



# Business Case and Proposal For the formation of a Single Legal Service for Cambridge City Council, Huntingdonshire District Council and South Cambridgeshire District Council

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## 1.0 Executive Overview

- 1.1 Cambridge City Council ('CCC'), Huntingdonshire District Council ('HDC') and South Cambridgeshire District Council ('SCDC') have agreed the principle of working in partnership to deliver a range of shared services. It is proposed that this takes place on a phased basis rather than have one large implementation of a wide range of shared services. A successful bid was made to the Transformation Challenge Award (TCA) fund, a Government scheme to support public sector transformation. The TCA money is being used to support the shared service initiative in general and some of it is being used to support the creation of a legal shared service, to be known as the Practice, which is included in phase 1 of the shared service programme.
- 1.1.2 Although there are differences in how each of the three Council's legal teams operate, they are facing similar challenges for the future - namely, how to manage with fewer resources, yet provide the high quality and often specialised legal advice that Councils rely upon. Each Council also recognises the need for a change of culture in the commissioning and delivery of legal services.
- 1.1.3 Individually, each council struggles to recruit and retain legal staff, and is increasingly reliant upon external providers to meet its needs, especially on major projects. Nationally, standalone legal services teams are unable to maintain a staffing level that provides the specialists they need across a wide range of legal disciplines; this is becoming increasingly difficult as legal budgets reduce. A shared service solution to join forces and create a critical mass of capability, target efficiencies, and actively seek to take advantage of income generating opportunities is what is being considered here.
- 1.1.4 It is proposed to form a single Practice comprised of 19 legal fee earners and 7 administrative staff, operating from 3 hub offices in Cambridge, Huntingdon and Cambourne.
- 1.1.5 The total budget of the new Practice will be circa £1.5m. As with all service areas within the three Councils, each Legal Services team has already been challenged to reduce the costs of delivery; savings have accordingly already been taken by each Council from their 15/16 budgets (the last year when each Council approved its own legal service budget if this Business Case is accepted). These savings are therefore not reflected in the starting budget for the new service. Further savings for delivery in 16/17 are set out in section 9 of this document.
- 1.1.6 It is proposed that the Practice should be provided through a Business Plan from October 2015, delivered by 'CCC' on behalf of the three participating Councils.
- 1.2 The proposal carries some initial investment and it is proposed that this will be funded from the Transformation Challenge Award (TCA) and vacant posts:
- the proposal is to use interim management arrangements to drive the implementation of the Practice between July and the appointment of a new management team (see 3.2). This cost is estimated at £80k.
  - additional licences, maintenance fees and project management for the proposed extension of the computerised case and time management system across the Practice. This cost is estimated at £30k.

- 1.2.1 Following the proposed TUPE transfer of staff into the Practice it is proposed that a new management team will be appointed to oversee a service-wide restructuring; this will take place within the first year. It is proposed that additional implementation costs occurring as a result of the new structure such as redundancy and pay protection will be borne in the following way; those costs associated with staff ring-fenced for the proposed management structure will be borne by the pre TUPE employer; costs in respect of other employees should be borne by the three partner authorities in proportion to their contribution to the legal service budget.
- 1.3 The proposal offers a sustainable opportunity to stabilize and improve the legal service that partners already enjoy: existing teams will stay where they are on commencement of the Practice so as to minimise disruption to clients and maintain the existing balance between the supply and demand for legal services. This arrangement will be reviewed within the first six months of its operation. Furthermore, where specialist advice is needed it can be obtained from within the Practice or commissioned by it from external legal advisers, funded directly by client departments subject to their prior agreement or by the Practice themselves where the advice is required by them rather than the client.
- 1.4 The proposal sets out clear and realistic measures by which participating authorities may achieve significant, recurring, long term efficiency gains. It also tackles the issue of lack of capacity in certain areas of expertise (for all three Councils) by creating a critical mass of capacity coupled with management arrangements that will enable resources to be deployed effectively and efficiently and the adoption of better standardised practices and processes. It will begin to address the issue of recruitment and retention in local authority legal services by creating an organisation that offers greater opportunities for career progression, both as specialist lawyers and as managers. The configuration of the Practice also provides flexibility in the delivery of support of the monitoring officer function to each of the participating Councils.
- 1.5 The new, more innovation-focussed characteristics of the Practice will demand a high standard of leadership. The proposal therefore underlines the need to ensure that the senior management team possesses the right range of managerial, commercial, innovation and change management skills necessary to deliver the new service, the proposal therefore acknowledges the need for the creation of the new post of Head of Legal Practice.

