

INFORMATION BULLETIN

Babergh and Mid Suffolk Joint Overview & Scrutiny Committee – 19 September 2022



Legal Services – Performance Monitoring

At a meeting of the Joint Overview & Scrutiny Committee on the 22 November 2021 the Committee resolved that:

- the Legal Services Steering board review the recharging mechanism for the costs of the legal service and consider whether the performance monitoring arrangements were sufficient and that those findings of the Legal Services Steering board be presented back to the Overview and Scrutiny Committee via an information bulletin after its meeting in December.
- the information bulletin in recommendation one also include historical and current performance monitoring data, which would enable the Committee to observe the trends in performance over time.
- that recommendation three would be that a further information bulletin be presented to the Committee in six months into the new financial year demonstrating the split of new matters between Babergh and Mid Suffolk.

Steering Board review of the recharge

The Legal Steering Group meets quarterly and agreed that it would review the Service's performance data on a six-monthly basis with the most recent review taking place on the 09 June 2022. Reports on the following data are presented to the Committee:

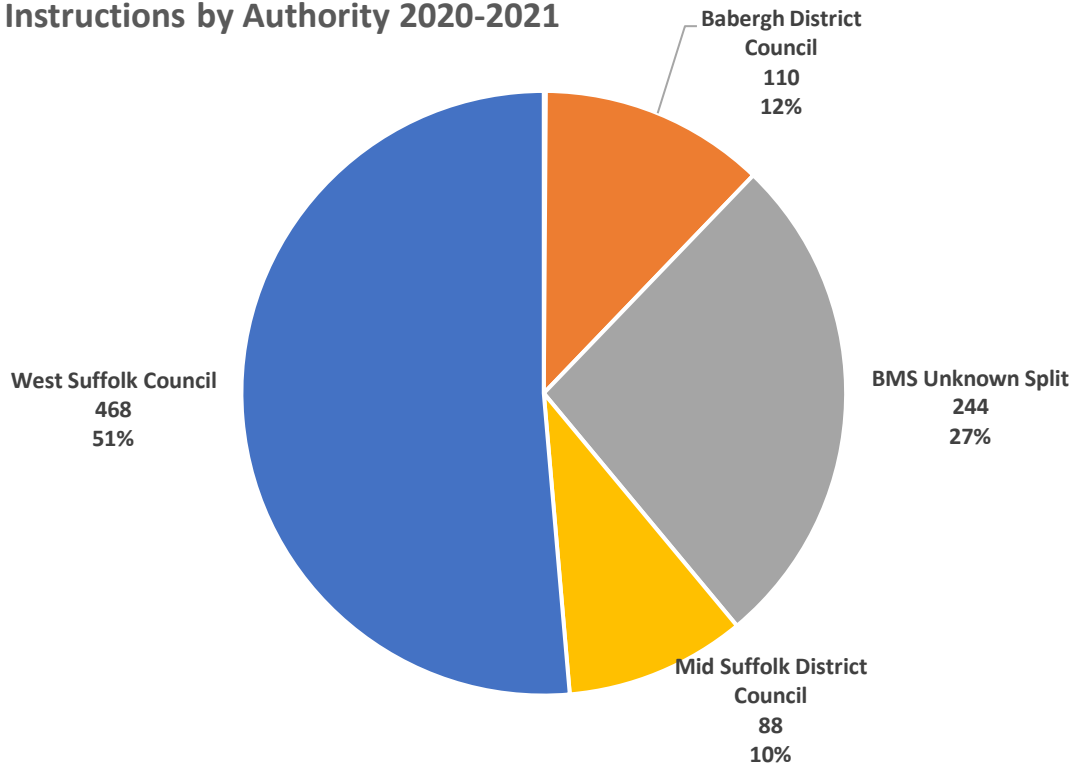
- No. of new legal instructions received per authority and legal team in preceding 6/12 months
- Percentage of complexity levels assigned to new legal instructions per authority
- Year by year comparison on legal instructions and complexity levels per authority

It was agreed by the Steering Group that this would be sufficient data in order to establish the correct budget costs split between the authorities under the shared service arrangement.

