

ABERDEEN CITY COUNCIL

COMMITTEE	Council
DATE	25 June 2014
ACTING DIRECTOR	Ewan Sutherland
TITLE OF REPORT	Legal Services Restructure - Update
REPORT NUMBER:	CG/14/085
CHECKLIST RECEIVED	Yes

1. PURPOSE OF REPORT

This report is to update members on the outcomes of the implementation of the new structure for Legal Services in compliance with the instruction from the Council meeting of 26 June 2013.

2. RECOMMENDATION(S)

That the Council note the content of the report.

3. FINANCIAL IMPLICATIONS

The new structure has been operational for a few months and is not yet fully staffed despite considerable efforts to recruit. There has already been a reduction in use of external legal agencies with corresponding reduction in spend. Details are in the body of the report.

4. OTHER IMPLICATIONS

Continuing recruitment issues are having an adverse impact on operational delivery.

5. BACKGROUND/MAIN ISSUES

Members will recall that the Report before them at the Council meeting of 26 June 2013 advised of the outcome of the Legal Services Review and the actions taken by management going forward.

Implementation since the Council meeting has followed two parallel tracks, People and Culture, the aim being to provide a flexible service

which engages at the right level to support both strategic planning and development as well as on-going operational work.

People

Following the Council meeting, structural changes were implemented, staff being matched in line with the Council's matching process. This has provided an opportunity for existing staff to widen their experience and gain exposure to a wider range of the Council's business. It has also provided career progression for some.

The structure is predicated on the need for all vacancies to be filled, and on a greater emphasis on the involvement of Paralegals. Following the matching process there followed an extensive recruitment exercise to fill vacancies. Following the agreement of the new structure the following vacancies existed – Solicitors 7.5FTE, Paralegals 9.4 FTE, and Legal Support Assistants 4.5 FTE. The vacancies were at all post levels within the structure and while recruitment was mostly successful in filling posts there are still a number of vacancies. At the time of writing this report, the following vacancies remain outstanding - Solicitors 0.5FTE, Paralegals 0.4 FTE, and Legal Support Assistants 2.5 FTE. It has proved difficult to attract staff to fixed term posts caused by maternity leave (1FTE x Legal Team Leader post and 1FTE Solicitor posts) and difficult to attract suitable legal support staff. This appears to be due to the buoyancy of the current employment market in Aberdeen. The outstanding maternity leave concludes in January 2015 and December 2014 respectively. The success of the restructure is largely dependent on being fully resourced and the continuing vacancy position has constrained to some extent the pace for turnaround.

A main aim has been to ensure that tasks are undertaken at the right level within the Service. Investment in paralegal staff is already proving successful on a day to day basis by freeing up solicitor time and creating the opportunity to improve response times, and bring external legal work back in-house.

There has been considerable investment in staff development and training. Staff have undertaken familiarisation training/knowledge sharing in various areas of law to improve flexibility. Solicitors have attended Momentum training. Additional in-house training has focussed on the key skills of the in-house lawyer.

Culture

In the interests of developing an appropriate and engaged culture, a number of initiatives have been put place including Momentum training, new lines of communication between Legal Services and other Services, and within Legal Services itself, solicitor training in the role of the in-house lawyer in a local authority environment.

There has been much greater engagement already with other Services who are beginning to involve Legal Services at an earlier stage. This has been achieved in a number of ways.

The new structure and staff contact details have been shared across the whole Council so that staff understand where work sits and how to get in touch with Legal regarding new work. Very positive feedback has been received so far.

The Head of Legal and Democratic Services meets Directors monthly to discuss strategic issues and a general overview of their Service requirements.

Legal Managers attend SMTs of Services in the same way as Finance and HR Business Partners do. This is proving a useful means of better understanding the strategic priorities of Services and where they sit within the Council's priorities and operational workload requirements.

Team Leaders are engaging regularly with their contacts in Services and have devised revised arrangements for instructions/stage of involvement etc, relationships are being developed which allow a better understanding of Service requirements and context which in turn allows quicker and more accurately targeted advice to be provided.

As previously stated, greater engagement with Services is already taking place and the feedback thus far is positive. Examples include the recent Star Award made to staff in Commercial and Advice and Litigation and Licensing for the joint working across the whole of Legal Services in connection with the Hamilton School closure and which enabled legal advice to be given at every emergency meeting called in what was a very fast changing situation; There has also been positive feedback from colleagues in Planning, where regular engagement and new processes within the Commercial & Advice Team have led to the earlier involvement of Legal Services in planning agreements.

We have also been engaging with Services through the delivery of training and development. Several training sessions on various topics have been held, both within Legal for legal staff, and within services targeted at Services' needs. Positive feedback has been received from HR colleagues on an interactive presentation on a particular topic with request for further presentations on specific targeted topics, and positive feedback from Social Care and Wellbeing staff on the training organised and delivered to the Out of Hours Team on child protection orders. We have also received good feedback from across the organisation in relation to Data Protection Subject Access Training which was rolled out across all service managers and team leaders. This training was predominantly delivered by a non-legally qualified member of staff, and helps evidence the flexibility of the new structure and the focus on tasks being undertaken by the most appropriate person, rather than traditional means.

Further training is planned, including Members training on relevant topics.

