

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:	£14,746300
FTE:	167.5



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 Executive 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 £1 million 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 focused 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

PRIORITY 1: PREVENTION		DESCRIPTION OF PRIORITY:		
		<ul style="list-style-type: none"> provide guidance, training and support to mitigate against risks whilst supporting delivery of the Council's objectives proactively input into work streams to prevent the need for short-term emergency measures 		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
1	Suppression of Kent County Council's legal spend			
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
2	Risk management.			
2.1	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
2.2	Support the transformation and change agenda across the Council to reduce the risk of legal challenge. These are already scheduled to include Specialist Children's Services, Procurement and New Work Spaces. However the nature of our business is that we will support all change/transformation across the Council.	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
2.3	Offset management and legal risk by working across the Council to ensure that organisational learning from legal cases is shared.	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
KEY MILESTONES				DATE (month/year)
A	Meetings held with all Corporate Directors and Directors			September 2013
B	Training/Development Programme developed and delivered			March 2014

C	Reduction in the overall like for like legal spend of the Council	March 2014
D	Membership of key groups, such as Specialist Procurement Board, CIL Working Group, Organisational Risk, EduKent and New Work Spaces	July 2013

PRIORITY 2: PRODUCTIVITY		DESCRIPTION OF PRIORITY:		
		<ul style="list-style-type: none"> • increase external income from academies from admissions and exclusion appeals administration • introduce new technology to increase efficiency • introduce new and more client centric working methods 		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
5	Increase external income from academies from admissions and exclusions appeals administration			
5.1	Review process from the customer experience and perspective and make necessary changes	Peter Sass	November 2012	May 2013
5.2	Benchmark charges against other authorities and rationalise existing charges where necessary given process improvements and competitor prices	Peter Sass	November 2012	May 2013
5.3	Market services to Academies, assisted by colleagues in EduKent and Communications and Engagement	Peter Sass	December 2012	March 2014
6	Replace/update case management system to increase automation, productivity and profitability, whilst reducing time and cost for both internal and external client files			
6.1	Assignment of staff to manage and develop the system.	James Pigott, Ben Watts, Hud Manuel	April 2013	June 2013
6.2	Reduce time taken to bill clients and provide more targeted management information for clients.	James Pigott, Ben Watts, Hud Manuel	February 2013	June 2013
6.3	Introduce workflows within the system to increase automation and reduce costs.	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
7	Smarter ways of working – redesign of legal services around client needs and changes in the external market			
7.1	Review the current structure of Legal Services to meet client and market needs	James Pigott, Ben Watts, Hud Manuel	September 2013	January 2014
7.2	Review accommodation needs to deliver increased efficiency and better working practices.	James Pigott, Ben Watts, Hud Manuel	October 2013	December 2013

KEY MILESTONES		DATE (month/year)
A	Provide detailed monthly management reports to clients	June 2013
B	Implement new staffing structures for Legal Services and Democratic Services	June 2013
C	Case Management support team structure in place	June 2013
D	Structural review completed and reflected in Business Plan for 2014/15	February 2014

PRIORITY 3: PARTNERSHIP		DESCRIPTION OF PRIORITY:		
		<ul style="list-style-type: none"> • Facilitate closer working with the Police and Crime Commissioner • Develop closer working relationships with Kent business 		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
8	Application of new legislation relating to the Police and Crime Commissioner and implementation of the Police and Crime Panel			
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	November 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	November 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	December 2012	March 2014
9	Develop closer relationships with Kent Law Society and academic organisations across Kent			
9.1	Establish training partnerships with the Kent Law Society.	Ben Watts, James Pigott	April 2013	March 2014
9.2	Attend networking events with the members of the Kent Law Society.	Ben Watts, James Pigott	April 2013	March 2014
9.3	Deliver training and education input to law students and graduates.	Ben Watts, James Pigott	April 2013	March 2014
9.4	Participate in the broader activities of the academic organisations, including mooting and debating.	Ben Watts, James Pigott	April 2013	March 2014
KEY MILESTONES				DATE (month/year)
A	Joint training event with Kent Law Society			December 2013