Performance trends

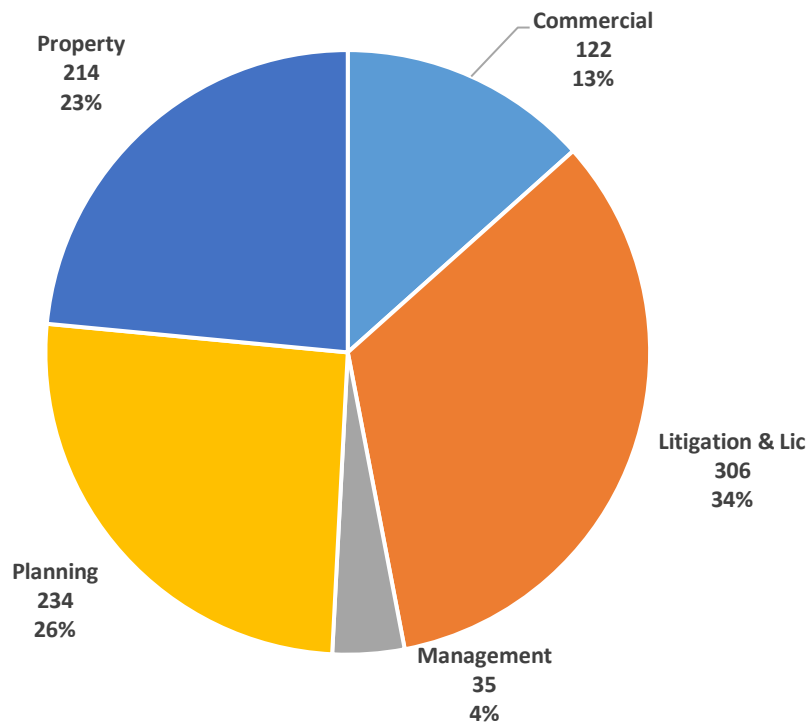
April 2020 to March 2021: the Legal Service received a total of 910 new instructions. During this period there were only two instances, BMSDC and WSC.

New Instructions by Authority 2020-2021



This information is then broken down by legal team which enables the Steering Group to determine whether each team is adequately resourced:

New Instructions by Team 2020-2021



The number of instructions alone does not provide the whole picture as each instruction has a different level of complexity. A complexity chart was therefore created and each instruction is given a complexity score based on the technical level required and time taken in completing the instruction:

COMPLEXITY	Very complex issues with significant consequence for the council (financial/corporate/reputational). Task usually undertaken by a senior member of the team with sufficient post qualification experience.	4	4	5	6	7
	Reasonably complex area of law. Some in-depth legal knowledge or research required. Task usually undertaken by a legally qualified or sufficiently experienced member of the team	3	3	4	5	6
	Reasonably simple task and/or undertaken on a regular basis. Basic knowledge required to undertake task. Typically carried out by a non-qualified member of the team with sufficient legal experience.	2	2	3	4	5
	Little or no research required and/or can normally be carried out by a member of the support team without direct supervision.	1	1	2	3	4
			1	2	3	4
			Quick tasks to turnaround (up to a week) and a one-person task.	May take more than one week to undertake tasks	Likely to take some time (up to about 3 months) to complete with input required. May require the input of more than one team member.	Likely to take over three months to complete/resolve and require the input of two or more team members.
T I M E						

Of the 910 new instructions the following complexity scores were added:

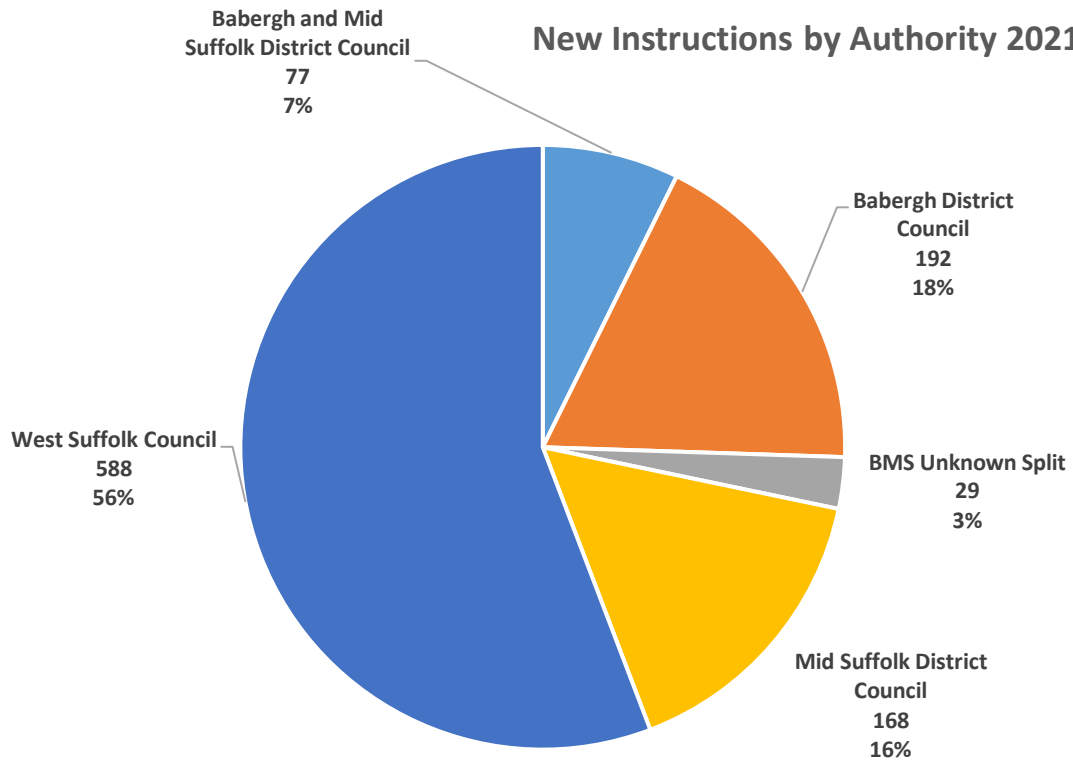
2020-2021					
Complexity Level	Babergh & Mid Suffolk District Council	Babergh District Council	BMS Unknown Split	Mid Suffolk District Council	West Suffolk Council
1					4
2		5	2		168
3		25	35	19	80
4	1	25	59	14	79
5		14	67	6	49
6		5	42	2	17
7		19	37	43	53
No Complexity		17	2	4	18
Grand Total	1	110	244	88	468

