

BABERGH DISTRICT COUNCIL and MIDSUFFOLK DISTRICT COUNCIL

From: Assistant Director – Law & Governance	Report Number: JOS/17/2
To: Overview and Scrutiny Committee	Date of meeting: 18 December 2017

REVIEW OF THE SHARED LEGAL SERVICE

1. Purpose of Report

- 1.1 The purpose of this report is to provide the Overview & Scrutiny Committee with information about the operation of the Shared Legal Service to enable members to conduct a review of the service.
- 1.2 The Committee will also receive a presentation at its meeting which will include additional 'facts and stats' type information.

2. Recommendations

- 2.1 That the contents of the report and presentation to the Overview & Scrutiny Committee be noted.

The Committee may make further recommendations as it deems appropriate.

3. Financial Implications

- 3.1 There are no financial implications relating to this report, however the financial performance of the Shared Legal Service could impact on the Councils' budget outturn. Information about the Shared Legal Service's financial performance is included in section 10 of this report.

4. Legal Implications

- 4.1 There are no direct legal implications of this report; however it is imperative that the Councils have a high performing legal service in order to fulfil their statutory obligations and to deliver the Joint Strategic Plan.

5. Risk Management

- 5.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
If the legal service is not effective and efficient the Councils could fail to comply with legislation and	2 – Unlikely	3 - Bad	The performance of the legal service is monitored by the management board and reported back to the

miss opportunities.			respective councils.
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6. Consultations

- 6.1 This report has been prepared in consultation with other members of the Shared Legal Service management board.

7. Equality Analysis

- 7.1 There are no direct equality impacts arising from this report.

8. Shared Service / Partnership Implications

- 8.1 The Legal Service is an established shared service.

9. Links to Joint Strategic Plan

- 9.1 This review is most closely linked to the Enabled and Efficient Organisation strand of the Joint Strategic Plan. However, as a support service the legal team provide cross-cutting support and contribute to the delivery of all of the strategic policies.

10. Key Information

- 10.1 The Shared Legal Service commenced operating in November 2016 and is a partnership arrangement between Forest Heath, Babergh and Mid Suffolk District Councils and St Edmundsbury Borough Council under a S.113 agreement. A memorandum of understanding and agreement between the authorities sets the operational framework for the service (appendix 1). The service is overseen by a management board comprising of:

- Melissa Evans, Corporate Manager - Financial Services (BMSDC)
- Leah Mickleborough, Service Manager (Democratic Services) & Monitoring Officer (St Edmundsbury BC/Forest Heath DC)
- Karen Points, Assistant Director (HR, Legal & Democratic Services) (St Edmundsbury BC/Forest Heath DC)
- Emily Yule, Assistant Director - Law and Governance & Monitoring Officer (BMSDC)

Staffing

- 10.2 The legal service is led by the Legal Services Manager supported by 'Business Partners' in the following specialisms: property, planning, licensing/litigation and commercial. Each specialist area includes qualified practising lawyer posts and in some areas legal assistants and specialist business support are employed. There is also a Team Leader who acts as 'practice manager' for the service. The staff are employed by one of the four partner authorities (i.e. their employer as stated in their contract and where the payroll is run from).
- 10.3 Currently there are four trainee lawyer posts as each partner to the service already had two training contract positions in progress. It is intended that, once the current

trainees have completed their contracts, the number of trainee positions will be reduced to two in the future. This is more manageable for the service and will provide a better quality of experience for the trainee lawyers. The Management Board is also looking at succession planning and how we might retain those employees that the councils have invested in.

- 10.4 It has not been possible to achieve a full complement of staff during the first year of operation for the service, and there continues to be a vacant lawyer post in the Commercial section of the team. There are a number of reasons for this, including resolving employment arrangements for staff that were transferred into the new service and difficulties in attracting high calibre candidates to fill vacant posts. This recruitment challenge is not unique to the Shared Legal Service. Generally it is difficult to attract experienced lawyers into local government positions as the private sector is much more competitive in terms of salary and the profile of work. Gaps in the team have been filled using locums, where appropriate and affordable, in order to avoid any significant delays in service for the client departments. Furthermore, one of the Lawyer posts within the Property team has been converted into two Legal Assistant posts to provide additional capacity and resilience. These posts have been successfully recruited to.

Financial Performance

- 10.5 The Finance Business Partners from each authority have recently significantly enhanced the reporting of financial information to the management board. Data has been shared between organisations to ensure an accurate forecast for the financial year up to March 2018. This will be updated on a quarterly basis.
- 10.6 Both the first year (i.e. 12 months from November 2016) and the 2017/18 forecast outturn show a favourable performance against budget. The budgets for the service were agreed based on the councils existing spend before the service was established and this level of expenditure also determined the split of costs between the partners. BMSDC has retained some liability for costs relating to unresolved matters at the time when the service was established and for planning matters. These costs are funded from individual service budgets.
- 10.7 Finance will continue to work closely with the Shared Legal Services to ensure accurate forecasting & costing which include reassessing the apportionment of costs between the partners at the end of year two.

Performance Monitoring

- 10.8 The Management Board is currently developing a performance framework which will feed into the partner authorities' performance monitoring. There was very little base data in terms of performance from BMSDC before the service was established and therefore the first year of operation has been concerned with establishing a base line to set targets, and monitor future performance, against.
- 10.9 Anecdotally there has been some under-performance of the team around response times, according to our client departments and external professionals. However, this is ultimately down to resolving the staffing arrangements and processing the significant back-log of cases that were brought to the partnership by BMSDC. Generally the client departments are working well with the legal service and have

overcome any initial teething problems with not always having an on-site presence from the team.

Case Management

- 10.10 The Shared Legal Service has recently jointly procured case management software with the other district and borough councils across Suffolk. This software provides for time recording, electronic document retention and the production of detailed management reports. This means that the Legal Services Manager will be able to provide data about the workload of the team, the average costs for a particular type of case and the time taken to complete cases, amongst others. The Case Management System is still in its infancy so there is limited data at present and, again, there was no baseline data from BMSDC before the shared service started operating so a direct comparison of 'before and after' data is not possible

Progress against objectives

- 10.11 The partner authorities agreed a number of objectives when establishing the Shared Legal Service which underpin all of the service's activities. Significant progress has been made against these objectives but there are still many opportunities for improvement. More detail about the progress with objectives will be included in the presentation to the O&S Committee at the meeting.

11. Appendices

Title	Location
Appendix 1 - Shared Legal Service Memorandum of understanding	Attached

12. Background Documents

- 12.1 Scoping Document – Review of Shared Legal Service
- 12.2 Diagnostic report for West Suffolk and Mid Suffolk and Babergh legal services
- 12.3 Objectives for the Shared Legal Service

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