## **2.0 The Existing Provision of Legal Services**

- 2.1 Currently, each council operates its own discrete legal services, each with a dedicated small team of legal and administration staff and led by a Head of Legal Services.

Currently staffing levels are as follows:

	Barrister/ Lawyer	Part qualified legal staff	Administration staff	Vacancies/Locums/ Temps	Staff
Cambridge City Council	8	4	4	2	18
Huntingdonshire District Council	2	0	2	0	4
South Cambridgeshire District Council	4	1	1	2	8
Existing total	14	5	7	4	30

2.2 The gaps in expertise mean that legal teams often struggle to meet the proper service demands of their client departments, necessitating increased costs from the externalisation of work to external lawyers. The Practice solution will focus on closing those gaps initially by using the capability from within it for the benefit of the three partners and by better aligning current capacity with demand.

2.3 Details of the extent of the current external spend in respect of legal services can be found below.

<b>External Legal Costs</b>				
	<b>CCC</b>	<b>HDC</b>	<b>SCDC</b>	<b>Total</b>
	£	£	£	£
2012/13	141,440	249,108	97,372	
2013/14	146,664	145,215	97,032	
2014/15	119,474	80,950	84,650	
	<b>407,578</b>	<b>475,273</b>	<b>279,054</b>	
Average spend:	135,859	158,424	93,018	387,301
			10%	38,730

2.4 It is considered that a 10% reduction in the value of currently externalised work should be achievable; based on a £387k figure this would have a value of £38k pa. See 2.3 above.

### 3.0 Cost Sharing and Efficiencies

3.1 In accordance with the general principles proposed for shared services, contained in the covering report elsewhere on this agenda, savings made by the Practice will be distributed in proportion to the initial investment made by the three Councils.

The gross budget for each Legal service, the proportions for the Practice and the anticipated 16/17 savings are illustrated below.

Gross Budget for each Legal Service

	<b>2015/16</b> <b>£</b>
CCC	826,130
HDC	202,860
SCDC	415,080
	<b>1,444,070</b>

2016/17 savings shared in proportion to 2015/16 gross budget contribution

57.21%	14.05%	28.74%	
<b>CCC</b> <b>£</b>	<b>HDC</b> <b>£</b>	<b>SCDC</b> <b>£</b>	<b>Total</b> <b>£</b>
102,403	25,146	51,451	179,000

- 3.1.1 The existing 15/16 budget provision from each legal service will be incorporated to form the Practice budget. This is net of the identified savings within those budgets which will be achieved by the Council's concerned prior to the transfer of the budgets to the Practice. This is illustrated in the following table which also shows the reducing net budget as a result of the proposed savings target for 16/17.

The Practice Budgets (excluding recharges / overheads)

