

LEGAL SUPPORT IMPROVEMENT PLAN

To: **CYP Committee**

Meeting Date: **19th January 2018**

From: **Quentin Baker, Director of LGSS Law Ltd**

Electoral division(s): **All**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose: **To inform the Committee on the development of the People and Communities legal support Improvement Plan.**

Recommendation: **To note the content of the Improvement Plan and its progress to date in meeting the objectives.**

<i>Officer contact:</i>	<i>Member contacts:</i>
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1. BACKGROUND

1.1 LGSS Law Ltd is a social enterprise law firm jointly owned by Cambridgeshire County Council, Northamptonshire County Council and Central Bedfordshire Council. It utilises a company model as a framework for the delivery of a shared legal service and commenced trading in April 2015.

The model was developed to:

- i) Facilitate local authorities to collaborate on the provision of legal services and retain real ownership and influence of the service.
- ii) By exploiting economies of scale to deliver improved value for money to its owner/clients in respect of their use of legal services.
- iii) To enable the development of specialist teams to reduce the volume of work outsourced to commercial legal service providers thereby reducing the overall legal spend by clients.
- iv) To foster a more business-like relationship between service provider and client resulting in a more effective and appropriate deployment of legal services and a more client focussed service.
- v) To deliver financial benefits to its owners, such as dividends and fee reductions, through the trading of services to external client organisations within the public and not for profit sectors.

1.2 LGSS Law undertakes legal work for a number of teams within People and Communities (PC) covering the full range of children's and adults social care and education functions.

1.3 During the first two years of trading LGSS Law has undertaken a dramatic transformation as a result of its move to this more business like model and the considerable increase in the volume of work it undertakes. This initial start-up phase saw a number of significant challenges which at first impacted upon the service for clients. Some key examples include the major ICT upgrades which were needed to improve the functionality of the accounting and case management systems. This project culminated in the first half of 2017 with the implementation of a new practice management system for LGSS Law that caused major service disruption. The implementation is now fully completed and the service is no longer experiencing problems of the same nature.

1.4 Another challenge has been the cultural change that for some members of the team has proved particularly difficult to embrace. The team has seen a number of long serving team members retire or move to other employment and this coupled with the unprecedented increase in demand from the Children's Social Care teams has placed LGSS Law under some pressure to maintain service levels, particularly when balancing the need to prioritise the high volume of urgent child protection applications with less urgent work.

1.5 In November 2016, CYP Committee requested that Wendi Ogle-Welbourn investigate the Council's practices in relation to early interventions to reduce legal costs. During these investigations, it became clear that CFA, as it was then known, did not have a clear enough understanding of their relationship with LGSS Law and how to fully access the legal services available through LGSS Law. A paper summarising these issues was taken to CFA Management

Team in March 2017. LGSS Law and People and Communities colleagues then undertook an intensive piece of work to identify how the delivery of the legal service could be brought more in to line with the needs of the rapidly changing People and Communities teams, in order to ensure that the Service is able to provide residents with the best possible support.

1.6 The Joint Improvement Plan (see Source document attached) referred to in this report has evolved out of this piece of work.

2. MAIN ISSUES

2.1 A joint workshop took place in late June 2017. The workshop, along with other consultation between LGSS Law and CFA, highlighted concerns regarding legal services in several areas which can be summarised as follows:

- i) Lack of capacity impacting upon service responsiveness (resulting, in some limited cases, in missed deadlines) and upon quality of legal provision.
- ii) The need for greater clarity as to the escalation points for clients.
- iii) Lack of sufficient management information in relation to the progression of children's care proceedings cases.
- iv) Requirement for greater control/influence over decisions that have financial consequences for clients such as the use of external experts such as independent social workers/ psychologists/ psychiatrist and the use of barristers to present cases at court.
- v) Need for greater clarity/consistency regarding the division of functions and responsibilities between Lawyer and Client.
- vi) The lack of general awareness about the LGSS Law Social Enterprise Model and lack of visibility of information about team members.

2.2 The Improvement Plan was jointly designed in order to address the service issues identified through consultation and the workshop.

2.3 The implementation of the plan is led by the LGSS Law Principal Lawyer, Eve Chowdhury, as head of the Project Team. The project oversight is provided by a Project Board comprised of PC Assistant Directors and Quentin Baker. A full review will be conducted in January 2018 to assess how effective the improvement activity has been.

Progress

2.4 The LGSS Law finance team has worked closely with People and Communities finance colleagues to tailor the billing/invoicing information to better reflect the information required by budget holders and managers within the Service and to improve the efficiency of the billing process. A review of the arrangement of cost centres within People and Communities may further enhance managers' ability to monitor expenditure at a more granular level.

2.5 To assist managers in predicting and managing their legal spend, LGSS Law provides a costs estimate and a time estimate to the instructing officer within People and Communities whenever it receives a referral to act on a new matter. Fee earners should keep the costs on each of their matters under review throughout the case, and notify the instructing officer if the estimate needs to change.

