

-

## ONESOURCE JOINT COMMITTEE SUPPLEMENTARY AGENDA

20 January 2017

The following report is attached for consideration and is submitted with the agreement of the Chairman as an urgent matter pursuant to Section 100B (4) of the Local Government Act 1972

### 5 ONESOURCE FORECAST FINANCIAL POSITION AS AT NOVEMBER 2016

**Correction** – Table 8 on P8 of the agenda incorrectly states the forecast financial split between Newham and Bexley Councils. The table below corrects that and supercedes the version contained in the report

| Over/underspend(-) |                |                 |
|--------------------|----------------|-----------------|
|                    | Shared<br>£    | Non-shared<br>£ |
| Havering           | 46,206         | 6,211           |
| Bexley             | 71,217         | 1,113           |
| Newham             | (6,576)        | 0               |
| <b>Total</b>       | <b>110,847</b> | <b>7,324</b>    |

### 8 ONESOURCE LEGAL SERVICES : OVERVIEW 2016/17 (Pages 1 - 20)

To receive a presentation report from the Director for Legal & Governance

**Andrew Beesley**  
**Head of Democratic Services**

This page is intentionally left blank



---

## **ONESOURCE JOINT COMMITTEE 20 January 2017**

**Subject Heading:**

**ONESOURCE LEGAL SERVICES :  
OVERVIEW 2016/17**

**Report Author and contact details:**

[Daniel.fenwick@onesource.co.uk](mailto:Daniel.fenwick@onesource.co.uk)

### **SUMMARY**

This report provides an overview of the oneSource Legal Service provided to Newham and Havering, our current position and future plans. The report consciously provides the “headlines” for the service to preserve brevity but we are more than happy to provide follow up reports in areas of particular interest to members. The Committee will see that whilst we have a number of major challenges around resourcing, we have significant progress in getting to grips with these challenges, improving the service and we are positive we can identify and lead on future solutions for both Councils in providing high quality and efficient use of legal services within budget.

### **RECOMMENDATIONS**

The Committee is asked to note the report and the developments within the service and to consider if it would wish to receive further reports.

### **REPORT DETAIL**

#### **The Service**

oneSource Legal Services provides a comprehensive legal service to both LB Newham and Havering. We currently have 5100 live files we are working on and to 31 December carried out 48,300 hours of legal work for both Councils. A structure chart is attached as **Appendix 1** and **Appendix 2** includes a breakdown of our three teams and the work they undertake. We also provide legal support to schools and academies in both boroughs and this is an

area we are keen to expand. This year we have expanded to contract to provide legal support to externalised small businesses in Newham and Havering have chosen to insource their Housing legal work to oneSource from 2017/18.

### *Funding & Service Capacity*

We provide our services through SLA agreements with both authorities and the level of service provided to each borough is based on the oneSource formula split of 65:35. We are currently finalising the current SLAs, where we have taken the opportunity to fully refresh our service standards and what service can be provided to improve our client focus and transparency.

The core funding of the service via the oneSource agreement is as follows:

| Havering contribution | Newham contribution | Combined budget |
|-----------------------|---------------------|-----------------|
| 980,300               | 2,858,900*          | 3,439,200*      |

*\*Newham's contribution includes £600,000 income target and so the service on receives £1,658,900 net funding from Newham.*

We have done significant work to identify the capacity of the Legal Service. Service is measured by the total number of chargeable hours of the entire fee earning staff in the service. The value of the service is measured by the total value of the chargeable hours of the whole service based on the following rates:

| Seniority        | Hourly rate (£) | Annual Chargeable Capacity | Annual Cost (£) (notional) |
|------------------|-----------------|----------------------------|----------------------------|
| Principal Lawyer | 98              | 960                        | 94,080                     |
| Senior Lawyer    | 85              | 1000                       | 85,000                     |
| Lawyer           | 75              | 1200                       | 90,000                     |
| Legal Officer    | 63              | 1200                       | 75,600                     |

Based on these rates and targets, the total capacity value of the legal service provided to both authorities is as follows:

| Grade                      | Fee Earning Posts | Annual Target | Hourly Rate | Total Hours   | Total Value (£)  |
|----------------------------|-------------------|---------------|-------------|---------------|------------------|
| Director / Deputy Director | 2                 | 600           | 110         | 1,200         | 132,000          |
| Principal                  | 4                 | 960           | 98          | 3,840         | 376,320          |
| Senior Lawyer              | 15                | 1,000         | 85          | 15,000        | 1,275,000        |
| Lawyer                     | 21                | 1,200         | 75          | 25,200        | 1,890,000        |
| Legal Officer              | 17                | 1,200         | 63          | 20,400        | 1,285,200        |
| <b>TOTALS</b>              | <b>59</b>         |               |             | <b>65,640</b> | <b>4,958,520</b> |

The total value of the service identified is notional and does not form the basis of the payment to oneSource by either authority. However, it provides a realistic estimate of the

true financial value of the service, i.e. what it would cost to provide the same service if it were procured externally or on a traded basis.

Importantly, the total capacity above include posts that are funded either by additional resources received from non-SLA funding directly by individual directorates in each authority and, secondly, and more significantly, it includes the posts funded by Legal Services and oneSource not the client authorities that we incur to meet the client demand for Legal Services. The financial strain is set out in more detail below but the total cost of the posts is £330,000 in recruitment locum lawyers, which is borne by oneSource.

## **Service Priorities**

The Service's priorities are:

1. Delivering a high quality and client focussed legal service.
2. To create a financially stable service by:
  - a. Delivering efficiencies and maximising the use of ICT
  - b. Delivering budget control through the SLA process
  - c. Delivering further budget savings and income generation.
3. Developing a commercially focussed culture to allow the service to trade and win external work
4. Creating a resilient permanent work force
5. Identifying additional areas for savings on legal spend in both authorities.

We have made significant progress in these priorities but we continue to face a number of challenges. We have also identified potential solutions for the service and each authority.

## **Progress to date**

### ***1. Delivering a high quality and client focussed legal service***

- Revision of service standards in the SLA to create clear service expectations for clients to measure us by and monitoring and client liaison arrangements, **see Appendix**
- Improved the visibility and access to the service by regular meetings with services, generic email accounts for new instructions and single points of contact for services.
- Strengthening senior capacity and management within the service to provide complex advice and plan workloads.
- Providing dedicated monitoring officer and governance support for members and senior officers to Havering (Kathy Robinson) and Newham (myself); with both of us providing deputising roles to each other.

Whilst we still have improvements to make, we have started to see increased positive feedback about the service from senior management (Havering stakeholder group) and in client feedback. Some recent examples are set out below:

| Team / Service area              | Client   | Comment  |
|----------------------------------|--|--|
| Mandeep Mehat, Litigation        | Russell Moffat, Private Sector Housing, Newham                                     | Mandeep was very helpful, had moved their programme forward and had added value to their operation in terms of case work but also strategically. (Oct 2016)  |
| Sharon Clare, Employment         | A Newham School  | Thank you so much Heather & Sharon!!!! This is good news. My thanks and congratulations to our legal team .... Very good that the right and just outcome has been reached. (Jan 2017)  |
| Ravi Mudandi, contracts          | Steve Moore – Havering   | Hi Kathy ,I would just like to take the opportunity to commend one of your new staff, Ravi. We have received varied advice in regard to the .... contract which has delayed our approach. At a meeting held yesterday Ravi gave very assured sound advice which has enabled us to have a clear plan in how to resolve the contract situation. It's a shame he wasn't involved at the start as I think we would've had this resolved by now. If Ravi is the standard you are setting for your new team then I believe you will have an excellent legal offer that both Havering and Newham can benefit from. September 2016 |
| Ian Chisnell and Commercial team | Deborah Hindson - Newham   | Thanks Ian Great news. Well done everyone and thank you. I know you have all put significant effort into this project. One down – two to go! (December 2016)   |
| Shima Khapee, Litigation         | Steve Moore, Havering  | Just to bring to your attention some excellent feedback that Shima has received. She has done a sterling job so far in taking on the traffic management orders and the client (Billy Scott) overall has been singing her praises so it is good to see it translated on one of our closing forms. (2016)  |
| Stephen Doye, Community Team     | Grainne Siggins, Newham  | I also wanted convey a personal thank you for the responsive and professional manner in which you have approached and engaged with us during these proceedings. I and no doubt my colleagues, have found your approach incredibly helpful and supportive. ( October 2016 )   |
| Amanda Jepson, Community team.   | Amanda. Clement Lourdusamy Team Manager Intervention Children's Social Care Newham | On behalf of social work team we wish to extend our appreciation to, legal who had done excellent work and for her support throughout which is also echoed by Jatinder and Samuel, PMs. Many Thanks  |

We will be adopting standard and consistent performance targets next year for all staff that will focus:

- a. Meeting chargeable hours targets and service standards.
- b. Demonstrating a positive contribution to client relations and the service
- c. Delivering high quality outcomes in legal case work.

## **2. Delivering a Financially Stable Service**

Our greatest challenge is being able to deliver and / or manage the demand for legal services within our financial and human resources, as agreed under the SLAs. Our two key financial challenges are:

- a. The mismatch between client demand and the resources available to Legal Services to meet this demand under the SLAs.
- b. A significant element of our budget is funded by unrealistic income targets.

We have made significant savings. This financial year, we have gained full year effect staffing savings as a result of the restructure and we have reduced non-salary expenditure by £131,000 especially in the areas of books/subscriptions by joining a framework agreement, reduced training to £3,000 by use of free training from the London Boroughs Legal Alliance (see below), and reduced printing costs from £90,000 to £31,000.

Moreover, by joining the London Boroughs Legal Alliance (a network of 17 London boroughs legal services) in January 2016 we have brought savings on external legal spending by both boroughs on barristers and external firms of solicitors who are procured via framework agreements at reduced rates. To November 2016, we have saved £80,000 in barristers' fees by using LBLA barristers at reduced rates. External solicitors are brought in for major projects and specialist areas, including Carpenters Estate, the London Stadium and Havering's major regeneration projects.

Unfortunately, these savings are outweighed by our current budget pressure caused by much higher demand than we are funded for. We have raised this issue in SLA discussions and are now proposing to meet with each authority to agree a way forward.

The further impact of the additional and unfunded arrangements is that the posts are temporary and so we have to recruit locum lawyers to fill them. Whilst many of our locum lawyers are very good and committed, the Committee will know that this has negative consequences for continuity of service to clients and within teams, staff morale and also tends to be more expensive. It can be seen from the table above that the unfunded posts annual cost approximately £38,000 more than employing permanent staff in the same posts, in addition to the non-cashable benefits.

### *Income Targets*

We have undertaken a lot of work on accurately and comprehensively recouping income from legal matters (e.g. costs recovery or capitalising legal costs on projects) this year. This has resulted in us passing a greater proportion of costs back to our client departments, which of course benefits the Councils corporately but not Legal Services. We will need to

review the target with Newham to remedy this. We also have reviewed our charging rates and ensuring that we charge in every case. There are some areas where we still consider there is room for greater recovery and the income generation identified below will start to provide some resilience in the service but this is fairly limited at the moment.

A further option here would be to reconsider how legal services are charged. As described below, we are now ready to commence charging for legal services on a traded basis, i.e. pay as you go. This would immediately ensure that Legal Services income matched its expenditure and provide a discipline to client departments on the use of Legal Services. We are discussing this option with both boroughs.

