

ABERDEEN CITY COUNCIL

COMMITTEE	Finance and Resources
DATE	13.6.13
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Service Review of Legal Services
REPORT NUMBER:	CG/13/075

1. PURPOSE OF REPORT

The purpose of the report is to advise members of the outcome of the Legal Services Review and the actions to be taken by management going forward.

2. RECOMMENDATION(S)

That the Committee note the content of the report.

3. FINANCIAL IMPLICATIONS

To date financial savings have been met from staff vacancies and structural changes have yet to be made. In implementation of these proposals all current vacancies will be filled and additional paralegal posts created. All posts will be met from existing budgets. It is proposed that there will be a reduction in the use of external legal agencies as per a previous PBB option and the reduction in costs used towards the aforementioned new posts.

4. OTHER IMPLICATIONS

Resource will be required in undertaking the recruitment exercise and as with any restructure there will be a transitional period (including staff development into new roles) in implementation which may have a short term impact on operational delivery.

5. BACKGROUND/MAIN ISSUES

5.1 Background/Context

All areas of the Council have undertaken Service Reviews over the last few years. Sections within Corporate Governance have undertaken significant reviews, particularly those involved in the Alternative Delivery Model project. This project did not include Legal Services, however, there have been structural changes to Legal Services over the last few years. During 2011, Legal Services comprised four teams, namely Conveyancing, Court, Licensing and Policy and Advice. In April 2011, the four teams were merged into two new teams – Commercial and Advice and Litigation and Licensing.

5.2 At present, the Commercial and Advice Team undertakes the work of the former Conveyancing and Policy and Advice Teams. Litigation and Licensing currently undertakes the work of the former Court and Licensing Teams. The existing structures are set out in Appendix 1.

5.3 While the current arrangements maximise the use of solicitor time in purely operational legal work and enables cover to be available, it limits the opportunities for engagement which Services require in the current environment.

The Management Team within Legal Services has been aware of the need to re-visit both the structure and the manner in which services are delivered, for some time. This was underlined by a recent Stakeholder Review commissioned during the latter part of 2012 and undertaken by an external consultant. The purpose of the Stakeholder Review was to build a clear picture of stakeholder perceptions of Legal Services so that this could be used to inform planning and development of the Service.

5.4 There was enthusiasm expressed for the review and a willingness to give feedback and share experiences. All stakeholders had positive feedback

relating to Legal Services. In general, there were numerous comments about the service, which highlighted:

- the quality of advice and technical expertise;
- the professionalism of the individuals;
- the hard work and commitment of staff;
- examples of being very good in a crisis and “pulling out the stops”;
- gratitude from many stakeholders about being supported often in very difficult circumstances and the right result being achieved.

5.5 Council services expressed the need to be supported both strategically and operationally. It was felt that the current arrangements are, in general, more successful operationally than strategically. The need for strategic support was articulated as:

- there is a new environment and things are more complex;
- there are ambitious plans in the services for the Council and the city;
- a range of strategic opportunities and partnerships which need to be assessed;
- an opportunity for Legal Services to add value through early involvement and to help shape business plans;
- an essential requirement for strategically aligned and enabling Legal Services;

The feedback evidenced a desire for closer relationships with more business alignment and understanding, and for Legal Services to be more embedded in the teams and projects.

5.6 Feedback was gained from a wide range of stakeholders about the Legal Services attitude to risk. A consistently held view was that Legal Services are averse to risk and that risk aversion is strongly embedded within the culture. This is addressed later in the report.

5.7 Legal Services Response

The outcome of the review made informative reading for management and staff within Legal Services. It has been met by a willingness to look at structures, roles and responsibilities, ways of working and culture in an open and transparent way. Since the outcome of the review, work has been undertaken to look at the structure, resources, roles and culture within Legal Services and different options for delivery of the Service, with a view to ensuring that the structure, capacity, skills and culture within Legal Services is best placed to provide the comprehensive, flexible and innovative legal support required by the Council going forward.

