

COMMITTEE Finance, Policy and Resources

DATE 16 February 2016

DIRECTOR Richard Ellis

TITLE OF REPORT Legal Services Structure

REPORT NUMBER

CHECKLIST COMPLETED Yes

PURPOSE OF REPORT

1. To inform the Committee of proposals to change the structure in Legal Services.

2. RECOMMENDATION(S)

The Committee is recommended to:

- 2.1 Note the proposals for the new Legal Services Structure.

3. FINANCIAL IMPLICATIONS

- 3.1 The proposals would reduce staff costs by £3,000 per annum.

4. BACKGROUND

- 4.1 Legal Services is currently split into two units:

- 4.1.1 Commercial and Advice (C&A); and

- 4.1.2 Litigation and Licensing (L&L).

- 4.2 As Appendices 1 and 2 show, each unit has four teams and is led by a Legal Manager. Each Legal Manager reports directly to the Head of Legal and Democratic Services.

- 4.3 The Commercial and Advice unit currently consists of:

- 4.3.1 Team 1: "Property, Planning, Housing and Roads."

- 4.3.2 Team 2: "Access to Information, Governance and General Advice."

- 4.3.3 Team 3: "Projects, Procurement and Contracts."
- 4.3.4 Team 4: "Legal Support."
- 4.4 The Litigation and Licensing unit currently consists of:
 - 4.4.1 Team 1: "Social Work and Education."
 - 4.4.2 Team 2: "Employment, Planning and General Litigation Advice."
 - 4.4.3 Team 3: "Licensing and Housing (including ASBOs)."
 - 4.4.4 Team 4: "Legal Support."
- 4.5 The current structure was established in 2013. Since then, the Senior management team of Legal Services has changed significantly with the departure of the Head of Legal and Democratic Services (HoLDs) and two Legal Managers in 2015.
- 4.6 In July 2015 a new HoLDs was appointed. Four Legal Managers were appointed to the two Legal Manager positions on a job share basis until 31 March 2016. Subsequent interim appointments were made to backfill at Team Leader level until 31 March 2016.
- 4.7 In June 2015 Develop Global was commissioned to consider further the results of the employee opinion survey. Develop Global recommended:
 - 4.7.1 Cultural and behavioural change to align more closely with those required by the Council;
 - 4.7.2 A review of training needs and appropriate leadership development of all those in team management or leadership positions;
 - 4.7.3 A review of the size and make up of Team 1 (C&A) and Team 3 (L&L) in Legal Services;
 - 4.7.4 That consideration be given to providing traineeships within Legal Services in order to address problems of retention and to develop talent and succession;
 - 4.7.5 Identify ways to further engage staff in Democratic Services within Democratic Services and within Legal and Democratic Services as a whole;
 - 4.7.6 Further exploration of recruitment and staffing and a planned approach to recruiting enough staff to take the numbers up to those planned in the original restructure;
 - 4.7.7 Finding a way to ensure that everyone is clear about their job role and their responsibilities; and
 - 4.7.8 Ensuring relevant training, development and support to enable people to have the skill and flexibility required in their roles.
- 4.8 Further to the above recommendations, the Chief Executive instructed the HoLDs to review the Legal Services structure to ensure that it is fit for purpose based on the business requirements now, and in the future.
- 4.9 The interim arrangements have provided the HoLDs and Legal Managers an opportunity to review the existing arrangements and to

identify enhancements to the structure to deliver a first class service as efficiently and effectively as possible.

5. BUSINESS REQUIREMENTS

- 5.1 Senior Councillors, the Extended Corporate Management team and other Council officers were consulted on the level of service they are receiving from Legal Services. Below is a summary of some of the key themes raised together with a note on how the new structure can address the issues raised. It is acknowledged that changes to behaviours may also be required to complement the proposed structure in order to address the feedback.

