

BABERGH DISTRICT COUNCIL and MIDSUFFOLK DISTRICT COUNCIL

From: Cabinet Member for Organisational Delivery	Report Number: JOS/18/6
To: Overview and Scrutiny Committee	Date of meeting: 23 July 2018

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 updated information about the operation of the Shared Legal Service to enable members to conduct a review of the service.

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 miss opportunities.	2 – Unlikely	3 - Bad	The performance of the legal service is monitored by the steering group and reported back to the respective councils.

6. Consultations

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

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. O&S Recommendation

- 10.1 The Joint O&S Committee reviewed the legal service in December 2017 and resolved to conduct a further review after 6 months in order to consider:
- an update on implementation of the case management system;
 - improvements to contacting the legal service;
 - clarity on which officers could give instructions to the legal service.

11. Key Information

- 11.1 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 in accordance with S.113 of the Local Government Act 1972. The implementation of the shared service was overseen by a project board but more recently this has been changed to a steering group comprising of:

- Emily Yule, Assistant Director - Law and Governance & Monitoring Officer (BMSDC)
- Jennifer Eves, Assistant Director – HR, Legal and Democratic Services (FHDC and SEBC)
- Teresa Halliday, Service Manager (Shared Legal)
- Andrew Chapman – Finance Business Partner (BMSDC)
- Paul Morrison – Finance Business Partner (FHDC and SEBC)

Staffing

- 11.2 The legal service is led by the Service Manager (Shared Legal) 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 small general administration team. 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). A copy of the current structure is attached at appendix 1.
- 11.3 At the time of writing this report the team currently has one trainee solicitor in post and is advertising for a further trainee. The current trainee solicitor qualifies on the 31 July 2018 and will be invited to apply for the vacant position of property lawyer albeit in a newly qualified role.
- 11.4 If the trainee's appointment to property lawyer is successful, it will mean, unusually for an in-house legal service in the public sector, the service has a full complement of permanent staff in the establishment and one trainee solicitor (although two trainee solicitor posts will be retained). This is down to the commitment and approach to succession planning by retaining our trainees, identifying talent within the team and rewarding such talent with promotion and encouraging officers to further their professional training. The service currently has three officers undertaking training as part of their role and other members of the team have also expressed a will to undertake further legal training. Savings created from the vacant trainee post will be used to support those officers which will enhance the team's resilience. The service is also looking at apprenticeships and one of the legal assistants has just started a paralegal apprenticeship which has been funded from the Apprenticeship Levy held by SEBC. As the service progresses the service manager is continuing to review the structure and is currently undertaking a review of the admin support. The service manager is also looking to see how best apprenticeship schemes may be utilised in the future.

Financial Performance

- 11.5 The service manager continues to work closely with the two finance business partners to ensure the service performs within budget, identify savings and identify areas where income may be obtained to offset the budget. Details of the financial performance of the service for the 17/18 financial year are attached at appendix 2.
- 11.6 Although the financial statement shows a total underspend of just £4,209 for 17/18 (Babergh underspend = £18,990 and Mid Suffolk overspend = £14,781) this is because it includes staffing costs (to include pension and redundancy costs) in relation to two employees who did not join the shared legal service but were kept on by Babergh and Mid Suffolk to assist with the move to Endeavour House. Actual budget figures for the shared legal service therefore resulted in a total underspend of £106,000 (Babergh underspend = £75,000 and Mid Suffolk underspend = £31,000). This underspend is derived from several factors but includes an increase in the level of income received from legal fees and costs, a reduction in external legal spend and a reduction in the costs of publications arising from a review of the law library which has resulted in ongoing savings in excess of £17,000.

Performance Monitoring

- 11.7 Since the implementation of the case management system in June 2018 the service manager, with support from the steering group and the system project officer, has been working on key performance indicators and how the relevant information may be reported from the system. The four authorities have agreed on six key performance indicators which address the reasons for the two in-house legal services coming together:
- Feedback from officers using the service – reported quarterly
 - % of staff on a career pathway – reported annually
 - Legal outsource expenditure (planning only) – reported quarterly
 - Legal outsource expenditure (other) – reported quarterly
 - No. of shadowing incidents (officers shadowing and learning from experts) – reported annually
 - % of successful challenges (JR's, appeals, prosecutions, civil matters) – reported quarterly
- 11.8 The key performance indicators for the period 01/04/17 to 31/03/18 are attached at Appendix 3 to this report. Feedback will demonstrate how well the service performs in terms of timeliness and customer care. Until very recently the service hasn't requested feedback but has recorded 48 positive comments about the service over and above a thank you for progressing a matter. Since July 2018 feedback is being requested via a questionnaire at the foot of emails and as the case management system develops, a workflow will be introduced which will generate a request for feedback whenever a matter is concluded. As mentioned elsewhere within this report the service is keen to grow its own talent and currently has five members of the team in career pathway posts with three further members of the team keen to undertake further legal studies in the future. The service continues to develop its legal expertise across a range of topics by shadowing experts, such as Counsel, and learning from them. This has resulted in a positive outcome with some recent planning appeals and applications for Judicial Review. The planning team has, by shadowing Counsel, managed to undertake half the challenges in-house thus reducing external spend in those matters. However this also means that half the planning related challenges required Counsel expertise and advice leading to the increase in external spend in this area. Unfortunately 7 of those challenges (four of which were undertaken in-house) had to be conceded although by having legal intervention early on in those challenges any costs awarded to the other party were kept to a minimum.
- 11.9 In addition to the key performance indicators listed at paragraph 11.7, the service manager is also working with the system project officer to create reports which will assist her in monitoring workloads by identifying the number of open cases with each legal officer, the time spent on those cases and the most recent activity on those cases and highlight any areas of concern. As part of this exercise the spreadsheet also provided in appendix 3 identifies the current workload at the time of writing.

