

# DELEGATION AND SUPERVISION ARE ESSENTIAL CLAIMS PREVENTION SKILLS

Good delegators and supervisors will help your firm avoid claims.



## TIPS

- Treat supervision and delegation as the real and important work it is.
- Spend time planning the delegation of work.
- When delegating communicate the what, why, when and how.
- When delegating specific tasks set a time to review the work before it is due.
- Supervision must be proactive and more than just an open door.
- Set regular meetings with employee practitioners to discuss their files.

The LPLC regularly receives notification of claims where the main cause is ineffective delegation and/or poor or no supervision. Not only can this result in inefficiencies within the firm, discontent among more junior practitioners and complaints from clients who feel they received less than the service they expected, there can be other serious consequences.

Principals have been found vicariously liable for employee negligence or received disciplinary action for breaching professional obligations such as failing to supervise or maintain appropriate management systems. There can also be subtle or long-term effects of poor supervision or delegation including poor wellbeing or loss of staff, low profitability and reputational damage.

Delegation and supervision go hand in hand and while they take time and can be frustrating, when done well can achieve positive outcomes across the whole firm, including being an aid in training staff as well as being an essential risk management tool.

## Delegation

Delegation is a process of giving work to others to do, whether it is a one off specific task within a matter or running whole files.

Mistakes firms make include:

- failing to delegate, resulting in practitioners being overworked
- delegating work to staff who don't have the necessary skills, training or capacity to work
- delegating to staff without being trained how to delegate and failing to then supervise and support the staff who are doing the work.

When giving work to others there must be a plan and process from the start. The what, why, when and how of the work needs to be communicated no matter the level of experience of the person receiving the work.

When Ben Richards of Aticus, a strategic communications consultancy, spoke about delegation skills at the LPLC 2015 Risk Management Intensive, he asked attendees what they thought were the three worst characteristics of a bad delegator. They were lack of communication, lack of context and lack of trust.

Each delegation also requires some form of supervision, review and feedback that should be clear, contemporaneous, matter-based and robust.

## Supervision

Whether being delegated a task on a file or being given their own files to run, employee practitioners need proactive supervision for their own career development as well as claims prevention.

The Victorian Legal Services Board + Commissioner has published RRP 012 Supervised Legal Practice Policy – V1 to offer practitioners guidance on the experience of potential supervisors. Among other traits, the LSB advises that an appropriate supervisor will:

- be appropriately experienced
- not be subject to supervised legal practice restrictions
- provide regular support and feedback sessions.

When delegating a task to do on a file to an employee practitioner, set a time before the task is due to discuss the progress of the work. This helps ensure they are doing what was asked and are on track to finish by the required date. When the work is done the supervising practitioner should provide constructive feedback on the work.

When an employee practitioner has their own file load the supervising practitioner should have regular meetings with the employee to proactively supervise what is being done. The frequency and length of these meetings may vary depending on the practice area and seniority of the employee, but should not be overlooked just because the employee is considered senior or trustworthy. It is not enough to just leave the employee to approach the supervisor when they think they have a problem. An open door policy is not considered adequate or proactive supervision.

Regular meetings provide benefits for both participants. The supervisor gains insight into how the employee is coping with the workload and complexity of their files as well as how further to develop the staff member. The employee receives feedback on how they are performing and should have a sense of being supported and developed.

For information on how to manage regular supervision meetings and other helpful suggestions see Tips for effective supervision and the Delegation/supervision instruction sheet on the LPLC website. ■

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