Customer Feedback	Proposed Structure
<p>Client services want to work in partnership with Legal Services to achieve strategic objectives. Client services want to work alongside legal staff who know the business of their customer and who show a genuine interest in engaging with the business of that customer. This is currently not the case for some customers who suggested that there was an 'ivory tower' perception of Legal Services. Feedback received from one member of the ECMT was that they knew more people in Brodies Solicitors than they knew in Legal Services.</p>	<p>The proposed structure aims to facilitate a 'business partner' approach to the provision of legal advice.</p> <p>The Service Manager and Team Leaders will have an opportunity to develop relationships with client services.</p> <p>With a leaner structure, Team Leaders and their teams will have better opportunities to get involved with the business of Legal Services' customers at an earlier stage. This will not only improve the knowledge and business needs of Legal Services' customers, but provide development opportunities for Legal Services' staff.</p>
<p>Customers made reference to a lack of responsiveness on some issues. There were reports of a 'bottleneck' in some instances and reference made to correspondence in Legal Services going into a 'black hole'. When customers seek advice, they want to know who is being tasked with providing that advice and when they are likely to receive a response with updates as appropriate. Legal Services must be a responsive service that communicates with its customers regularly.</p>	<p>Through enhanced engagement and communication with client services, client services will be encouraged to liaise directly with Team Leaders as opposed to going through the Service Manager or the HoLDs. This approach will streamline the receipt and response of queries to Legal Services leading to a more responsive service.</p> <p>It is also thought that greater clarity to roles and responsibilities will enhance the customer service. For example:</p> <ul style="list-style-type: none"> • there are 2 x Team 1s, Team 2s, Team 3s, and Team 4s; • there are two teams that have 'Planning' in their title and two teams that have 'Housing' in their title; • there are two legal support

	<p>teams; and</p> <ul style="list-style-type: none"> • no clear deputy officer to the HoLDs. <p>The simplification of the structure will ensure that customers go to the right team first time and ensure a quicker response.</p>
<p>Comments were also received in respect of the risk adverse nature of the Corporate Governance service. In respect of Legal Services, customers would like a service that provides a creative and commercial approach. Customers want to know what the available solutions are to any given issue, an exploration of the various risks associated with those solutions, and a clear recommendation, where appropriate.</p>	<p>As set out above, the proposed structure should facilitate enhanced relationships with client services and a better understanding of client business. This will allow legal staff to provide a more rounded and commercial approach when giving legal advice to customers, including the exploration of options and associated risks.</p>
<p>Service specific, it was clear that there would be benefit in providing:</p> <ul style="list-style-type: none"> • absolute clarity on the relationship between Commercial Procurement Services (CPS) and Legal Services, particularly following the transfer of some solicitors from Team 3 in C&A to CPS early in 2015; • a planning law service in-house, not only to assist with day-to-day planning work, but to deal with the significant workload expected from: <ul style="list-style-type: none"> ○ the proposed City Region Deal; ○ the City Centre Masterplan; and ○ the Strategic Infrastructure Programme; • a 'go to' contact for the Pensions team; and • a 'go to' contact for the Communications & Promotion team. <p>One local legal firm that regularly acts on behalf of developers also made comment that an in-house contact in the legal team on planning matters would help facilitate planning work.</p>	<p>The proposed structure:</p> <ul style="list-style-type: none"> • provides clarity on who gives legal advice on procurement, contract and projects; • makes provision for a team that will provide in-house legal support for the environmental services, including planning; • make provision for advice on pensions; and • make provision for advice to the Communications and Promotion team.

