

**MANCHESTER CITY COUNCIL  
REPORT FOR INFORMATION**

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<b>Committee</b>	Resources and Governance Overview and Scrutiny Committee
<b>Date</b>	5 <sup>th</sup> February 2009
<b>Subject</b>	Legal Services Business Plan
<b>Report of</b>	Head of Legal Services

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- 1. Purpose of Report**  
To consider the provision of Legal Services to the Council
- 2. Recommendations**  
The Committee is asked to note the report

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**Background Document**

**Legal Services Draft Business Plan 2009 – 2011**

- 1 Legal Services**
  - 1.1** Legal Services is part of the City Solicitor's Division of the Chief Executive's Department. Susan Orrell, City Solicitor, has overall responsibility for the City Solicitor's Division which includes Statutory Services (Coroners and Registrars), Elections, Governance and Scrutiny Support Unit and Legal Services. As City Solicitor Susan provides strategic leadership across the Division and carries out high level legal work on the Council's major projects and strategic priorities. She is a member of the Council's Strategic Management Team and the Monitoring Officer for the Council. As Monitoring Officer she is responsible for ensuring the legality of all of the Council's activities.
  - 1.2** Liz Treacy is Head of Legal Services and reports directly to the City Solicitor. As Head of Legal Services she is responsible for the Legal Services Business Plan and the Regeneration, Children's and Neighbourhood Legal Groups. She also carries out legal work on major projects and issues. Legal Services employs 147 staff of whom 112 are solicitors, legal executives or para legals (legally qualified staff) Solicitors are employed at grades PO2/4, Legal Executives and para legals from PO4 to Scale 4 depending upon their role and level of responsibility.

- 1.3 The core business of the Service is to:
- Ensure legality and probity in the Council's administration
  - Provide a comprehensive legal service to the Council which includes advice, representation, documentation and negotiation
  - Carry out statutory functions on behalf of the Council and
  - Take a strategic role in the formulation of the Council's policies
- 1.4 The Service also acts for some third parties and external agencies, represents the Council on outside bodies and provides training and briefings to enable clients to provide a better service.
- 1.5 The structure of the Service reflects that of the Council as a whole. There are three groups – Neighbourhood Services, Regeneration and Children's Services. Each group takes a lead on and provides support to the relevant strategic directorate.

## **2 Services provided to the Council**

### **2.1 Regeneration (Legal) Group**

2.1.1 The team is led by Des Gardner Head of Regeneration (Legal) and is made up of three teams:

- Property
- Physical Infrastructure
- Commercial

2.1.2 The key clients of the team include:

- Corporate Property – responsible for the management of the Council's estate including the acquisition and disposal of land
- Planning – including the development control, enforcement and strategy functions
- Corporate Procurement – responsible for delivering effective procurement of goods and services across the Council
- Capital Programme Group – who manage the delivery of the Council's Capital Programme
- Regeneration – including the City Centre, North Manchester and New East Manchester teams responsible for delivering the major projects intended to secure the comprehensive redevelopment of the City

2.1.3 The Regeneration (Legal) Team has also procured a panel of external advisers to provide support to the Council in connection with work that falls within its area.

2.1.4 The Framework has been established in order to secure improvements in the quality of legal services delivered to the Council both by the in-house team and external advisers. The objectives of the framework include:

- To establish a common procedure for the draw down of legal services
- To develop an approach to performance monitoring for the Regeneration (Legal) Framework consistent with other service areas within the Council and
- To secure, through partnership working, opportunities to improve the legal services to the Council both through development of the in-house team and strengthening links with the private sector partners.

## **2.2 Commercial Team**

2.2.1 The Commercial Team is made up of 6 legally qualified staff and two support staff. The Team divides into two teams:

- Procurement/Projects – this team works closely with Corporate Procurement and other Council departments to deliver major procurement and other projects. In the past this team has played a key role in projects such as PFI/LiFT projects, a waste collection joint venture, the World Swimming Championships, Sportcity and Spinningfields.
- BSF/Construction – this team delivers a range of work related to construction and other capital works. In particular it provides the legal support to the Council's Building Schools for the Future and Academies Project which is seeking to build or substantially refurbish up to 30 secondary schools in the City. The team supports a number of Framework Agreements the Council has procured to deliver capital works including the Decent Homes programme and Small Works to public buildings. This team is also responsible for delivery of Highways Agreements.

2.2.2 The Commercial Team continues to support major Council Regeneration Projects. Anticipated future projects may include:

- Sportcity – procurement through competitive dialogue of a provider of a leisure attraction for the site
- Procurement of a new operator of Bridgewater Hall
- Procurement of new framework agreements for delivery of major Capital Projects
- Legal Advice and support in connection with the Town Hall project and
- Providing support to emerging Regional Procurement strategy through the North West Efficiency and Improvement Partnership.

## **2.3 Physical Infrastructure Team**

2.3.1 The Physical Infrastructure Team is made up of 13 legally qualified staff and three support staff. The group divides into two teams:

- The Planning and CPO and Housing Market Renewal team – this team provides the specialist planning legal advice to support the Council's Planning and Building Control Division including direct support at meetings of the Planning Committee. In addition the team is responsible for the negotiation of s106 Agreements, planning enforcement work and supports

the Head of Group in her work in connection with the negotiation and agreement of development agreements for major regeneration projects such as Holt Town in East Manchester.

The team is also responsible, in conjunction with colleagues in Chief Executives, for representing the Council in CPO proceedings including representation at public inquiries. In the past year the team successfully secured confirmation of CPOs to support the Miles Platting PFI, Openshaw District Centre and Toxteth Street schemes.

The team is also responsible for the advice and support in the negotiation of the Council's stock transfer agreements and other arrangements forming the Housing Investment Options programme. This programme has seen a number of successful large scale voluntary transfers all of which have been dealt with by City Solicitor's in-house. In the past year the team has secured the successful completion of the Handforth estate in Stockport and the City South transfer in the City.

- The Highways Team – this team provides all highway and traffic related legal advice, drafting and representation (excluding highway related claims against the Council). Their main areas of work include highway adoptions, the prosecution of highways related offences, the creation, diversion or stopping up of highways, Traffic Regulation Orders and highway licences. The team also supports the Council's role as lead authority for the National Parking Adjudication Service.

2.3.2 Major projects within the Physical Infrastructure Team over the next year may include:

- The large scale voluntary transfer of land in the East of the City
- The Housing On-Call project
- Regeneration Projects including Bowes Street and Holt Town
- The Chancellor's Place project
- CPO advice in support of the Brunswick PFI project
- CPO advice to Manchester Airport
- The Charlestown Village Green application.

## 2.4 The Property Team

2.4.1 The Property Section comprises 25 legally qualified staff and three support officers and provides legal advice on land and property based issues and undertakes City Council related land and property based transactions. It is divided into three teams:

- Team 1 provides advice and support in connection with matters including the making of compulsory purchase orders, the negotiation and agreement of compensation payments, the Voluntary Registration of Title to the Council's Land Holdings and the closure of scheme titles, large scale voluntary transfers of Council Housing estates, enforced sales, the

purchase of land and other miscellaneous property matters.

- Team 2 deals with sale or lease of land and property, business tenancies, development agreements and support to special projects including the sale and acquisition of property in North and East Manchester under the English Partnerships scheme. In addition, the Section provides a property focused liaison with Manchester Airport not only to protect the Council's landholding but also to support the Council's position of trustee on behalf of the other Greater Manchester Authorities.
- Team 3 provides the legal advice and support in connection with the property agreements necessary for the Council's Academies and BSF programme. It also is responsible for Right to Buy sales, Home Loans, including mortgages, social services charges, pleasure fair licences, transfer of school sites and other general property transactions

2.4.2 The Property Team also acts for external clients, including Manchester Central and partner housing associations in relation to the sale of property under the Right to Buy and is responsible for delivering the Development Agreements for major regeneration schemes across the City (including the development of new schools and Academies). Major projects in which the Team will play a key role over the next twelve months include:

- The West Gorton Regeneration Agreement
- Property Agreements in connection with the Waste PFI
- Sportcity Project
- The East Manchester Stock Transfer
- Ongoing support to the Piccadilly Triangle and Spinningfields Projects
- Strategic Acquisitions and
- The Manchester Academies and BSF Programme

2.4.3 External Legal Support

In the year ending March 2008 the Regeneration (Legal) team procured external legal services for the Council of a value £811k of which £660k related to three major projects that were completed in that year namely the establishment of the Manchester Working Joint Venture, the Building Schools for the Future ICT managed services agreement and the Miles Platting PFI Project. The scale of the fees reflects the complexity and specialist nature of the work needed to conclude these major projects within a reasonable timescale. In its guidance published in November 2008 the 4ps, local government's partnerships and project delivery specialist, describe some of the benefits external advisers can bring to a PFI/PPP project including expert knowledge, experience from similar projects undertaken in the past and innovative thinking and highlights how it is critical for a local authority to have in place a robust and well resourced project team. Similar work will be procured in the future through the Regeneration (Legal) Framework described above to ensure that value for money, service improvements and other benefits such as skills transfer to the Council's in-house team are secured wherever possible.

## 2.5 Children's Services (Legal) Group

2.5.1 The Head of this Group is June Ackers. The Group consists of 18 legally qualified staff with administrative support who provide legal advice and representation to the Children's Services Department on all cases relating to the protection and safeguarding of children. These cases are heard in the Family Proceedings, County and High Court.

2.5.2 These are primarily care proceedings brought by Children's Services where there is a plan of removal or where the children are already in care but plans are now required for their long term care. In a small minority of cases it will have been assessed as safe for the children to remain at home during the proceedings.

