>• Guidance on writing your Health and Safety Policy can be found on the HSE website: <a href="http://www.hse.gov.uk/simple-health-safety/write.htm">http://www.hse.gov.uk/simple-health-safety/write.htm</a></li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Incident reporting forms</li> </ul>

## Risk Management Policy

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• Detail on who is responsible for the management of risk at the firm</li> <li>• Detail on how risks are identified, scored and how and where this information is recorded.</li> <li>• Monitoring of actions, put in place to mitigate risks.</li> <li>• The frequency of the review of the firm's Risk Register and who is responsible for doing this.</li> <li>• The mechanisms in place within the firm for the reporting of new risks.</li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Risk Register</li> </ul>

## Staff Management Policy

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• Recruitment</li> <li>• Competency and ensuring that staff are suitably qualified and experienced for the roles they are being asked to undertake.</li> <li>• Training and training records</li> <li>• Disciplinary procedures</li> <li>• Pay, Pension and expenses entitlement</li> <li>• Leave (In all its various forms)</li> <li>• Flexible or remote working.</li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Staff appraisal forms</li> </ul>

## Whistleblowing Policy

When drafting your policy please make sure you consider the following points	<ul style="list-style-type: none"> <li>• The rights of an employee under the Employment Rights Act 1996 as amended by the Public Interest Disclosure Act 1998.</li> <li>• The guidance on the Department for Business Innovation &amp; Skills website:  <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf</a></li> <li>• Explain how your firm has put in place a culture that encourages employees to report non-compliance.</li> <li>• Explain the processes that are in place to deal with disclosures</li> <li>• Provide guidance to staff on their responsibilities.</li> </ul>
Possible attachments	<ul style="list-style-type: none"> <li>• Gifts and Hospitality Register.</li> </ul>