- 5.2 More generally, the Legal Services structure aims to:
- 5.2.1 be customer focused;
 - 5.2.2 ensure best use of resources;
 - 5.2.3 offer career paths and development opportunities both laterally and vertically;
 - 5.2.4 be simple;
 - 5.2.5 be resilient;
 - 5.2.6 be sustainable;
 - 5.2.7 be responsive;
 - 5.2.8 be flexible;
 - 5.2.9 foster a 'Team Legal' approach that avoids 'silo working';
 - 5.2.10 facilitate Leadership and teamwork at all levels; and
 - 5.2.11 allow work to be allocated to the most appropriate level.
6. PROPOSED STRUCTURE
- 6.1 The proposed structure for Legal Services is attached as Appendix 3.
- 6.2 The Commercial and Advice Unit and the Litigation and Licensing Unit will merge to form one Legal Services team.
- 6.3 Legal Services will be led by one Service Manager. The Service Manager will also act as the Council's Deputy Monitoring Officer and Depute Clerk to the Licensing Board. The Service Manager will be responsible for the strategic direction of Legal Services. The Service Manager will chair the Legal Services Leadership Team which will consist of all Team Leaders in Legal Services.
- 6.4 The Legal Manager will lead five teams:
- 6.4.1 Property;
 - 6.4.2 Environment;
 - 6.4.3 Governance;
 - 6.4.4 Litigation; &
 - 6.4.5 Licensing.
- 6.5 Examples of the functions of each team are set out on Appendix 4.
- 6.6 A new Environment team will be created to take on some of the functions of the existing Team 1 (C&A) and Team 2 (L&L).
- 6.7 Teams 1 and 2 in L&L will come together to form one team.
- 7.2 Consideration will be given to the level of resources required in each team and how the available positions in each team will be recruited to.
- 6.6 The posts in Team 3 ("Projects, Procurement and Contracts") in the Commercial and Advice Unit will move to the Commercial and Procurement Service.

- 6.7 Teams 4 (“Legal Support”) in the Commercial and Advice and Litigation and Licensing Units will come together to form one Service Support team. The Service Support team will be led by a Team Leader. That Team Leader will report to a newly created post: “Service Manager - Support.”
- 6.8 The Service Support Manager will support the Legal and Democratic Services Leadership Team which will consist of:
 - 6.8.1 HoLDs;
 - 6.8.2 Service Manager - Support;
 - 6.8.3 Service Manager – Legal Services;
 - 6.8.4 Senior Democratic Services Manager; and
 - 6.8.5 City Archivist.
- 6.9 The Service Support Manager will be responsible for leading, developing, monitoring and reporting on:
 - 6.10 Service Plans;
 - 6.11 Performance Management;
 - 6.12 Health and Safety;
 - 6.13 Recruitment;
 - 6.14 Information Governance;
 - 6.15 Business Processes (including the Legal Services Office Manual);
 - 6.16 Budgets;
 - 6.17 Business Continuity Plans;
 - 6.18 Workforce Plans;
 - 6.19 Risk Register;
 - 6.20 Training;
 - 6.21 Agenda Management within Legal Services; and
 - 6.22 Business Support in Legal Services.
- 6.10 The role of the Service Support Manager in respect of other business support staff across Legal and Democratic Services will be reviewed at a later date.
- 6.11 Consideration will be given to the relationship between the Service Support Manager and the Corporate Governance Business Support function prior to the finalisation of the proposals.
- 6.12 The service will introduce a traineeship to the structure.
- 6.13 Systems will be established for the handling of draft Council committee reports and to ensure that each Council committee is covered by a solicitor.
- 6.14 There is no intention to ‘rotate’ staff between teams as a matter of policy. Job Profiles will however be generic to provide the flexibility required for unexpected absences. Where staff express an interest to gain experience in another team this will be facilitated so far as possible.

- 6.15 Arrangements will be established to ensure strong lines of communication between the legal team in the Commercial & Procurement Service and Legal Services.
- 6.16 Arrangements will be put in place to ensure that the Strategic Infrastructure Programme is sufficiently supported by Legal Services.

8. REPORT AUTHOR DETAILS

Fraser Bell
Head of Legal and Democratic Services
frbell@aberdeencity.gov.uk
ext. 2084