### *Non-cashable Efficiencies*

We have modernised our ways of working over this year:

- The full integration of the service into a single structure and a single base location has reduced duplication and administration within the service. The service is now based in Dockside but with a permanent hub within Havering Town Hall which is used on a daily basis. Kathy Robinson, as Deputy Director, and myself as Director, split our time between both authorities and ensure that senior legal support is available at all times.
- Working to maximise ICT to support service delivery. Our IKEN case management system allows all legal cases to be handled electronically creating efficiencies with document workflows as well as management information on the type and value of work for each client. In the past year we have made significant steps towards full implementation with all staff now fully recording their time on cases (which in turn provides both councils with accurate management data about the work done by Legal Services) and a recent upgrade improving performance. We have also removed over 4000 old files from the system and recoded a large number of files as part of a data cleansing exercise. We also have also moved to generic team email accounts for the receipt of legal instructions to ensure that new work is tracked and allocated quickly.

### **3. Commercial Culture**

The oneSource structure has meant that Legal Services has had to operate in a commercially focussed way, demonstrating value for money. This was not really embedded in either authority previously and we have inherited a situation where clients were frustrated about not knowing “*what they got for their money*”. Legal Services is improving this culture:

- Improving transparency about our capacity and services standards we will meet
- Improving lines of communication and client liaison
- Revising the SLAs to reflect this
- Having honest and constructive conversations with client departments, where new demands can only be met by additional resources.
- Getting 100% compliance of time recording by all staff and making this an appraisal objective for all staff.



- Developing a commercial offer for small businesses and schools.
- We have also been successful in this new approach in gaining new business for the service:

- The Havering Housing Service has agreed to insource its legal provision to oneSource by 2017-18 and we are in the process of undertaking this transfer. This provides greater capacity for our service but also significant savings for Housing. The value of this work is approximately £300,000 per annum. We have entered into three agreements to provide legal services to externalised businesses in Newham using our commercial offer. The potential income is potentially up to £30,000 per annum.
- We are working with both Havering and Newham to develop an income generating model for the provision of legal services to schools.

#### ***4. A Resilient Permanent Workforce***

The oneSource legal work force has coped very well with the radical changes over the past two years to create a coherent and genuinely shared service to clients. All staff work across both boroughs in shared teams. The local authority legal sector has always suffered difficulties in recruitment and retention of skilled lawyers and consequently high levels of locum staff.

We are taking the following steps:

- We are currently undertaking a major recruitment exercise. In Phase 1 we have advertised 15 posts. We had mixed success in that we filled a number of posts but over 50% were filled with internal candidates or existing locums. We will now review these outcomes in Phase 2.
- In addition, we have created internal acting up opportunities to develop talent.
- We will be reviewing the structure and considering market supplements for posts that have proven hard to fill.
- As set out above, we are creating consistent standards and objectives for all lawyers and fee earning staff.

#### ***5. Identifying additional areas for savings on legal spend in both authorities.***

We consider that a strategic approach to the commissioning of legal services from any source by each Council could identify significant opportunities for savings. The areas of legal spend are:

- a. oneSource Legal Services
- b. External solicitors firms
- c. Barristers' fees
- d. Legal work undertaken within directorates (though this is likely to be low).

If we identify the level of spend in all areas, we can then review:

- a. If legal spend being unnecessarily incurred? e.g. by checking of poor quality statements.
- b. If external spend is necessary, is value for money being obtained? E.g. if external solicitors are being used is the LBLA with its reduced rates being used for the work and are we managing the spend throughout a project, e.g. challenging bills.
- c. Can we find better value for money alternatives, e.g. in-house advocates instead of external counsel or can we instruct more junior barristers at lower costs.

Currently, other than in oneSource, there is little discipline over legal spend and there is real possibility that a strategic approach could save significant amounts and also improve the quality of providers, both in-house and external.

The example of Havering Housing work is a further example of where a review of spend will deliver reduced overall cost and an improved service. We will be developing this approach as part of the SLA in Havering.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None associated with this report, however, it should be noted the Legal Services budget is currently forecasting an overspend circa £400k which will increase in line with the increase in savings targets profiled for 17/18 unless further action is taken (ie reducing demand/expenditure, increasing income and/or increasing budgets).

### **Legal implications and risks:**

None.

### **Human Resources implications and risks:**

Please see the body of the report.

### **Equalities implications and risks:**

None.

### **Appendices**

Appendix 1 – Legal Services Structure Chart

Appendix 2 – Legal Services SLA; Service Standards Annex

## BACKGROUND PAPERS

None

Legal Services Interim  
Structure January  
2017\*

**Director Legal & Governance**

**Deputy Director Legal Services**

**COMMUNITY**

**COMMERCIAL**

**LITIGATION**

**BUSINESS SUPPORT**

**Principal Lawyer  
Community**

**Principal Lawyer  
Property & Planning**

**Principal Lawyer  
Contracts &  
Procurement**

**Principal Lawyer  
Litigation**

**Business Development  
Manager  
(PO6)**

4 x Senior Lawyer  
(PO6)

Senior  
Property  
Lawyer  
(PO6)

Senior  
Planning  
Lawyer  
(PO6)

3 x Senior  
contracts Lawyer  
(PO6)

2 x Senior  
Enforcement  
Lawyer  
(PO6)

Senior  
Housing  
Lawyer  
(PO6)

Senior  
Employment  
Lawyer  
(PO6)

Admin Support Officer  
PO2

Lawyer x 5  
(PO4)  
1 x Advocate (locum)

Lawyers  
x 5  
(PO4)

Lawyer x 4  
(PO4)

Lawyer x 4  
(PO4)

Lawyer x 2  
(PO4)]

Lawyer x 3  
(PO4)

Employment  
lawyer x 1  
(locum)

Legal Assistants x 7 (Sc5)

Legal Officer  
(PO2) x 3

Legal  
Officer x 3  
PO2

Legal  
Officer  
PO2

Legal Officer  
PO2

3 x legal  
officer PO2

3 x Legal  
Officer  
(PO2)

2 x Legal  
Officer  
(debt) (PO2)

\* Includes all current posts in the structure, including those in the core structure, additional posts funded by directorates and unfunded posts paid for by oneSource Legal Services.

This page is intentionally left blank

## APPENDIX 2

### LEGAL SERVICES

#### GENERAL SERVICE STANDARDS AND CLIENT OBLIGATIONS

##### 1. Our Aims

- 1.1 All lawyers and legal officers will provide a proactive and high quality legal service to all clients by:
  - 1.1.1 Meeting individual chargeable hours targets and collectively delivering the volume of hours of legal advice and representation in this agreement.
  - 1.1.2 Meeting the service standards of your directorate set out below.
  - 1.1.3 Demonstrating high standards of client focus and support on all aspects of our work.

##### 2. Service Standards: Accessibility & Communications

- 2.1 **Normal Office Hours:** To provide a full legal service during normal office hours of **9.00am to 5.00pm Monday to Friday**, including access by telephone, email and availability for meetings. (n.b. individual lawyers are likely also to be available outside of these hours)
- 2.2 **Out of Hours Service:** To provide or procure out of normal office hours duty telephone advice if required (a charge will apply for the provision of an out of hours service)
- 2.3 **Alternative contacts:** To provide alternative contacts where a case holder is out of the office for one day or more, usually via an out of office response or voice mail. All managers will have access to case holders email and IKEN files.
- 2.4 **Telephone calls:** To meet all corporate standards on telephone greetings and response times (including provision of cover from team members).
- 2.5 **Plain English used here:** Although legal advice can be complex and include technical terms, we will use clear language and in plain English in all communications.

##### 3. Service Standards: Giving Advice and Acting on Instructions

- 3.1 We will always adopt a solution focussed approach to your work and will follow your instructions. Legal Services' culture is to support service delivery and to advise of any legal risks in a decision or course of action.
- 3.2 The final decision on any course of action will rest with you as the client service, except where your instructions are likely to result in unlawful activity or decisions by the Council. If we have any concern about a course of action, we will advise you of the concern and seek a lawful solution with you.
- 3.3 We will provide or confirm any legal advice and your instructions in writing and record it on our file, e.g. settlement offer.
- 3.4 **Additional Expenditure:** We will always obtain your authorisation to incur additional costs as set out in this document and record this on the file.

- 3.5 **Urgent matters:** Case holders will sometimes need to progress urgent matters or incur external costs without your direct instructions to protect the Council's interests or to act in accordance with your existing instructions to date, e.g. an urgent injunction or a decision in court. Case holders will always record such actions and inform the instructing officer of any action taken and any likely risk as soon as possible. Case holders will also seek the approval of a senior lawyer or above when acting in these circumstances.

#### 4. **Service Standards : General Advice and Casework**

- 4.1 We will meet the following standards in all general advice and casework. We aim for the following to be minimum standards and shorter time scales will be met, where it is agreed a matter is urgent placing the Council's legal position at risk.

| Activity  | Standard        |
|---|-----------------|
| Return Telephone calls  | 1 working day   |
| Acknowledge new instructions and assign a case holder with contact details and client care memo                     | 3 working days  |
| Confirm your verbal instructions and legal advice given verbally or in meetings in writing and recorded on the file | 5 working days  |
| Provide substantive legal advice on queries or new matters  | 10 working days |

- 4.2 Additionally, we will agree specific standards tailored to the requirements of legal work for individual service areas. If these additional requirements cannot reasonably be met within existing resources, this will require additional resourcing from the relevant client department.

#### 5. **Client Liaison, Satisfaction & Dispute Resolution**

- 5.1 All lawyers will keep you informed of the conduct of individual files and cases. In addition, Legal Services will.

| Activity  | Standard                     |
|---|------------------------------|
| Appoint a lead liaison officer for your service area or directorate               | All Directorates             |
| Provide you with performance and costs data in writing                            | Monthly                      |
| Meet with you to discuss performance, satisfaction and service improvement issues | Quarterly                    |
| Provide a draft SLA for agreement   | By 31 December of each year. |
| Deliver 80% client satisfaction   | All ratings                  |

- 5.2 We hope that any disputes or disagreements in respect of legal advice or representation can be dealt with constructively and informally between the lawyer and your instructing officer. We expect all lawyers to raise any potential disputes with their line manager or Principal Lawyer to check their advice and position. We anticipate that client departments will take the same approach.
- 5.3 If this fails then we provide the following standards for dispute resolution:

| Activity  | Standard       |
|---|----------------|
| To acknowledge a response to any complaint or issue raised by a client officer                        | 1 working day  |
| The line manager to discuss the complaint or issue with the client officer with a view to resolutions | 3 working days |
| Where resolution is not possible, to investigate and provide you with a written response              | 7 working days |
| To address live or concluded complaints as part of client liaison                                     | Quarterly      |

## 6. Client Department Obligations

- 6.1 The delivery of effective legal services also depends on the active support and cooperation of client officers and the provision of clear instructions, information and evidence.
- 6.2 To enable Legal Services to provide the best possible legal advice and representation to the Council and within our timescales, Client departments and officers will:
- 6.2.1 Ensure any officer instructing legal services is authorised to do so or can confirm authority for the conduct of a case or matter from an officer with authority. (the Client Officer)
  - 6.2.2 Instruct Legal Services to act as soon as legal support is required. We can assist you in deciding if legal support is needed.
  - 6.2.3 Ensure instructions contain sufficient detail to provide advice or take action, including supporting documentation and the use of commissioning forms where used;
  - 6.2.4 Respond fully and promptly to Legal Services' requests for documentation, additional information and / or instructions (and always within time limits set to meet court or tribunal deadlines lines)
- 6.3 Where possible, Legal Services will identify key documentation required in standard cases to simplify this requirement

## 7. Training

- 7.1 Legal Services will provide bespoke training for clients at your request and access to the London Boroughs Legal Alliance Framework training.

