

JOINT OVERVIEW AND SCRUTINY COMMITTEE 18 DECEMBER 2017

DRAFT MINUTE – REVIEW OF THE SHARED LEGAL SERVICES

5 **JOS/17/2 REVIEW OF THE SHARED LEGAL SERVICES**

- 5.1 The Assistant Director of Law and Governance began by introducing Theresa Halliday, Service Manager for the Shared Legal Service. She explained the staff structure for the service and the financial breakdown and the cost implications for Babergh and Mid Suffolk District Councils for the year 2016/17.
- 5.2 Members' attention was drawn to the underspend of £41,899.88.
- 5.3 In terms of caseloads and open cases, there had been no comparable data available before the Shared Legal Service was established. Currently there were 477 open cases, and of these 116 were in the process of being dealt with. A large number of existing open cases from Babergh and Mid Suffolk Councils had been taken into the Shared Legal Service when it was established.
- 5.4 The Service Manager then outlined how the lack of a hand-over had hindered the initial setting-up of the Shared Legal Service. She also said that training of new legal and administrative staff had taken time and impacted on the service.
- 5.5 Councillor Derek Davis, who had been invited by the Committee to present evidence as a witness, then recounted his experience as a Councillor dealing with the Shared Legal Service including:
- In one instance the Shared Legal Service has acted promptly;
 - That in the case of the unlawful use of a caravan site, the Shared Legal Service's advice had been conflicting, and the service had taken too long to catch up with the legal implications of the case and it was felt this could damage the reputation of the Council;
 - Generally, the Councillor felt that the Service was providing an inconsistent service and that advice was at times confusing.
- 5.6 Some Members reported that it had been difficult to get hold of the correct contact person within the Shared Legal Service and that staff were busy and at times unable to provide detailed legal advice. It was also reported that there was an impression that Members were not able to contact the service directly.
- 5.7 Officers responded that the first point of call was the Client Officer, but this did not prevent Members from contacting the Shared Legal Service directly. However, the Shared Legal Service was not insured to give legal advice on parish matters and could only provide advice on Babergh and Mid Suffolk Council matters.

- 5.8 Members felt that a review of the communication process would be beneficial.
- 5.9 The Corporate Manager for Strategic Asset Management explained the relationship between her team and Shared Legal Service. She said that at first the working relationship had been difficult until good procedures and processes had been established. For her, as a client of the Shared Legal Services, the current process was working effectively and satisfactorily.
- 5.10 The Service Manager informed Members that a new Case Management System was currently being launched, which would enable staff to direct calls to the legal person responsible and that, if the lead officer wasn't available, any staff member would be able to provide up to date information to clients. The system also had a client portal which allowed clients to follow the progress of the individual cases.
- 5.11 Members requested that a list be made available of officers who could instruct Shared Legal Service in each client department in the Councils.
- 5.12 Some Members felt that in the case of the Shared Legal Service and some of the Councils' other partnership working arrangements a detailed and sound business case was lacking. Members strongly recommended that in the future proper business cases should be undertaken before any change was made to Councils' services to ensure that the impact and success of that change could be monitored effectively.
- 5.13 The Committee was concerned that there did not exist enough information from the former legal department to compare the service level with Shared Legal Service.

By a unanimous vote

It was RESOLVED:-

- 1.1 That the Joint Overview and Scrutiny Committee concluded that further improvements in the performance of Shared Legal Service are required, specifically around communication and the understanding of which officer within the client department is able to give instructions.**
- 1.2 That the Shared Legal Service be reviewed by Overview and Scrutiny Committee again in six months' time and that this review include updates on case management and the information previously presented to the Committee.**
- 1.3 That the Joint Overview and Scrutiny Committee recommend to Cabinet that prior to any future shared services or partnership working arrangements that a full and proper business case is prepared and that the business case will be presented to the Overview and Scrutiny Committees for pre-scrutiny.**