It is clear that although there were a higher number of instructions received from West Suffolk Council a large proportion of these instructions were given a complexity score of 1 and 2 whereas instructions received from Babergh and Mid Suffolk District Councils were more complex with 99 being the most complex.

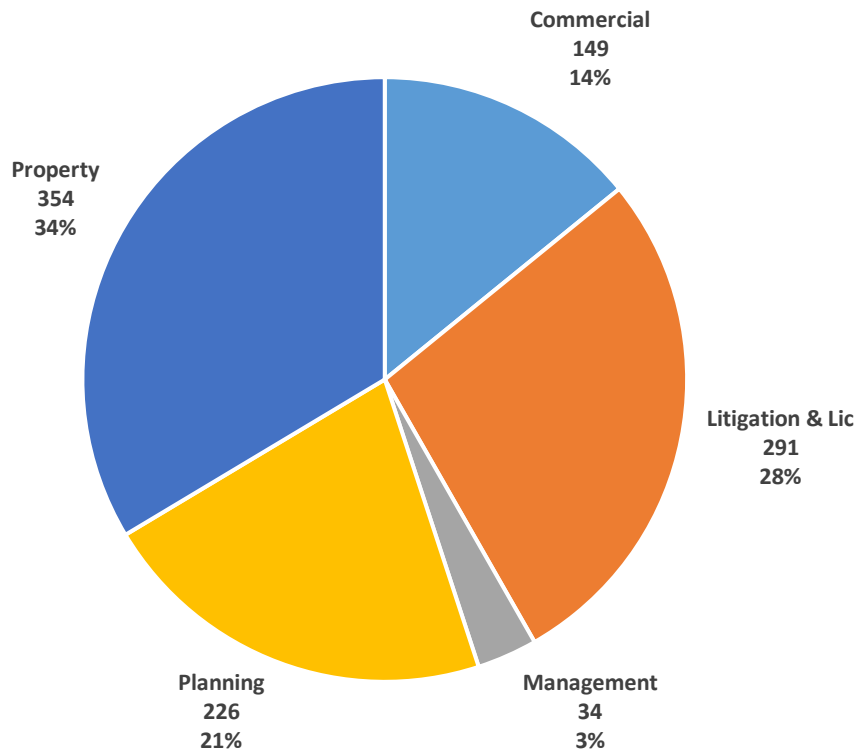
The type of instructions which would receive a score of 1-2 would be procedural matters like civil debt recovery, tree preservation orders. The type of instructions which would receive a score of 6-7 would include defending an application for Judicial Review, drafting a complex development agreement.

April 2021 to March 2022: the Legal Service received a total of 1054 new instructions.

New Instructions by Authority 2021-2022



New Instructions by Team 2021-2022



2021-2022

Complexity Level	Babergh & Mid Suffolk District Council	Babergh District Council	BMS Unknown Split	Mid Suffolk District Council	West Suffolk Council
1	7	21	1	15	48

2	1	5	3	1	195
3	27	62	2	47	130
4	26	67	10	50	136
5	11	17	4	33	48
6	3	16	7	19	25
7	1	3	2	3	6
No Complexity	1	1			
Grand Total	77	192	29	168	588

Although there were less instructions at level 6-7, the number of lower level instructions remain higher for West Suffolk Council.

Babergh/Mid Suffolk split

From 01 April 2022, the case management system was adjusted to enable officers to record whether the BMSDC instruction was from BDC, MSDC or both and officers were requested to make this adjustment to ongoing matters as and when they worked on them. The above data is incomplete because some instructions had already been completed and closed prior to the adjustment being made on the system:

In Quarter 1 2022 the Legal Service received 282 new instructions. There is currently an even split of instructions received in relation to Babergh District Council and those received in relation to Mid Suffolk District Council. There are occasions when the instruction relates to both authorities:

