

Review of Legal Services and Council Secretary

The City of Edinburgh Council

12 March 2009

1 Purpose of report

- 1.1 This report follows on from those presented to Council on 29 May and 16 October 2008 on the Review of Legal Services; it describes recent developments in the Council Secretary's Division and addresses the following mandate of the Council on 16 October 2008:

"To instruct the Director of Corporate Services to submit the final report on the review to the Council meeting on 5 February 2009; the report to include:

- (a) details of proposed changes to the structure of Legal Services as a consequence of the reorganisation of the Council Secretary's Division; and
- (b) an assessment of ongoing service satisfaction levels and an identification of progress with respect to the implementation of the actions identified in the Director's reports to this meeting and to the Council meeting on 29 May 2008."

- 1.2 For a number of reasons it was not possible to report to the Council meeting on 5 February but it was agreed that this should happen in March. This was also reflected in paragraph 77 of the Budget Motion approved by Council on 12 February 2009. Details of all recent Committee decisions relating to the organisation of these two divisions are listed at Appendix 1.

2 Summary

- 2.1 Following an assessment of the functions, inter-dependencies and synergies of the Council Solicitor's and the Council Secretary's Divisions it is recommended that all of these services should be assimilated into a single new Division.
- 2.2 If adopted, this proposal would combine responsibility for all Council governance matters in one division of the Corporate Services Department.
- 2.3 Integration of these services would bring the City of Edinburgh Council into line with a number of other Scottish councils and others in England and Wales.

- 2.4 This proposal is also consistent with the overall Service Plan for the Corporate Services Department. Other potential service changes, new priorities and efficiency objectives will require further reshaping of the Department's services in the next few years.
- 2.5 Given the nature and size of the new Division and the breadth of services encompassed, it is proposed to create a new Chief Officer post of Head of Legal and Democratic Services. This will be filled in accordance with the Council's Procedures for the Appointment of Chief Officials.
- 2.6 Considerable progress is reported on the improvement actions identified for the Legal Services Division in the reports to Council in May and October 2008; this has been verified by an independent consultant.
- 2.7 The cost of the development of the structure for the new Division will be contained within existing budgets.

3 Main report

- 3.1 The first section of this report refers to the proposed changes to the structure of Legal Services as a consequence of the re-organisation of the Council Secretary's Division.

Legal Services Division

- 3.2 Given that the review of the Legal Services Division has been reported on twice to Council in the last 12 months it is not considered necessary to provide more in the way of background information other than to list the major service areas as follows:

- a) Licensing
- b) Commercial Practice (Advice and Contracts)
- c) Planning and Transportation
- d) Courts and Litigation
- e) Property, Conveyancing, and Council House Sales
- f) Community Safety / Anti Social Behaviour (ASBO)
- g) Child Care

A structure of the current Legal Services Division with staff numbers and a description of major functions is attached as Appendix 2.

- 3.3 Details of outstanding improvement actions for the Division are referred to in paragraph 3.16 below.

Council Secretary's Division

- 3.4 The Division currently comprises of five broad service areas as follows:
- Committee Services;
 - Lord Provost's and Members' Services;

- Registration Services;
- Edinburgh City Archives, and
- Edinburgh Print Services.

3.5 The Committee Services and the Lord Provost's and Members' Services sections have been subject to a full staffing review within the last two years, the latter in close consultation with the Cross Party Working Group. The current staff structure for the Division is attached as Appendix 3. Appendix 4 provides an outline of each of the above and describes recent developments. It is anticipated that further organisational adjustment will be necessary, particularly in the Members Services Section.

Proposed Structural Changes

3.6 Following an assessment of the functions, inter-dependencies and synergies of the Council Solicitor's and the Council Secretary's Divisions it is recommended that all of these services should be assimilated into a single Legal and Democratic Services Division (Working Title) within the Corporate Services Department.

3.7 If adopted, this proposal would combine responsibility for all Council governance matters in one Division of the Corporate Services Department.

3.8 There are advantages and disadvantages in so doing. The advantages include: a thinner management structure, thereby incurring less costs; the potential, by being closer to the decision making processes, for greater understanding of client priorities and better anticipation of legal issues and a closer tie up with the instruments of governance such as standing orders, the scheme of delegations and terms of reference. There is also the possibility in the longer term of a more flexible spread of support staff and the potential for less staff duplication at meetings, particularly quasi legal meetings such as those dealing with personnel appeals, planning and licensing.

3.9 The disadvantages could include a perceived diminution of status for both services, a less focused understanding of legal priorities, demands and caseloads and a general dilution of the capacity to manage across a much wider range of functions.

3.10 Integration of these services would, however, bring the City of Edinburgh Council into line with a number of other Scottish councils and others in England and Wales. Once this process has been completed at senior management level it will be appropriate to visit specific services with a view to ensuring that they are best placed within the new Division.

3.11 This proposal is also consistent with the overall Service Plan for the Corporate Services Department. Other potential service changes, new priorities and efficiency objectives will require further reshaping of the Department's services in the next few years. The Council will be aware of the broader context now being examined in relation to the budget decisions of 12 February, requiring an exploration of alternative service delivery models. This, and other influences, may well change the profile of the Department's activity over time.

- 3.12 The Department's Service Plan commitment is to deliver significant employee and management cost savings in the near future. This can only be done on a phased basis, however, and the proposals for this divisional merger are logical, in service improvement terms, but also provide an important opportunity to initiate the further structural change to be implemented in the Department.
- 3.13 Given the nature and size of the new Division and the breadth of services encompassed, it is proposed to create a new Chief Officer post of Head of Legal and Democratic Services. Initially this will be ring-fenced to those staff in post and those directly affected, in accordance with the Council's Procedures for the Appointment of Chief Officials. Arrangements have been made for consultation to take place with the postholders affected and with the trade unions.
- 3.14 A job specification for the new post has been developed by Human Resources and is currently with the Hay Group for salary assessment. In the meantime, the specialist services provided by the two existing divisions will continue to be led by the existing senior officers pending the development of the structure below the Head of Legal and Democratic Services.
- 3.15 It is proposed that the Director of Corporate Services be given delegated authority to further develop this structure in accordance with the Council's Procedure for the Conduct of Reviews whereby those employees affected will be considered for new posts as appropriate. I will report further to Council on progress with the re-structuring in October 2009.

Legal Services- Improvement Actions

- 3.16 The major report to Council on 29 May 2008 identified a number of improvement actions for Legal Services whilst the report on 16 October described progress made with some of these. Appendix 5 lists these items and describes progress made with each.
- 3.17 An experienced consultant was employed through the Society of Local Authority Chief Executives (SOLACE), to undertake an independent assessment of progress made towards the improvement actions and to comment upon the proposed integration of the two services. His comments are attached as Appendix 6. The consultant has, in general, been supportive of the Division and its achievements and identifies no areas of dissatisfaction with the service or its quality. Any further improvements and developments must be seen in this context. In particular he has confirmed an issue about the revenue funding of core legal services within the Council. The budget for the Division requires further examination and future work.
- 3.18 Development of work planning processes with all clients has taken place through client liaison meetings. The budget setting process has and will continue to be used in this way recognising that there are both departmental pressures which require to be contained and Council budget pressures that may not secure the success of meeting service pressures. All Directors are expected to present a balanced budget for the departments and Corporate Services is no exception. This has required additional savings to be met from within Legal Services to support and contain other parts of the Department which were unable to meet their budgets.