2.5.3 The Group also deals with applications for

- Emergency protection orders
- Discharge of care orders
- Contact applications
- Secure Accommodation
- Residence and contact in private proceedings where Children's Services are involved with the family
- Special Guardianship
- Adoption
- Judicial Review
- Criminal Injuries Compensation
- Disclosure of records in criminal proceedings

At any one time the Group will be dealing with approximately 400 cases involving approximately 700 children.

2.5.4 This Group also provides legal advisers to the

- Manchester Safeguarding Children Board and any Serious Case Review Panels
- Adoption and Fostering Panels
- Other Groups involving the Client Department and partner agencies as required e.g. groups developing new policies and procedures, looked after children improvement group, social work redesign group

2.5.5 Unlike many other local authorities, the Group is a stable and experienced one with many of the Solicitors having been qualified and working for the Council for more than 10 years.

2.5.6 Working relationships between Children's Services and Legal Services are good and effective leading to the achievement of good outcomes for those children unfortunate enough to require their future to be decided by a Court.

- 2.5.7 Evidence from client surveys indicates that the service is highly valued by, and supportive to, Children's Services. Complaints are exceedingly rare, none in the last 10 years.
- 2.5.8 Although there are effective working relationships between the two services, a Service Improvement Project focussing on financial savings and further improvements in the interface is ongoing.
- 2.5.9 The Head of the Group has chaired the Greater Manchester Senior Child Care lawyers Group for the last 5 years.
- 2.5.10 Main issues and achievements in last 12 months

The main issues affecting this Group over the last 12 months have been

New Government initiatives

- In January 2008, the introduction of new statutory guidance concerning the activities and practice of Children's Services prior to commencing care proceedings. The broad aim of the guidance is to ensure more children stay within their families, providing it is safe and appropriate for them to do so, and therefore to reduce the numbers of care proceedings.
- Complementary to the guidance, the implementation on 1<sup>st</sup> April 2008 of the "Public Law Outline" (PLO), which governs the manner in which applications are prepared and presented to the Court and subsequently managed.

Both of these required significant changes to procedures and practice for both Legal and Children's Services.

The Children's Services (Legal) Group led on these in relation to advising and supporting Children's Services to prepare for, and implement, the necessary changes to ensure compliance. A comprehensive briefing and training programme was delivered (more below).

The Head of the Group, as Chair of the Greater Manchester Senior Child Care lawyers Group, led on ensuring, as far as was possible, consistency of approach across the 10 local authorities who all use the same care centre.

The Head of the Group chairs the Courts PLO implementation group. This group has a multi disciplinary membership, including senior members of the Judiciary. Manchester is therefore in a strong position in terms of influencing implementation of the PLO and practice across the Greater Manchester area.

- 2.5.11 Challenges facing Children's Services

Lawyers in the Group have worked in effective partnerships with senior managers in Children's Services to achieve good outcomes on some complex and unprecedented situations. These include:

- A case involving the children of defendants in criminal proceedings facing serious charges
- Imaginative use of the Children Act 1989 to obtain a secure accommodation order on a young person involved in gang activity who had been assessed as high risk
- Young people assessed as being at risk of a forced marriage
- A case involving the uncertainty of the age of a “wife” assessed as being at risk

#### 2.5.12 Improving value for money and service quality

The Group has almost fully implemented a restructure with the dual objectives of reducing the cost of external legal services and improving quality of service.

From a peak of approximately 45 cases being outsourced 3 years ago at a higher cost to Children’s Services, only 4 cases remain in private practice. No work has been outsourced for 10 months and annual spend in this sector has decreased significantly.

During the financial year 2007 – 8 the spend on external Counsel and solicitors was £513,000; from April 08 to December 08 it is £292,000.

2 attempts have been made to recruit in house advocates who would provide a more cost effective service than Barristers. Unfortunately it has not proven possible to attract the right calibre of applicants for the salary offered. A 2-year pilot scheme using one of the in house Solicitors started in January 2009.

Manchester will be leading on a procurement exercise for services from Counsel with AGMA colleagues, the dual objectives of which are to make financial savings and improve quality.

#### 2.5.13 Main cases or legal developments in next 12 months

The main issues for the Group and Children’s Services over the next 12 months are

- Preparation for, and implementation, of the Children and Young Persons Act 2008. Although the Act received Royal Assent in November 2008 it has not yet been implemented as detailed regulations are being drafted. As part of the planning, Legal Services have negotiated with a set of Barrister’s Chambers to provide free of charge training for both its staff, senior officers from Children’s Services and partner agencies. Further training will be needed once the regulations are available.
- To support Children’s Services in relation to a number of potentially high profile cases, for example, the Serious Case Review (SCR) on the Cheetham Hill double murder, the inquests into the deaths of 2 looked after children following a SCR, a judicial review of the policy on payments to foster carers

## **2.6 Neighbourhood Services (Legal) Group**

2.6.1 The Group provides legal services to support the Council's strategic objectives for Neighbourhood Services. The Group is managed by the Head of Neighbourhood Services (Legal) Jacqui Dennis.