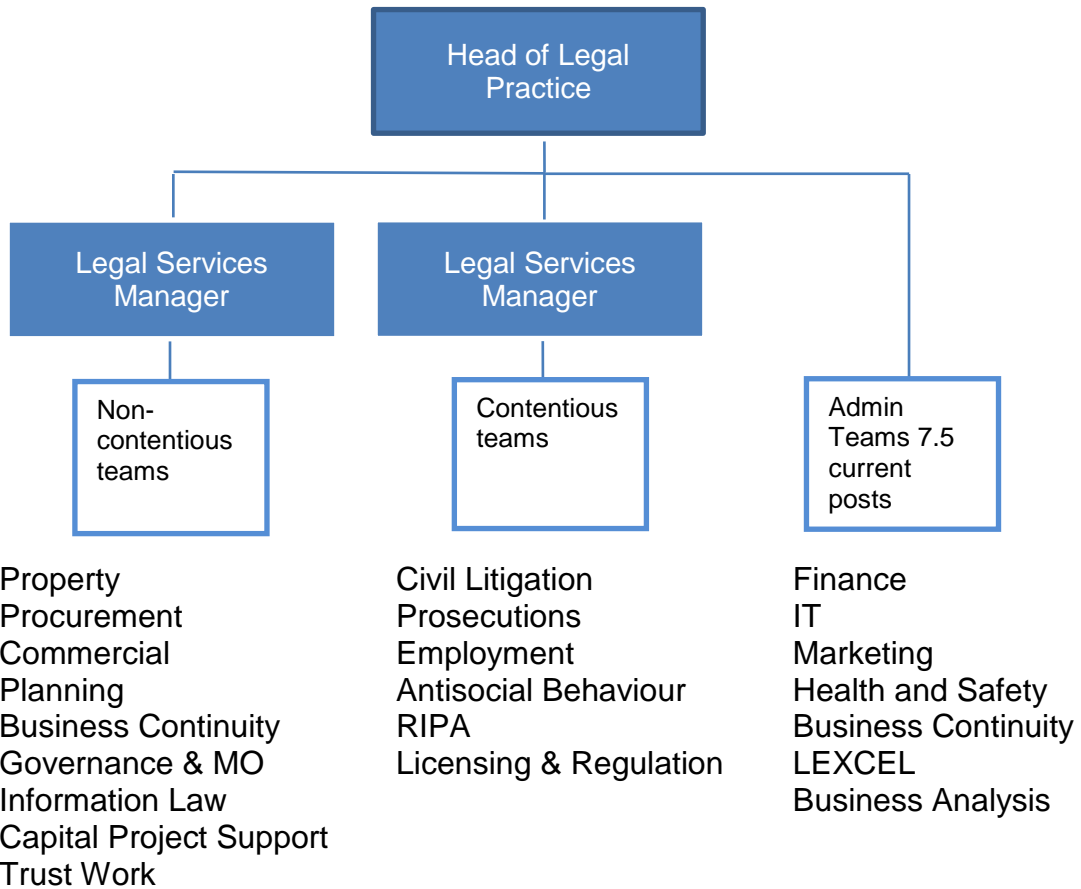
	Year 0*	Year 1		
	<b>2015/16</b> <b>£</b>	<b>2016/17</b> <b>£</b>	<b>Savings</b> <b>£</b>	<b>Savings</b> <b>%</b>
Gross Budget	722,035	1,303,800	140,270	
Less Income	125,355	289,440	38,730	
<b>Net Budget</b>	<b>596,680</b>	<b>1,014,360</b>	<b>179,000</b>	<b>15%</b>

\* Yr 0 figures are for the 6 month period from Oct 15 to Mar 16.  
Year 0 figures assume savings already taken from Partners prior to baseline budget setting

- 3.1.2 Once the Practice has been created and has gathered some operational baseline data, it will develop an approach by which each council can determine the performance required and target potential efficiencies. Any surplus would then be distributed back to the Councils in proportion to the level of usage of each partner.