- 5.8 The above work has been undertaken using a number of techniques. The outcome of the stakeholder review was considered by the Legal Services Management Team and then formed the basis of a service-wide day, involving all staff. This took place on 28th February 2013 and was facilitated by an external party. The purpose of the day was to give staff the opportunity to explore the outcomes of the review and then look at structural options.

Following on from the service-wide day, work has progressed at both a management and staff level.

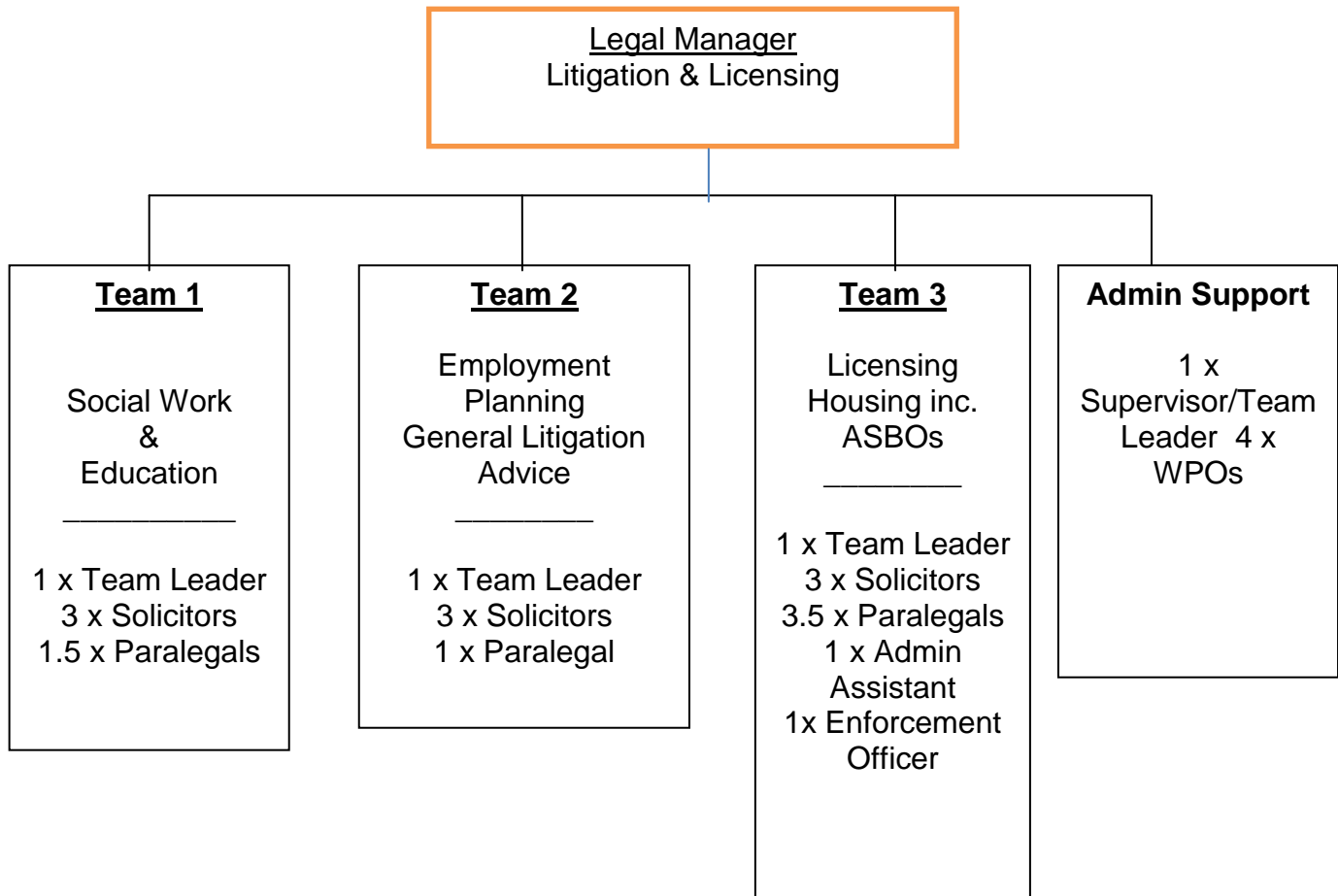
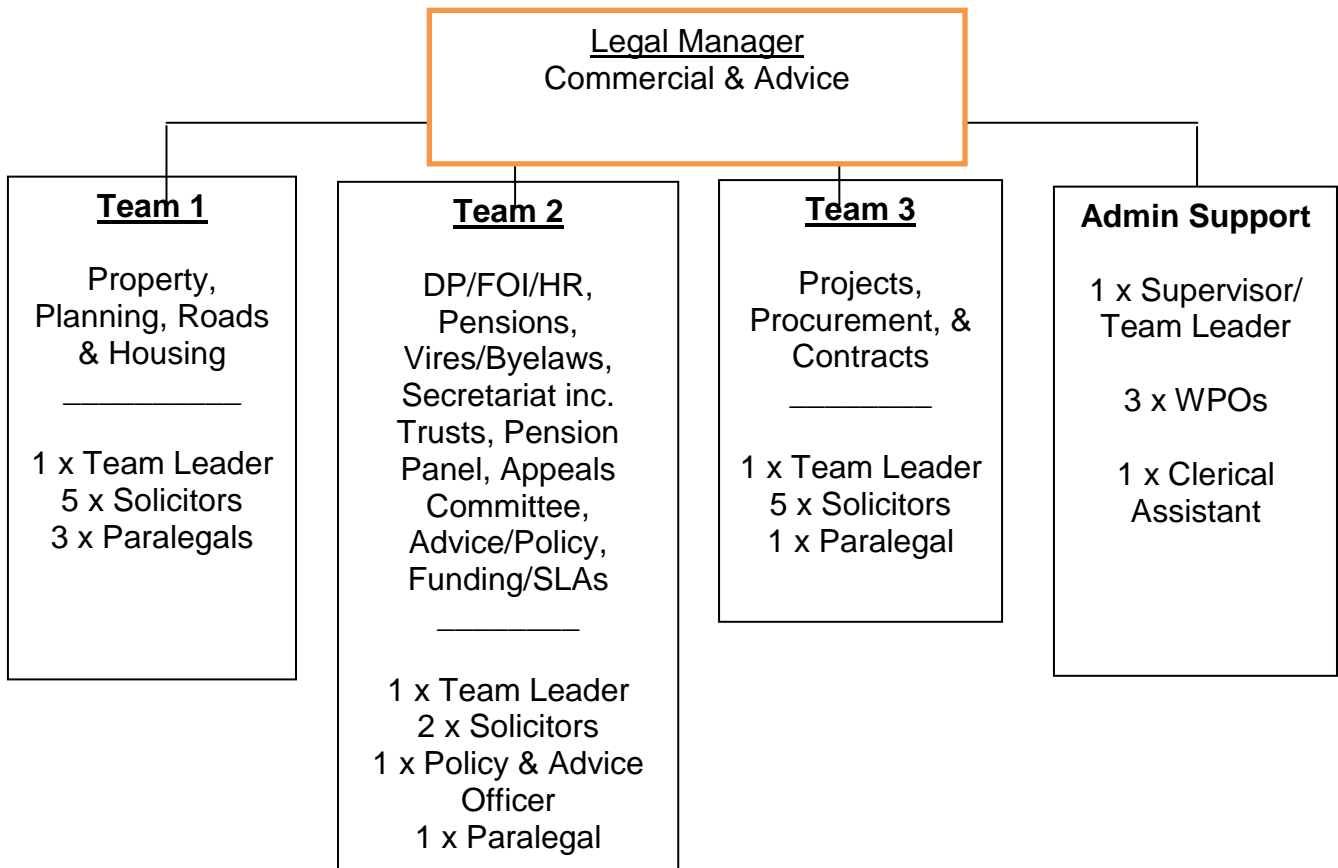
At the same time, the Legal Services Management Team looked at various options around structure and defining roles and responsibilities. In order to assist with this, four of the Heads of Service previously interviewed as part of the stakeholder review were invited to participate as “critical friends”. This involved those four meeting as a group with the Legal Services Management Team and offering constructive comment and challenge in relation to proposed structures.

