

POLICY AND RESOURCES CABINET BOARD
22ND APRIL 2009

FINANCE & CORPORATE SERVICES DIRECTORATE

REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

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1. Progress report on the West Glamorgan Joint Childcare Legal Service	2-15	All

PART 1 SECTION C

ITEM 1

BUSINESS PLAN MONITORING WEST GLAMORGAN JOINT CHILDCARE LEGAL SERVICE

Purpose of the Report

1. To provide a closing report on the above business plan for 2008/09, for monitoring scrutiny purposes. A full copy is available on the intranet for members' use. The Business Plan for 2009/10 has yet to be drafted and will be informed by the review of the service currently being undertaken (see no. 8 below).

Overview of the Business Unit

2. The team continues to undertake Childcare Legal work for the three Local Authorities of Neath Port Talbot, Swansea and Bridgend. The team has provided emergency legal cover for Cardiff Children's Services Department over the holiday periods 2007/08. The team has also undertaken specialist training for other Welsh Authorities and for Local Health professionals.
3. The team remains employed by Neath Port Talbot Local Authority with its administrative centre in Civic Centre, Swansea and office provision in all three Local Authorities. Proposals considered in November 2007 to transfer the Support/Admin Section to the City and County of Swansea, to achieve efficiencies in costs and service, were subsequently abandoned following an acknowledgement by the Childcare Management Board of the need to review the full structure of the team. For further details see below.
4. The current organisational structure is attached at Appendix 1.

The team currently has two FTE posts vacant at a senior lawyer level and one vacant assistant lawyer post. Attempts to fill the senior posts have proved unsuccessful. As a result of the vacant posts and the increase in workloads the lawyer structure has been supplemented by the use of locum lawyers (currently five in total).

In addition four of the permanent support posts have been kept vacant pending the restructure of the team.

In the meantime, the support team has been supplemented by the use of temporary staff x15 on contracts renewed every six months.

5. There is an urgent need to review the structure for the following reasons:-
 - (a) the current structure does not meet the current demands placed upon it by the three Local Authorities. There has been a significant increase in the volume of work generated by the three Local Authorities in the past year. The number of new matters opened by the Team rose from 174 in 2007/08 to 295 in 2008/09. This increase has been observed on a national basis. All work has been retained in-house but only with the use of locum lawyers. The current difficulties being experienced by the Social Services Department of the City and County of Swansea are also placing additional pressures on the Team;
 - (b) it has proved extremely difficult to recruit senior lawyers to the service. The last two recruitment opportunities produced no external applicants for the senior posts;
 - (c) there is no capacity within the current structure to deal with the impact of maternity leave, sickness, etc. Two Childcare lawyers commenced maternity leave in January 2009 (with another senior lawyer currently pregnant) further affecting the capacity of the team;
 - (d) the support structure needs to be fit for purpose and posts filled with permanent employees minimising the use of temporary staff;
6. Previous business plans have highlighted the fact that the current structure is not adequate to deal with the volume of work generated by the client departments, particularly the provision of in-house advocacy. In previous years, the team's capacity has been adversely affected by maternity leave and this will continue to be a challenge. However, the situation is now exacerbated by the unprecedented increase in the volume of work.

7. The team's budget for 2008/09 summarised below:-

Legal Services - Joint Childcare Service

Revised 2008/09

Revenue Budget

£'000

Expenditure

Employees	1,241,120
Transport	14,000
Supplies and Services	261,970
Reserve Movements	(15,600)
Total Expenditure	<u>1,501,490</u>

Income (*subject to note on Net Expenditure*)

Joint Arrangements Recharge to C & C of Swansea	(500,500)
Joint Arrangements Recharge to Bridgend CBC	(500,500)
Joint Arrangements Recharge to NPTCBC	(500,490)
Gross Income	<u>(1,501,490)</u>

NPT Cost of Childcare Legal Services

NPT Contribution to Joint Board	500,490
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Net Expenditure	<u>500,490</u>
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At the end of the financial year the contribution of the Authorities is revised to reflect the hours worked for each.

The final closing out turn figures are still being calculated but it is projected that there will be significant overspend in the Counsels' fees budget for each Authority due to:-

- (i) the shortage of senior lawyers to undertake complex advocacy in-house and therefore the need to instruct Counsel;

- (ii) the additional demands placed upon the team by the Swansea Care Centre (which hears both Swansea and Neath Port Talbot cases);
8. The Joint Management Board has commissioned a review of the service by external consultants which is due to conclude at the end of May 2009. It is hoped that the review will contain recommendations to improve the capacity and efficiency of the Joint Team. Those recommendations will be reflected in the Team's Business Plan for 2009/10.
9. The aims and objectives of the Service for 2008/09 are:-
- (a) to provide a high quality, cost effective and efficient service to the Children's Services Departments of the three Local Authority Social Services Departments;
 - (b) to provide a comprehensive programme of in-house training to the Legal Team and to the client departments;
 - (c) to capitalise upon the team's experience of being part of a pilot area for the Public Law Outline by delivering training to other Local Authorities, private sector, etc;
 - (d) to raise the profile of the team and to generate income by expanding the team's current training programme as outlined above;
 - (e) to explore the potential benefits of joint working with other Local Authorities.

Action Plan

10. Attached as Appendix 2 is the Action Plan and Targets Section of the business plan 2008/09. These have been revised from previous years to make them more focussed and relevant for the service as it currently operates.

11. A key issue is the continuing difficulty with the current structure which does not meet demands placed upon the team by the client authorities and does not allow the team to deliver a quality service in line with the current service specifications. Thus the focus of the newly revised Action Plan is to address the need for a review of the structure and to address those issues that impact upon the ability of the team to deliver a quality service within the existing budget. Capacity problems caused by the increase in workloads, the inability to recruit senior lawyers and the impact of maternity leave has led to the use of locum solicitors and a continuing increase in the use of Counsel, which has had an impact on efficiency and budget.
12. The revised Action Plan also provides for an expansion of the in-house and external training programme which is a significant strength of the team.
13. The revised Targets section of the Plan contains targets which are being monitored for the first time in 2008/09.

List of Background Papers

14. None.

Wards Affected

15. All.

Officer Contact

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Appendices

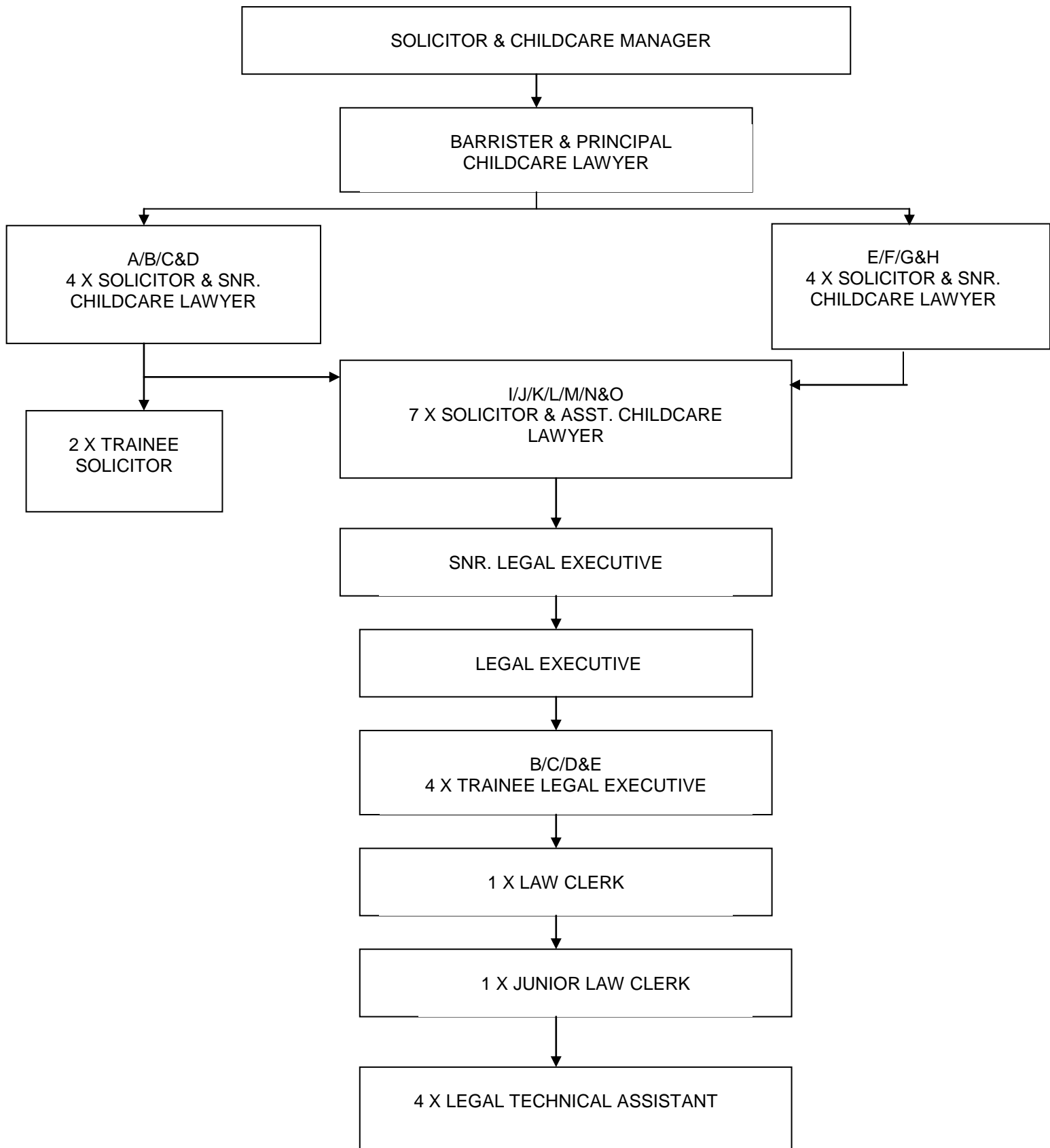
17. Appendix 1 - Organisational Structure;

