

AGENDA ITEM: 7

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Meeting	General Functions Committee
Date	6 January 2005
Subject	Restructure of Law & Probity Service
Report of	Borough Solicitor
Summary	This paper proposes a cost neutral restructure of the Law & Probity Service to provide more effective service provision

Officer Contributors	Jeff Lustig
Status (public or exempt)	Public
Wards affected	N/A
Enclosures	Appendix A – Law & Probity Proposed Structure Appendix B – Proposed Grades
For decision by	General Functions Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	N/A

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1. RECOMMENDATIONS

- 1.1 That the proposed restructure of the Law & Probity Service be approved.**
- 1.2 That the Borough Solicitor be instructed to issue notice of redundancy as appropriate.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 None.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Law & Probity Service plays a key role in helping the Council achieve its Corporate Plan objectives.

4. RISK MANAGEMENT ISSUES

- 4.1 As referred to in the body of the report.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 The restructure would involve the deletion of 6.5 posts (of which 4.5 are currently unfilled). It will be cost neutral.

6. LEGAL ISSUES

- 6.1 None.

7. CONSTITUTIONAL POWERS

- 7.1 General Functions Committee discharges Council functions not reserved to Council including staff matters.

8 BACKGROUND INFORMATION

8.1 Current Structure Overview

The Borough Solicitor is Head of the Law and Probity Service which comprises the Legal Practice, the Electoral Registration Office (ER), the Local Land Charges team (LLC) and the Registrars of Births, Deaths & Marriages. The Legal Practice is accommodated over three floors in Hendon Town Hall annexe. Electoral Registration and Local Land Charges are housed together at Colinhurst House. The Registrars operate at Burnt Oak Broadway and Wood Street, Barnet.

The Legal Practice is currently led by the remaining Chief Solicitor (see below). ER, LLC and the Registrars report to the Client and Specialist Services Manager. In addition to these two posts another, the Support Services Manager, also reports to the Borough Solicitor. Support Services is nearly exclusively dedicated to the Legal Practice with only minor routines linking it to the Specialist areas.

The Borough Solicitor acts as Monitoring Officer for the Authority in accordance with Section 5 of the Local Government & Housing Act 1989. This role is quite intrusive. He is a member of the Directors' Group and Senior Management Team and advises on corporate governance e.g. the constitution, committee and decision processes. He has no support for this work. He has no formal Deputy to cover this role. This constitutes a risk.

The last major restructure of the Service took place in 1986 although a number of more limited changes have been implemented during the intervening period.

8.2 Current Structure – Details

Legal Practice - Team Structure

The Legal Practice is formally structured into two groups, Litigation and Development. Under the structure each group is headed by a Chief Solicitor and each comprises three teams:-

- Litigation
(1) General, (2) Social Services, (3) Education

- Development
(1) Projects, (2) Environment, (3) Property and Contracts

One post of Chief Solicitor is currently vacant and the remaining postholder has all six team leaders (Principal Solicitors) reporting to her.

The structure of six teams represents a fairly logical division of the types of work processed through the Legal Practice but in all other aspects it is arbitrary. It does not ensure a proportionate distribution in the volume of work and lacks any mechanism for equalising pressure. Each team has a Principal Solicitor as its leader which reinforces the rather inflexible and arbitrary structure by reflecting it in management. The structure presents obstacles with no discernable benefits. Although staff are technically able to gain experience by rotation the structure virtually prevents it happening.

The faults in the structure are apparent where it is breached, e.g. the Projects team handle larger contracts but the distinction between these contracts and those handled by the Property and Contracts team is vague, the Principal Solicitor (Education) is in fact a team of one and sometimes needs to borrow support from the Social Services team, and the Environment team often action their own litigation.

The involvement of six senior qualified staff in management and supervision has resulted in an erosion of productive (chargeable) time. The balance between managerial and professional roles needs to be addressed to optimise use made of available skills.

The problem is exacerbated by those involved in management having also to deal with the most complex professional casework. Additionally a great deal of management time is also expended on having to cope with the effects of Legal Practice salaries being significantly below the average paid by other local authorities in London and now, increasingly, other parts of South-East. It means an almost constant round of dealing with agency staff and the recruitment processes for full-time staff.

The problems of recruiting and retaining suitable staff at all levels combined with the increasing demands on the Service to handle more complex work tends to result in significant pressures falling upon a hard core of experienced staff.

At present the lawyers are supported by two teams, comprising secretarial and administrative staff. Whilst the lawyers now do a great deal of their own typing, the nature of the work frequently requires the production of multi-page deeds, contracts, witness statements, affidavits, and other court papers. This makes it essential that a small core of skilled word processor operators are available to produce such documentation accurately, quickly and cost effectively.

Administrative support combines support for cases, e.g. photocopying of large bundles of documents for court cases, processing manual time recording sheets and payments for barristers, etc as well as assisting with IT requirements.

It is intended that the Legal Practice will shortly acquire a latest generation case management system. This will boost productivity especially in areas where cases are of a repetitive or routine nature. It will also reduce reliance on inexperienced staff undertaking routine work. Administrative work will be simplified. Management information will be greatly improved and produced at a speed that the existing Datix system cannot match. The system will allow the initiation of cases, review of caseloads, use of templates, introduction of flow forms (sequence steps tailored for routine case types), time sheets and progress screens. A case management system will fundamentally alter the nature and application of administrative support.

Client & Specialist Services – Team Structure

Management Arrangements

Electoral Registration, Local Land Charges and Registrars operate quite separately from the Legal Practice. There are some links with Support Services, e.g. bills for payment, but even this is minimal and not consistent. A computerised system for Local Land Charges has recently been put out for tender and is bound to have a major impact on the operation of that service. Each of the teams has a manager and all three report to the Client and Specialist Services Manager. The “Client” reference in the title refers back to C.C.T. arrangements which no longer apply. Dating also from that time is the fact that the Muniments Clerk reports to the C & SS Manager although his operation and location are entirely concerned with the Legal Practice.

Each of the three areas has its own manager and all report to the Borough Solicitor via a second tier manager i.e. the Client and Specialist Services Manager. Local Land Charges and the Registration Service are discrete areas with little requirement for management support from above. The interim layer serves in the main as a communication channel with the Borough Solicitor. The benefit of this in reducing the Borough Solicitor’s span of control is acknowledged but otherwise is simply a delay factor in the transmission of direction and information. This management layer brings with it all the processes that accompany an additional organisational stratum e.g. appraisals, meetings and staffing issues.

The Specialist Services Manager’s role has as its main focus the operation of Elections Management and Electoral Registration. Elections Management is a joint role effectively shared with the Principal Electoral Officer. The Specialist Services Manager also carries out work for the Acting Returning Officer and is the point of contact with government agencies such as the Claims Unit (Elections) at The Office of the deputy Prime Minister.

Electoral Registration

The service has year round activity in terms of Electoral Registration which is largely carried out on a day to day basis by the Senior Electoral Officer and two Electoral Officers. Annual registration provides a peak for this work although rolling registration is tending to flatten the pattern. Election Management however provides considerable peaks of activity in preparing for, and conducting elections when many temporary staff are drafted in to cope with poll station and vote counting duties.

Local Land Charges

There are currently seven staff in post including the Principal Local Land Charges Clerk. Additionally there are three vacancies, only one of which is funded. One postholder is stationed in Planning in order to access information necessary to the search process.

A computerised Local Land Charges system is to be implemented within this financial year to replace the existing manual system. Three posts have already been deleted in anticipation of this change. Further rationalisation may be achievable. It is anticipated that, within time, the presence in Planning and Building Control will be unnecessary as interfaces will exist that enable access to their systems from the Local Land Charges office.

A survey of the number of searches, post grades and staff numbers was undertaken amongst London boroughs with 26 responses being received. The number of searches annually ranges between 5000 and 12417 (average = 7755). Barnet produces 10224. The average number of staff is 4.7 but this is a little misleading with lower numbers of searches being included, therefore the average of the nine boroughs producing 8000 or more searches was calculated which resulted in an average of 5.44. The number of Barnet LLC staff after computerisation will be 5 or 6. Apart from Barnet only four other boroughs were without a computerised system and all were smaller with 5550 to 7163 searches annually.

Registration Service

The work of the service has in recent times moved into new areas e.g. citizenship ceremonies, naming ceremonies, civil funerals with civil partnerships planned next year. All of these activities are revenue earners. The administration of the service is for these and other reasons becoming more complex and consumes much of the Superintendent Registrar's time. Some other authorities have dedicated administrators. There are national proposals that registrars cease to be Proper Officers under instruction from the Registrar General and become mainstream local government officers, as indeed some Registration service staff are already.