## 8. Access to London Borough Legal Alliance (LBLA) Frameworks

- 8.1.1 We will always try and meet your needs within our capacity or by agreeing additional resources. However, there will always be legal matters that are beyond the capacity or specialism of Legal Services. In such cases, we can provide access to the LBLA framework agreements.
- 8.1.2 The [LBLA](#) is a network of 18 London authorities' Legal Services departments sharing resources, knowledge and access to procurement frameworks for barristers and solicitors firms.
- 8.1.3 Both frameworks provide significantly reduced fees for all levels of advocacy services and specialist solicitors' services (e.g. intellectual property and pensions) and for major projects
- 8.1.4 Legal Services will assist in the selection of solicitors firms to meet your needs and will provide you with a choice of barristers to meet your needs.

## **9. Service Specific Standards**

- 9.1 Attached are the specific **additional** standards for the provision of Legal Service in the following areas.

### **9.2 Community Team**

- 9.2.1 Children & Education Services
- 9.2.2 Employment

### **9.3 Litigation Team**

### **9.4 Commercial Team**

- 9.4.1 Planning
- 9.4.2 Property Services
- 9.4.3 Contracts & Procurement



**APPENDIX B: TEAM SERVICE STANDARDS****COMMUNITY TEAM****Lead Contacts**

|  |  |
|--|--|
| <b>Stephen Doye</b><br><b>Principal Lawyer</b> | <a href="mailto:Stephen.doye@onesource.co.uk">Stephen.doye@onesource.co.uk</a> |
|--|--|

**Core Services**

All child protection matters will be conducted by a Senior Lawyer or Lawyer with the assistance of a Legal Officer.

| <b>CHILD PROTECTION</b>                  |   |
|--|---|
| Advice                                   | <ul style="list-style-type: none"> <li>• Pre-proceedings work</li> <li>• fostering and adoption</li> <li>• representations,</li> <li>• disclosure</li> <li>• serious case reviews</li> </ul>  |
| Litigation                               | <ul style="list-style-type: none"> <li>• Care Proceedings, including emergency applications</li> <li>• other Children Act proceedings, including secure accommodation, revocation of placement and care orders etc</li> <li>• Forced Marriage Protection Orders</li> <li>• FGM Protection Orders</li> <li>• Adoption in contested matters</li> <li>• Inherent Jurisdiction and wardship</li> <li>• Judicial Review</li> </ul> |
| <b>ADULT SOCIAL CARE &amp; EDUCATION</b> |   |
| Advice                                   | <ul style="list-style-type: none"> <li>• Advice on all adult social care matters</li> <li>• Advice on all matters relating to education law (excluding legal support to academisation of schools, property and commercial matters – these are dealt with by the Commercial Team)</li> </ul>   |
| Litigation                               | <ul style="list-style-type: none"> <li>• Court of Protection</li> <li>• Judicial Review relating to adult social care and education</li> <li>• Other proceedings to protect vulnerable adults</li> </ul>  |

**Additional Service Standards**

In addition to the Legal Services General Service Standards above, the team will:

| <b>Activity</b>                       | <b>Standard</b>   |
|---------------------------------------|---|
| In house advocacy                     | <ul style="list-style-type: none"> <li>• Within capacity and rights of audience of in house counsel.</li> </ul>   |
| Out of hours telephone advice service | <ul style="list-style-type: none"> <li>• Emergency matters only, i.e. arising out of office hours and requiring advice and assistance before</li> </ul> |

|  |   |
|--|---|
|  | the next working day.<br><ul style="list-style-type: none"> <li>• Telephone advice</li> <li>• Arrangement of emergency applications, including counsel (at additional cost)</li> <li>• This service may be externally procured.</li> </ul>          |
| Attendance at Legal Planning Meetings & advice in writing                | <ul style="list-style-type: none"> <li>• On <b>5 working days notice</b></li> <li>• Client to provide all documents <b>no later than 3 working days</b> before the LPM</li> <li>• Written advice within <b>5 working days of the LPM</b></li> </ul> |
| Issue of proceedings   | <ul style="list-style-type: none"> <li>• <b>within 10 working days</b> of receipt of all necessary evidence, including the signed approved statement.</li> </ul>  |
| Issuing of applications for Emergency Protection Orders or urgent Orders | <ul style="list-style-type: none"> <li>• As soon as practicable and <b>no later than 24 hours</b> after receipt of all necessary evidence and instructions.</li> </ul>  |
| Attendance at multi agency meetings where legal advice required.         | <ul style="list-style-type: none"> <li>• On <b>5 working days notice</b>, excluding pre-proceedings meetings with parents</li> </ul>  |
| Advice on final approved versions of SW statement and care plan          | <ul style="list-style-type: none"> <li>• Where final draft provided <b>3 working days before due date</b></li> <li>• Drafts provided on the correct template and fully spell and grammar checked by SW.</li> </ul>                                  |
| Provision of urgent written and telephone advice                         | <ul style="list-style-type: none"> <li>• <b>Within 24 hours.</b></li> <li>• Where agreed the advice is urgent</li> </ul>  |

### Additional Client Expectations

In addition to the Client Expectations above, Children Services will:

| Activity                   | Standard  |
|----------------------------|---|
| Instructions & Evidence    | <ul style="list-style-type: none"> <li>• To ensure instructions are clear and timely</li> <li>• To ensure that all necessary documents and information is provided in accordance with the above standards.</li> </ul> |
| Non-compliance with Orders | <ul style="list-style-type: none"> <li>• To provide at least 48 hours notice to the allocated lawyer before the court deadline with reasons for non-compliance.</li> </ul>  |
| Case developments          | <ul style="list-style-type: none"> <li>• To inform the allocated Lawyers as soon as possible, e.g. change of SW</li> </ul>  |

