

# Divisional Business Plan 2013-14

Directorate Name: Business Strategy and Support

Division/Business Unit Name: Governance and Law

EXECUTIVE SUMMARY:	
Cabinet Portfolio:	Alex King Deputy Leader, Democracy and Partnership
	Roger Gough – Business Strategy Performance and Health Reform
Responsible Corporate Director:	David Cockburn
Responsible Director:	Geoff Wild
Heads of Service:	James Pigott, Ben Watts (Legal Services)
	Peter Sass (Democratic Services)
	Caroline Dodge (IR&T Team)
Gross Expenditure:	
FTE:	



**INTRODUCTION: RESPONSIBILITIES AND OUTLOOK**

The Governance and Law Unit operates within the Business Strategy and Support Directorate and is responsible for ensuring that the Council correctly applies the law and regulations governing its business.

Governance and Law provides legal advice and services to Kent County Council and over 330 other public sector bodies. It is responsible for the Council's Democratic Services functions, including elections. It is also responsible for co-ordinating and maintaining the Council's compliance with Information Governance, including dealing with all Freedom of Information, Data Protection and Environmental Information requests, as well as co-ordinating responses to Ombudsman investigations.

**DEMOCRATIC SERVICES**

Democratic Services is responsible for supporting the Council's decision-making and overview and scrutiny processes, together with providing key administrative support to elected Members in their various roles. This includes maintaining the Council's Constitution and publishing the Forthcoming Decisions List, together with processing decisions by Cabinet Members and advising on the decision-making process, including at quasi-judicial meetings and appeals.

Democratic Services is also responsible for advising Members on their responsibilities under the Code of Conduct, which includes maintaining the Registers of Members' Interests, Gifts and Hospitality and Related Party Transactions. It administers and maintains records of payments to Members under the Members' Allowances Scheme and also arranges Member transport. Specific staffing support is provided to the Lord Lieutenant, the Chairman and Vice Chairman of the Council, Cabinet Members and the Leader of the Opposition. Alongside colleagues in HR, Member Induction and Development is also a key activity.

**LEGAL SERVICES**

Legal Services not only supports internal KCC clients, but also generates in excess of £1.7million per year by acting for external clients nationwide.

**Litigation and Social Welfare Group**

The Litigation & Social Welfare Group is responsible for advice and pre-court preparation on litigation cases at all levels up to the Supreme Court, including advocacy in the Magistrates', Crown and County Courts, employment tribunals, and for specialist advice in the areas of landlord and tenant, property litigation, debt recovery, education, employment, policy, judicial review, criminal prosecutions and licensing. It also provides specialist advice in the areas of child protection, fostering and adoption, residential and community care, mental health, asylum and criminal injuries compensation.

**Commercial & Environmental Group**

The Commercial & Environmental Group is responsible for all property, highways, planning and commercial legal matters. This includes sales, purchases and leases; contracts and procurement; PFI; planning law advice, including pre-application advice, breaches of planning and environmental law, planning inquiries and prosecutions; planning agreements and CIL contributions; community infrastructure and planning blight procedures; advice on highways law, including public rights of way and village greens; Section 38 and Section 278 highway adoption agreements; right to buy; company, trust and charity law; partnerships with outside bodies; building and engineering contracts; tenders and contracts for the provision of goods and services; compulsory purchase orders; advice on common land matters; legal charges; land compensation claims and other similar types of work.

**INFORMATION RESILIENCE & TRANSPARENCY**

The Information Resilience & Transparency Team is responsible for ensuring that KCC complies with the legislation that gives people a right of access to both publicly-held information and their own personal information; including the Freedom of Information Act 2000, the Data Protection Act 1998, the Environmental Information Regulations 2004 and the Re-Use of Public Sector Information Regulations 2005. These responsibilities include KCC's Data Protection registration and notification; Freedom of Information Publication Scheme & Asset Register; liaison with the Information Commissioner's Office and provision of assistance, guidance and training to officers and Members on all aspects of Information Governance, such as records management and information security. The Team also maintains the Information Security Incident Log and investigates alleged Data Protection breaches in accordance with the Incident Protocol.

