



Report to the Finance, Performance and Resources Select Committee

Title:	Legal Services Update
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Cabinet Member sign-off:	Cabinet Member for Resources

Purpose of Agenda Item

This report is to update the Committee on the progress of the design and implementation of the Council's legal service following the conclusion of the previous outsourced arrangements for legal provision.

Background

1. Buckinghamshire County Council (BCC) was engaged in a shared service arrangement with HB Public Law, (HBPL) for the provision of its legal services between 1 July 2016 and 30 September 2019. Due to changing circumstances (specifically, the move to a unitary council for Buckinghamshire), a decision was taken to develop a new approach aligned to priorities around local integration of support services. BCC's Inter Authority Agreement (IAA) with HBPL for legal services was therefore brought to an end.
2. A proposal for a new legal service was approved by Cabinet in March 2019, designed both to meet BCC's current legal service requirements and to maximise the potential for early integration and/or savings opportunities from the transition to a unitary council. Equally importantly, the proposed model was designed to ensure that arrangements did not preclude additional functions or staff being added or changed at a later date, in line with the Shadow Authority's decisions on future structures and operating models.
3. The proposals were developed in collaboration with the professional leads for legal services across the district councils, and resulted in a hybrid model: an in-house team to

provide children's and adult's social care legal work (since this is not available/replicated at district level); for the district councils to provide the other legal specialisms required by BCC; plus additional capacity and specialisms via external public and private specialist providers where appropriate.

4. The approved legal service model is effectively an interim model for BCC legal service provision from 1 October 2019 until 1 April 2020. During this interim period, further work is ongoing to further refine the model to ensure the smooth transition of the service to support the new unitary authority.

Highlights

5. The new legal service went 'live' on 1 October 2019. Key points to highlight to the Committee:

Recruitment:

- a) All former HBPL staff identified by HBPL as falling within the TUPE Regulations have transferred over to BCC with effect 1 October 2019.
- b) Through a programme of recruitment and internal promotion, the BCC based legal social care team are currently fully resourced.
- c) Simultaneously, recruitment has been undertaken in two tranches to appropriately resource BCC legal provision in non-social care specialisms by District Councils.
- d) It has become evident that in several areas of legal work, a backlog of cases has been inherited by the new service. In response to this additional demand, the legal service is looking at interim measures to ensure service standards are maintained – these measures may include appointment of temporary staff or referral of certain matters or types of matters to framework providers within existing budgets.

Accommodation:

- a) The legal social care team are located in the office accommodation at NCO previously licenced to HBPL for the same function. In accordance with the BCC accommodation standard, the office is shared with legal colleagues from the District Councils as needed, and the BCC Corporate Complaints Team for a more efficient use of the office space.

Information Technology:

- a) All legal staff have been issued with appropriate IT equipment and telephony, which has operated without significant issue since the service commenced.
- b) All legal staff have access to the Iken legal case management system. While the software itself is operating correctly, there have been some issues associated with the transfer of electronic files from HBPL to the BCC and WDC Iken installations which have caused minor delays in securing access to certain files. Contingency plans were invoked to minimise these delays, including additional on-site support from the software providers, and alternative manual arrangements for access to files.

All issues were satisfactorily resolved averting any discernible disruption to the service.

Project planning and implementation process

6. The legal services project presented a unique opportunity to design and implement an important new service in close collaboration with district council colleagues ahead of the unitary transition. The project team comprised representatives from the district councils, as well as officers from all relevant disciplines across the County Council including human resources, finance, technology services, accommodation and procurement. A significant amount of scoping work was undertaken with district council colleagues and internal BCC business unit lead officers in order to identify likely service demands and appropriate levels of staff resourcing.
7. An ongoing process of proactive engagement with all stakeholders was undertaken. Feedback on proposals was secured in a number of ways, including through attendance at business unit management and leadership meetings, liaison with business unit lead officers, and surveys to service users.
8. Recruitment efforts focused on legal roles that would build capacity in the right areas with minimal future duplication in the new council. It was highly beneficial to be able to draw upon the expertise of district council colleagues in this respect, allowing decisions to be made in the wider context of current overall provision across the County. The recruitment process presented the opportunities available to appointees to become involved in helping to shape and support the new unitary council. These unique circumstances led to the publication of articles about the project in local and national media, highlighting the proactive and collaborative approach to working adopted in the run up to a single council.
9. The project included a comprehensive communications plan utilising various techniques to inform stakeholders of the changes to the service, and how the service would work after 1 October. Three weeks into the new service, feedback has been positive, and there have been an extremely small number of enquiries expressing uncertainty about the operation of the service.