### Excluded Services

The following services can be provided by Legal Services at additional cost or procured (via LBLA Frameworks) at an additional cost:

- Advocacy above the capacity/rights of audience of in-house counsel.
- Section 7/37 cases reporting in private law proceedings unless exceptional circumstances or required by the Court

**Performance Indicators**

- % completed care proceedings within 26 weeks
- Average cost to obtain orders
- Number of orders obtained
- Average time taken to obtain orders

**EMPLOYMENT ADVICE AND LITIGATION****Contacts**

|                               |  |
|-------------------------------|--|
| Sharon Clare<br>Senior Lawyer | <a href="mailto:Sharon.clare@onesource.co.uk">Sharon.clare@onesource.co.uk</a> |
|-------------------------------|--|

**Core Services**

|            |   |
|------------|---|
| Advice     | <ul style="list-style-type: none"> <li>• Dismissals &amp; Redundancy</li> <li>• Changing terms and conditions</li> <li>• Equalities and discrimination</li> <li>• Contractual policies and procedures</li> <li>• Industrial action</li> <li>• TUPE &amp; Pension rights (non-specialist)</li> </ul> |
| Litigation | <ul style="list-style-type: none"> <li>• Employment Tribunals</li> <li>• Employment Appeal Tribunal</li> <li>• Breach of contract</li> </ul>  |

**Additional Service Standards**

In addition to the Legal Services General Service Standards above, the team will:

| Activity               | Standard  |
|------------------------|---|
| In house advocacy      | <ul style="list-style-type: none"> <li>• Case management hearings</li> <li>• Preliminary hearings (unless agreed otherwise in complex cases)</li> <li>• Other interlocutory hearings</li> </ul>   |
| Settlement agreements: | Advice and authorisation within <b>48 hours</b> of receipt of agreement and instructions. (NB legal advice must be obtained on all settlement agreements prior to finalising agreement with the employee to ensure that any agreement is lawfully drafted and a lawful use of public funds) |

**Excluded Services**

Legal Services can provide or procure (via LBLA Frameworks) the following services at additional cost:

- Advocacy at full hearings and complex preliminary hearings (where agreed)
- Specialist pensions advice
- Court of Appeal and Supreme Court matters

Work for NPW and schools and academies are subject to separate agreements.

**Performance Indicators**

- % success in ET claims
- Average cost of settlements by case type

## LITIGATION TEAM

### Contacts\*

|   |  |
|---|--|
| Michael Mullin<br>(Interim Housing<br>Principal Lawyer)   | <a href="mailto:michael.mullin@onesource.co.uk">michael.mullin@onesource.co.uk</a> |
| Mandeep Mehat<br>(Interim Principal<br>Litigation Lawyer) | <a href="mailto:mandeep.mehat@onesource.co.uk">mandeep.mehat@onesource.co.uk</a>   |

\* Janet Fasan is on secondment at LB Tower Hamlets

### Core Services

|            |  |
|------------|--|
| Litigation | <ul style="list-style-type: none"> <li>• Social Housing litigation: rent arrears; unauthorised occupancy; disrepair; breach of tenancy</li> <li>• Homelessness; possession, judicial review, appeals (excluding warrants)</li> <li>• Commercial property litigation including: possession; forfeiture; enforcement of lease terms</li> <li>• Contractual disputes and general litigation</li> <li>• Judicial review of the Council's functions (excluding where covered by other teams)</li> <li>• Enforcement action including trading standards; environmental health; planning; street scene; building control.</li> <li>• Anti-social behaviour including: ASBOs; injunctions; trade refuse; environmental crime – except litter prosecutions.</li> <li>• Protection of staff including: ASBOs; injunctions</li> </ul> |
| Advice     | <ul style="list-style-type: none"> <li>• Advice in relation to all civil and criminal litigation matters including assessment of evidential and public interest tests for prosecutions.</li> <li>• Advice on all policy and strategies relating to the work of the team, e.g. Housing, Enforcement, Licensing.</li> </ul>  |

### Additional Service Standards

The following additional standards will apply to the conduct of all litigation (in all teams).

| Activity  | Standard   |
|---|--|
| To meet all court or tribunal deadlines   | 100%   |
| Provision of draft documents requiring their instructions, input or approval from clients and witnesses documentation | at least 3 working days (although in urgent cases, shorter deadlines may be agreed). |

|   |  |
|---|--|
| To notify the client officer and witnesses of key Court dates and processes   | Within 3 working days of notification  |
| To inform the client officer of the outcome of any hearing or written decision and where decisions are in writing providing a copy to the client officer  | 1 working day  |
| Following a hearing or decision, to inform the client officer of: <ol style="list-style-type: none"> <li>1. All Court Orders and actions required to be carried out;</li> <li>2. Any necessary legal advice or steps to be taken to progress the matters;</li> <li>3. Any advice on appeal, if required.</li> </ol> | 3 working days after the hearing   |
| To apply for the Council's full legal costs where recoverable and will enforce any judgements for costs.  | All cases, except where it is agreed not to be a reasonable course of action or use of money |

The Litigation Team will meet the following additional service standards

| Activity   | Standard  |
|--|---|
| In house advocacy                                | <ul style="list-style-type: none"> <li>• Routine advocacy within the capacity and rights of audience of the Litigation team (to be agreed with each client department)</li> </ul> |
| Issue of possession proceedings for rent arrears | <ul style="list-style-type: none"> <li>• Within 20 working days of receipt of full instructions and evidence.</li> </ul>  |
| Issue of criminal proceedings                    | <ul style="list-style-type: none"> <li>• Within 20 working days of receipt of full instructions and evidence.</li> </ul>  |
| Issue of proceedings for unlawful occupation     | <ul style="list-style-type: none"> <li>• Within 20 working days of receipt of full instructions and evidence.</li> </ul>  |

### Excluded Services

The following services can be provided by Legal Services with additional resourcing or procured (via LBLA) at an additional cost:

- Advocacy in complex trials or in the High Court (if in-house counsel not available)
- Court of Appeal and Supreme Court matters
- Work for NPW and schools and academies (subject to separate agreements).