The Team is also responsible for performing children's safeguarding checks (social service background checks on people working with children) for CAF/CASS, OFSTED, independent fostering agencies, other local authorities and third party organisations.

The Team currently manages the handling of "high-level" complaints, that is those made to the Head of Paid Service and the Leader and complaints from MPs and the Local Government Ombudsman.

## SECTION B: CONTRIBUTION TO MTP OBJECTIVES

### **HELP THE ECONOMY GROW**

Legal Services continues to support various initiatives throughout the Council in bringing into effect economic development in Kent. It also proactively works across the Council, providing training and updating to assist in the development of Kent and our communities.

### **PUT THE CITIZEN IN CONTROL**

As part of Putting the Citizen in Control, the Information Resilience & Transparency Team is focussed on the transparency and access programme, the aim of which is to give residents the information they need and, at the same time, reduce costs for KCC in dealing with requests for information. Benefits realised include compliance with legislation, enhanced reputation (due to KCC being perceived as more trustworthy and open), less time spent on handling requests and more time spent on training and raising awareness of Information Governance issues.

### **TACKLE DISADVANTAGE**

Legal Services supports various initiatives throughout the Council in tackling disadvantage in Kent. It provides advice on a range of initiatives, projects and service delivery across the Council on its statutory responsibilities and steps that can be taken to improve the lives for our citizens.

SECTION C: PRIORITIES, ACTIONS, PROGRAMMES, PROJECTS, MILESTONES, KEY OR SIGNIFICANT DECISIONS				
<b>PRIORITY 1: PREVENTION</b>		<b>DESCRIPTION OF PRIORITY:</b>		
		<ul style="list-style-type: none"> <li>provide guidance, training and support to mitigate against risks whilst supporting delivery of the Council's objectives</li> <li>proactively input into work streams to prevent the need for short-term emergency measures</li> </ul>		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
<b>1</b>	<b>Suppression of Kent County Council's legal spend</b>			
1.1	Providing training, development, precedent documents and helpline services to educate clients and facilitate suppression	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
<b>2</b>	<b>Risk management.</b>			
<b>2.1</b>	Ensure proactive and timely legal input in all key areas of KCC activity where risk is evident.	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
<b>2.2</b>	Support the transformation and change agenda across the Council to reduce the risk of legal challenge	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
<b>2.3</b>	Offset management and legal risk by helping promote management information to inform business planning	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
KEY MILESTONES				DATE (month/year)
A	Meetings offered to all Corporate Directors and Directors			05/13
B	Training/Development Programme developed and delivered			05/13
C	Reduction in the overall Council legal spend			03/14
ARE THERE ANY KEY OR SIGNIFICANT DECISIONS THAT COULD ARISE FROM THIS PRIORITY?			ARE THESE ALREADY IN THE FORWARD PLAN? Yes/No	

<b>PRIORITY 2: PRODUCTIVITY</b>		<b>DESCRIPTION OF PRIORITY:</b>		
		<ul style="list-style-type: none"> <li>• increase external income from academies from admissions and exclusion appeals administration</li> <li>• introduce new technology to increase efficiency</li> <li>• introduce new and more client centric working methods</li> </ul>		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
<b>5</b>	<b>Increase external income from academies from admissions and exclusions appeals administration</b>			
5.1	Review process from the customer experience and perspective and make necessary changes	Peter Sass	Commenced 2012	May 2013
5.2	Benchmark charges against other authorities and rationalise existing charges where necessary given process improvements and competitor prices	Peter Sass	Commenced 2012	May 2013
5.3	Market services to Academies	Peter Sass	Commenced 2012	March 2014
<b>6</b>	<b>Introduce automated case management system to increase automation, productivity and profitability, whilst reducing time and cost</b>			
6.1	Appointment of staff to manage and develop the system.	James Pigott, Ben Watts, Hud Manuel	April 2013	June 2013
<b>7</b>	<b>Smarter ways of working – redesign of legal services around client needs and changes in the external market</b>			
<b>KEY MILESTONES</b>				<b>DATE (month/year)</b>
A	Detailed reports to clients to assist with Collaborative Planning			06/13
B	New staffing structures implemented for both Legal Services and Democratic Services			06/13
<b>ARE THERE ANY KEY OR SIGNIFICANT DECISIONS THAT COULD ARISE FROM THIS PRIORITY?</b>			<b>ARE THESE ALREADY IN THE FORWARD PLAN? Yes/No</b>	
1				
2				
3				