The Group also provides legal services to external organisations which consist mainly of new local housing companies set up following the Council's Housing Investment Options Programme (Southway Housing Trust and City South ) and to Northwards Housing and Adactus Housing. We provide legal services to Manchester Schools. All of the teams within Neighbourhood Services provide training to instructing Departments.

The group comprises the following teams.

## **2.7 The Litigation Team**

The Litigation Team is managed by the Deputy Head of Neighbourhood Services (Head of Litigation) and is split into 2 sections; one dealing with litigation in the civil courts brought against the Council (The Claims Team), and the other litigation brought on behalf of the Council (The Debt Recovery Team).

### **2.7.1 The Claims Team**

The Claims Team is made up of 17 legally qualified staff plus two members of support staff. Together, they deal with the investigation and defence or settlement of claims for compensation brought against all departments of the Council. The team is split into three sub-teams who specialise in:

- Housing disrepair and associated personal injury.
- Highway tripping claims (also tree root damage, Vibration White Finger and automatic bollards/traffic lights etc.)
- Employer's/public liability, contractual and other miscellaneous claims.

The Housing Team also deal with disrepair claims under contract, SLA or protocol on behalf of Registered Social Landlords and Northwards Housing (ALMO).

The teams regularly dispenses legal advice on liability matters and assists in risk management and are currently handing just over 1,600 active claims against the Council. Claims range from highway tripping injuries to historic child abuse, Mesothelioma claims, stress claims, bullying, professional negligence, and nuisance and environmental matters covering the whole range of Local Authority liabilities.

The Claims Team provide advice and assistance to client departments, including budget forecasting and claims reserving and they are subject to external audits by the Council's Insurers who have confirmed the Team to be

a “professionally run organisation protecting both the Council’s and Insurer’s interests”.

During the financial year 2007/8 £1,840,000 was paid out in damages claims against the Council with £2,216,000 in costs. For the year April to December 08 the figures are £1,499,000 damages and £1,500,000 in costs.

*Future challenges:*

The Claims Team are monitoring a potential imminent second group action for historic child abuse claims as well as the implications for a corporate restructure of health and safety investigation / risk management.

## **2.7.2 The Debt Recovery Team**

This Team comprises 7 legally qualified staff, as well as an admin support worker, and deals with the legal recovery of miscellaneous debts due to the Council. The Team also deals with commercial rent matters, eviction of unauthorised encampments and termination of leases. There is a focus on defended debts, enquiries where legal liability to recover debt is called into question, and enforcement action.

The Team will work closely with the development of a Corporate Services Shared Service Centre/links with SAP and will play a key role in supporting the recent initiative to adopt a Council-wide approach to travellers/unauthorised encampments.

The Team is monitoring progress of the Tribunals, Courts and Enforcement Act 2007 which, when implemented, will change the legal landscape for the enforcement of debts, and the Civil Court Fees Act 2008 which will require a review of the cost effectiveness of the pursuit of certain types of enforcement action.

## **2.8 Regulatory and Enforcement Services Team**

This team comprises 6 legally qualified staff and an admin support worker and represents the Council in prosecutions before the Magistrates’ and Crown Courts. The team prosecutes on behalf of, and provides related advice to, a wide range of City Council departments.

Over the last 12 months the Team has been responsible for the steering of the Manchester Pedlars Bill through the Parliamentary process and has closely worked with the Head of Neighbourhood Services and Members. The Team has successfully prosecuted a number of unlawful use of blue badge parking passes as part of joint working with the Council’s enforcement teams.

The work undertaken by the Team is complex and varied and includes issues relating to:

- Environmental advice to departments and prosecutions.
- Waste disposal

- Health & safety at work, the Team are working closely with Corporate Health & Safety team to advise on changes to the Health & Safety legislation and the implementation of the new Corporate Manslaughter legislation. Training has been provided to Departments on this subject.
- Statutory nuisance
- Consumer protection (including trade marks and trade descriptions)
- Animal welfare
- Building control
- Planning enforcement
- Licensing and gambling
- Taxi licensing
- Street trading
- Street collections
- Markets
- Prosecutions of offences arising out of licensing of properties in Multiple Occupation

The Team also act as legal advisors to the Licensing and Appeals Committee, the Licensing Committee and the Licensing Policy Committee on issues relating to:

- Taxi and private hire licensing
- Licensing Act 2003
- Gambling Act 2005
- Street trading
- Sex establishment licensing

Future challenges for this team include:-

- Gambling Act policy due for statutory triennial review in 2009.
- Licensing Act policy due for statutory triennial review in 2010.
- Amendments to Licensing Act due in 2009 to introduce new procedures in relation to minor variations to premises licenses and new categories of exempt premises - clients will need advice on new powers/procedures/interpretation/amending constitution.
- New legislation on the reclassification of lap dancing clubs
- New bylaw making powers anticipated - departments have already expressed an interest in utilising them as soon as possible.
- Ongoing issues re Manchester City Council Bill (street trading): work required to ensure Bill becomes law; training of officers if Bill is successful; and implementation and enforcement of new powers.
- HMO prosecution enforcement which likely to increase.
- New Consumer Protection Regulations. These came into force in mid-2008 and will require substantial advice to clients on the implementation of new powers/interpretation of Regulations.