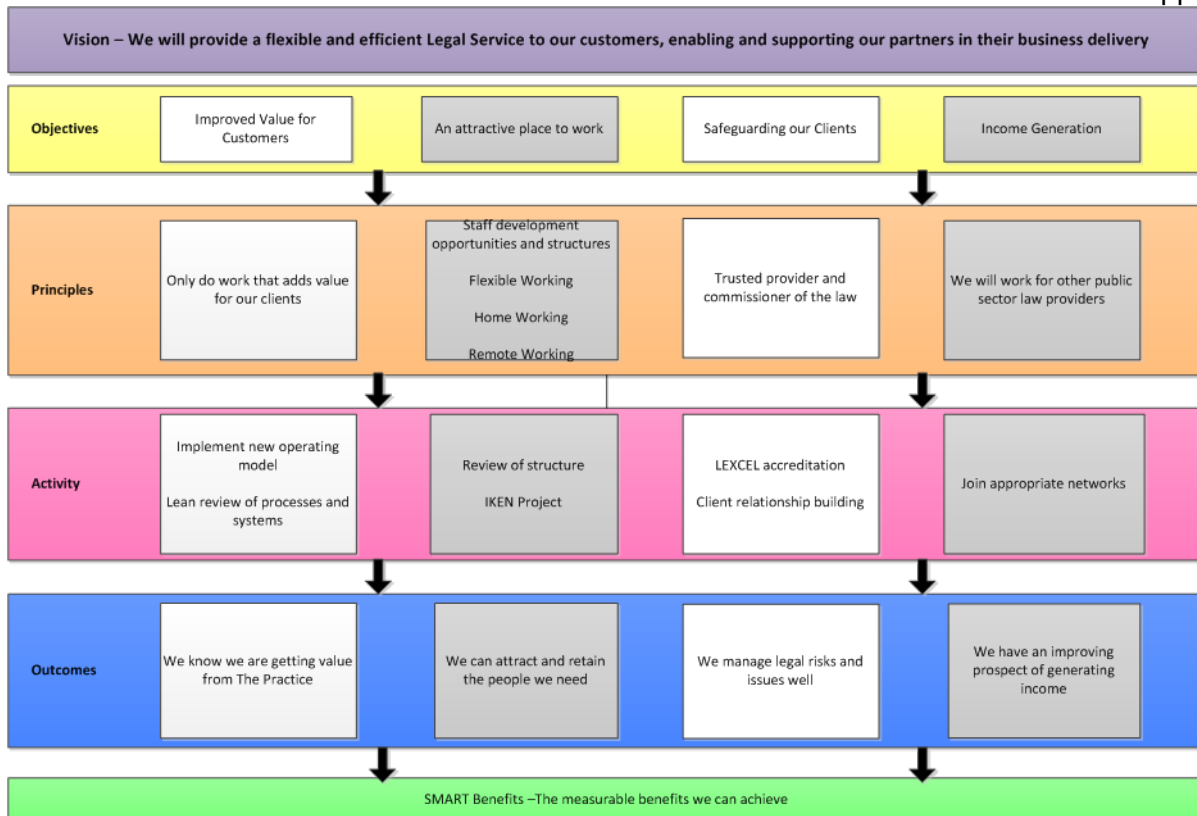
**3.2 New Operating Model and Roles**

It is proposed that the Practice will operate within a new operating model which will be led by 3 new management roles, these are illustrated over.



**3.3 Vision**

The vision for the Practice is contained in the following table.



### 3.4 Scope

Although it is recognised that different legal teams take on a variety of functions across each council, it is solely legal services and the administration that supports legal services which are included in this business case.

- 3.4.1 Land Charges, Elections, Democratic Services and Procurement teams are accordingly not within the scope of the Practice. This will create some disaggregation issues for participating Councils as there are staff out of scope currently within legal services and staff within scope who currently manage staff not within the legal team – all these issues are in hand within the respective Councils.
- 3.4.2 Work relating to the Regulation of Investigatory Powers Act ('RIPA'), the Freedom of Information Act ('FOIA'), the Data Protection Act ('DPA'), Assets of Community Value ('ACV') and similar areas will remain with the participating Councils who will commission legal advice and support as appropriate from the Practice.
- 3.4.3 As regards the Monitoring Officer role, each authority will take a decision on its required Monitoring Officer arrangements separately from this project. The Practice can, if required, provide a full Monitoring Officer service to any authority which requires it. Responsibility for corporate governance within each participating authority will remain with that authority and its Monitoring Officer, with the Practice providing legal support and assistance as required.
- 3.4.4 The Practice business case is based upon the need to increase resilience, improve the quality of service to clients, become more efficient and increase capacity within the Practice in order to reduce expenditure on external legal support and increase external fee earning opportunities. It will always be necessary to externalise a

proportion of legal work in specialist areas, but this should be an exception and not the norm. Commissioning of legal work externally will only take place following discussion with the legal team and a robust assessment of capacity and risk issues. Council service departments should not individually buy in external legal services; all commissioning activity should be managed via the Practice.

#### **4.0 What we aim to achieve - Opportunities for an improved service**

##### **4.1 Optimising effective use of legal skills**

Although there is a fully functioning case management system and workload/time recording in operation at CCC ('IKEN'), this does not take place in either HDC or SCDC. A form of case management ('Sharepoint') is utilised at SCDC and this system has the advantage of direct client access to case management information but no recording or management of staff work time. HDC have a case management system, 'Solcase', but it is not consistently used.

4.1.2 The Practice will need a fully integrated case management system with clear chargeability targets for all legal staff, in order to begin to understand staff capacity and utilisation.

4.1.3 It is initially proposed this is delivered by the extension of the existing IKEN system used by the City Council (although cases already on the SCDC Sharepoint system would remain on that system until implementation of the already proposed upgrade of the IKEN system to allow direct client access (due within the next 9 -12 months).

4.1.4 The IKEN system also provides for administration and management files and reports meaning that the system can also be used to manage the performance of the Practice.

4.1.5 It will be necessary to negotiate additional user licences to allow the extension of the IKEN system. It is hoped, in current markets, that this could be done with reduced extra cost but, in any event it is anticipated that any additional fees would only be around £1000 per person for the licence and £400 per person annual maintenance. A budget provision of £30k is required for licences and implementation.