8.3 Summary of Issues Influencing Need for Change

Legal Practice

- Requirement for more flexibility of operation.
- Existence of blurred demarcations between teams.
- Pressures of combining management and professional roles.
- Requirement for more effective performance management.
- Pockets of overload within existing structure.
- Emerging areas of work.
- Requirement for support in dealing with corporate matters.
- New case management system.
- Recruitment/retention issues.
- Budget pressures.

Client & Specialist Services

- A distinct client side monitoring operation is no longer required.
- Computerisation of local land charges operation.
- Changes in electoral practices.
- New services being carried out by Registrars.
- Proposal for Statutory Officers (Register Office) to become local government employees.
- Other proposals for changes affecting Registrars.
- Elections & Electoral Registration – succession planning.
- Muniments (Deeds) arrangements no longer fit organisational links.
- Need for greater co-ordination in administrative arrangements.
- Requirement for more effective performance management.
- Recruitment/retention issues.
- Budget pressures.

8.4 Proposals for Restructuring

- (1) There is a clear need for the Borough Solicitor to have a nominated Deputy and part of the creation of a post to lead the legal practice is an intention to satisfy that need. It is important that the Deputy Borough Solicitor fully develops the role of Deputy through exposure to the Borough Solicitor's corporate governance and Monitoring Officer roles. It is essential to be able to deputise effectively across the entire Service as opposed to simply being available at times when the Borough Solicitor is not.

The Deputy Borough Solicitor post will replace the two Chief Solicitor posts (one currently vacant).

- (2) Reporting to the Deputy Borough Solicitor within the Legal Practice will be three Divisional Managers. This will create a strong management team with the demands of day to day management being largely satisfied at Head of Division level. This will provide support and allow the Deputy Borough Solicitor to adopt a more strategic role and promote the practice through strengthening relationships with clients.
- (3) There will be three Divisions each managed by a Divisional Manager:-

Advocacy

- Civil Litigation
- Criminal Litigation
- Planning Inquiries, Enforcement & Advice

Community

- Child Protection
- Adult Services
- Education

Commercial

- Conveyancing
- Contracts
- Section 106 & Highways Agreements
- Open Spaces

- (4) To further redress the management professional imbalance and meet increasing demands for specialist expertise it is proposed that each area has a senior lawyer to act as a professional lead. These posts would not have direct management responsibility but would be able to give professional guidance to other staff dealing with cases related to their specialism. The specialism would need to be defined according to need but may relate to Community Care, Litigation, Planning, Property or Contracts with each post being designated Principal e.g. Principal Contracts Lawyer.

Therefore each new Division would have its own Divisional and Principal Lawyer. This intermediate level of post will provide a positive means of being proactive in addressing client needs, improving productivity and will also create a more structured career path within Legal Services. In each Division, the specialisms of the Divisional Manager and Principal Lawyer will be complementary.

In order to compensate for the managerial responsibilities of the Divisional Managers, it is proposed that each be assisted by a Senior Solicitor or Senior Legal Executive experienced in a similar specialism to the Divisional Manager.

This for the first time enables lawyers to be promoted to senior positions without having to assume management responsibilities. It, in fact, carves out two distinct career paths – one for those who wish to be managers and one for those who prefer to focus purely on legal casework. The Divisional Managers and the Principal Lawyers will be appointed from the current Principal Solicitor postholders.

- (5) The three Divisional Managers will form part of a Legal Practice management team that will collaborate positively to ensure the optimum deployment of the staff in their collective divisions. The arrangement of three divisions is for logistical and management control reasons only and not intended to create barriers or discrete areas of work. Exchange of work, rotation of staff, training, equalisation of work pressures and wider provision of advice and experience will benefit. The Divisional Managers will also be part of the Law & Probity Management Team.
- (6) In addition to having a Deputy, the Borough Solicitor should have support in the work involved in the Monitoring Officer role. These responsibilities represent a significant second role for the Borough Solicitor and the existing structure provides no direct access to support. It is intended that a solicitor from one of the three Divisions has the task of providing Monitoring Officer support together with duties concerning the Freedom of Information Act, Data Protection and corporate governance. This will be managed within their portfolio of fee earning work. The Borough Solicitor would call on the support as required. The responsibility will rotate from time to time as a development opportunity for staff.
- (7) Removal of “Assistant” from titles e.g. “Assistant Solicitor” becomes “Solicitor”.
- (8) New extended career path for “Legal Assistants” and “Senior Legal Assistants” under the new designation of “Legal Officer”. More flexibility and development opportunities for the staff concerned.