PRIORITY 4: PROCUREMENT		DESCRIPTION OF PRIORITY:		
		<ul style="list-style-type: none"> • develop closer relationships between Legal and Procurement teams • control external legal advice spend 		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
11	Closer liaison between legal and procurement teams on commissioning and procurement protocols			
11.1	Delivery and maintenance of a Procurement/Legal Services working protocol to ensure the Council is protected from legal risk	James Pigott	2013	March 2014
11.2	Work with Director of Children Specialist Services to support and improve the contribution Kent County Council makes to the Family Justices Board	Ben Watts	2012	March 2014
11.3	Arrange a training event for the Family Justice Board to include partners and solicitors in private practice.	Ben Watts	April 2013	September 2013
11.4	Work with Director of Specialist Children Services and the Family Justice Board to reduce the timescale of childcare proceedings towards 26 weeks.	Ben Watts	March 2013	September 2013
12	Support and deliver the effective commissioning of external legal advice			
12.1	In circumstances where it is more appropriate to commission legal advice externally, Legal Services works with managers across the council to select the best external legal advisers at the lowest possible price. It also helps manage the service received as intelligent client to ensure quality and value for money.	James Pigott, Ben Watts and Hud Manuel	April 2013	March 2014
12.2	Report to CMT on use of external legal advice by KCC directorates.	Ben Watts	April 2013	June 2013
12.3	Develop mechanisms to ensure where external legal advice is sought that Legal Services acts as intelligent client to quality assure the advice received.	Ben Watts, James Pigott	April 2013	March 2014
13	Development of Procurement methods			

13.1	Assist the Strategic Sourcing and Procurement Team 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
13.2	Deliver risk management training to the Strategic Sourcing and Procurement Team	James Pigott	April 2013	March 2014
13.3	Attend Commissioning and Procurement Board to provide legal advice and support.	James Pigott	Commenced January 2013	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
D	Joint training event with Kent Law Society Joint Purposes Committee and Family Justice Board			November 2013
E	Attendance at University of Kent and Canterbury Christchurch College			November 2013
F	Attendance at College of Law and Kent Law Society Joint Purposes Committee			November 2013

PRIORITY 5: PEOPLE		DESCRIPTION OF PRIORITY:		
		<ul style="list-style-type: none"> • effective induction and development of elected members • improve access to information • increase graduate and school leaver recruitment • Kent Manager • Review governance arrangements 		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
14	Co-ordinate the County Council Elections and induction and development of elected members following election			
14.1	Maintain regular contact and liaison with Deputy Returning Officers (DROs) in each of the 12 District and Borough Councils and their elections teams to ensure they meet the County Council's expectations with regard to the delivery of the election, including the rationalisation of costs and the prompt submission and auditing of accounts following the elections.	Peter Sass	April 2013	December 2013
14.2	Design and implement 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	December 2012	December 2013
15	Improve access to information for external partners, public and internal staff			
15.1	Proactive publication of information – press releases, website enhancements, promotion of open data, use of publication scheme, etc.	Caroline Dodge	August 2012	December 2013
16	Awareness raising with customers to create an intelligent client for legal services			
16.1	Deliver training to directorates in relation to utilising Legal Services with the intent to reduce legal spend.	James Pigott, Ben Watts	April 2013	March 2014
17	Increase graduation and school leaver recruitment to create more Kent jobs for Kent young people			
17.1	Work with KentGrads to appoint trainee solicitors, paralegals and apprentices.	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014

18	All Managers above grade K9, responsible for managing resources, to complete the Kent Manager Standard by March 2014			
19	Undertake a review of the Council's governance arrangements to ensure they are meeting Members' expectations			
19.1	Consult Members on the new governance arrangements following their introduction in 2012, and prepare a report for Selection and Member Services Committee and County Council, recommending any appropriate changes.	Peter Sass	April 2013	July 2013
KEY MILESTONES				DATE (month/year)
A	Official information more easily accessible to employees, members and the public. (Indicators that this has been achieved are (i) reduced number of internal enquiries to Information Resilience & Transparency Team, (ii) reduced number of formal requests for information from the public and/or (iii) less officer time spent dealing with requests and enquiries			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	Selection and Member Services Committee sign-off for Member Induction and Development Programme			April 2013
E	Selection and Member Services Committee and County Council determination of the review of the governance arrangements			July 2013