##### **4.2 Review the level of currently outsourced legal work**

Across the three Councils a significant amount of work is currently outsourced to external legal providers at significant extra cost. The amount spent is estimated at £387k each year. However, it is very difficult to get an accurate figure for the cost of work outsourced due to differing accounting practices. In all Councils the cost of any external legal work is borne by individual services that require this work to be carried out. The direct cost is not reflected in the budgets for legal services giving little incentive to try to accommodate the work in-house. A table showing current estimated expenditure on external legal services across all three Councils over the past 2 years is at 2.3 above.

4.2.1 Each council currently has a range of specialisms that it manages in-house and each has to go externally to meet any gaps in expertise or capacity. It is difficult to get a fully accurate picture of the total amount of legal work carried out across the three Councils - however, it is clear from having carried out fact-finding interviews with each Council's legal services team and an assessment of expertise and



capacity set out above that there is cross-over with one Council having the ability to meet work needs arising in another. This means there is capacity within the Practice to manage current work requirements and, in particular that there is scope for work currently outsourced to be picked up too, particularly planning and employment law work; this is particularly true if clearer and more bespoke administrative support arrangements are put in place to support the legal professionals.

4.2.2 Additional chargeable legal capacity has been identified within the service currently provided. 'CCC' is the only team that record, in detail, its chargeable time. This indicates that staff are working to a chargeable hours target of 1200 per annum, which is lower than the general local government chargeable hours target of 1250 per annum. The extension of such a target would release at least 600 additional chargeable hours to the new Practice (based only on CCC figures and only on the 12 permanent barrister / lawyer posts).

4.2.3 Some work will always need to be externalised – for example where Counsel's advice is needed or where the team does not have the experience in the relevant work area. For this latter eventuality it is proposed that 'partnering' arrangements are entered into with other local authority in-house teams, particularly other practice legal teams so that, in the event such work is put out, the rates charged for such work are considerably less than those charged in private practice (and with the additional bonus of a built-in understanding of local authorities and how they work). (See 4.4 below).

#### 4.3 Client Demand Management

It is clear that there will need to be a cultural shift in how the council services target and access legal advice. This can be done by mainstreaming a robust risk-based approach, while maintaining a legal service in which departments, as intelligent clients, continue to have confidence including, for example:

- (a) Formalising instruction pro-forma so those requesting legal advice provide more detail of what they actually want and how it is to be funded at the outset.
- (b) Assisting client departments to undertake more work themselves so that routine work continues without unnecessary legal approvals.
- (c) Reviewing the meetings that legal officers are required to attend at both officer and member level.

4.3.1 An 'intelligent client' - able, through detailed liaison with the legal team, to make informed and robust decisions on behalf of their respective Councils whether, when and if so how, to commission legal work is a vital component of this proposal. It is recognised that a good deal of work will need to be undertaken as a matter of urgency by the new service to ensure that such confidence continues and is built upon.

4.3.2 One further way to better manage work load and to reduce the need to externalise legal work, is by managing the professional level at which work is carried out to ensure that it is aligned with the capability level required for the work and delivered at the lowest possible cost.

#### 4.4 Improved Partnership Working

Both CCC and SCDC belong to the Public Law Partnership (PLP). *'PLP is the legal services partnership of authorities in Essex, Cambridgeshire, Hertfordshire and Suffolk who work together to share resources and ensure legal support is provided to all clients. PLP share staff, legal information, know-how and training and can provide public sector legal services to all public bodies.'* While participation in the partnership to date has been minimal, there are significant advantages in the new Practice remaining a part of PLP. PLP is still developing and has not yet reached its full potential, but partners are beginning to work together to explore 'lean' practices and provide standardised solutions to common issues. The support of a larger consortium will be valuable to the Practice as it begins to explore future options.

4.4.1 As set out in 4.2 above, it is also proposed that 'partnering' arrangements be created with other local authority in house teams particularly other shared services, to create 'best-practice' pools and information sharing.

#### 4.5 External Publications

Each team relies on external publications as an essential tool of the legal profession. The vast majority of, but not all, legal publications are now provided on-line and there would be clear benefits from combining the purchasing power of all three Councils for the future procurement of these services.

4.5.1 Broadly all three Councils are already using the same services - Practical Law, Westlaw and Encyclopaedias on line.

4.5.2 Savings, however, are not expected to be large as both CCC and SCDC have already benefited from reduced publication costs by becoming a partner in the Public Law Partnership. The amounts currently spent on subscriptions, memberships, books and publications across all the Councils totalled £69k for 2015/16 and would appear to be in line with the requirements of the Practice.