## **2.9 Community Services Team**

The team comprises 4 legally qualified staff and provides legal advice and assistance in relation to:

- Community Care (elderly - residential accommodation etc.).
- Education - SLA to advise the majority of Manchester Schools.
- Welfare Benefits (Housing / Council tax).
- Mental Health - actions under Mental Capacity Act and identification of "nearest relative" and "best interest" proceedings.
- Asylum
- Human Rights matters and Judicial Review.

The team has provided training for Manchester Mental Health and Social Care Trust including:

2 hour training session on "Community Care Assessments – Guide to the Law" run on 3 occasions

2 hour training session on "Community Care Assessments - Legal and Practical Guide for Managers"

The latter is now to be rolled out to Locality and Learning Disability Team Managers and Senior Social Workers later this year.

Future challenges for the team include:

- Increasing number and variety of Best Interest cases brought under the Mental Capacity Act.
- Deprivation of Liberty advice and defences under the Mental Capacity Act (in force from April).
- Law Commission Review of Social Care Law - representation of MCC and the national Association of Directors of Adult Social Services, who have asked Manchester to lead on their behalf. This is likely to lead to wholesale reform.
- 'No Secrets' review by the Department of Health
- Age Assessment challenges - waiting for lead case in Court of Appeal to be heard.
- Challenges from Failed Asylum Seekers as support is withdrawn in the coming months.
- Education Prosecutions .
- Judicial Reviews
- New Acts and Bills likely to have an impact
  - Welfare Reform Bill 2008
  - Education and Skills Act 2008
  - Health and Social Care Act 2008

## **2.10 Housing and Neighbourhood Nuisance Legal Team**

This Team comprises 10 legally qualified staff and two members of support staff and provides advice, assistance and representation in relation to: Housing Law (e.g. succession, Right to Buy, security of tenure); Homelessness including Judicial Review; Allocations; Estate and Tenancy Management (e.g. injunctions and possessions in relation to tenancy

enforcement); and Neighbour Nuisance (e.g. ASBOs, injunctions, possessions) including urgent applications and weekend Court hearings.

The Team also provides advice and representation to the Council's Private Sector Housing department in relation to the Houses in Multiple Occupation and Selective Licensing regimes. The Team acts for the Council, the Council's Arms Length Management Organisation and various external Registered Social Landlords in the City including the Council's PFI Management Agents. The Housing and Neighbourhood Nuisance Legal Team delivers training to Council officers and external clients.

Forthcoming challenges include:

- Police and Justice Act 2006 - Parenting Contracts and Orders in relation to anti-social behaviour.
- Housing and Regeneration Act 2008: changes in relation to tolerated trespassers; family intervention tenancies as an alternative to possession; homelessness; restricted persons eligibility; and local connection and the military.
- Criminal Justice and Immigration Act 2008 - Premises Closure Orders in relation to anti-social behaviour.
- Housing Policy: 2010 deadlines for Decent Homes, homeless temporary accommodation; and choice based letting.
- ASB: Respect; Travellers; Gangs; Parents; and Duty of Care liability developments.
- Housing Law Reform: reform of rented sector; and reform of housing dispute resolution.

## **2.11 Employment Team**

The Employment Team comprises 3 legally qualified staff and one temporary member of Staff and provides advice and representation in the Employment Tribunals upon employment related matters. The Team services all Council departments and provides advice representation and assistance to Schools. The Team is currently dealing with a large number of equal pay claims.

In addition to unfair/constructive dismissal claims, the team advise on disability discrimination, age, sex and race discrimination and defends discrimination claims brought against the Council.

The team also advise and deal with part time pension claims. The team has been actively involved in the Personnel SIP to bring about efficiencies in how we corporately deal with employment claims.

The team provide advice on a range of employment policies and advice in relation to any Transfer of Undertaking (TUPE issues). The Team is providing legal support to the Academies project.