PRIORITY 6: FINANCIAL AND POLICY CHALLENGES		DESCRIPTION OF PRIORITY:		
		<ul style="list-style-type: none"> • Ensure compliance with changes in information governance policy • Reduce legal cost burden to KCC 		
Actions		Accountable Officer	Start Date (month/year)	End Date (month/year)
20	Ensure compliance with changes in information governance policy			
20.1	Obtain Corporate Management Team approval of Information Governance policies and protocols	Caroline Dodge	February 2013	April 2013
20.2	Active promotion of Management Guide (5) to Information Governance and the suite of related Information Governance policies and protocols (once approved by Corporate Management Team) for example links to these IG policies within mandatory Information Governance e-learning module (when procured by HR)	Caroline Dodge	April 2013	December 2013
20.3	Provide regular updates via Knet, Kmail, Kmag and other media on legislative updates (e.g. Provision of Freedoms Act 2012)	Caroline Dodge	April 2013	December 2013
20.4	Review the way the Council handles requests for information in particular subject access requests under the Data Protection Act. Analyse non-compliant requests, identify root cause and highlight areas of weakness/training need to appropriate Corporate Directors	Caroline Dodge	April 2013	December 2013
20.5	Introduce regular reporting on Information Security incidents to Corporate Board, highlighting areas of weakness/training need to appropriate Corporate Directors	Caroline Dodge	May 2013	March 2014
21	Increase external legal income whilst reducing the legal cost burden to KCC			
21.1	Development of marketing and business development plans	James Pigott, Ben Watts, Hud Manuel	April 2013	March 2014
KEY MILESTONES				DATE (month/year)

A	Launch of Management Guide (5) to Information Governance	March 2013
B	Launch of suite of related Information Governance policies and protocols	April 2013
C	Improved compliance with statutory timescales for FOIA/EIR/DPA requests	December 2013
D	Increased external income	March 2014
E	Reduction in overall council spend on legal services	March 2014

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 (000's)								
Divisional Unit	Responsible Manager	Staffing	Non Staffing	Gross Expenditure	Service Income	Net Expenditure	Govt. Grants	Net Cost
Democratic & Member Services	Peter Sass	£ 1,354.2	£ 3,081.7	£ 4,435.9	-£ 3.0	£ 4,432.9	£ -	£ 4,432.9
Legal - Commercial	James Pigott	£ 2,224.1	£ 109.7	£ 2,333.8	-£ 3,438.0	-£ 1,104.2	£ -	-£ 1,104.2
Legal - Litigation & Social Welfare	Ben Watts	£ 4,315.9	£ 185.5	£ 4,501.4	-£ 6,322.0	-£ 1,820.6	£ -	-£ 1,820.6
Governance and Law Divisional Budget	Geoff Wild	£ 802.3	£ 2,672.9	£ 3,475.2	-£ 2,710.0	£ 765.2	£ -	£ 765.2
Total	Geoff Wild	£ 8,696.5	£ 6,049.8	£ 14,746.3	-£ 12,473.0	£ 2,273.3	£ -	£ 2,273.3

HUMAN RESOURCES		
FTE establishment at 31 March 2013	Estimate of FTE establishment at 31 March 2014	Reasons for any variance
167.5	167.5	N/A

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 Electoral Commission 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.
Internal and external clients' income stagnates or decreases as a result of clients experiencing continued financial pressures and challenging economic conditions.	The Evolution Project and re-structuring of Legal Services will result in more cost effective and efficient working, as well as generating new initiatives for increasing external income.

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 on a quarterly basis by financial year

PERFORMANCE INDICATORS – QUARTERLY BY FINANCIAL YEAR	Floor Performance Standard	2012/2013 Outturn (Jan 13 position)	Comparative Benchmark	Target			
				Q1	Q2	Q3	Q4
Percentage of Council and Committee papers published at least five clear days before the meeting in accordance with the Access to Information Act	100%	95.1%		100%	100%	100%	100%
Percentage of Freedom of Information Act requests completed within 20 working days	85%	85%		90%	90%	90%	90%
Percentage of Subject Access requests under the Data Protection Act completed within 40 calendar days	65%	68%		70%	70%	70%	70%
Average numbers of days to respond to first enquiry for Local Government Ombudsman complaints	32	27.6		28	28	28	28

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
Percentage completion of Kent Manager Standard by eligible managers with two years on the programme	95%			100%	100%

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 to satisfy requests for information under Data Protection Act, Freedom of Information Act and Environmental Information Regulations	All operational units across KCC	Ongoing
Launch of Information Governance e-learning module KCC-wide and ensuring completion / regular refresher training is mandatory	Human Resources	Ongoing
Income from Academies	Education, Learning and Skills and Communications and Engagement	April 2013 to March 2014
Member Induction and Development Programme	Communications and Engagement Team, Human Resources and Learning and Development	Commenced 2012 to March 2014
Introduction and Development of Case Management System	Information and Communication Technology	Commenced 2012 to June 2013
Redesign of Legal Services' Staffing Structure	Human Resources	April 2013 to July 2013
Closer Working With Procurement	Procurement	April 2013 to March 2014
Graduate Recruitment Strategy and Delivery	Graduate Services and Human Resources	April 2013 - June 2013
Working on Marketing the Kent Legal Brand	Corporate Communications	April 2013 to September 2013