5.9 The Way Forward

In considering an appropriate structure for Legal Services, the Legal Services Management Team was keen to ensure that the structure would

be clear and that both staff and other Services understand where work will sit. The Management Team was also keen to ensure that the structure is sufficiently flexible to be future-proofed in terms of the short to mid-term. It was also recognised that new and improved way of working cannot be delivered solely by changes to structure and roles. It is important that staff understand why we are changing, what the changes will look like and mean for them, and how the change will take place. Accordingly, draft proposals were formulated and were the subject of significant consultation with staff. In addition to the facilitated session on 28th February, a further meeting with all staff was held on 25th April. At this meeting, the proposed structure and new ways of working were outlined and a detailed document setting out how the new arrangements might work in practice was issued to all staff. This was followed by a 4 week consultation period, during which the Legal Managers made themselves available to meet with staff individually or in groups and a meeting was held with UNISON. The Legal Services Management team gave careful consideration to the comments and responses received during this period.

- 5.10 The final structure is set out below. Legal Services shall remain with two distinct teams, however each team will have three distinct work units. For ease of reference within this document, the two distinct teams (namely Commercial & Advice and Litigation & Licensing) shall be referred to as Sections. The three distinct work units within each shall be referred to as Teams. The Legal Managers will retain overall responsibility for the management and performance of the Sections, but there will be a greater day-to-day role for the Team Leaders (formerly Senior Solicitors).



5.11 The structure is predicated on the fact that all vacancies are filled. There is also a greater emphasis on the involvement of Paralegals to free up the time of the solicitors. However, the management functions to be undertaken by the Team Leaders means that they will have less time to undertake transactional/operational work. This has necessitated a review of the number of Solicitors and Paralegals required to deliver the level of service sought by Council services.

5.12 New Ways of Working

The focus of the work undertaken in terms of roles and responsibilities is to ensure that tasks are undertaken by the right job at the right level in the structure, rather than amending existing job descriptions, particularly at Team Leader and Solicitor grades. The Legal Services Management Team wants to ensure that the correct posts are undertaking relevant tasks in order to make best use of resources and improve service delivery and response times to other Council Services. This has been progressed in tandem with the development of a new structure and will impact on the day-to-day activities of Team Leaders, Solicitors and Paralegals. Importantly, it will also deliver a key outcome of the stakeholder review, namely greater and earlier engagement with Council services, whilst at the same time ensuring continued operational input.

5.13 The Legal Service Management Team is of the view that the structure and engagement methods will provide a more focussed and comprehensive engagement approach than that of a traditional business partner model. The approach will ensure that Services have the right engagement at the right level across the whole of Legal Services, so that engagement is in place to best support both strategic planning and development, as well as on going operational work. It should be noted that this will be a flexible arrangement, subject to regular review, to ensure it adapts as Services develop new initiatives and to support cross-service working

5.14 Direct engagement responsibilities will be supplemented by a number of internal management arrangements aimed to ensure that information is shared across Legal Services. This, in turn, will ensure that the right type of legal input and support is provided as the need arises. It will also ensure that there is awareness of developing issues, changes to the Council's priorities and pressures and that performance and service delivery issues are reviewed.

5.15 The Legal Services Management Team is mindful of the fact that Elected Members and the democratic/decision making process must be supported in a meaningful, flexible and proactive manner. Consequently, there will be a legal presence at Standing Committee meetings, as appropriate, again to ensure that advice is available when required and also to ensure a consistency of approach and support to Services. This is in addition to the existing arrangements centred around reviewing Committee Reports. The nature of the presence (whether Legal Manager, Team Leader or Solicitor) will be dictated by the nature of the business and type of input required.