- (9) New case management system will fundamentally change way of working for administrative and secretarial staff as many time consuming tasks disappear and there is a significant increase in documentation directly produced by lawyers. Objective is to have dedicated administrative support for Divisions. This will be a developmental opportunity for newly designated "Support Officers" to work more closely with the lawyers in carrying out specified tasks such as case initiation work and other "paralegal" duties.
- (10) Currently the use made of Support Services by teams varies, especially in terms of secretarial support, i.e. typing. Some fee earners dictate all their work, others previously used to a desktop environment type everything themselves, and others produce a mixture. In the short term this probably indicates a central resource as being most effective, although the required resource should be kept under review as the case management system becomes embedded. Two posts of Secretarial Assistant can be deleted following changes in the management structure. One is already vacant.
- (11) Support Services will be referred to as the Business Support Unit as this will more accurately reflect their role and involvement with the case management system and the management information it will provide. The processes currently used by Support Services will be reviewed in parallel with the introduction of the case monitoring system as this will be the ideal opportunity to ensure they are as lean and effective as possible. The Business Support Manager assisted by the Systems Controller, Senior Support Officer (part time) and Support Officer (part time) will ensure the smooth implementation of the new case management system.
- (12) The post of Principal Elections Officer is to be deleted and the Client and Specialist Services Manager will absorb duties from that post and assumes control of Electoral Registration. This is consistent with the overall control that the C & SS Manager already has of the service. The post of C & SS Manager is to be re-designated Elections and Land Charges Manager.
- (13) Whilst Local Land Charges is a discrete area it is proposed that the Principal Local Land Charges Officer continues to report to the E & LC Manager because of the potential for multi-tasking and mutual support between the staff of the two teams largely possible because of mutual location. Whilst training has taken place the potential has never been realised. The computerisation of LLC may increase that potential. The Principal LLC Officer will also be required to deputise as required for the Elections & Land Charges Manager. This will also be a developmental opportunity.
- (14) It is proposed, partly to offset the workload of the Elections & Land Charges Manager, that the Superintendent Registrar reports directly to the Borough Solicitor on policy and strategic issues. The Superintendent Registrar will join the Law & Probity Service Management Team.
- (15) Currently there is little interaction between Support Services and Specialist Services. It is proposed that the Support Services Manager provide support in terms of Facilities Management, IT systems and HR issues including recruitment (possible now that HR has been devolved with an HR Officer to be reporting to the Support Services Manager).

- (16) Currently Specialist Services comprises three fairly discrete areas. In turn Specialist Services operates to some extent remotely within the Law and Probity Service. The proposals set out in (12) to (15) above are for a phased integration with benefits in terms of support and communication.
- (17) The restructuring proposals involve the net loss of 6.5 posts, all but two of which are presently vacant. This calculation does not include post deletions made as part of the 2004/5 budget or proposed in the 2005/6 budget. The normal Council procedures will apply to any redundancies.
- (18) Because of ongoing recruitment and retention difficulties and high levels of staff dissatisfaction with salary levels part of this review has involved making a comparison of grades with other employers. The indications are that posts of Solicitor and Legal Assistant at their various levels of seniority trail the market norm by one or two grades or one organisational level. The proposed options for the existing teams would present an opportunity to review the grades against levels in a revised structure. They will also bring about benefits in terms of productivity, team balance, flexibility and the emergence of an improved career path. A similar exercise has been undertaken for non-legal staff where there are similar indications and present grades do not reflect current or proposed responsibilities. There is a nil cost effect for the Council because of the reduction in post numbers. The proposed new grade ranges are at Appendix B. The proposed new grade ranges are indicative grades and will be subject to job evaluation.

8.5 Consultation

Consultation has taken place with staff and trade unions. All comments have been considered and incorporated into the proposals, where relevant.