- 3.19 The Council Solicitor has met with the Chief Executive, every member of the Council Management Team and key Heads of Service to ascertain their views of the services provided by Legal Services and to determine their projected needs for legal support. Feedback from Client Directors in terms of the more formal client review meetings has been appreciative of the dedication and commitment of staff and their availability to the Department and their successes against a background of acute resourcing particularly throughout 2008 where a range of vacancies could not be filled. Directors were satisfied that new resources would be available within the Division though not all are able to commit financial resources to secure a more stable revenue budget arrangement. This is a matter to be further developed with Council Management Team colleagues, with Members and through the budget process.
- 3.20 A customer satisfaction survey was undertaken during December 2008 and January 2009 using intranet based software. Seventy current or recent Legal Services' clients were invited to participate including nine elected members, clients in partner organisations and staff in many Council departments. The response rate was nearly 33% which is considered to be good for such surveys.
- 3.21 There were five questions and feedback was very positive. The majority of respondents marked aspects of the service as either "Excellent" or "Very Good". Full details of the survey are included as part of Appendix 5.
- 3.22 Since 2005 the Division has completed a two monthly customer satisfaction exercise for inclusion in the Department of Corporate Services balanced scorecard. The annual score has been consistently very good in each reporting period. The average customer satisfaction scores are as follows:

	Total Number of Survey Forms completed	Average Customer Satisfaction Level Max Score 5
1 April 2005 to 31 March 2006	171	4.57/5 (91.4%)
1 April 2006 to 31 March 2007	200	4.59/5 (91.8%)
1 April 2007 to 31 March 2008	172	4.63/5 (92.6%)
1 April 2008 to 31 January 2009	142	4.57/5 (91.4%)

- 3.23 The Division identified requirements for a case management system prior to the review process but financial resources have only now been secured for 2009/10. Implementation will, however, be cost neutral as the system will be entirely funded from within existing efficiencies. Procurement is now close to completion. The system will be in place during the first quarter of financial year

2009/10. The divisional managers are committed to the full implementation of this system across Legal Services and all staff will be required to fully participate to ensure effectiveness and transparency. The client care meetings have identified particular client department support for this project and full participation with it.

- 3.24 The Division has retained a significant number of specialist legal practitioners who are experts in their field of local government. Particular expertise has been developed by the in-house services in critical areas of Council business such as child protection and looked after children, litigation, commercial, procurement and all aspects of property work. The legal service provided continues to support complex and ground breaking initiatives for the city despite resourcing levels over a considerable period of time. The recent recruitment exercise is now achieving more appropriate resourcing and enhanced service delivery in key areas.
- 3.25 In terms of career development, improvement and efficiencies, the Division now has an establishment of 10 Senior Legal Support Officers who carry out a wide range of paralegal work throughout Licensing and the central Division. This model has supported a range of efficiencies while providing key legal support staff with a range of development opportunities. In addition the Council is committed to the employment of trainee solicitors when budgets permit. This supports succession planning.
- 3.26 Lack of resources was most acute in 2008. During this period there was intense pressure on budgets in the Department of Corporate Services and key staff were lost to legal firms in the private sector. The Council wide financial pressures resulted in a number of key vacancies not being filled for an extended period of time and recruitment to these vacancies proved unsuccessful. In addition, three senior staff were on maternity leave and these posts were not covered due to budget constraints. Opportunities have and continue to be taken to re-direct and flexibly use the skills of staff where the current economic climate has led to alterations in the patterns of work, for example, property and council house sales.
- 3.27 Legal Services participates in a very wide range of professional forums throughout the entire range of general and specialist work across the legal sector including Property, Commercial, Court (particularly Child Protection and Anti-Social Behaviour) Planning, Licensing, FOI, Police and Law Society. The Division contributes both as members and as Convenor of some of these groups and the staff and Division are informed by learning from and contributing to these groups. Internal training is facilitated by these contributions.
- 3.28 Edinburgh in many aspects of the legal profession is unique due to the wide variety and complexity of its business. This creates a complement of legal experts across the spectrum of local authority legal practice. Examples of this expertise are:
- Licensing Board and regulatory matters including expert advice to the Scottish Government;

- child protection;
- Capital Receipts Programme and a wide range of commercial contracts and partnerships;
- planning and transportation;
- Court of Session agency work;
- antisocial behaviour initiatives;
- EU Law/challenges;
- specialist operations with Lothian and Borders Police, and
- specialist operations with Lothian and Borders Fire and Rescue Service.

3.29 In addition a range of initiatives to further develop expertise are currently in progress or under consideration, for example:

- employment/training of Solicitor Advocates – to reduce use of Counsel;
- accreditation as Specialist Practitioners, and
- recent employment of experts in priority areas, e.g. Employment Law and Finance.

3.30 The Division continues to work in a highly pressurised environment, balancing the needs of very significant volumes of both planned and unplanned work in highly complex legal areas which often have a significant financial and reputational profile for the Council. Staff have made very considerable progress in continuing to deliver in this environment whilst enhancing the customer care profile. The results of the client satisfaction survey and the consultant' confirms the commitment, ability and achievements of all staff in the Division throughout a difficult financial period for the Corporate Services Department.

4 Financial Implications

4.1 It is intended that the cost of the development of the structure for the new Division will be contained within existing budgets. This will include the cost of the new Head of Service post which, as indicated at paragraph 3.14 above, is subject to external assessment. It should be noted that savings have already been taken from the review of Committee Services in 2008-09 and that limits the scope for more savings in this service.

4.2 It should also be noted, however, that modest increases may be required in the salary grades of a small number of other senior posts in the two existing divisions to reflect any extended duties.

5 Environmental Impact

5.1 There are no adverse environmental implications from this report.

6 Conclusions

6.1 The creation of a new Legal and Democratic Services Division will provide a more integrated, coherent professional support service to the Council.

7 Recommendations

7.1 It is recommended that the Council:

- a) notes the contents of this report;
- b) approves the creation of a Legal and Democratic Services Division;
- c) gives delegated powers to the Director of Corporate services to further develop the new structure in accordance with the Council's Procedure for the Conduct of Reviews;
- d) notes that a further report will be presented to the Council in October 2009 describing the structure of the new Division, and
- e) notes that this report discharges the mandate of the Council on 16 October 2008 and the Liberal Democrat/SNP Budget Motion of 12 February 2009.


Jim Inch
Director of Corporate Services
07/10/09

Appendices	<ol style="list-style-type: none">1 Recent Council Decisions on Legal Services and Lord Provost's and Members Services2 Current Structure – Legal Services Division3 Current Structure – Council Secretary's Division4 Outline of Services in Council Secretary's Division5 Improvement Actions for the Legal Services Division6 Comments by the external consultant
Contact/tel/Email	Ian Raven - Performance, Strategy and Policy Manager Tel: 469 3991 email: ian.raven@edinburgh.gov.uk
Wards affected	All
Single Outcome Agreement	This report contributes to the Scottish Government's National Outcome 15 and in particular to Edinburgh's Local Outcome entitled 'Our services are continually improving and efficient'.
Background Papers	Review of Legal Services – City of Edinburgh Council, 29/05/09 Review of legal Services-Update – City of Edinburgh Council, 16/10/09

Legal Services Review – Council Decisions

On 8 February 2007, the Council agreed as follows as part of the budget decisions:

“To instruct the Director of Corporate Services to undertake a review of Licensing and Legal Services to include consideration of the charging mechanisms in relation to core support and projects, the review on licensing to report within 3 months.”

On 21 February 2008, again as part of the budget decisions, the Council agreed:

“To note that Council was most recently advised (25 October 2007) that the review of Legal Services would report by the end of 2007. To instruct the Chief Executive to ensure that the review is urgently completed and that the findings and recommendations are reported to the Policy and Strategy Committee meeting on 15 April 2008.”

On 15 April 2008, an update was provided on the ongoing review of legal services to the Policy and Strategy Committee. The Committee noted the position and that the final report would be submitted to the next meeting of the Policy and Strategy Committee on 13 May 2008.

