

From: Bryan Sweetland, Cabinet Member for Commercial & Traded Services
Geoff Wild - Director of Governance & Law

To: Policy and Resources Cabinet Committee – 23 April 2014

Subject: Legal Services' Evolution Efficiency Enterprise Update for Quarter 3 – 2013/14

Classification: Unrestricted

Summary: This report provides a further update on the extensive work that is continuing within Legal Services, as the *Evolution, Efficiency, Enterprise* project moves towards the end of its second year

Recommendation: The Committee is asked to note the report.

1. Introduction

- 1.1 At its meeting on the 25 September 2013, the Policy and Resources Cabinet Committee received a report, which provided an overview of the first year of the Legal Services *Evolution, Efficiency, Enterprise* project. The project was developed in response to a growing need for legal services at a time of significant budget restraint.
- 1.2 This report provides a further update on progress on the three-year *Evolution, Efficiency, Enterprise*. An end-of-year update will follow in May, together with details of proposals for the final year.
- 1.3 Detailed information about the achievements and progress of the project are set out at Appendix 1 to this report.

2. Recommendation

Recommendation: The Committee is asked to note the report.

3. Contact details

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KENT LEGAL SERVICES



Evolution Enterprise Efficiency Quarter 3 Report – 2013/14

Introduction

Kent Legal Services (KLS) has reached the end of the third quarter of the second year of its *Evolution, Efficiency, Enterprise* project.

In addition to full engagement with the Council's transformation agenda, KLS has continued to make progress on this three year project which includes amongst its aims helping to reduce the Council's legal spend.

Activity

Key activities undertaken by KLS in the last three months include the following:

- Working with SCS colleagues and the Judiciary KLS has played a pivotal role in reducing the average length of care proceedings. Timescales for care proceedings have halved in the last 18 months. The average length of care proceedings in November 2013 has fallen to 36 weeks. KLS is committed to reduce timescales even further.
- Working with SCS and the Adoption Service to reduce delay in adoption proceedings. This has included training for social workers, streamlined documentation, and engagement with the Judiciary to design systems to reduce delay.
- Working with the Pensions Team to review all documentation (including Admission Agreements, Bonds, Questionnaires) to streamline checklists and processes, in order to reduce timescales and costs (which will start coming through in Q4).
- Working with Directorates across KCC, attending team meetings and following other initiatives, to build closer links and better support front line colleagues:
 - Closer links with the Capital Programmes and Property & Infrastructure teams through attending regular team meetings. Minor legal queries now identified and resolved at an early stage.

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Appendix 1

- Capital Projects Officers now have a hotline service and a single point of contact for all legal advice and assistance on their most high value and time critical construction projects.
- A protocol involving HR, our employment lawyers and colleagues in ELS has been devised and agreed to ensure closer and smoother working on head teacher settlement agreements.
- Lawyers are shadowing colleagues in the Assessment and Income team to ensure that legal advice is tailored precisely to the needs of the organisation.
- We are also striving to work more closely than ever at an early preventative stage with colleagues across the Council. New protocols have been agreed, practical guidance provided and joint working undertaken. Recent examples include:
 - Proactively developing relationships with senior and middle management of SCS through completion of weekly court direction compliance sheets, face to face meetings to discuss service provision, and regular dialogue regarding client needs.
 - New protocols devised to allow legal advice to be provided faster, earlier and more reliably. The Council's interests are better protected and legal costs reduced as the lawyers do less.
 - Detailed practical guidance on handling ordinary residence disputes with other authorities has been provided, with a view to helping FSC staff protect the authority's legal position without involving lawyers.
 - Work with the SCS Performance and Development Team to provide updated templates for inclusion in the new Tri-X online Safeguarding Children Procedures Manual, which guides social workers through the legal process from first Legal Planning Meeting through to the final hearing in care proceedings.
 - A new Trading Standards report format is now in operation, which incorporates costs and efficiency savings and streamlined procedures.
- KLS is involved in major projects supporting key Council objectives which previously would have been referred to external lawyers:

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- Loan agreements for the Expansion East Kent project (giving loans to SMEs on the Pfizer site at Sandwich).
 - A transaction with Orbit Homes enabling the redevelopment of Sampson Court and Wylie Court in Deal and Swale, to provide much needed care homes in the area.
 - The BDUK contract with BT in relation to the grant from central government (under the Rural Community Broadband Fund) towards the costs of Broadband Services in rural areas of Kent.
 - A new customised Commercial Transfer Agreement (moving away from the DfE template) was successfully negotiated with all Catholic schools in Kent, to protect KCC's interests upon academy conversion.
 - Via a large procurement exercise, the provision of a central government initiative to retrofit public and privately owned homes in Kent with sustainable energy-saving measures. We also advised on channelling funding to achieve the same outcomes. The contract value for this pilot was £12m.
 - The procurement of IT services, facilities and equipment for KCC and its partners (other public bodies in Kent). The partners will get a cost-effective network offering greater capacity. The contract value was £120m.
 - The setting-up of shared service hubs around Kent, most recently in Gravesham (Kent Gateway).
 - All contract, procurement and property work associated with the allocation of £5m funding from BIS to improve the railway tracks between Ashford and Ramsgate.
 - A number of major (developer-funded) projects, including the regeneration of Peters Village. This involves the construction of the Medway Valley Crossing and east bank highway improvements) and a 600 residential development at Eastern Quarry Ebbsfleet.
 - The construction of a new Junction 10A on the M20 as part of highway improvement works.
- We continue to provide legal services to a wide range of external bodies. The market is extremely challenging at the moment and we have developed a number of marketing strategies in order to generate further external income, including:
 - Targeting appropriate organisations listed within the Local Government Goods and Services Act 1970 to make them

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aware of the wide range of services KLS offer as an alternative to their in-house counsel and/or their use of external solicitors.