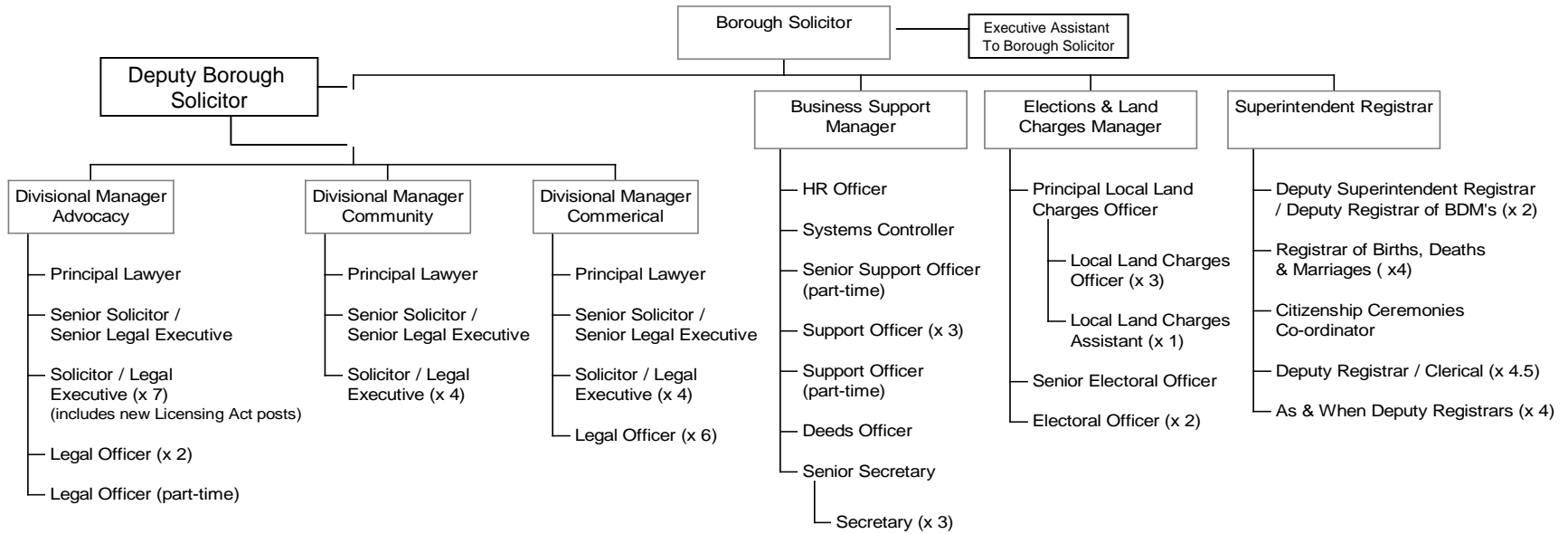
9 LIST OF BACKGROUND PAPERS

9.1 None.

10. MO – Jeff Lustig, Borough Solicitor – Tel: 020 8359 2008.

LAW & PROBITY

PROPOSED STRUCTURE



INDICATIVE GRADES

LEGAL PRACTICE

Deputy Borough Solicitor	-	CO 237-240
Divisional Managers	-	BB4 207-210
Principal Lawyer	-	SCP 53-56
Senior Solicitor/Senior Legal Executive	-	SCP 49-52
Solicitor/Legal Executive	-	SCP 41-49 bar at 45
Legal Officer	-	SCP 28-39 bars at 31 & 35
Business Support Manager	-	SCP 41-44
Systems Controller	-	SCP 28-31
Senior Secretary	-	SCP 28-31
Senior Support Officer	-	SCP 25-28
Deeds Officer	-	SCP 21-25
Divisional Support Officer	-	SCP 21-24
Secretary	-	SCP 21-24

ELECTIONS & LOCAL LAND CHARGES

Elections & Land Charges Manager	-	SCP 44-47
Principal Local Land Charges Officer	-	SCP 36-41
Senior Electoral Officer	-	SCP 31-34
Electoral Officer	-	SCP 21-25
Local Land Charges Officer	-	SCP 21-25
Local Land Charges Support Officer	-	SCP 17-21

REGISTER OFFICE

Superintendent Registrar	-	SCP 44-47
Deputy SRs/Deputy RBDs (Assistant Service Managers)	-	SCP 34-38
Citizenship Ceremonies Co-Ordinator	-	SCP 25-28
Registrars of Births Deaths & Marriages	-	SCP 21-27
Deputy Registrars/Clerical Assistants	-	SCP 21-24
As & When Deputy Registrars	-	SCP 21-24