The review report, and a covering report by the Chief Executive, were submitted to the Council on 29 May 2008. The Council's decision was:

- 1) To note the reports by the Chief Executive and the Director of Corporate Services but to agree that this was not a full review as usually undertaken by the Council in terms either of best value or organisational review methodologies and that further work, undertaken within a more robust review framework, was necessary.
- 2) To note the outcomes from the review and the associated actions detailed in section 8 of report by the Director of Corporate Services and:
 - (a) To express concern with the report's findings and to instruct the Director of Corporate Services to take immediate action to address the identified service issues and to develop contingency proposals to ensure that continuity of service was maintained in key service areas.
 - (b) To accept the recommendations as interim findings and to instruct the Director to report to the Council in October 2008 detailing how the review findings and action plan had been

addressed and progress on their implementation. In particular:

- (i) to accept recommendation 8.1(e) relating to procuring external legal advice and to instruct that any exploration of opportunities to achieve more favourable terms for external legal advisers through Framework Agreements included an evaluation of this approach for core services as well as those currently procured from external sources.
- (ii) to accept recommendations 8.2(a) and (b) relating to the cross subsidisation of miscellaneous licensing and to call thereafter for a review of staffing mix and levels with a view to making this aspect of Legal Services' operation self financing.
- (iii) to accept recommendation 8.2 (f) on assessing impact on income levels of changes to demand for Court of Session work and to call thereafter for a review of the associated staffing requirement.

Information on progress in implementing the findings of the review of the Legal Services Division was reported to Council on 16 October 2008. The Council decided:

- 1) To note the content of the report by the Director of Corporate Services and the ongoing initiatives to address matters raised by members at the Council meeting on 29 May 2008.
- 2) To note the lack of any detail in relation to the "well advanced" work to advance these outstanding matters.
- 3) To note with disappointment that the review, originally called for in February 2007, had still to be completed.
- 4) To instruct the Director of Corporate Services to submit the final report on the review to the Council meeting on 5 February 2009; the report to include:
 - (a) details of proposed changes to the structure of Legal Services as a consequence of the reorganisation of the Council Secretary's Division; and
 - (b) an assessment of ongoing service satisfaction levels and an identification of progress with respect to the implementation of the actions identified in the Director's reports to this meeting and to the Council meeting (report no CEC/033/08-09/CS) on 29 May 2008.

Finally, as part of the budget motion approved by Council on 12 February 2009, the Council noted:

- “That the Director of Corporate Services will report to Council in March 2009 on the outcome of the review of Legal Services. This report will also take account of broader organisational changes within the Council Secretary's Division and the potential linkage between these two Divisions within Corporate Services”.

Lord Provost's and Members' Services Review – Council Decisions

The budget approved by Council in February 2007 included a £125,000 reduction in Members Services over two years. The budget motion contained a paragraph:

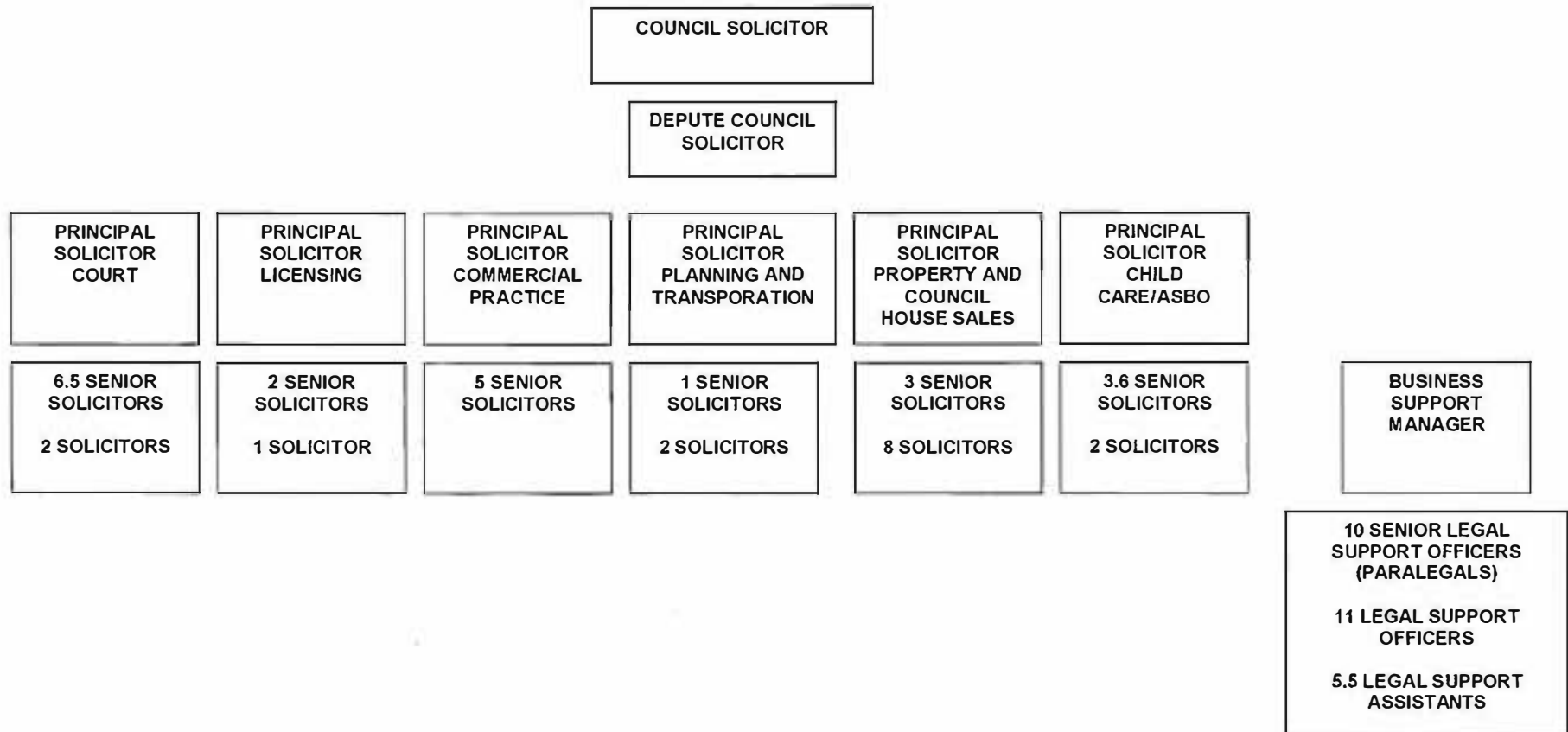
"To instruct the Director of Corporate Services to undertake a review of Members Services"

On 23 August 2007, Council approved an emergency motion by Councillor Dawe instructing the Director of Corporate Services to conclude and report in two cycles on the review of Members Services previously requested.