### Performance Indicators

- % success on Enforcement cases (target 85%) (Key PI)
- % success of Community Infrastructure cases (85%) (Key PI)
- % success on Planning Enforcement cases (target 95%) (Key PI)

**COMMERCIAL TEAM****Core Services****PROPERTY**

|                                   |   |
|-----------------------------------|---|
| Siobhan Fry<br>(Principal Lawyer) | <a href="mailto:siobhan.fry@onesource.co.uk">siobhan.fry@onesource.co.uk</a><br>DDI 020 3373 1025; Ext: 31025;<br>Mobile: 07879 832 299 |
|-----------------------------------|---|

The following is provided within the capacity of the team. Additional major project or programmes will require an assessment of additional legal resourcing and budgeted for. We will do this as part of the SLA and client liaison process. Additional resources be provided internally by Legal Services or we can sourcing external resources via the LBLA Framework.

|                               |   |
|-------------------------------|---|
| Advice & Non-contentious work | <ul style="list-style-type: none"> <li>• Standard conveyancing, such as Right to Buy and assignments</li> <li>• Disposal of land at full or under market value</li> <li>• Advice on consents needed for certain disposals</li> <li>• Advice and assistance on appropriation of land</li> <li>• Development agreements in relation to land transactions</li> <li>• Advice on procurement requirements in relation to property transactions</li> <li>• Commercial premises transactions including shop/industrial unit leases, renewals, variation and assignment</li> <li>• Enfranchisement</li> <li>• Licences to enter land</li> <li>• Highway agreements</li> <li>• Wayleaves</li> <li>• Land Registration</li> </ul> |
|-------------------------------|---|

**Additional Service Standards**

The Team will meet the following additional service standards:

| Activity   | Standard  |
|--|---|
| Provision of RTB leases and freehold transfers       | <ul style="list-style-type: none"> <li>• Within 10 days of full instructions received (client will be asked to confirm terms and conditions before completion)</li> </ul> |
| Provision of other routine leases                    | <ul style="list-style-type: none"> <li>• Within 15 days of full instructions received (client will be asked to confirm terms and conditions before completion)</li> </ul> |
| Seek costs undertaking from third parties in routine | <ul style="list-style-type: none"> <li>• Within 5 working days following receipt of full instructions</li> </ul>  |

|  |  |
|--|--|
| conveyancing, planning and highways matters (where Council's costs are to be covered by a third party) |  |
|--|--|

#### **Excluded Services**

- Major projects and new volumes of work beyond the capacity of the team. These can be provided following agreement of additional resourcing.

#### **Performance Indicators**

- Number of commercial cases completed
- Number of property transactions concluded (non-commercial premises)
- Average time for RTB completions



**PLANNING**

|                                   |   |
|-----------------------------------|---|
| Siobhan Fry<br>(Principal Lawyer) | <a href="mailto:siobhan.fry@onesource.co.uk">siobhan.fry@onesource.co.uk</a><br>DDI 020 3373 1025; Ext: 31025;<br>Mobile: 07879 832 299 |
|-----------------------------------|---|

The following is provided within the capacity of the team. **Additional major project or programmes will require an assessment of additional legal resourcing and budgeted for.** We will do this as part of the SLA and client liaison process. Additional resources be provided internally by Legal Services or we can sourcing external resources via the LBLA Framework.

|                               |   |
|-------------------------------|---|
| Advice & Non-contentious work | <ul style="list-style-type: none"> <li>• Planning agreements including affordable housing</li> <li>• Planning, highway, parking and CPO advice</li> <li>• Land Registration</li> <li>• Licensing advice to committees and officers</li> <li>• Support to major Regeneration and other key projects</li> <li>• Compulsory Purchase Orders</li> </ul> |
| Litigation/inquiries          | <ul style="list-style-type: none"> <li>• Representation at planning inquiries (not advocacy)</li> <li>• Judicial Review of planning decisions</li> </ul>  |

**Additional Service Standards**

The team will meet the following additional service standards:

| Activity  | Standard  |
|---|---|
| Routine planning and highways agreements  | <ul style="list-style-type: none"> <li>• Within 15 days of full instructions received (client will be asked to confirm terms and conditions before completion)</li> </ul> |
| Seek costs undertaking from third parties in routine conveyancing, planning and highways matters (where Council's costs are to be covered by a third party) | <ul style="list-style-type: none"> <li>• Within 5 working days following receipt of full instructions</li> </ul>  |

**Excluded Services**

Major projects and new volumes of work beyond the capacity of the team. These can be provided following agreement of additional resourcing.

**Performance Indicators**

- Number of planning agreements completed

**CONTRACTS & PROCUREMENT**

|   |  |
|---|--|
| Ian Chisnell<br>(Interim Principal<br>Lawyer) | <a href="mailto:ian.chisnell@onesource.co.uk">ian.chisnell@onesource.co.uk</a> |
|---|--|

The following is provided to the extent of the capacity of the team.