<b>PRIORITY 3: PARTNERSHIP</b>		<b>DESCRIPTION OF PRIORITY:</b>		
		<ul style="list-style-type: none"> <li>Facilitate closer working with the Police and Crime Commissioner</li> <li>Develop closer working relationships with Kent business</li> </ul>		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
<b>8</b>	<b>Application of new legislation relating to the Police and Crime Commissioner and implementation of the Police and Crime Panel</b>			
8.1	Apply lessons learned from the operation of the Shadow Panel in 2012/13 to the formal Panel meetings, which began in November 2012	Peter Sass	Commenced 2012	March 2014
8.2	Refine procedures and processes in the light of experience and the nature of the working relationship between the Commissioner and the Panel	Peter Sass	Commenced 2012	March 2014
8.3	Work with colleagues in other Directorates and external partners to ensure that the Police and Crime Panel is an integral and constructive part of the community safety landscape in Kent and Medway	Peter Sass	Commenced 2012	March 2014
<b>9</b>	<b>Develop closer relationships with Kent Law Society and academic organisations across Kent</b>			
<b>10</b>	<b>Build on national and international arrangements and project Kent onto a wider stage</b>			
KEY MILESTONES				DATE (month/year)
A	Joint training event with Kent Law Society			December 2013
B	12 month review of the Police and Crime Panel Procedures and working arrangements in the light of experience			November 2013
ARE THERE ANY KEY OR SIGNIFICANT DECISIONS THAT COULD ARISE FROM THIS PRIORITY?			ARE THESE ALREADY IN THE FORWARD PLAN? Yes/No	
1	N/A			
2				

<b>PRIORITY 4: PROCUREMENT</b>		<b>DESCRIPTION OF PRIORITY:</b>		
		<ul style="list-style-type: none"> <li>• develop closer relationships between Legal and Procurement teams</li> <li>• control external legal advice spend</li> </ul>		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
<b>11</b>	<b>Closer liaison between legal and procurement teams on commissioning and procurement protocols</b>			
11.1	Development, delivery and maintenance of a Procurement/Legal Services working protocol to ensure the Council is protected from legal risk	James Pigott	April 2013	March 2014
<b>12</b>	<b>Effective commissioning of external legal advice</b>			
12.1	Report to CMT on use of external legal advice by KCC directorates	Ben Watts	April 2013	June 2013
<b>13</b>	<b>Development of Procurement methods</b>			
<b>13.1</b>	Assist Procurement to devise methods and means to ensure more contracts are retained locally for Kent businesses and to help the Kent economy grow	James Pigott	Commenced 2012	March 2014
KEY MILESTONES				DATE (month/year)
A	Publication of Legal Services/Procurement Protocol/Working Practice			April 2013
B	Learning Report on initial period of Legal Services/Procurement Protocol/Working Practice			October 2013
C	Report to CMT on use of external legal advice by KCC directorates			May 2013
ARE THERE ANY KEY OR SIGNIFICANT DECISIONS THAT COULD ARISE FROM THIS PRIORITY?			ARE THESE ALREADY IN THE FORWARD PLAN? Yes/No	
1	N/A			