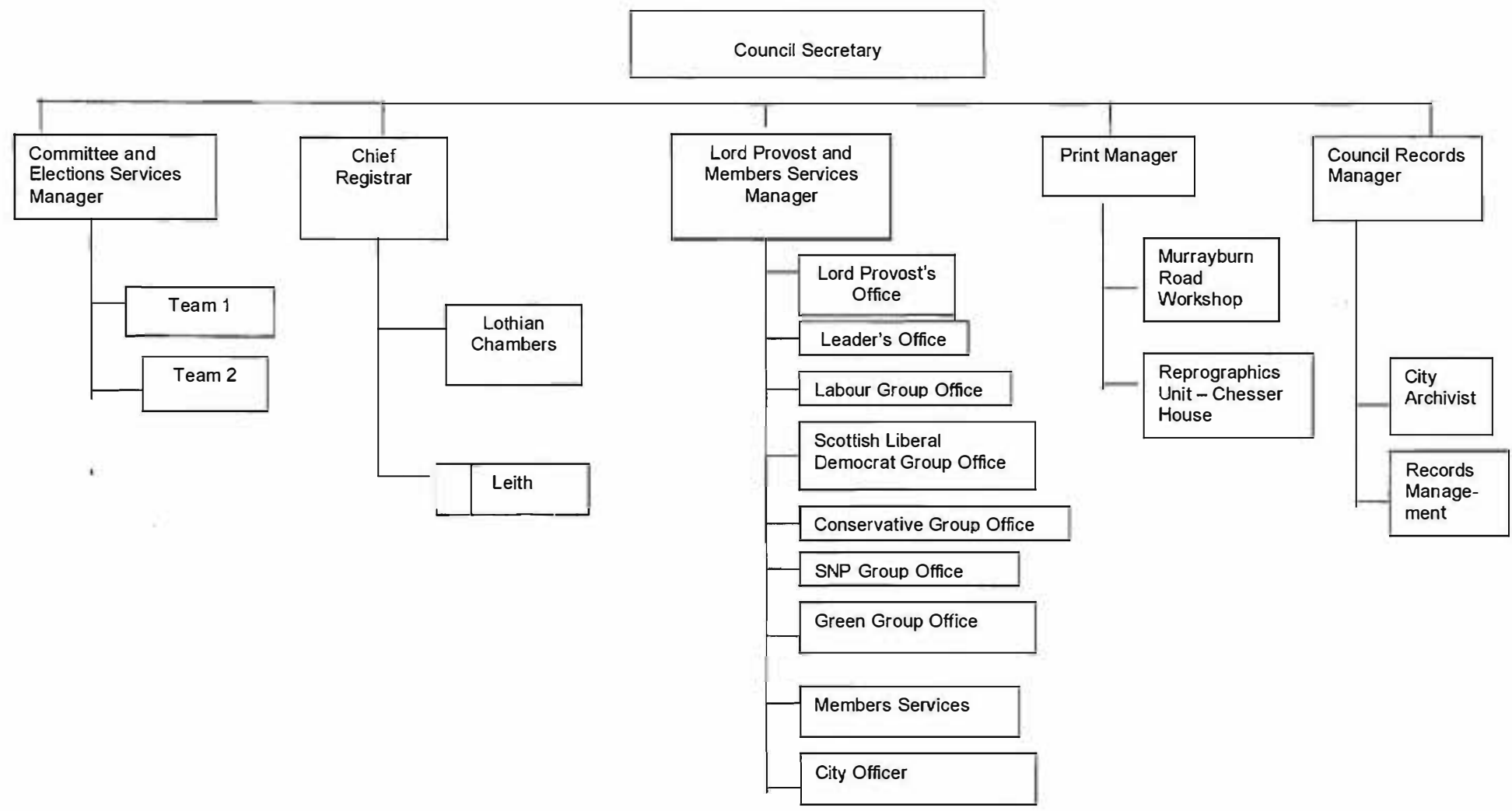
Draft reports were submitted to the Cross Party Working Group on 5 and 27 November 2007 and 21 January 2008.

The budget for 2008/09 determined by Council on 21 February 2008 restored the staffing budget to its 2006/07 level. Para 18 of the budget motion required the Director of Corporate Services to determine the most appropriate and cost-effective support arrangements for elected members, in consultation with the Policy and Strategy Committee.

LEGAL SERVICES DIVISION



CORPORATE SERVICES DEPARTMENT
COUNCIL SECRETARY'S DIVISION



Functions of the Council Secretary's Division and Recent Developments

Committee Services

- 1.1 Committee Services supports the corporate and democratic processes of the Council by:
- providing a professional clerking, advisory and administrative service to meetings of the Council and Committees, Sub-Committees etc established by the Council or by law;
 - ensuring that the processing of business at meetings complies with statute, common law, standing orders and the scheme of delegation;
 - taking action on decisions made at meetings and telling departments, within agreed timescales, the decisions on which they have to take action; and
 - giving accurate and helpful advice about meetings, procedure and the Council generally.
- 1.2 Significantly, the Section also supports the Returning Officer by providing the management and organisation of elections and referenda on a continuing basis and as the principal source of support staff during election periods.
- 1.3 The Review of Committee Services in 2007 was aimed at de-layering the structure, reducing management posts and devolving responsibility to Committee Officers and Assistant Committee Officers in order to achieve savings and operational efficiencies. The number of Committee Managers and teams was reduced from three to two and Senior Committee Officers from seven to five. The post of Committee Services Manager was replaced by a Committee and Elections Services Manager to ensure the integrated and effective management of these two functions.

Lord Provost and Members Services

- 1.4 The Lord Provost's and Members' Services Section supports the Council and its elected members by:
- providing high quality administrative support services to the Lord Provost and all Councillors, appropriate to their level of responsibility;
 - organising civic functions and ceremonies efficiently; and
 - providing a City Officer/Chauffeur service.
- 1.5 Edinburgh's status as a capital city, with an international reputation, and its historical traditions are supported by a level of civic and ceremonial activity. This represents a significant element of the role of the Lord Provost, who is also the Lord Lieutenant for the City. The Lord Provost's and Members' Services Manager is Clerk to the Lieutenancy and has a significant role in the organisation of royal visits.
- 1.6 The May 2007 elections resulted in a Council comprising five political groups, 29 new councillors and a new, coalition Administration. Following the elections, staff were redeployed within the Section to address the immediate support requirements of Councillors and to maintain continuity of service provision. The Section was then the subject of a staffing review, with regular consultation with the Cross Party Working Group.

- 1.7 At a meeting on 27 November 2007, it was recognised that the level of service being provided to members following the budget reduction in February 2007 was unacceptable. A further report was considered by the Cross Party working Group on 21 January 2008. This recommended a staffing structure based on the needs of the service, recognising the changed circumstances arising from the introduction of proportional representation and multi-member wards, the increased volume of constituent enquiries and the improved level of engagement between residents and elected members.
- 1.8 The budget for 2008/09 restored the staffing budget to its 2006/07 level but this was insufficient to fund the staffing structure proposed in the January 2008 report. The staffing structure now in place, described in Appendix 3, represents the most appropriate and cost-effective support arrangements for elected members which can be provided with approved budget resources. Even so, to balance the budget, two PA posts supporting Executive Committee conveners are currently being funded or part-funded by the City Development Department and the Finance Department.

Registration Services

- 1.9 The Registration Service undertakes the Council's statutory responsibilities under the Registration of Births, Deaths and Marriages (Scotland) Act 1965, the Marriage (Scotland) Acts and other relevant legislation to register births, deaths, marriages and civil partnerships and to conduct ceremonies for civil marriages and civil partnerships. Edinburgh is a major venue for tourist weddings, second only to Gretna Green in Scotland.
- 1.10 Since the early 1990s the service has been progressively centralised. This has not only achieved economies of scale but also led to the creation of a centre of excellence in Lothian Chambers, with high quality facilities and professional, motivated staff providing a high quality of service.

Edinburgh City Archives

- 1.11 The City has a unique and valuable archival heritage. This resource is managed by Edinburgh City Archives. The service includes:
- organising and conserving the Council's historic records
 - enhancing the value of the resource by accession, rescue and transfer
 - answering enquiries on the records.
- 1.12 The Council has a statutory duty under the Local Government etc (Scotland) Act 1994 to make proper arrangements for the preservation and management of its records. The proper management of current records is of major interest to Archivists since this will ensure that when records cease to be of business use, those which are of historic interest are retained and those which are not are destroyed.
- 1.13 The Council Records Manager, appointed just over two years ago, has responsibilities for both current and historic records. Work is ongoing to develop improved records management practices within a corporate framework. The current

arrangement for Archives and Records Management also ensures a consistent approach to the management of information, regardless of age or format.