Issues and lessons learned

1. Data migration issues	Timeframes agreed with case management provider to minimise downtime were tight and left little room for addressing any issues arising with the transfer to BCC and onward to WDC
2. Backlog of cases inherited in certain areas of legal work	Build in a contingency for unexpected initial work pressures around transition time, although very difficult to predict given minimal advance information on caseloads and work pressures.
3. Costs associated with third party IT	Seek to limit total cost in initial agreement with

providers	providers and monitor during work, however this is difficult when no control over third party provider and their fee structure
4. Human resources matters not clarified with staff until close to commencement	Matters relating to TUPE and employment terms and conditions should be clarified in writing at the earliest opportunity. Some system related issues prevented the early issue of some new starter documents on time.

Resource implications

10. The final six months of the previous legal service, plus the indicative cost for six months of the new service gives a projected expenditure for 2019/2020 as set out below:

HBPL Apr-end Sep	£1,442,025
Proposed Service Option 5 Oct-Mar	£1,099,548
TOTAL	£2,541,573

* These headline costs exclude disbursements/external costs (barrister fees, court fees and other incidental legal expenses)

11. The financial elements of the project are regularly tracked with reference to a central spreadsheet. Although not all set up costs have yet been finalised, it is anticipated that these will be covered from the allocated budget. Similarly, ongoing costs. Including staffing, are projected to be on track.

Project Governance

12. Oversight of the project thus far has included the measures set out below.

- a) Resources Board: The project's progress has been monitored through the council's existing governance (specifically, the Resources Business Unit Board chaired by the Cabinet Member for Resources).
- b) Legal service project working group: A working group was established to oversee the development and implementation of the proposed new service, including development of a detailed programme plan with timelines and milestones for all key actions, regular reviews of the plan and periodic risk assessments. The project working group included input from the legal, finance, HR, finance, communications, accommodation, IT and procurement teams, as well as any others as necessary. Invitations were also extended to colleagues from the district councils.

- c) Regular business unit meetings: business unit representatives have helped to design the proposed business model, and will continue to be involved in the implementation phase of the project, and in particular highlight any risks or opportunities in their service areas as the service develops. Business unit involvement was critical in the transition process to ensure the service reflects their needs and wants, and is something they are happy to use and promote within their teams.
- d) HBPL exit: Running alongside the project governance for the new service, Exit Group meetings were held with HBPL in accordance with agreed exit principles. The group met regularly with key officers from both BCC and HBPL to resolve any exit and transition issues arising. It is anticipated that follow up meetings will continue over the coming months to ensure all residual matters are concluded satisfactorily.

Next steps – Phase 2

- 13. Phase 2 of the legal services project is intended to refine service provision in readiness for the transition to a unitary council on 1 April 2020. Legal provision to the new unitary council will need to encompass the requirements of all five existing councils, for 'both business as usual' work and any additional work associated with unitary transition. The new legal service will take the place of the existing in-house arrangements as well as any outsourced provision (such as the external provision of legal services by HBPL to Aylesbury Vale District Council).
- 14. Next steps include:
 - a) Continuation of the project governance measures set out above during the preparation and implementation of phase 2, including oversight by the Legal and Governance Unitary Workstream;
 - b) Phase 2 project scoping by BCC / DC leads and relevant officers to ensure all elements of future service delivery are incorporated into overarching project plan;
 - c) Continued liaison with client Business Unit leads, equivalent leads at District Councils and other stakeholders to gauge needs and preferences;
 - d) Monitoring and quantifying work demands and ensuring sufficient staff resources are in place by 1 April 2020;
 - e) Finalise process mapping and billing approach;
 - f) Agree approach to streamlining duplicated elements of legal provision across county and district councils, for example, migration of case files, electronic subscriptions etc.