<b>PRIORITY 5: PEOPLE</b>		<b>DESCRIPTION OF PRIORITY:</b>		
		<ul style="list-style-type: none"> <li>• effective induction and development of elected members</li> <li>• improve access to information</li> <li>• increase graduate and school leaver recruitment</li> <li>• Kent Manager</li> </ul>		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
<b>14</b>	<b>Co-ordinate the County Council Elections and induction and development of elected members following election</b>			
14.1	Maintain regular contact and liaison with DROs and their elections teams to ensure the County Council's expectations with regard to the delivery of the election are met, including the rationalisation of costs by working together where possible and the prompt submission of accounts following the elections	Peter Sass	April 2013	December 2013
14.2	Designing and implementing a comprehensive programme of Member Induction and Development in line with the principles agreed by the Member Development Group and the Selection and Member Services Committee to support both new and returning Members in May 2013	Peter Sass	Commenced 2012	December 2013
<b>15</b>	<b>Improve access to information for external partners, public and internal staff</b>			
15.1	Be proactive in publishing information – encouraging proactive press releases, website enhancements, promotion of open data, use of publication scheme	Caroline Dodge	April 2013	December 2013
<b>16</b>	<b>Awareness raising with customers to create an intelligent client for legal services</b>			
16.1	Delivery of training to directorates in relation to utilising Legal Services with the intent to reduce legal spend.	James Pigott, Ben Watts	April 2013	March 2014
<b>17</b>	<b>Increase graduation and school leaver recruitment to create more Kent jobs for Kent young people</b>			
17.1	Working with KentGrads to deliver trainee solicitors, paralegals and Business Support professionals.	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
<b>18</b>	<b>All Managers above grade K9, responsible for managing resources, to complete the Kent Manager Standard by March 2014</b>			

KEY MILESTONES		DATE (month/year)
A	Information more easily accessible reflected in either reduced number of requests and/or less time spent dealing with them.	December 2013
B	Appointment and recruitment of trainee solicitors	April 2013
C	Development of career path for Legal Services staff at all levels	March 2014
D	SMS sign-off for Member Induction and Development Programme	April 2013
ARE THERE ANY KEY OR SIGNIFICANT DECISIONS THAT COULD ARISE FROM THIS PRIORITY?		ARE THESE ALREADY IN THE FORWARD PLAN? Yes/No
1	N/A	
2		

<b>PRIORITY 6: FINANCIAL AND POLICY CHALLENGES</b>		<b>DESCRIPTION OF PRIORITY:</b>		
		<ul style="list-style-type: none"> <li>• Ensure compliance with changes in information governance policy</li> <li>• Reduce legal cost burden to KCC</li> </ul>		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
<b>19</b>	<b>Ensure compliance with changes in information governance policy</b>			
19.1	Review the way the Council handles requests for information – including increased focus on Data Protection	Caroline Dodge	April 2013	December 2013
<b>20</b>	<b>Increase external legal income whilst reducing the legal cost burden to KCC</b>			
20.1	Development of marketing and business development plans	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
KEY MILESTONES				DATE (month/year)
A	Improve compliance with statutory timescales for FOIA/EIR/DPA requests			12/13
B	Increased external income			03/14
C	Reduction in overall council spend on legal services			03/14
ARE THERE ANY KEY OR SIGNIFICANT DECISIONS THAT COULD ARISE FROM THIS PRIORITY?			ARE THESE ALREADY IN THE FORWARD PLAN? Yes/No	
1	N/A			
2				

SECTION D: FINANCIAL AND HUMAN RESOURCES

For the Financial Resources section **Finance** will provide the required information and detail that sets out the main components of your budget by completing the table below.

FINANCIAL RESOURCES								
Divisional Unit	Responsible Manager	Staffing	Non Staffing	Gross Expenditure	Service Income	Net Expenditure	Govt. Grants	Net Cost
		£	£	£	£	£	£	£

HUMAN RESOURCES		
FTE establishment at 31 March 2013	Estimate of FTE establishment at 31 March 2014	Reasons for any variance