Forthcoming challenges include :

- Management of the equal pay caseload and issues arising following the completion of the job evaluation process
- Implementation of new Government legislation - Equality Act 2006.
- TUPE matters arising out of Academies project and final housing stock transfer.
- Increasing in house advocacy thereby reducing barristers' costs

## **2.12 Democratic Services Legal Group**

2.12.1 This group forms part of the wider Democratic Services Section which includes the Governance and Scrutiny Support Unit and the Electoral Services Unit and is headed by Rodney Lund, Assistant City Solicitor and Deputy Monitoring Officer, and the Head of Democratic Services.

The Legal Group which has 10 staff is divided into two teams: -

- the General Legal team
- the Information Governance team

### **2.12.2 General Team**

The General Legal team together with the Assistant City Solicitor and Head of Democratic Services is responsible for

- Advising on general local government law and public law issues
- the ethical governance framework and support to the Standards Committee
- legal aspects of corporate governance
- maintaining, updating and advising on the Constitution of the Council
- legal advice to GMPTA
- AGMA governance issues
- legal advice on local government finance
- electoral law
- the Regulation of Investigatory Powers Act
- legal support to education exclusions panels

### **2.12.3 Information Governance**

This team provides specialist legal advice at corporate level and to internal and external clients, including GMPTA, on all aspects of information law, including in particular the Human Rights Act, the Data Protection Act, the Freedom of Information Act, the Environmental Information Regulations and general local authority access to information law.

The team also provides an information rights service to members of the public. In 2008, the team dealt with 387 FOIA/DPA/EIR information requests.

Major issues for the Democratic Services Legal Group over the next year will include:

- review of the Council's executive arrangements as required by the Local Government and Public Involvement in Health Act 2007
- community governance review
- review of transport governance in Greater Manchester, pursuant to the Local Transport Act 2008
- European Parliamentary elections
- issues arising from the Local Democracy, Economic Development and Construction Bill
- legal support to the Population Statistics Project
- issues relating to data sharing and information security.

### **3. Quality of Service**

#### **3.1 Independent assessments**

Legal Services achieved the Law Society Lexcel Quality mark in September 2007 and this was renewed in October 2008. The Lexcel Accreditation process involves interviews with staff, consideration of business plans, policies and risk processes and random reviews of files by two independent assessors; it assures clients that a business is properly managed, that legally qualified staff are supervised, that robust risk management procedures are in place and that client care is a top priority. Assessors noted that there were 8 areas of improvements and good practice from 2007 and that there was an 'excellent commitment from all staff interviewed to ensure best practice is maintained or improved'.

The Litigation Section of Legal Services has also been subject to two external audits this year both of which have been extremely positive and have confirmed that in the view of the auditors the section provides value for money for the council in dealing with litigation and is well managed.

#### **3.2 Internal and external clients**

Legal Services carried out a client survey in July 2008. The survey was sent to officers to whom Legal Services provide a service both within the Council and externally. 120 questionnaires were sent out with 24% return rate. 83% of those who replied stated that the service was excellent (52%) or good (31%) with a helpful, courteous, proactive and had a can do approach and 81% saying that the understanding of client needs was excellent (48%) or good (33%). This survey will be used as a benchmark for future improvements as set out in the business plan.

Heads of Groups now meet regularly with senior officers in Council departments to discuss operational and strategic matters, risk registers and the quality of the service that is being provided by Legal Services. These meetings have proved beneficial in identifying areas of improvement.

### 3.3 Added Value

#### 3.3.1 Information

Legal Services now provides more proactive information and free training to internal and external clients than previously. For example the Neighbourhood Services Legal Group provides regular legal newsletters and updates to Council departments and schools. The Head of Children's Services legal provides a monthly update on legal issues for the Children's Services Department and a quarterly update for the Safeguarding Board

#### 3.3.2 Training

Legal Services has a substantial internal training programme providing free courses to its own staff and other with whom we work. A list of the courses provided in 2008 is attached.

In addition Children's Services Legal have provided the following training in 2008 -

- Briefings for all operational managers and independent reviewing officers on the new statutory guidance and Public Law Outline
- 7 x 1 day training for staff at all levels in Children's Services and some partner agencies on the new statutory guidance and Public Law Outline (PLO).
- Training for the Judiciary on the new statutory guidance and Public Law Outline.
- Training for Greater Manchester legal staff and court staff on PLO – July 2008.
- Training for Manchester and other Greater Manchester lawyers on the use of DNA in care proceedings – August 2008.
- Input into multi agency training on safeguarding attended by Children's Services, health and GMP – November 2008.
- Training on Children and Young Persons Act 2008 for managers and staff and partner agencies.
- Training for managers and practitioners on secure accommodation

## 4 Performance

4.1 The Lexcel process and accreditation provides a framework for performance management and monitoring.

4.2 Each manager is required to review 2 random files of their team leaders every quarter and each team leader is required to review 3 random files of every legally qualified staff member in their team. The person reviewing the file will check to ensure that there is proper communication between legal services and the contact in the department, that there has been no undue delay and that the legal work is correct. The file review is then recorded on the file; where there is any remedial action required that is recorded and checked after 28 days. Copies of all file review checks and follow up action are sent to the Quality Manager for her to monitor.