5.16 Development

It is recognised that changes to structure and roles will not, of themselves provide the type of legal engagement and support needed by a modern, forward-thinking local authority. These changes need to be supported and underpinned by development of staff, thereby providing the support required by the organisation and demonstrating the added value of modern, flexible in-house lawyers. Training and support will be available to ensure that all staff are aware of the skills and requirements of a modern in-house lawyer and the expectations upon them going forward. In addition to continuing to improve the legal service provided to the Council, this will present an exciting development opportunity for solicitors, particularly in terms of exposure to all aspects of the Council's business and for those who aspire to career progression within local government.

5.17 Risk

As previously mentioned, in terms of risk then the role of Legal Services needs to be clearly defined and understood so that not only staff in Legal but also other Services are clear on the nature and extent of that role. Essentially, the role of staff in Legal is to be risk aware (as opposed to risk averse). It is incumbent upon them to identify risks and thereafter assist Services in the management of those risks, including exploring with Services the potential consequences and the likelihood of the risk arising. This must be done in a pragmatic and commercially aware way.

5.18 Transition Arrangements

The new structure and working arrangements represent a significant change and there will inevitably be a period of transition. This will be necessary to allow staff to develop into new roles, allowing the new Teams to develop whilst delivering on-going operational work. There will be no redundancies (compulsory or otherwise) as there are sufficient posts within the new structure to accommodate existing staff. Staff will be matched in line with the Council's matching process, however will be encouraged to consider new opportunities also. This exercise will then be followed by a recruitment process to fill any remaining vacancies.

Once the proposals have been submitted to this Committee for noting, we will move to implementation. It is intended to implement as quickly as possible so that the new structure and roles can be put in place at the earliest opportunity.

6. IMPACT

These proposals link to the PBB options contained in the five year Corporate Business Plan and Service Plan and the Corporate Governance Business Case.

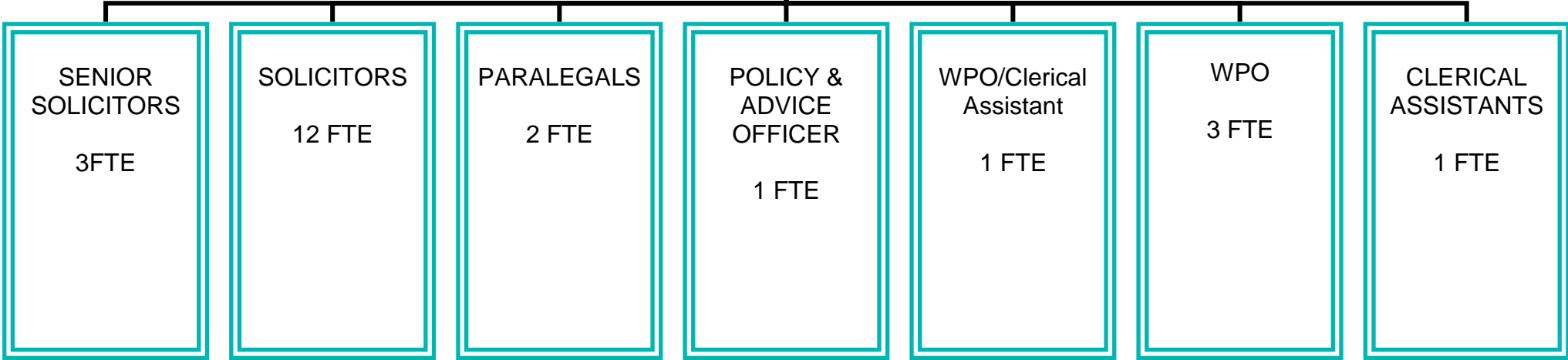
7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

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LEGAL MANAGER
LITIGATION &
LICENSING
1 FTE

SENIOR
SOLICITORS
3.5 FTE

SOLICITORS
7.7 FTE

Enforcement
Officer
1 FTE

PARALEGALS
2 FTE

ADMIN
ASSISTANT
1 FTE

WPO/CLERICAL
ASSISTANTS
5 FTE

Administrative
Officer
2 FTE