SECTION E: RISK & BUSINESS CONTINUITY

RISKS	
RISKS	MITIGATION
Non compliance with legislation and guidance in relation to the County Council Elections in May 2013, which includes but is not limited to errors in the publication of formal election notices; the nomination process; the poll and count. Financial impact of re-running election circa £2m if county-wide.	Regular liaison with District and Borough Councils. Implementation of election guidance/ risk register for district & borough councils to complete and comply with.
Non compliance with the Constitution in relation to formal decisions. Decisions are challenged, errors in the application of the rules in the Constitution, errors in process/ procedures not followed	Constitution regularly reviewed and updated. Regular Directorate training provided and advice as required. Decision-making arrangements also included as part of the Corporate Officer Induction process.
Action against the Council by a regulatory authority in respect of failure to comply with the Access to Information legislation and/or Local Government Ombudsman targets. A serious breach of the Data Protection Act could result in a significant fine (£0.5m+)	Information Governance Training to be made mandatory. Regular articles in K-Mag and K-Mail about Information Governance and the consequences of non-compliance. Creation of Information Governance portal on K-Net
Sensitive information is not held securely and in appropriate disclosure. Reputational damage and significant fine by the Information Commissioner. (£0.5m+)	All laptops, memory sticks, etc have been encrypted and staff receive regular training around information security and Data Protection.

BUSINESS CONTINUITY		
CRITICAL FUNCTIONS	TIMESCALE	MINIMUM SERVICE LEVEL
County Council Elections and By-Elections Administrative Support	1 hr	
Complete sales or purchases where contracts have already been exchanged	4 hrs	
Court hearings – access to court papers	3 hrs	
Case Management System down	2 hrs	
Committee Management System (modern.gov)	4 hrs	

SECTION F: PERFORMANCE AND ACTIVITY INDICATORS

**Table for PERFORMANCE indicators measurable annually by financial year**

PERFORMANCE INDICATOR - ANNUALLY BY FINANCIAL YEAR	Floor Performance Standard	2012/13 Outturn	Comparative Benchmark	Target 2013/14	Target 2014/15
External income generated					
Reduction of legal costs to KCC (External to internal subsidy)					
Adherence to BS EN ISO9001 quality standard (Legal Services)	Achieve	Achieved		Achieve	
Adherence to Law Society (Lexcel) quality standard (Legal Services)	Achieve	Achieved		Achieve	
Publish Council and Committee papers at least five clear days before the meeting in accordance with the Access to Information Act	Achieve	??%	N/A	100%	100%
Work towards 100% compliance with Freedom of Information Act timescales	85%	Not yet available	Not yet available	90%	95%
Work towards 100% compliance with Data Protection Act timescales	100%	Not yet available	Not yet available	85%	90%
Work towards 100% adherence to Local Government Ombudsman complaint handling guidelines (response to first enquiry within 28 days)	28 days	Not yet available	Not yet available	28	28

**Table for ACTIVITY indicators measurable on a annually by financial year**

ACTIVITY INDICATOR	2012/13 Outturn	Comparative Benchmark	Expected range for activity				
			Threshold	Q1	Q2	Q3	Q4
			Upper				
			Lower				
			Upper				
			Lower				

**SECTION G: ACTIVITY REQUIRING SUPPORT FROM OTHER DIVISIONS/SERVICES**

(For example Property, ICT, Business Strategy, Human Resources, Finance & Procurement, Planning & Environment, Public Health, Service Improvement, Commercial Services, Governance & Law, Customer Relationships, Communications & Community Engagement or other Divisions/Services)

ACTIVITY DETAILS	EXPECTED IMPACT	EXPECTED DATE
Provision of information in a timely manner to Information Resilience & Transparency team FROM ALL OPERATIONAL UNITS ACROSS KCC to satisfy requests for information under DPA, FOIA & EIR	Ongoing	Ongoing
Income from Academies (ELS)	April 2013	March 2014
Work with HR (L&D) plus Communications (CEM) in relation to Member Induction and Development Programme	Commenced 2012	March 2014
Introduction and Development of Case Management System (ICT)	Commenced 2012	June 2013
Redesign of Legal Services' Staffing Structure (HR)	April 2013	July 2013
Closer Working With Procurement (Procurement)	April 2013	March 2014
Graduate Recruitment Strategy and Delivery (KentGrads)(HR)	April 2013	June 2013
Working on Marketing the Kent Legal Brand (Corporate Communications)	April 2013	September 2013