4.3 In addition there are regular 1:1 supervision sessions, managers and team leaders check all incoming correspondence and receive quarterly reports of any files that have not been worked on for the previous six months. Children's Services and the Property Section also send forms to their contacts within departments when a case is closed asking for feedback on performance. All fee earners are required to record the time spent on each case and managers receive monthly records of the time recorded by their staff.

4.4 The Neighbour Nuisance Legal Team have specific performance indicators in the service level agreements they have with the ASBO team and RSLs. The last quarter's information on the PIs is;

1. Emergency ex parte referrals (ASBO's and Injunctions)

- Period : 1/9/08 to 9/1/09, 34 referrals, 100% advised on within 24 hours, 100% issued within target of 24 hours of receipt of signed evidence

2. Urgent arrest call outs & Hearing attendances (both weekday and weekends)

- Period : 1/9/08 to 9/1/09, 5 referrals ( inc 2 Saturdays). Call outs dealt with immediately, 100% of follow up legal work dealt with within 1 working day target

3. On notice referrals advice & issue times

- Period : 1/9/08 to 9/1/09, 25 referrals, 80% cases received advice within 15 day target, 100% of cases issued within target of 10 days of receipt of signed evidence.

4.5 The Quality Manager provides an annual report to the Legal Services Management Team which brings together information on the outcome of the client survey; details of commendations and complaints received and action taken; sickness levels; turnover; disciplinaries, grievances and time recording. An action plan is then put together to address areas for improvement.

4.6 During the period 1.10.2007 to 7.7.2008, 8 complaints were received about the Legal Service, 4 of which concerned delay. During the same period 10 compliments were received about the quality of the service.

## 5 **Benchmarking**

5.1 The Framework process has shown that the in house legal service costs less than external legal provision with no reduction in quality and the added benefits of a service that is working to the Council's aims and objectives.

5.2 For the reasons discussed with Members in 2007 it has not been possible to progress benchmarking with other local authority legal services to any great

extent. There is now a Greater Manchester Legal Services benchmarking group and information has been provided to the Group but the outcomes have not yet been finalised. We will continue to progress this work where possible throughout 2009.

## 6 Case information

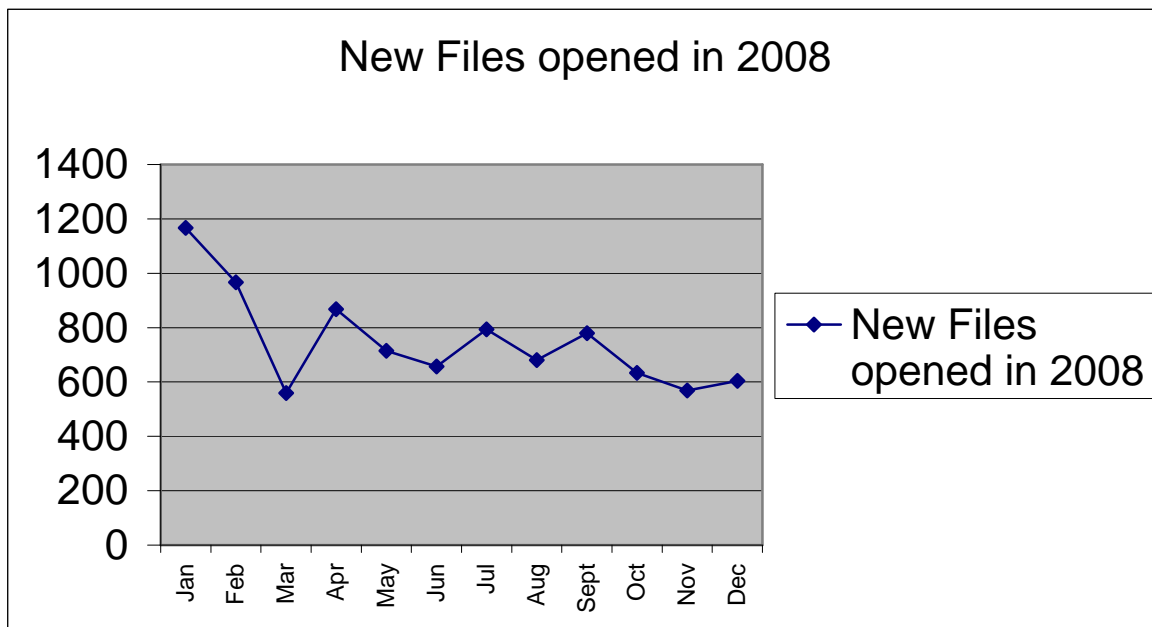
Legal Services currently has about 10,000 open matters. These will vary from fairly routine cases which will be open and closed in a short period of time, for example it may be advice on the terms of a contract, a straightforward debt recovery, a prosecution where the defendant pleads guilty; or it may be a very large and ongoing project such as the work on Academies, PFI, Court of Appeal cases or long contested hearings in the Employment Tribunal. The following list shows the number of new cases referred to Legal Services in 2007 and 2008. Cases are also closed on a regular basis throughout the year.