Edinburgh Print Services

- 1.14 Edinburgh Print Services employs 13 (why can't I delete ?) staff and delivers its services under two broad headings - Reprographics and Print Services The Reprographics service is housed at Chesser House and provides:
- high speed black and white copying with finishing online;
 - digital colour printing (used for less than 1,000 copies or smaller size of document);
 - scanning of Council papers for publication on Council Papers On-Line; and
 - circulation of Council papers to Members.
- 1.15 Print services are delivered from an industrial unit at Murrayburn where provision includes:
- computerised pre-press operations
 - four-colour printing (used for printing bigger documents or over 1,000 copies);
 - finishing including folding, perforating, numbering, gluing padding wire stitching, and binding;
- 1.16 In the period since 2005, the Print Unit has operated on a trading basis with an income target in excess of its costs. In 2007/08 a modest contribution (excess of income over expenditure) of £21,173 was achieved against a budgeted contribution of £238,554. Difficult trading conditions in the current year are evident from the forecast outturn of more or less "breakeven" at the end of month 10 compared with a budgeted net income expectation of £230,000.
- 1.17 It should be noted that:
- it has been Council policy to reduce the range and number of Council publications and that this has impacted on the Print Unit's turnover;
 - the Unit currently has c20% spare capacity yet it is understood that some departments of the Council still use external print suppliers;
 - utilisation of this spare capacity would allow the Unit to deliver a turnover of c£1.5m and the required contribution could be achieved;
 - the excellent facilities could be marketed to private sector clients or other public sector bodies if appropriate resources were made available;
 - the capital repayments on the new Heidelberg™ 4 colour printing machine cease in c2 years and this would equate to a saving of £100,000 annually; and
 - given the extensive recent investment in equipment for both reprographic and litho printing services, there are nominal asset related costs envisaged in the medium term. No major, new investment in machinery or technology is envisaged during the next 5 years.

DEPARTMENT OF CORPORATE SERVICES

LEGAL SERVICES DIVISION

Legal Services Review

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
<p>a) client engagement arrangements will be reviewed to consider the scope for adopting the model of client contact officers within the Division</p>	<p>The creation of a new client care framework is to be introduced shortly encompassing client contact officers for each department.</p>	<p>The Council Solicitor has secured effective implementation of a new client care framework. Client contact officers are available to departments and individual profile areas of work. The Council Solicitor is closely monitoring this development and has identified benefits evident from the enhanced communication and shared understanding of priorities. The Depute Council Solicitor has a key role as Client Care Manager to oversee and develop arrangements.</p> <p>This framework is in addition to the existing professional level of contact required and in place in every legal transaction.</p> <p>At a strategic level the Council Solicitor has completed high level client review meetings with all Directors and key Heads of Service as follows:</p> <p>Chief Executive - 24 November 2008 Director of City Development - 23 January 2009 Director of Health and Social Care - 28 October 2008 Director of Children and Families - 30 January 2009 Director of Services for Communities - 25 February 2009 Director of Finance - 30 January 2009 Head of Transport - 27 October 2008 Head of Planning - 30 January 2009</p> <p>The meetings focussed on service delivery, performance and Customer Care and identified:</p>	<p>In place and working well, these contacts and initiatives will continue with a view to continuous improvement</p>

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		<ul style="list-style-type: none"> • Departmental Service priorities and key areas of development requiring legal support; • Current and projected requirements for legal input; • No particular requirements for external legal provision other than in highly specialist areas where the Division arranges appropriate external provision following specific and competitive process; • Allocation of funding to support legal input, including arrangements to fund posts and designation of capital and revenue budgets. <p>There was very considerable appreciation of the dedication and commitment of staff and their availability to the Department and their successes. These meetings were also supportive of the effective implementation of the improvement actions in respect of overall communication and customer care against a background of acute resourcing particularly throughout 2008 where a range of vacancies were left unfilled. Directors were satisfied that new resources would be available within the Division though not all are able to commit financial resources to secure a more stable revenue budget arrangement. This is a matter for the Council Management Team and Council Budget Process.</p> <p>The in-house service was consistently supported as the preferred delivery option for the Council's legal services in terms of effective delivery expertise and cost. This was particularly the case where a range of work has been returned to the in-house service, for example finance work.</p> <p>The additional client review meetings have also assisted and in some cases resulted in the following developments:-</p>	<p>Outstanding for CMT and Council</p>

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		<ul style="list-style-type: none"> • City Development - Joint working to deliver financial and service benefits and efficiencies in respect of Planning Agreement and planning enforcement. • Health and Social Care - Combined team in place working towards enhanced support and training. • Children and Families – A range of joint initiatives are in place in terms of Child Protection and care of Looked after Children. • Services for Communities – Waste, Strategy, Care Provision, Anti Social Behaviour Initiatives. • Finance – dedicated legal support regarding the Reorganisation of Council Trusts, Pension Fund Admissions and Investment Agreements <p>Support for and development of similar initiatives will also assist to maximise outputs and delivery on the most cost effective and efficient basis to achieve best value.</p> <p>The Council Solicitor and Senior Managers in the Division will continue to develop and monitor arrangements. Regular attendance at client departmental management teams has been agreed with each Director.</p> <p>A range of further initiatives are also in place to enhance client engagement including:</p> <ul style="list-style-type: none"> • Licensing Senior Manager Meetings: this includes the Conveners of the Regulatory Committee and Licensing Board to secure consideration of all areas of licensing policy and delivery; • Preparation of Legal Services Directory for client use • Targeted training for key client departmental staff eg Procurement, Child Protection • Member training, for example 	

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		(a) HMO Licensing (b) Liquor Licensing (new regime), Company Directors <ul style="list-style-type: none"> • Future initiatives would include: <ul style="list-style-type: none"> • HR/employment training • FOI training and development 	
<p>b) an Intranet-based pro-forma/template will be developed to bring clarity around service instructions and form the initial basis for discussion between legal and client departments</p>	<p>An intranet template has been developed and published on the Orb.</p>	<p>As part of the review process a recommendation was made to publish a template to assist client departments to contact the division and give instructions to Solicitors. The form was published in June 2008 and the Division also introduced a dedicated email address for any inquiries. In October 2008 a feedback and information form was also added to the intranet to allow all client departments to provide feedback on services at any time out with the departmental performance monitoring and customer satisfaction framework. All departmental and divisional business managers were made aware of these arrangements which were cascaded to key staff in client departments.</p> <p>Instructing clients throughout the Council have made limited use of the intranet resource as a range of tools to assist with standard instructions for routine areas of work was already in place in the Division. It is proposed to discontinue the template in the interests of efficiency. In addition, the complex nature of legal work requires solicitors to act on proper instructions, communicating effectively with clients and to ensure professional standards are met. Dealing with client instructions is a key aspect of professional practice arrangements embedded in the service and enhanced by ongoing communication with clients.</p>	<p>Emphasis changed to new case management system for fully integrated approach</p>

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		<p>The effectiveness of all arrangements continues to be monitored and reviewed. The preliminary work underway to introduce a new case management system has supported streamlining of processes in terms of receiving instructions and providing information to clients. There will be an ongoing focus on this area of work as wider developments throughout the legal profession are incorporated effectively in divisional good practice.</p>	
<p>c) once resources can be identified a suitable replacement case-management system will be procured</p>	<p>Tenders are being evaluated at present for a case management system to support developments in the division. Implementation is planned for the start of the next financial year.</p>	<p>The Division identified requirements for a case management system prior to the review process but financial resources have only been secured for 2009/10.</p> <p>Procurement is close to completion. The system will be in place during the first quarter of financial year 2009/10. Management is committed to the full implementation of this system across Legal Services and all staff will be required to fully participate to ensure effectiveness and transparency. The client care meetings have identified particular client department support for this project and full participation with it.</p> <p>The system will produce essential management and resource information and in addition will assist the following:</p> <ul style="list-style-type: none"> • Provision of a pro-active, responsive and high quality legal service for internal and external clients; • Service development and improvement; • Enhanced performance and financial management; • Change management and achievement of a range of efficiency savings; and • Improved responsiveness, client engagement and relationship management. 	<p>Ongoing Project</p>