#### 4.6 Improved Key Performance Indicators (KPI's)

Setting some KPI's across the team will assist in driving forward some performance standards to be agreed between the partner Councils. This will be done within the development of the Business Plan and could include, for example:

(a) Reduction of external spend to (say) 50% of existing (across the board) level

(b) 100% of certain types of work to be undertaken in house (say, conveyancing and S106 agreements)

(c) % efficiency saving to be delivered by the Practice each year - target 8%

(d) Customer satisfaction survey levels not to drop below 90% excellent

4.6.1 KPI's for the Practice will form part of the Business Plan under which performance would be managed by the management team of the Practice and reported to each meeting of the Practice Operational Management Board (POMB) (see 7.2 c below) as well as reported formally back to Clients in an Annual Report (and more frequently on an exceptions basis). Performance will be monitored on a quarterly basis at the Partnership Board for Shared Services (PBSS) and the Joint Committee (Member Board).

#### 4.7 Increased Productivity

A more robust service will allow work to be allocated to a fee-earner not only with appropriate expertise but also with capacity to deliver to the time-scales and priorities of the client, reducing the risk of bottlenecks and backlogs, improving client confidence and enabling council decisions and policies to be speedily and efficiently implemented.

### 5.0 **The Delivery Vehicle for the New Service**

5.1 It is not proposed at this stage to set up a completely new legal entity for the proposed service. The law would require a separate trading entity to be run through a company, while the regulatory rules nationally governing solicitors would require such a body to be an 'Alternative Business Structure'.

5.2 This would entail additional formal requirements, such as the designation of specific roles within the Practice as compliance officer for legal practice (COLP) and a compliance officer for finance and administration (COFA) all of which have not insignificant cost implications. Also, if created as a stand-alone law firm, the new service would be required to comply with the Solicitors Accounts Rules maintaining separate client and office accounts (and entirely different and specialist approach to accounting from the local authority in-house model and one, again, entailing extra cost).

5.3 To avoid any unnecessary regulatory burden, in the first instance it is proposed that all staff would be employed by the lead authority, 'CCC'. This will require staff in scope from HDC & SCDC to transfer (under the provisions of TUPE) to CCC. The proposal is for staff to transfer to City Council employment on 1 October 2015. The proposed timeline for this process is set out in Appendix A/1.

5.4 The proposal is to initially organise the Practice around a multi-site basis with flexible accommodation in Cambridge, Huntingdon and Cambourne. This will be reviewed within the first six months of operation.

5.5 To deliver an effective and efficient legal service for its clients, the new Practice will require:

(a) Sufficient office accommodation – to be provided 'as is' in the first instance but to be subject to detailed review as part of the need to produce a new structure within the first year of the life of the new service.

(b) Appropriate IT systems (time and case management, legal research etc) to support

(c) Sufficient suitable qualified staff to undertake both the legal and support work necessary – to be ascertained through the proposed structure review referred to above.

### 6.0 **Managing and Commissioning the Practice**

#### 6.1 How the Practice will be managed

It is proposed that the Practice will be managed by a new 'Head of Legal Practice', specifically chosen for entrepreneurial and leadership skills as well as management

capability and legal expertise (since the post-holder will be expected to run their own high-level legal caseload).

- 6.1.1 That role will be supported by 2 Legal Services Managers, responsible for the delivery of functional law in specific areas and for the allocation of work to the staff within those teams.
- 6.1.2 CCC currently has LEXCEL quality accreditation and it would be proposed to extend this to the whole service. This will be an important job for the Head of Legal Practice (See 10.5 below).

## 6.2 How work will be commissioned

As set out above, client departments will have a major role in developing a Business Plan on an annual basis, along with the Practice, in decisions on whether, when and, if so, how legal work should be commissioned. It will be important for those instructing the new Practice to have a 'go-to person' to whom work is referred, able to make decisions on to whom it should be allocated and ensure it is carried out within the client's requirements and timeframe. It is proposed this should generally be at the appropriate 'Legal Services Manager' level. See 3.2 above. For large areas of new work, whether planned or unplanned, or for unexpected major issues (such as major judicial reviews etc), this 'go-to person' would be the Head of Legal Practice who can make any necessary resourcing decisions.

- 6.2.1 Once work has come in, progress will be reported regularly back to clients, together with costs estimates etc.
- 6.2.2 The management team of the new Practice will have responsibility for ensuring proper on-going monitoring arrangements for work progress and proper client care through the Business Plan and reporting of appropriate 'key performance indicators' with each participating council.

