

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**

Stephen Doye Principal Lawyer	Stephen.doye@onesource.co.uk
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Core Services

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

CHILD PROTECTION	
Advice	<ul style="list-style-type: none"> • Pre-proceedings work • fostering and adoption • representations, • disclosure • serious case reviews
Litigation	<ul style="list-style-type: none"> • Care Proceedings, including emergency applications • other Children Act proceedings, including secure accommodation, revocation of placement and care orders etc • Forced Marriage Protection Orders • FGM Protection Orders • Adoption in contested matters • Inherent Jurisdiction and wardship • Judicial Review
ADULT SOCIAL CARE & EDUCATION	
Advice	<ul style="list-style-type: none"> • Advice on all adult social care matters • 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)
Litigation	<ul style="list-style-type: none"> • Court of Protection • Judicial Review relating to adult social care and education • Other proceedings to protect vulnerable adults

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

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

Additional Client Expectations

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

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

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 Senior Lawyer	Sharon.clare@onesource.co.uk
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Core Services

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

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"> • Case management hearings • Preliminary hearings (unless agreed otherwise in complex cases) • Other interlocutory hearings
Settlement agreements:	Advice and authorisation within 48 hours 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 (Interim Housing Principal Lawyer)	michael.mullin@onesource.co.uk
Mandeep Mehat (Interim Principal Litigation Lawyer)	mandeep.mehat@onesource.co.uk

* Janet Fasan is on secondment at LB Tower Hamlets

Core Services

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

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"> 1. All Court Orders and actions required to be carried out; 2. Any necessary legal advice or steps to be taken to progress the matters; 3. Any advice on appeal, if required. 	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"> • Routine advocacy within the capacity and rights of audience of the Litigation team (to be agreed with each client department)
Issue of possession proceedings for rent arrears	<ul style="list-style-type: none"> • Within 20 working days of receipt of full instructions and evidence.
Issue of criminal proceedings	<ul style="list-style-type: none"> • Within 20 working days of receipt of full instructions and evidence.
Issue of proceedings for unlawful occupation	<ul style="list-style-type: none"> • Within 20 working days of receipt of full instructions and evidence.

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 (Principal Lawyer)	siobhan.fry@onesource.co.uk DDI 020 3373 1025; Ext: 31025; Mobile: 07879 832 299
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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"> • Standard conveyancing, such as Right to Buy and assignments • Disposal of land at full or under market value • Advice on consents needed for certain disposals • Advice and assistance on appropriation of land • Development agreements in relation to land transactions • Advice on procurement requirements in relation to property transactions • Commercial premises transactions including shop/industrial unit leases, renewals, variation and assignment • Enfranchisement • Licences to enter land • Highway agreements • Wayleaves • Land Registration
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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"> • Within 10 days of full instructions received (client will be asked to confirm terms and conditions before completion)
Provision of other routine leases	<ul style="list-style-type: none"> • Within 15 days of full instructions received (client will be asked to confirm terms and conditions before completion)
Seek costs undertaking from third parties in routine	<ul style="list-style-type: none"> • Within 5 working days following receipt of full instructions

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conveyancing, planning and highways matters (where Council's costs are to be covered by a third party)	
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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 (Principal Lawyer)	siobhan.fry@onesource.co.uk DDI 020 3373 1025; Ext: 31025; Mobile: 07879 832 299
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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"> • Planning agreements including affordable housing • Planning, highway, parking and CPO advice • Land Registration • Licensing advice to committees and officers • Support to major Regeneration and other key projects • Compulsory Purchase Orders
Litigation/inquiries	<ul style="list-style-type: none"> • Representation at planning inquiries (not advocacy) • Judicial Review of planning decisions

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"> • Within 15 days of full instructions received (client will be asked to confirm terms and conditions before completion)
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"> • Within 5 working days following receipt of full instructions

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 (Interim Principal Lawyer)	ian.chisnell@onesource.co.uk
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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"> • Review and approval of corporate standard contract documentation. • Sealing and checking of all contracts with a value of over £250,000. • Advice on EU procurement requirements. • General advice and assistance on procurement and assistance with major procurement. • Bespoke drafting of contract documentation where standard form of contract is not suitable. • Contract disputes. • Advice on outsourcing proposals. • Advice and assistance to major procurement such as PFI.
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Additional Service Standards

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

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 (Director of Legal & Governance)	daniel.fenwick@onesource.co.uk (monitoring officer)
Kathy Robinson (Deputy Director, Legal & Governance)	Kathryn.robinson@onesource.co.uk (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"> Contracts Procurement CSSB & Externalisation 	Ian Chisnell (Interim Principal Lawyer) ian.chisnell@onesource.co.uk
<ul style="list-style-type: none"> Children Services Adult Social Care Education 	Stephen Doye (Principal Lawyer) Stephen.doye@onesource.co.uk
<ul style="list-style-type: none"> Property & Works Regeneration Planning Highways (including parking) 	Siobhan Fry (Principal Lawyer) siobhan.fry@onesource.co.uk DDI 020 3373 1025; Ext: 31025; Mobile: 07879 832 299
<ul style="list-style-type: none"> Housing Litigation 	Michael Mullin (Interim Principal Lawyer) Michael.mullin@onesource.co.uk
<ul style="list-style-type: none"> Licensing & Regulatory (including PSL licensing) 	Mandeep Mehat (Interim Principal Lawyer) Mandeep.mehat@onesource.co.uk
<ul style="list-style-type: none"> Budget, Constitutional, Governance 	Daniel Fenwick Daniel.fenwick@onesource.co.uk

Core Offer

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

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