Case Management

- 11.10 The case management system (Civica) went live in June 2017 and since then the shared legal service has become 80% paperless. Using the system has enabled the

service manager and business partners to track matters assigned to the service in order to inform instructing officers and members as to the status of a matter in which the service has been instructed. In the first year the service has become used to working electronically, opening and storing all matters on the system and using templates built from the system.

- 11.11 As we move into the second year the next stage is to introduce a client portal which will enable instructing officers to see which of their matters the service is instructed on and the progress on such matters. As the client portal is launched (a soft launch is intended in July), the service will then move to develop workflows to enable procedural matters (such a right to buys, debt recovery) to proceed in a systematic manner with alerts being created as and when the next stage of the procedure is due. The system also has capacity to enable the service to implement a forward plan by adding alerts for example when a lease becomes due for renewal, or a contract is nearing its expiry date. This additional information will enable the service manager and business partners to see what instructions they are likely to receive and for them to inform the instructing officer to ensure such deadlines are not overlooked.
- 11.12 The current contract with Civica expires in April 2019 however Ipswich Borough Council is currently leading on the completion of a new contract with Civica on behalf of all seven district level authorities in Suffolk by calling off from a Local Authority framework in August. The new contract will be for a period of either 4+1+1 years or 5+1+1 years.

Contacting/instructing the shared legal service

- 11.13 Although the service's principal place of work is West Suffolk House, officers within the team work also work from Endeavour House in Ipswich and District Offices in Mildenhall as well as from their own homes. All officers may be contacted via their West Suffolk telephone extension when working from the offices in Mildenhall or from home. The service manager, business partners and lawyers may be contacted via their mobile phones when working elsewhere such as from Endeavour House but in any event all officers may be contacted via email.
- 11.14 A shared legal service page is available on Connect which provides a photograph and short bio of each member of the team as well as their contact details. In addition to this, the page includes information on how to instruct the team, a place to provide feedback and a place for any new information instructing officers may find helpful. A screenshot of the page is attached at appendix 4 to this report.
- 11.15 All emails sent by an officer of the service includes a signature which provides their telephone number and mobile number (where relevant). The signature also includes a place for officers/members to provide feedback.
- 11.16 All officers may instruct the service subject to the correct delegated authority being in place. The shared legal service page on Connect advises officers how best to instruct the team to ensure a matter may be expedited but any contact with a member of the team will lead to an instruction being accepted. Whilst members may not instruct the service, they are able to contact the service direct. The service is unable to provide legal advice to members but is able to advise them, subject to the principles of the General Data Protection Regulation, whether a live matter is open and the current status of a matter. Although members will not have access to the case management

system via the client portal, a copy of the progress report may be sent to them upon request.

- 11.17 The service manager together with the business partners will be attending a members briefing on the 26 September 2018 in an aim to address any issues/queries members may have about its legal service.

Improved working practices

- 11.18 The shared legal service has and continues to improve its working practices. At the time of the two services coming together, neither had a permanent manager in post and officers for the team were office based at their main place of employment. As a result of a nationwide difficulty in recruiting to professional posts in the public sector authorities were required to outsource at great expense and a backlog of matters had built up at Mid Suffolk and Babergh with some matters being outstanding for in excess of five years. The clearing of this backlog was a priority for the service and all matters are now up to date.
- 11.19 The business partner model for the shared legal service quickly enabled a relationship to be created between the legal team and its instructing departments across the four authorities. In addition to this the service provided 'legal surgeries' across the council offices to enable officers to meet the team, raise any queries or concerns and address any outstanding matters. The business partners also held workshops with their instructing officers in order to determine what had worked previously, what hadn't worked and how to improve upon matters. Resulting from these workshops the service created instruction pro forma which provides the instructing officers with guidance as to the information required to enable certain matters to progress smoothly and central mailboxes for the receipt of instructions.
- 11.20 The implementation of the case management system in June 2017 has improved matters further. If an officer or member wants to know what is happening they are able to call any officer within the service and, with a few enquiries as to the subject matter, that officer will have access to it at their fingertips and will be able to provide an update.
- 11.21 The legal officers all work in accordance with the agile working policy and work from any of the authorities' places of work across the four authorities or home. However, in order to ensure this works smoothly and understanding that its priority is organisational need, the service has adopted a team charter which sets out the team behaviours, how officers will keep in contact with each other and how officers communicate to others. The team behaviours, the creation of which involved every member of the team, are:

Versatile – we will be adaptable to meet our clients' needs.

Supportive – we will support our clients to meet the needs of their service

Respectful – we will be mindful of others needs and requirements

Positive – we will be proactive with a confident approach

Pioneering – we will lead the way with innovative ideas and solutions.

12. Appendices

Title	Location
Appendix 1 - Current structure	Attached
Appendix 2 – Financial information	Attached
Appendix 3 - Key performance indicators	Attached
Appendix 4 – Screenshot Shared Legal Service page	Attached

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