APPENDIX 5

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
d) a comprehensive staff survey will be undertaken		<p>A staff survey was carried out in August 2008, with results considered by Corporate Services' SMT on 16 October 2008. Staff have also taken part in a range of surveys for IIP and IIP Assessment took place for the Division on 23 – 25 February.</p> <p>Regular communication and engagement with staff is undertaken by the Council Solicitor and Senior Managers:</p> <ul style="list-style-type: none"> • Open Door Policy to engage with staff • Regular section meetings • 1-1s - Managers and staff • Informal discussions are in place for all staff • The division's weekly staff newsletter 'IN-form' is being launched on 9 March 2009. • Formal and informal contact between managers and all staff to discuss work, allocation workloads, content, absence, professional development and training. 	Completed and continuing in a range of forms
e) for external legal advisers the Council Solicitor, in conjunction with procurement staff, will explore opportunities to achieve more favourable terms in the market place	At present virtually all services are provided directly with general and specialist legal staff from the Division. A process is in place over the budget planning period to identify with service departments the work which they anticipate will be required in the coming budget year and thus to identify within that, any work which could be considered for external procurement. This need is documented together with the identification of financial provision to support this procurement.	This matter has been addressed during recent meetings with Directors. At present the Division continues to provide a high quality, flexible and cost effective legal service to all areas of the Council making the best use of the limited budget provision available and there is evidence that an external service model would increase the Council's overall costs significantly with no overall improvement in quality. The cost of the current internal legal service is extremely low in comparison to the cost of external legal consultants, and charges in other public authorities and bodies. The cost factor is evidenced by fees paid to the specialist legal consultants appointed following procurement and knowledge of private sector rates.	Addressed and ongoing

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		<p>The current position is that service departments do not support the need to seek any arrangement for general legal services in the external market and there is no evidence that this action would deliver either efficiencies or savings. The Division secures external specialist legal consultants for designated areas of legal work which cannot be provided by the Division. No department has identified circumstances in which they require other than limited specialist external consultants. All external input is the subject of individual specific and relevant procurement.</p> <p>The client department position is that the quality of internal legal service is excellent. This position is evidenced by the recent client survey – see page 13, item 3.</p>	
<p>f) the Division will work with departments to ensure that provision is made, wherever required, for the cost of legal advice in new Council projects and initiatives</p>	<p>Particular pressures had arisen where client demands for revenue work had increased with no corresponding financial provision for legal services. The Council Solicitor and I have met with the Director of City Development and a process is in place to support the direct funding of two senior posts in the Division, dedicated to the work of this department with particular emphasis on client engagement and co-ordination of work. In addition, the Council Solicitor and I have met with representatives of the Director of Children and Families and, as an interim solution, the Director is</p>	<p>Current budget processes do not yet secure a full budget to provide all required revenue services. The Division is required to and has been successful in seeking funding via the following mechanisms:</p> <ul style="list-style-type: none"> ● External Income – from other local authorities for Court of Session Agency Work; ● Fees charged to Joint Boards; ● Charges to the Council's capital budgets; ● Charges to Developers for Legal Agreement work; ● Licensing Income; ● Central Support Cost recharging; ● Requesting funds from client departments, for example, the legal support for the Child Protection service is funded entirely by the Department of Children and Families. 	<p>Addressed and ongoing</p>

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
	<p>funding an additional post to support the very significant increase in workload in respect of looked after children. In these cases, efficiencies will be secured for the Council due to the considerably higher legal costs that would have been incurred had this work been placed in the private sector.</p>	<p>The current approach to budgets requires the Division to meet challenging income targets and maintain a range of funding agreements to meet employee costs and general service expenditure. As budget provision for the range of revenue services is not accommodated in the departmental budget, current Council and departmental budgeting arrangements for Legal Services should continue to be examined and improved in respect of the range of revenue services expected and required. Budget models from a wide range of public and local authority sectors have been considered.</p> <p>The low level of secure planned revenue funding has increased the impact of budget pressures in 2008/2009 and it is likely ongoing active management will continue to be required in 2009/2010. However new arrangements for revenue and capital project funding have been introduced in the Council and it is anticipated these will assist to support Divisional resources and input in future years.</p> <p>Progress has however been made on a range of issues as follows:</p> <ul style="list-style-type: none"> • Projects – the new arrangements for project funding will ensure cost recovery in future years. An interim arrangement to provide funding via the Capital City Supplement in 2009/10 has been reached with the support of the Head of Financial Services. • District Court Building – Agreement reached with Scottish Court Service to lease the premises for 5 years from February 2009 with the right to extend the lease on an annual basis thereafter. • Work to simplify charges and consolidate income streams has been ongoing and will be developed 	<p>Further work required and will continue</p>

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		<p>further following the implementation of case management.</p> <ul style="list-style-type: none"> • A review of employee cost recharging has been completed working closely with Financial Services. Costs and charges are monitored in detail on a monthly basis. • Miscellaneous licensing budgets continue to project a balanced position. The budget motion included provision for civic licence fee increases and a report will be considered on a new fee structure for Public Entertainment/Theatre Licensing by the Regulatory Committee. 	
<p>g) consideration will be given to the further use of paralegals in the delivery of Legal Services</p>	<p>The Division has been able to secure an additional paralegal resource for debt recovery work from June 2008, and consideration is being given to the use of paralegals in other sections of the Division.</p>	<p>The Division currently has an establishment of 10 Senior Legal Support Officers who carry out a wide range of paralegal work including the following:</p> <ul style="list-style-type: none"> • Debt Recovery including Court Representation • Liquor Licensing • Civic and HMO Licensing • Cab Licensing • Commercial Contracts • Company Work • Property e.g. Rent Reviews, Leases and Council House Sales; <p>This model has supported a range of efficiencies while providing key legal support staff with a range of development opportunities. Opportunities have been taken to identify areas and key efficiencies and savings have been effectively made by using Paralegal resources.</p>	<p>Achieved and developing</p>

APPENDIX 5

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		<p>Legal Support staff have achieved and are currently working towards the following qualifications that will significantly benefit the Division:</p> <p>Formal Paralegal Qualifications: attained in both Liquor Licensing and Debt Recovery</p> <p>LLB Qualifications: 4 legal support staff have completed over 50% of the degree programme and are working towards final qualifications.</p> <p>In addition the Council is committed to the employment of trainee solicitors when budgets permit. This supports succession planning.</p>	
<p>h) a review of best practice across the legal profession to identify any further cost or quality benefits for the Council</p>	<p>Networking contacts have been updated within the wider public sector legal groups and this will be developed further.</p> <p>Signet Accreditation - in parallel with the Council's 'Achieving Excellence' programme, the Division will be amongst the first public sector bodies to be involved in the legal achieving excellence programme as part of the review panel for Scotland.</p>	<p>Legal Services participates in a wide range of professional forums throughout the range of specialist work across the legal sector, for example,</p> <ul style="list-style-type: none"> a) Freedom of Information b) Anti Social behaviour c) Police Lawyers Forum d) Planning and throughout the range of Licensing provision and other areas of activity. <p>The Division contributes both as a member and as Convenor of some of these groups and the staff and Division are informed by learning from and contributing to these groups.</p> <p>Edinburgh in many aspects of the legal profession is unique with a highly litigious population. On many occasions Edinburgh "breaks new ground" in public sector legal context and accordingly the Division frequently creates best practice due to the volume and</p>	<p>Achieved and developing</p>