## 7.0 **Governance and Decision-Making Processes**

- 7.1 Details for the governance arrangements for shared service are contained within the covering report elsewhere on this agenda.
- 7.2 It is proposed that the governance of the Practice be kept as simple as possible, as follows:
  - (a) The Head of Legal Practice be line managed by the Director of Business Transformation at CCC.
  - (b) The Practice will have an internal management team made up of the Head of Legal Practice and the Legal Services Managers, with input from others as required. (See 3.2 above)
  - (c) A POMB will be established to (as necessary) agree or recommend to the PBSS decisions on, for example, commissioning matters, budgets, fee levels and so on, and to monitor performance. This POMB will set the direction for the partnership and will be made up of the Head of Legal Practice and 1 senior officer representative (acting in the role of client officer) from each of the participating authorities. Also on the POMB, in the capacity of 'critical friend' to the Practice, will be an external local authority legal expert (agreed by the

partner authorities) to ensure that external challenge is brought to the Practice in order to maintain best practice and innovation.

- (d) The Practice will produce an annual Business Plan which will be endorsed by the Joint Committee and which will be available for consideration through the overview and scrutiny arrangements in each participating authority.

## **8.0 Conflicts of Interest and Confidentiality**

- 8.1 There are specific requirements within the professional codes of solicitors and barristers which set some strict requirements on how lawyers must manage conflicts of interest when acting for more than one client.
- 8.2 Similarly there are strict rules relating to the maintenance of client confidentiality when working for more than one client.
- 8.3 A Protocol and Procedure for such circumstances will need to be developed prior to the commencement of the new service.

## **9.0 Sharing Costs and Financial Benefits**

- 9.1 Details of legal expenditure for all three Council's legal services teams are included at 3.1.2 above.
- 9.2 Funding of the Practice is proposed, for the first two years of operation, to be provided by each Council putting in its already budgeted amount for legal spend for 2015/16. The savings figures for Legal Services already agreed by each Council for year 2015/16 have already been removed from these budgets. For the avoidance of doubt, the figures in 3.1.2 show the projected savings for each council for future years and the Business Plan to be entered into by the participating councils on implementation of the new Practice will include provision that these figures are 'ring fenced' and protected from further reduction unilaterally by any participating council. This excludes spend on externally supplied law that is currently commissioned by client departments. Going forward, such externally supplied work will be commissioned by the Practice on behalf of client departments. It must be noted that the proposal is that each council will be undertaking to effectively 'ring-fence' this contribution at that level.
- 9.3 Where the Practice makes a surplus at the end of any year, this will be distributed back to the participating Councils. Where the Practice makes a 'loss' in any given year, the amount and reasons for this will be reviewed by the PBSS and Joint Committee and reported back to the participating Councils via their appropriate political structure.
- 9.4 External legal expenditure – details on how work will be commissioned are set out at 6.0 - work needed to be undertaken outside the Practice would be paid for by the service requiring the work to be carried out. Where this is required by clients, it will be paid for as a disbursement by clients. In the very rare event that external support is required by the Practice itself, it will be funded by the Practice. It is proposed that a target be imposed on the Practice to reduce external legal spend by 10% (£38k) in the first year of operation.

- 9.5 Income - Each legal team recovers income from successful court proceedings and re-charges to third parties for certain work, most notably planning applicants for Section 106 Agreements. Estimated income is around £251k in total see 3.1.2. However, we do not have a full picture of all income generated across the three Councils and more work needs to be done to reflect the different treatment of the income. It is worth noting that if earned income is not accounted for in legal services budgets, but put into service budgets instead, there is little incentive for legal services teams to maximise income potential.
- 9.6 It is proposed that monies relating to legal work, such as legal costs recovered in court fees and contributions towards legal costs in S106 cases, be returned to the relevant Council.