2.6 In relation to Children's Social Care, LGSS Law has introduced a 'Case Tracker' to provide the necessary non-financial information with regards to children's care proceedings cases and families at the formal 'pre-proceedings' stage (known as PLO). LGSS Law now produces and shares with Children's Social Care management information (MI) in order to provide improved visibility of costs and greater control over decisions which incur addition costs. The LGSS Law Head of Adults is in discussion with PC's managers over whether an equivalent case tracker should be introduced for adults cases.

2.7 LGSS Law and Children's Social Care managers are working jointly on a Service Level Agreement (SLA) focussing on the main areas of work (in particular, the conduct of care proceedings). As well as showing the division of responsibilities within each service, this sets out service standards, expectations and turnaround times for key pieces of work. It also covers, for example, the circumstances in which LGSS Law may instruct a barrister to represent the Council at court, and the appropriate seniority of barristers (which has costs implications). Fees will be agreed in advance of the hearing to ensure that the best value can be achieved taking into account case complexities.

2.8 The Children's Social Care SLA is close to being finalised; however the PC Director of Children's Services has asked the LGSS Law Head of Children Law to complete a benchmarking exercise before the SLA is signed off.

2.9 Further discussions are underway to develop similar Service Level Agreements between LGSS Law and senior managers with responsibility for other People and Communities functions (Adults Social Care, Education, Commissioning, Youth, Housing and Communities). These agreements may address in detail how Lawyer and Client should work together on, for example, Court of Protection cases, Special Educational Needs Tribunals, Academy conversions.)

2.10 LGSS Law has undertaken a recruitment drive for both permanent and locum staff, to increase its capacity to respond in a timely way to all enquiries, recognising the unpredictable and often urgent nature of, for example, child protection and adult safeguarding work. There has been a particular focus on increasing the proportion of paralegals and trainee solicitors within the teams, to provide improved value for money and enable qualified lawyers to undertake the higher levels of work such as advocacy in Court and at Tribunals. LGSS Law now has a rolling programme for the recruitment of 3 – 4 trainee solicitors on an annual basis, and will ensure that there is always at least one trainee placed in the child protection legal team. LGSS Law has recently interviewed and made an offer for the permanent post of Principal Lawyer for the CCC child protection team, which will add stability to the team and reduce staffing costs.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

No significant implications.

3.3 Supporting and protecting vulnerable people

Implementation of the Improvement Plan will aid People and Communities in its ability to support and protect the County's children and vulnerable adults.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

Implementation of the Improvement Plan will ensure that:-

- LGSS Law provides a high quality, value for money legal service.
- People and Communities has sufficient transparency regarding the cost of its legal service to enable it to predict, monitor and manage its legal spend.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

No significant implications.

4.3 Statutory, Legal and Risk Implications

People and Communities relies on the provision of high quality, timely legal advice to meet its many statutory functions and duties towards vulnerable people. Implementation of the Improvement plan will support officers in People and Communities to use the legal service appropriately, to take well-informed decisions, to better manage the risks associated with its functions and to secure favourable outcomes in cases where legal action does become necessary.

4.4 Equality and Diversity Implications

No significant implications.

4.5 Engagement and Communications Implications

No significant implications.

4.6 Localism and Local Member Involvement

No significant implications.

4.7 Public Health Implications

No significant implications.

The contacts for the sign off process are as follows:

- Resource Implications – Finance (**Sarah Heywood/Martin Wade/Tom Kelly**)
- Procurement/Contractual/Council Contract Procedure Rules Implications – Procurement (**Paul White**)
- Statutory, Legal and Risk – Legal (**Fiona Macmillan**)
- Equality and Diversity – Service Responsibility (**Service to nominate a contact**)
- Engagement and Communications – Communications (**Comms Service Lead**)
- Localism and Local Member Involvement – Service Responsibility (**Service to nominate a contact**)
- Public Health – Public Health (**Tess Campbell. Reports should ideally be shared at drafting stage. If not a minimum of one week will be needed to provide clearance.**)

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Name of Financial Officer: Martin Wade
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Name of Officer: Paul White
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Name of Legal Officer: Fiona McMillan
Have the equality and diversity implications been cleared by your Service Contact?	Yes or No Name of Officer:

Have any engagement and communication implications been cleared by Communications?	Yes or No Name of Officer:
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes or No Name of Officer:
Have any Public Health implications been cleared by Public Health	Name of Officer: Val Thomas

Please include the table at the end of your report so that the Chief Executive/Executive Directors/Directors clearing the reports and the public are aware that you have cleared each implication with the relevant Team.

Source Documents	Location
LGSS Law / CCC PC Service Improvement Plan listing actions and timescales – last updated 13.12.17	c/o Director of LGSS Law Ltd Scott House 5 George Street Huntingdon PE29 3AD