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
		<p>complexity of the business within the City of Edinburgh and its complement of legal experts across the spectrum of local authority legal practice.</p> <p>Examples of this best practice are:</p> <ul style="list-style-type: none"> a) Licensing Board and regulatory matters including expert advice to the Scottish Government b) Child Protection c) Capital Receipts Programme and a wide range of commercial contracts and partnerships d) Planning and Transportation e) Court of Session agency work f) Antisocial behaviour initiatives g) EU Law/challenges h) Specialist operations with Lothian and Borders Police i) Specialist operations with Lothian and Borders Fire and Rescue Service <p>In addition a range of initiatives are currently in progress or under consideration, e.g.:</p> <ul style="list-style-type: none"> - Employment/Training of Solicitor Advocates – to reduce use of Counsel - Accreditation as Specialist Practitioners - Employment of experts, e.g. Childcare, Employment Law, Finance, Licensing 	

Actions recommended for 2008/09

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
Licensing			
1) fully assess the impact of the implementation of new liquor licensing fees. It is currently estimated that additional income in the region of £100,000 will be generated, enabling employee and income budgets to be increased. Pressure on the core services budget will be alleviated by the same amount	The opportunity has been taken to secure full cost recovery for all liquor licensing work and consequently the over spends in miscellaneous licensing have been significantly reduced and will be more than met by the current under spend within the Central Division.	Miscellaneous licensing budgets continue to project a balanced position. The budget motion included provision for civic licence fee increases and a report will be submitted to the Regulatory Committee outlining proposals on a new fee structure for Public Entertainment/Theatre Licensing, securing full recovery of costs.	Ongoing
2) in conjunction with Financial Services and for the purposes of budget clarity and transparency, the accounting treatment of the miscellaneous licensing account be amended to reflect the full costs of this licensing function to ensure consistency with the treatment for HMO and Cab Licensing and a proper comparison with fee income		This has been achieved	Complete and ongoing
Core Services			
3) the development and implementation of a structured mechanism to ensure close and consistent liaison with client departments over current and future work planning, enabling joint assessment of service needs. This should take into	See progress against e) above.	A client satisfaction survey was also undertaken in January 2009. The results are as detailed below:	Achieved and ongoing

<p>account, planned major projects, implementation of new legislation, and other growth or decline in business activities. This would be aligned with client liaison to ensure transparency and clarity of service deliverables</p>		<table border="1"> <thead> <tr> <th></th> <th>Excellent</th> <th>Very good</th> <th>Satisfactory</th> <th>Unsatisfactory</th> <th>Very unsatisfactory</th> </tr> </thead> <tbody> <tr> <td>How did you find the process of contacting the correct staff and discussing your service request?</td> <td>39% (9)</td> <td>39% (9)</td> <td>22% (5)</td> <td>0</td> <td>0</td> </tr> <tr> <td>How did you find the overall attitude of staff?</td> <td>52% (12)</td> <td>30% (7)</td> <td>17% (4)</td> <td>0</td> <td>0</td> </tr> <tr> <td>How did you find the competence of staff with whom you dealt?</td> <td>57% (13)</td> <td>30% (7)</td> <td>13% (3)</td> <td>0</td> <td>0</td> </tr> <tr> <td>Please rate the time taken to complete the work you requested.</td> <td>44% (10)</td> <td>35% (8)</td> <td>17% (4)</td> <td>4% (1)</td> <td>0</td> </tr> <tr> <td>Please provide an overall rating for the service you received.</td> <td>48% (11)</td> <td>30% (7)</td> <td>17% (4)</td> <td>4% (1)</td> <td>0</td> </tr> </tbody> </table> <p>In summary the survey evidences an excellent return in all categories across client departments and external clients.</p> <p>See (a), (e) and (f) above.</p>		Excellent	Very good	Satisfactory	Unsatisfactory	Very unsatisfactory	How did you find the process of contacting the correct staff and discussing your service request?	39% (9)	39% (9)	22% (5)	0	0	How did you find the overall attitude of staff?	52% (12)	30% (7)	17% (4)	0	0	How did you find the competence of staff with whom you dealt?	57% (13)	30% (7)	13% (3)	0	0	Please rate the time taken to complete the work you requested.	44% (10)	35% (8)	17% (4)	4% (1)	0	Please provide an overall rating for the service you received.	48% (11)	30% (7)	17% (4)	4% (1)	0	
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<p>4) assess the level of unplanned/reactive work across the Council and the impact of this on the service</p>	<p>See above.</p>	<p>Close monitoring and management of resources is in place. Enhanced client engagement is reducing unplanned work. Certain types of legal work eg litigation, interdicts, require an intense concentration of resources over a limited time period. The urgent and responsive nature of legal work can result in significant levels of unplanned, reactive work. The new case management system will, for the first time, identify the precise level of unplanned work</p>	<p>In place and ongoing</p>																																				

		and allow appropriate adjustment of resources.	
5) prioritisation of current staff vacancies. Critical posts to be costed and where affordable filled	<p>A number of new temporary legal staff have been recruited to provide immediate support. In addition, a recruitment exercise is currently in process to recruit staff for those key vacancies identified as most critical within the Division. Current timescales are that appointments to these posts will be made to secure additional resources from early 2009.</p> <p>Temporary Contracts and Higher Duties Arrangements - a number of key professional staff were employed on temporary contracts or were carrying out higher duties over a prolonged period of time. These arrangements have now been confirmed on a permanent basis.</p> <p>Training and IIP - there is a current focus in the division on IIP and ensuring that critical training requirements are being met.</p>	<p>The recruitment exercise is largely complete with new staff having joined the Division since late 2008 to date.</p> <p>The Division has retained a significant number of specialist legal practitioners who are experts in their field of local government. Particular expertise has been developed by the in-house services in critical areas of Council business such as Child Protection and Looked after Children, Litigation, Commercial, Procurement and all aspects of property work. The legal service provided continues to support complex and ground breaking initiatives for the City despite resourcing levels over a considerable period of time. The recent recruitment exercise is now achieving more appropriate resourcing and enhanced service delivery in key areas.</p> <p>Lack of resources was most acute in 2008. During this period there was intense pressure on budgets in the Department of Corporate Services and key staff were lost to legal firms in the private sector. The Council wide financial pressures resulted in a number of key vacancies not being filled for an extended period of time. In addition, three Senior staff were on maternity leave and these posts were not covered due to budget constraints.</p> <p>Enhanced resources are now in place in the following areas:</p> <ul style="list-style-type: none"> ● Court and Litigation ● Liquor and Regulatory Licensing ● Commercial and Contracts ● Property ● Planning and Transportation <p>Opportunities have and continue to be taken to re-direct and flexibly use the skills of staff where the current economic climate has led to alterations in the patterns of work eg Property and</p>	Achieved and ongoing

		<p>Council House Sales.</p> <p>Close management and support for new resources to support service delivery is in place and benefits are already apparent. In view of the current economic situation, the Division is undertaking a specific audit to ascertain whether further redeployment of resources is required. Further recruitment will be informed by the results of this audit.</p>	
6) assess impact on income levels from changes to demand for Court of Session work		Marginal impact identified and contained at the present time.	Ongoing monitoring
District Court:			
7) close collaboration with the City Development department during its search for an alternative occupier for the District Court building and assessment of the risk of non-occupation and the consequent budget pressure of around £62,000.		Agreement reached with Scottish Court Service to lease the premises for 5 years from 25 February 2009 with the right to extend the lease on an annual basis thereafter (reported to Finance and Resource Committee, 27 January 2009).	Achieved

