

APPENDIX H - FSR SUMMARY: LEGAL SERVICES

Introduction

Base data and benchmarking information indicates that the Council compares favourably with other Local Authority legal services.

- The net cost of legal services compared with other authorities (through the CIPFA benchmarking club) is lower than average.
- The cost of some of our more routine transactional work is low compared to the authorities visited and a local private sector legal practice
- Our client satisfaction results have consistently exceeded performance targets and the results have been consistently high for a number of years. We have changed the process this year to give a voice to a greater number of clients.

The review team made site visits to a range of other authorities to understand the various service delivery models being adopted to deliver legal services.

It is clear from site visits and the base data that the Council has the benefit of an efficient, experienced and highly qualified legal team compared with some of the authorities visited.

We compare favourably with other authorities in terms of initiatives they are implementing to reduce cost and improve efficiency in as much as we have already implemented, or are in the process of implementing:

- (1) reducing expenditure on external legal expertise. We have encouraged the legal team to take responsibility for bearing down on these costs, increasing our expectation that matters will be dealt with internally. The centralised contingency budget is currently significantly within budget (assuming no unexpected demands for high level external legal services arise, which can be difficult to predict)
- (2) encouraging service areas to deal with matters not requiring the expertise of a lawyer. We have taken this approach for some years and areas of work have been rehomed with the service areas responsible for them, including secure rent arrears possession; parking order penalties recovery; council tax liability order hearings & charging order applications; routine non – secure possessions; some sundry debt work. We do however need to remain vigilant as there is an increasing tendency, given the open plan nature of the office accommodation, for technical officers to place greater dependency on the team for matters they should be able to deal with themselves
- (3) sharing legal resources with other authorities to increase resilience by taking advantage of peaks and troughs of work and generate income. - We were instrumental in setting up the Oxfordshire Legal Hub which has been operational for 6 years. While the Hub has not been as successful as we had hoped it is used on an ad hoc basis and generates some income and there are some signs of work from new sources.
- (4) jointly procuring legal research facilities with the Hub authorities achieving savings of approximately 25%
 - jointly procuring a panel of external solicitors to build resilience and reduce costs
 - jointly implementing a training programme with the Hub authorities which has reduced the legal team's call on the training budget

- Implementing a case and document management system for legal casework improving access to documents, reducing the need for storage facilities and office accommodation
- Implementing a virtual deeds room to improve access to documents relating to the council's land holding by officers in other services and the legal team
- Publishing a legal newsletter circulated to the organisation to update it on appropriate legal developments

Alternative Options

A number of alternative models of service delivery were also considered including: commercial law firm owned by the Council (Kent County Council model); Shared service; assimilation to another authority's legal team (Harrow model); co location of two or more; authorities' legal teams; centres of excellence (Oxfordshire Legal Hub model); outsource the service.

Recommendations

Recommendations for Improvement include:

- Incrementally reshape the team to ensure a better balance of experience and expertise to respond proactively to the Council's need for legal services and keep to a minimum the cost of the more routine transactional legal work.
- Seek to reduce the net cost of legal services to the authority by:-

Continuing to place some work externally on a case by case basis when it is in the best interests of the authority to do so while continuing to bear down on the cost of external legal services by encouraging the organisation and the team to be significantly less dependant on external resources

Seeking to reduce awards of costs against the authority by encouraging services to seek early advice from the legal team and where appropriate encouraging a less "gung -ho" approach to litigation where the authority is at risk on costs

Exploring new opportunities to make savings for the authority by bringing work currently dealt with externally into the legal team eg Suffolk has recently in - sourced the insurance claims handling and litigation for the authority and generated savings.

Taking every opportunity to recover the cost of legal services to the Council in transactional legal work.

Continuing with our best endeavours to achieve a significant level of external income through the provision of legal services to external clients seeking to move from exclusive dependence on the Legal Hub to more sustainable income streams.

Facilitating the reshaping of the team by making the best use of our existing case management system to implement improved management reporting, and processes that will enable certain aspects of legal work to be dealt with by less qualified staff and more client self-help. Essential to these improvements is the completion of the Law and Governance ICT systems review to identify and resolve significant and long outstanding performance issues that have hampered our development.