Much has yet to be done and engagement will continue to develop as the Council and its business needs continue to change and develop.

To date we have not had an opportunity to survey client services. However it is our intention to do so in the final quarter of this financial year.

Outcomes

Finance

A key objective of the restructure was to reduce the spend on external legal advice where appropriate. There has already been a significant reduction in this spend. While firm figures for the first quarter of 2014/15 are not available at the time of writing this Report, and there may be other influencing factors involved, work in progress figures for this period show approximately 54% reduction in external legal spend compared with the first quarter of 2013/14, which is encouraging.

Engagement with Services

Our new methods of engagement and some of the quick wins have been outlined above. In addition, Legal Services have already set up or been requested to participate in working groups with other Services to deal with strategic and operational issues such as Regeneration, eg Middlefield, the SIP including the 1000 Affordable Homes Project, PACE (Performance and Care Excellence) where Legal Services has been involved from the start assisting Social Work colleagues in developing and changing their practice in the interests of service users whilst at the same time examining Legal's own practices and procedures to align with the stated aims of the Service.

These projects are often complex by definition and raise a variety of legal issues. Legal Services have been able to provide staff at the right level to join these groups and have focussed on a joined up approach, with key contacts identified to act as the main liaison for other Services. These key contacts help co-ordinate legal input as it is required and assist colleagues in securing the appropriate advice at the right time. Feedback thus far has been complimentary.

Recruitment to date has focussed on Council values and the role of the in-house lawyer. This resulted in the appointment of several new staff who complement the skills and experience of the existing team, all of which has resulted in improved service delivery and better engagement with services. More work will be done on an on-going basis to develop new roles to obtain the maximum benefit for the Council.

Speed of response

This is another area of improvement and has been commented upon by Services, both in terms of allocation and resolution of queries. We are working on developing performance information around our speed

of response and through put of work, as this was raised in our Stakeholder Review. It appears to be encouraging earlier engagement with Legal Services which, in turn, enables us to provide a more proactive response and a more comprehensive service. Much of the improvement in this area has been achieved by the greater number of paralegals in the new structure. This has enabled tasks to be undertaken by the most appropriate post, thereby freeing up solicitor time for tasks which require that level of expertise and, increasing the speed of turnaround in work. However, this is work in progress and is constrained in part by current vacant posts. A further recruitment exercise is programmed to try to address this. Capacity to respond to demand for support is largely dependent on being fully staffed and may also be affected by the timing of work/demands from other parts of the Council, particularly in relation to complex projects.

Excess hours

Staff are still working a considerable number of excess hours beyond contracted requirements, without payment or time in lieu. The structure is still very new and there are staffing gaps which are assumed to contribute to this, however the situation is being monitored closely by the Legal Managers.

Procedures

Several operational procedures have been revised and streamlined, and a programme is on-going to review others.

Flexibility

The new structure of three distinct Teams in each part of Legal with a requirement to rotate across the Teams has proved very successful even in such a short space of time eg the response to Education colleagues in connection with the Hamilton School closure. Both Commercial and Advice and Litigation and Licensing have had to interchange staff across Teams to address shortages caused by maternity and sickness absence.

The flexibility of the requirement to rotate is a fundamental element of the success of the restructure. It enables better understanding of the Council and its needs as a whole and the context in which those needs arise. That in turn will provide the flexible in-house legal service which can adapt to the changing needs of the Council's business, thereby "future proofing" the service to an extent. In addition to the obvious management and service delivery benefits, it will provide development opportunities for staff and greatly assist with succession planning/talent spotting.

Future

Legal Services Management is conscious that there is a considerable way to go to meet the entire objectives of the restructure, however current indications are good and it is reassuring that Services are already noticing a difference.

Performance Dashboard

We are now working with colleagues in Corporate Governance to devise the best means to measure our performance in a way which is meaningful. Our contribution to the Corporate Governance Performance Dashboard will be reported to Members on a regular basis and will enable us to monitor progress and improved service delivery going forward.

Risk Management

Work is on-going to further develop understanding of the role of Legal Services in relation to the wider risk management of the Council. This is being facilitated by our earlier engagement with Services and our increased awareness of their priorities and understanding of the wider business context, brought about by the flexibility and rotation built into the structure.

Conclusion

Despite the existence of different Teams within each part of Legal Services, our approach and service delivery is becoming increasingly joined up and more focussed on the needs and priorities of the wider organisation. This cohesive structure and approach to service delivery, with the ability to transfer staff within Teams, and more proactive approach to engagement will ensure a comprehensive legal service is available to meet the delivery of future business needs of the entire Council going forward.

6. IMPACT

Corporate – the restructure will provide the flexible in-house legal service required and that can adapt to meet the changing business needs of the Council.

Public – the report is unlikely to attract widespread public interest as it concerns internal operational matters.

An EHRIA is not required as the impact of the restructure is neutral in equalities terms.

7. MANAGEMENT OF RISK

A skilled, well trained, and flexible in-house legal service is critical to the Council's strategies for the identification and management of risk.

8. BACKGROUND PAPERS

Report referred to Council of 26 June 2013 from Finance and Resources Committee dated 13 June 2013.

9. REPORT AUTHOR DETAILS

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