- We have visited schools in Kent resulting in 23 more signing up for our Education Legal Scheme.
- Developing a unique new legal scheme helping public bodies use compulsory purchase powers to acquire empty properties for regeneration and release back into the market.
- Tendering for a number of contracts including a place on the Surrey/Berkshire/Sussex Legal Services Frameworks.
- Working with the Kent Association of Parish Councils to devise a comprehensive training scheme. Two more have signed up to our Parish Councils Legal Scheme.
- We have streamlined the procedural work for Stopping Up Orders paid for by 3rd parties, which this quarter generated has additional income of £16,186.
- Regular legal articles appear in the EiS Newsletter, The Governor and other School Bulletins
- We have contacted councils hosting the impending Tour de France 2014 in Yorkshire, offering our specialist legal advice in this area.
- We spoke at the South West Empty Homes conference in Exeter offering our specialist services to authorities from across the South East and South West.
- We have restructured our Planning and Highways Team by introducing legal assistants in place of solicitors, to free up more experienced lawyers so they work to maximum efficiency at the most appropriate level.
- We are liaising with barristers' chambers and planning consultants to provide planning agreements at Public Inquiries. This is a gap in the market that we are seeking to exploit.
- We have introduced regular internal training sessions whereby each member of the team presents new legal updates in their specialist fields. This ensures that we stay on top of all current and relevant legal issues and are able to report back to our clients any significant points of interest that may impact on them. Most recently we reported on the DCLG response to the consultation on further CIL reforms.

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- We have advised on new high value work that would previously have been sent to external solicitors, achieving successful legal outcomes and delivering cost savings:
 - Work defending one of the first multi-party multi-million pound non-insured negligence claims against the Council. Other public bodies involved in the litigation have instructed large city practice or magic circle firms. (**Savings to date - £10,000. Estimated savings should the case proceed to trial - £100,000**).
 - Cases pursuing two civil frauds against the Council. 95% of the loss was recovered on one case - the other is on-going (**estimated saving - £25,000**).
 - A bespoke suite of constitutional and operational documentation for the Council's largest trading body (**estimated saving - £15,000**).
 - In October **£9,375** was received by KCC following the realisation of assets from a Confiscation Order made against a defendant in criminal proceedings.
 - Various convictions have been secured following prosecutions conducted in-house and legal costs have regularly been recovered (**legal costs - £5,000**). These results support colleagues working in enforcement and the costs awards reduce the cost of enforcement action to the Council.
- A fixed price service has been agreed for the advocacy on small insurance claims improving resilience and result outcomes.
- We deliver increased in-house advocacy, including two and three day final hearings, appeals in the County Court, and hearings in the Crown Court, High Court and the Court of Appeal. This has led to significant on-going savings compared to the use of external barristers.
- Negotiations with Barristers' Chambers continue in relation to the significant reduction of external Counsels' fees. A fixed-fee framework document has been presented to 12 sets of Chambers. To date, 8 sets have accepted the standard terms.
- Work has continued on streamlining an expanded range of workflows and precedents on our case management system (IKEN). We have developed new templates in response to guidance from the President of the Family Division of the High Court and in response to developments in case law. Templates for social work evidence, case management documents and court orders have been developed in close liaison with the local judiciary. This has led to a more consistent, efficient and

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streamlined approach to the preparation of court documents both for lawyers and social workers.

- Various training sessions for KCC colleagues and external clients have been provided (which for internal colleagues was either without charge or well below the normal market rate) (**estimated full year saving - £15,000**):
 - A company law update tailored specifically for local authorities involved in alternative models of service delivery.
 - A major Child Care Conference, significantly raising the profile of KLS regionally and providing mandatory continuing professional development training at low cost for in-house lawyers.
 - Our second annual Community Care Conference provided further savings on training costs for in-house lawyers and highlighted key issues for community care practitioners from across the south-east.
 - Bespoke contract training to P&IS in order to reduce their legal spend.
 - Training to SCS colleagues across Kent, focussing on the Revised Public Law Outline, case law updates and preparation of social work evidence for court. This has led to better informed care planning and improved the quality of social work evidence which has strengthened the position of SCS in care proceedings.
 - A Schools' Personnel Service symposium for head teachers helped promote good employment practices and legal awareness in maintained schools in Kent.
 - A number of training sessions to head teachers on procurement issues, helping to reduce KCC's exposure to the risks and costs of litigation.
 - Clean Kent training regarding interviews under caution.
 - Bespoke training for KCC's Gypsy and Traveller's unit.
 - Lunchtime HR briefings continue, with sessions on without prejudice conversations and settlement agreements designed to reduce challenges and promote efficient resolution of employment disputes.
- We continue to provide legal and practical guidance notes and updates to colleagues across the Council:
 - Child Care Case Law Bulletins were produced following recent Court of Appeal judgments which had an immediate

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and direct impact on the way that cases should be prepared and presented to the court. This enabled SCS to ensure that they were able to immediately act upon the directions issued in these cases, thus ensuring compliance with Court Orders and high quality documentation being presented. Two of the bulletins were published in the Local Government Lawyer online.

- We have circulated the Christmas edition of our Property and Planning Newsletter to both internal and external clients, providing them with updates on the law and information about forthcoming events.
- Specialist in-house Community Care lawyers have continued to deliver the Community Care Law update, including the most recent developments in the increasingly high profile Court of Protection.