**Additional major project or programmes will require an assessment of additional legal resourcing and budgeted for.** We will do this as part of the SLA and client liaison process. Additional resources be provided internally by Legal Services or we can sourcing external resources via the LBLA Framework.

|                               |  |
|-------------------------------|--|
| Advice & Non-contentious work | <ul style="list-style-type: none"> <li>• Review and approval of corporate standard contract documentation.</li> <li>• Sealing and checking of all contracts with a value of over £250,000.</li> <li>• Advice on EU procurement requirements.</li> <li>• General advice and assistance on procurement and assistance with major procurement.</li> <li>• Bespoke drafting of contract documentation where standard form of contract is not suitable.</li> <li>• Contract disputes.</li> <li>• Advice on outsourcing proposals.</li> <li>• Advice and assistance to major procurement such as PFI.</li> </ul> |
|-------------------------------|--|

**Additional Service Standards**

| Activity  | Standard  |
|---|---|
| Support to <b>CSSB externalisation</b> (additional funding)                     | <ul style="list-style-type: none"> <li>• Legal support to the externalisation of EBU's to agreed timetables</li> <li>• Legal support to due diligence process and stakeholder representation</li> <li>• Legal support to incorporation of companies to deliver externalised businesses</li> <li>• Provision of standard documentation for CSSB use</li> </ul> |
| To <b>review and draft standard contracts</b> upon receipt of full instructions | <ul style="list-style-type: none"> <li>• 20 working days( 'standard' means either the Council's standard terms and conditions, or an industry standard such as JCT construction contracts)</li> </ul>   |

**Excluded Services**

Advice and support that should be provided by Corporate Procurement.

Major projects and new volumes of work beyond the capacity of the team. These can be provided following agreement of additional resourcing.

**Performance Indicators**

- % of externalised of EBUs within 1 month of agreed externalisation date.
- Number of procurement processes supported
- Number of standard contracts drafted
- % of standard contracts drafted within 20 working days.

## Constitution, Governance and Regulatory

The following services are provided by all Legal Services Teams according to their specialist area with overall responsibility for governance matters lying with the Director & Deputy Director.

### Contacts

#### Monitoring Officer functions, Members & Oversight

|   |   |
|---|---|
| Daniel Fenwick<br>(Director of Legal & Governance)      | <a href="mailto:daniel.fenwick@onesource.co.uk">daniel.fenwick@onesource.co.uk</a><br>(monitoring officer)            |
| Kathy Robinson<br>(Deputy Director, Legal & Governance) | <a href="mailto:Kathryn.robinson@onesource.co.uk">Kathryn.robinson@onesource.co.uk</a><br>(deputy monitoring officer) |

#### Cabinet & Committee Report Comments – by area of specialism

The following Principal Lawyers are the first point of contact for all draft reports for member level decision-making by service area.

| Subject Area   | Point of Contact  |
|--|---|
| <ul style="list-style-type: none"> <li>Contracts</li> <li>Procurement</li> <li>CSSB &amp; Externalisation</li> </ul>                                 | Ian Chisnell<br>(Interim Principal Lawyer)<br><a href="mailto:ian.chisnell@onesource.co.uk">ian.chisnell@onesource.co.uk</a>  |
| <ul style="list-style-type: none"> <li>Children Services</li> <li>Adult Social Care</li> <li>Education</li> </ul>                                    | Stephen Doye<br>(Principal Lawyer)<br><a href="mailto:Stephen.doye@onesource.co.uk">Stephen.doye@onesource.co.uk</a>  |
| <ul style="list-style-type: none"> <li>Property &amp; Works</li> <li>Regeneration</li> <li>Planning</li> <li>Highways (including parking)</li> </ul> | Siobhan Fry (Principal Lawyer)<br><a href="mailto:siobhan.fry@onesource.co.uk">siobhan.fry@onesource.co.uk</a><br>DDI 020 3373 1025; Ext: 31025;<br>Mobile: 07879 832 299 |
| <ul style="list-style-type: none"> <li>Housing</li> <li>Litigation</li> </ul>  | Michael Mullin<br>(Interim Principal Lawyer)<br><a href="mailto:Michael.mullin@onesource.co.uk">Michael.mullin@onesource.co.uk</a>  |
| <ul style="list-style-type: none"> <li>Licensing &amp; Regulatory (including PSL licensing)</li> </ul>   | Mandeep Mehat<br>(Interim Principal Lawyer)<br><a href="mailto:Mandeep.mehat@onesource.co.uk">Mandeep.mehat@onesource.co.uk</a>   |
| <ul style="list-style-type: none"> <li>Budget, Constitutional, Governance</li> </ul>   | Daniel Fenwick<br><a href="mailto:Daniel.fenwick@onesource.co.uk">Daniel.fenwick@onesource.co.uk</a>  |

**Core Offer**

|  |  |
|--|--|
| Governance Advice and Comments         | <ul style="list-style-type: none"> <li>• Legal comments on all decision-making reports, including committees, Cabinet and Mayoral Proceedings reports and delegated executive decisions by officers.</li> <li>• Attendance at all decision-making meetings, including regulatory committees.</li> </ul>  |
| Constitution & Monitoring Officer Work | <ul style="list-style-type: none"> <li>• Attendance at senior officer meetings</li> <li>• Constitutional advice and guidance</li> <li>• Maintenance of Report Templates &amp; Guidance</li> <li>• Regular review and update of the Constitution, and Officers' Scheme of Delegations</li> <li>• Provision &amp; Access to Governance Training</li> <li>• Members' training and advice</li> <li>• Maintenance of relevant up-to-date Member and Officer protocols</li> <li>• Handling of all complaints under the Members' Code of Conduct,</li> <li>• Advice and assistance on the operation of Data Protection and Freedom of Information matters.</li> </ul> |

**Excluded Services**

- Attendance at non-decision making committees or bodies or comments on reports for these bodies, unless part of substantive case work.
- Attendance at project boards or meetings not identified or part of substantive case work
- Investigation of Code of Conduct complaints (additional will be provided for external investigators where appropriate).

**Performance Indicators**

- Provision and / or access to guidance and training on Governance matters identified above.
- Legal attendance at all decision-making meetings to advise the member body.
- Legal comments provided on 100% of decision making reports to member level bodies and delegated decisions by officers
- Schedule for maintenance of the Constitution and Schemes of Delegations

This page is intentionally left blank