## **10.0 Broader Benefit Realisation of the Proposed Model**

- 10.1 *Critical mass* – merging the teams will enable work currently outsourced to external legal suppliers at considerable expense to be undertaken in-house. Section 2.2 above sets out the opportunities for using spare capacity across the Practice.
- 10.2 *Sharing best practice* – it is NOT initially proposed as part of this shared service to provide a ‘one-size-fits-all’ Practice. Client Councils will be able, if they wish, to have their work carried out using the templates and processes which suit them best. However, sharing brings with it clear opportunities for Council’s to pick up national and local best practice and process efficiencies and over time a move to a more standardised approach will be pursued.
- 10.3 *Resilience* – sharing a service means that work is able to be done by a wider range of people. Not only does this mean that work can be undertaken at the best and most efficient level to undertake it but also that there is always someone available to undertake work, during leave periods etc. For those who do not have it, moving to electronic case management and library resource provides essential business continuity support.
- 10.4 *Trading* – a combined service provides critical mass to allow the Practice to consider opportunities for additional income from undertaking external work for other public bodies. While it is undoubtedly true that, as more and more Councils look for opportunities to trade, the pool of available work is shrinking, there are opportunities out there – e.g. work for parish councils, support for the NHS and so on.
- 10.4.1 This brings with it opportunities to partner with both other council legal teams or with private practice law firms in tendering for appropriate work. Such relationships also generally bring other advantages, such as opportunities for shared (and therefore better value) training or marketing.
- 10.5 *Accreditation*- Lexcel is the Law Society's legal practice quality mark for excellence in legal practice management and legal client care. Only CCC currently has the Lexcel accreditation. The benefits are that it requires the introduction of sound systems and processes designed to improve client services and produce efficiencies. It is also an indicator to those outside of the Practice that certain professional standards have been set; this will be important as the Practice begins to market its skills more widely. As a combined service it will be difficult to achieve Lexcel accreditation across the three Councils in the first year of operation – so this

will mean that as a lead authority, CCC is likely to lose its accreditation until the new Practice is properly integrated and working to the required standard. This would be an important issue for the Head of Legal Practice to pick up as a matter of urgency.

## 10.6 *Commissioning and Funding*

10.6.1 The Practice provides the participating Councils with the opportunity to conduct a fundamental review of how legal services are both commissioned and funded

10.6.2 This will include gaining a clear understanding of the demand for law in order to ensure law is only requested and provided when necessary under a robust risk assessment. This will ensure that work, which can properly be done by client departments, is not referred to the Practice unless necessary, again under a robust risk assessment.

10.6.3 Funding - the traditional way of approaching legal funding is that Councils generally budget based on what they spent in previous years. Any charging is generally assessed by taking the cost of the legal service, and dividing it proportionally among service users. This 'multi-client' model provides the basis to enable the Practice, if required, to charge an hourly rate for the legal work it does and to do so at different levels depending on the grade of the officer working on it. It also enables the Practice to move to a charging model more akin to that of private practice law firms.

10.6.4 During the first 18 months of operation the Practice will provide legal capacity to the three partner authorities in proportion to the initial investment made by them. Once this level has been reached additional work would be charged for separately. This approach is being followed on the assumption that the budgets received by the Practice at the outset reflect expected demand for legal work from the Practice. This will allow time for a more detailed assessment of demand for legal services to be undertaken.

## 11.0 **Analysis of Key Risks**

11.1 The Shared Service covering report elsewhere on this agenda contains a register of general risks associated with the implementation of shared services. It is believed that the risks arising out of this specific proposal are not high and are easily outweighed by the benefits. A detailed risk register will be developed as part of the new service.

## 12.0 **Implementation**

12.1 It is proposed to retain experienced interim support to manage and drive the implementation of the Practice and to manage its operation until the new Practice management structure is in place. The cost of this will be funded via the TCA fund.

12.2 Formal consultation with staff, Unions and Staff Council at HDC will take place during August in accordance with each Councils policy on consultation. The consultation will be in respect of the proposed TUPE arrangements and new management structure.

- 12.3 The Business Plan will initially be developed in consultation with the clients of the service during August and September and will reflect the contents and principles contained within this business case.
- 12.4 Staff in scope will transfer to CCC under the Transfer of Undertakings (Protection of Employment) legislation ('TUPE') in their existing roles.
- 12.5 The implementation of the new Practice management structure will then be undertaken. Following implementation of the new service in October 2015, a detailed and comprehensive staffing review will be undertaken within the first year, based on an assessment of the needs of the new service, and a new structure implemented.
- 12.6 It will be necessary to implement a move to a joint time recording and case management system (in the short term this will mean extending the use of IKEN and of SharePoint - see 4.1) as part of the initial implementation. Other necessary ICT infrastructure will need to be in place to enable the Practice to operate – for example:
- remote working from home
  - remote working from hubs and other locations ( e.g. courts, client locations, etc)
  - combined electronic library and research systems
  - client access to relevant file information and so on.

This will be closely tied in with the proposed ICT shared services and will be funded by the TCA monies.



**Timeline for Implementation**