Actions recommended beyond 2008/09

Recommended action (Council Report 29 May 2008)	Progress made (Council Report 16 October 2008)	Further progress update (March 2009)	Outcome
I) further work to be undertaken to examine the scope for simplifying charges, particularly with regards to consolidating real income streams from non general fund areas, into a standardised monthly charging scheme.		Further work has been ongoing and this will be developed following implementation of case management. Action on this recommendation is limited by the current budget provision for Legal Services which requires a range of complex charging arrangements as detailed above to secure income to support the service. There is limited scope to 'simplify' charges within the current budget process but this will continue to seek to be achieved working with Finance and service colleagues.	Ongoing
II) consideration be given to simplifying employee cost recharging arrangements through the transfer of budgets, from client departments, taking into account the duration of the dedicated support required.		Pressures within client budget themselves limit opportunities to transfer budgets. Consideration and opportunities for this continue to be explored working with Finance and service colleagues.	Ongoing
III) agreed work-planning and funding mechanisms for growth are needed where planned activities across the Council, including new legislation and major projects, result in the need to fund additional legal staff and resources. In the absence of a client-held funding stream, the funding required should be sought through the budget-setting processes. This process should also consider the resourcing of unplanned/ urgent legal support requirements. Mechanisms must also address declining service activity and their consequent impact on staff resources and funding.	Significant management action has been in place over the period since May. The changing regulatory backdrop especially vis-a-vis licensing has been challenging yet, as noted earlier in the paper, the opportunity has been taken to secure full cost recovery for all liquor licensing work thus reducing overspends within this function.	Development of work planning processes with all clients has taken place through client liaison meetings. The budget setting process has and will continue to be used in this way recognising that there are both departmental pressures which require to be contained and Council budget pressures may not secure the success of meeting service pressures. Director is required to present a balanced budget for Department of Corporate Services as a whole. This has required additional savings to be met from within Legal Services to support and contain overspending in other parts of the department.	Achieved and ongoing

Department of Corporate Services

Legal Services Division

Legal Services Review

Comments by Consultant on Further Progress Update Report submitted by Council Solicitor (Appendix 5 of Report)

The submission by the Council Solicitor reflects the outcome of an extensive discussion which I had with her to elucidate details of progress on implementation of the various recommendations contained in the reports to the Council in May and October 2008. My comments are, therefore, fairly brief. While I am assured that the submission reflects also the views of the Council Solicitor's Management Team I have not had personal access to members of that Team.

Key Actions from Original Report**a) Client Engagement Arrangements**

Given other work priorities and financial and other resource constraints on all sides, the client engagement arrangements seem to be progressing thereby creating better understanding of pressures, priorities and the ability to make more efficient planning for legal input. Planning is of course already in place for normal activities, based on, for example, average annual number of planning applications or appeals, number of annual adoptions etc. While clearly there is room for development and improvement, I must stress that I have not found any general dissatisfaction with the quality of the services of the Legal Division and development and improvement might have to be seen in that context.

Clearly there is a continuing issue about the revenue funding of core legal services. It does not seem to me to be entirely satisfactory that the Legal Division has to seek funding from Departments for particular areas of work where the Departments hold the funding through direct Government grant or some other funding resource. This leads to a situation where solicitors can be dedicated to particular areas of work thereby potentially making it difficult for the Council Solicitor to make best use of deployment according to priorities.

b) Intranet-based Pro-forma Template

I find it difficult to understand why the template was developed at all if it is so general that it does not meet the specifics necessary for service instructions. More specialised forms of instructions are used for differing areas of work and it would appear that staff both within the Legal Division and within client departments are comfortable with these arrangements. It may be that the new case management system will assist in regulating instructions but I have to accept, given the differing detail and vagaries of legal instructions that it might be difficult to provide a "one fits all" template. In any case the new arrangements outlined in paragraph (a) above should assist in negating the need for a pro forma template.

c) Case Management System

I accept the major benefits of the case management system. It is indeed difficult to understand why, even given pressures of resource, it has taken so long to achieve an up to date system which I would have thought was a necessary tool for deployment of staff and monitoring progress.

d) Comprehensive Staff Survey

The provisions for staff engagement and involvement are noted and progress towards achieving IIP status is also positive. However I have not been able to speak to individual members of staff to ascertain their views on how successful communication and engagement actually is.

e) Externalisation of Certain Services

Virtually all work is done in-house apart from certain very specialist work such as PPP when initially introduced. The external market has not been tested otherwise, as the Council Solicitor is of the option, having examined the costs involved in the few cases where the service has been externalised, that it would not be cost-effective and that the expertise is available in-house.

Given the extent of the work requirements of an authority the size of Edinburgh, I would have expected that the authority would have a Legal Division which had the capacity of resources and expertise to undertake the vast majority of work in-house. Private Sector firms are useful in dealing with major peaks and troughs of workload, at a cost, but with proper management these peaks and troughs should be able to be managed in-house.

f) Provision for Costs of Legal Advice in Council Projects

Costs on the capital side are more straightforward as they can be built into the costs of the capital project. Revenue is more difficult as it relies in part on a funding stream from client departments. The measures outlined at (a) above should help to ensure that the extent of legal advice necessary is assessed and anticipated. I do, however, share concern about the need to rely on other departments for the budget for some essential work areas. On the revenue side, I also have some concern that the profit made on agency work, for example Court of Session work, appears to be used to assist funding for core Court Section staff. While the profit is welcome, it is not sustainable if the agency profit ceases.

g) Use of Paralegals

Paralegals are an extremely useful resource to carry out many legal requirements at least to a point where a qualified solicitor requires to sign them off. Obvious areas for such work are conveyancing and licensing. Similar results can be achieved however, by on the job training for non qualified staff who may then decide to undertake a law degree. Taken with the trainee system in place it seems on the face of it that positive steps are being taken to carry out legal work without the full costs having to be attributed to qualified legal staff. Although there are no guarantees such in-house training might also lead to a greater degree of staff retention.

h) Best Practice

Several areas have been listed in which the Division has led on best practice although the list is short on detail as to the lead which has actually been taken. I understand that advantage is taken also of the normal local government networking arrangements through organisations such as SOLAR or the Law Society's Public Service and Commerce Group.

Actions Recommended 2008/9**1) Licensing Fee Income**

This seems satisfactory at present. In terms of fees where the Council can use discretion in fixing the level of fees there can be destabilisation if the Council were to set lower fees to attract investors, for example, in the field of entertainment licences, for more general economic benefits to the City .

2) Accountancy Treatment of Miscellaneous Licensing

This, and the comments related to, are covered in (i) above.

3) Joint Assessment of Needs

While the client satisfaction survey results are positive the categories are fairly narrow and do not deal with whether clients feel that they are actually obtaining value for money. One of the problems clearly apparent is that the client, or at least the person filling in the form, may have no knowledge, or interest in the costs of the service.

4) Unplanned Work

This is always going to be a difficult area. While the liaison meetings referred to at (a) will assist greatly in planning workloads, there is always going to be a considerable amount of unplanned work as unexpected circumstances in Departments which require legal input arise. This is the main area where the core revenue budget will be applied. As I mentioned earlier re-deployment of staff to deal with such issues might be assisted if the Council Solicitor had control of her overall budget rather than certain posts being dedicated to revenue streams coming from service Departments.

5) Prioritisation and Filling of Current Vacancies

Filling of key vacancies will stabilise the work of the Division unless there are further difficulties with staff retention. In the current economic climate staff retention might be easier although there is a continuing problem with the attractions of the private sector, which, at certain levels will pay more. Training from within and longer salary scales may also help staff retention. If staff are leaving for other reasons, exit interviews properly carried out, should reveal more information and might require wider management attention.

6) Fluctuating Demands for Court of Session Work

It is accepted that this is marginal and has no real impact.

7) District Court

While this has been resolved, I am surprised that the Legal Division were having to bear the continuing costs of a building for which they had no use and which had been made surplus to requirements not by a decision of the Council but because of decisions of an outside agency. I would have thought that on being declared surplus the building would have been taken out of the Legal Division's account and been funded from another source such as a Property Fund.

Actions recommended beyond 2009

The new case management system will assist in more detailed figures which would permit accurate re-charging. There are obviously issues, however, outwith the control of the Legal Services Division as to the methods of re-charging taking cognisance of existing accounting practices which provide for a core revenue budget as well as income streams provided from the budgets of other departments, quite apart from income streams from Capital. It may be that this whole area requires further examination.

John Anderson
Consultant, SOLACE Enterprises.