	Opened between 31.12.07 to 30.12.08	Opened between 31.12.06 and 30.12.07
<b>Client</b>		
<b>ART GALLERIES TOTAL</b>	<b>2</b>	<b>3</b>
<b>ARCHITECT'S TOTAL</b>	<b>71</b>	<b>38</b>
<b>CATERING TOTAL</b>	<b>81</b>	<b>100</b>
<b>CHIEF EXECUTIVES TOTAL</b>	<b>721</b>	<b>579</b>
<b>CAPITAL PROGRAMME</b>	<b>47</b>	<b>17</b>
<b>CITY TREASURER'S TOTAL</b>	<b>157</b>	<b>629</b>
<b>CITY VALUERS TOTAL</b>	<b>1072</b>	<b>1263</b>
<b>CITY WORK'S TOTAL</b>	<b>26</b>	<b>29</b>
<b>EDUCATION TOTAL</b>	<b>476</b>	<b>432</b>
<b>LEISURE TOTAL</b>	<b>96</b>	<b>114</b>
<b>ENVIRONMENTAL HEALTH TOTAL</b>	<b>731</b>	<b>862</b>
<b>HOUSING TOTAL</b>	<b>2026</b>	<b>2359</b>
<b>LIBRARIES TOTAL</b>	<b>4</b>	<b>19</b>
<b>OPERATIONAL SERVICES TOTAL</b>	<b>793</b>	<b>857</b>
<b>OB TOTAL (Northwards ALMO and Mcr RSLs)</b>	<b>1117</b>	<b>710</b>
<b>SOCIAL SERVICES TOTAL</b>	<b>1569</b>	<b>731</b>
<b>GRAND TOTAL</b>	<b>8989</b>	<b>8742</b>

List of cases opened in 2008.

	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Art Galleries	0	0	0	1	1	0	0	0	0	0	0	0
Architects	8	22	5	1	3	3	16	4	0	5		4
Catering	4	4	1	10	1	44	4	1	3	2	2	5
Chief Executives	49	60	50	49	62	31	96	33	115	56	61	60
Capital Programme	4	3	3	2	3	0	1	1	4	0	0	26
City Treasurer	9	15	16	23	11	9	15	11	11	14	10	13
City Valuers	112	80	70	108	133	78	108	56	89	87	78	73
City Works	4	2	2	2	2	2	2	1	4	2	2	1
Education	26	36	33	38	26	20	29	119	25	18	41	66
Leisure	3	8	9	5	10	3	13	20	6	5	10	4
Environmental Health	88	65	62	92	49	42	78	39	68	52	53	43
Housing	230	192	107	210	221	199	173	127	185	165	113	105
Libraries	0	1	1	0	0	0	1	0	0	1		0
Operational Services	62	61	75	65	63	70	75	102	64	61	56	40
OB(ALMO/RSLs)	76	50	50	147	83	93	122	114	142	93	68	79
Social Services	492	368	75	115	47	63	61	52	64	73	75	85
	<b>1167</b>	<b>967</b>	<b>559</b>	<b>868</b>	<b>715</b>	<b>657</b>	<b>794</b>	<b>680</b>	<b>780</b>	<b>634</b>	<b>569</b>	<b>604</b>

Graph showing monthly number of new cases



**7 Funding**

7.1 Legal Services is funded through a combination of a central recharge to departments and a number of different income targets. The total budget for

2008/9 is £4.8m made up of £1.4m central funding and £3.4m income. Of the income target £1.3m is a target for income from Land Charges. Discussions are taking place with the City Treasurer during the budget review process on this target.

- 7.2 The net mainstream funding is calculated on a percentage basis based on the percentage of time Legal Services spend working for a department. At the end of the year the time recorded is converted into total time spent for each department and they contribute a proportion of the £1.4m. For example if 10% of the whole of the time spent by legal officers across the division is recorded as working for Housing then Housing will be charged £140,000 for the service.
- 7.3 Departments will also contribute towards the costs of specific posts where there is a growth in work and extra resources are needed to deal with that growth.
- 7.4 In addition Legal Services charges outside bodies such as the ALMO and RSLs on an hourly rate basis as agreed in Service Level Agreements. The Framework process has shown that Legal Services hourly rate is considerably less than that of those external legal providers who bid for the work.

8. Summary

Legal Services is a very busy and active division of the Chief Executive's Department. The Service has good working relationships with other departments and will build on those relationships to provide a service that meets our vision of being the first choice provider of legal services for the City Council.

Attached

Copy 2008 Internal Training Programme