Appendix 2 - Action Plan;

Appendix 3 - Targets.

ORGANISATIONAL STRUCTURE

APPENDIX 1



ACTION SECTION

Appendix 2

<u>No.</u>	<u>Action</u>	<u>Supporting Service Objective(s)</u>	<u>Officer Responsible</u>	<u>Finance Identified</u>	<u>Target date Milestones</u>	<u>Success Criteria Linked Targets</u>
1	Instruct external consultants to review service Remit: <ul style="list-style-type: none"> • review current service specification • alleviate current workload pressures • strengthen capacity 	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Head of Legal and Democratic Services, City and County of Swansea	To be financed jointly by the three Local Authorities	November 2008	No.1 No. 2 No. 3
2	Achieve restructure of the service	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Joint Management Board	Budget implications not yet identified until review completed	December 2009	No.1 No. 2 No. 3
3	Recruit senior lawyers to vacant posts	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Service Manager	Existing budget	April 2009 <i>On hold pending restructure</i>	No. 2

<u>No.</u>	<u>Action</u>	<u>Supporting Service Objective(s)</u>	<u>Officer Responsible</u>	<u>Finance Identified</u>	<u>Target date Milestones</u>	<u>Success Criteria Linked Targets</u>
4	The provision of in-house training to the Legal Team and client departments	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments 3. Providing a comprehensive programme of in-house training	Principal Childcare Lawyer	Existing budget	Ongoing	No. 4 No. 5 No. 9
5	Develop an effective support team through the introduction of a skills matrix and continuation in-house training programme	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments 3. Providing a comprehensive programme of in-house training	Principal Childcare Lawyer/ Senior Legal Executive	Existing budget	April 2009	No. 5 No. 6

<u>No.</u>	<u>Action</u>	<u>Supporting Service Objective(s)</u>	<u>Officer Responsible</u>	<u>Finance Identified</u>	<u>Target date Milestones</u>	<u>Success Criteria Linked Targets</u>
6	Reduce the use of temporary staff and enhance the stability of the team through the appointment permanent staff	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Joint Management Board	Budget implications not yet identified until review completed	December 2009	No. 2 No. 3
7	Retaining case management of proceedings in house	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Service Manager	Existing budget	Ongoing	No. 7
8	The provision of legal surgeries in accordance with client demand	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Service Manager	Existing budget	Ongoing	No. 8

<u>No.</u>	<u>Action</u>	<u>Supporting Service Objective(s)</u>	<u>Officer Responsible</u>	<u>Finance Identified</u>	<u>Target date Milestones</u>	<u>Success Criteria Linked Targets</u>
9	The provision of specialist training to other agencies and Local Authorities	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments 3. To raise the profile of the team by providing external training	Principal Childcare Lawyer	Existing budget	Ongoing	No. 10
10	Encourage the professional development of support staff to qualify as solicitors/ barristers through the provision of in-house training and financial support of external training costs	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Principal Childcare Lawyer and Joint Management Board	Existing budget provision does not allow for support of external training courses	December 2009	No. 6
11	Consultation with clients on service delivery and performance issues through annual questionnaire and "end of case" satisfaction questionnaire	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Service Manager	Existing budget	March 2009 <i>Target date extended to September 2009 due to current pressures on Team</i>	No. 11 No. 12

<u>No.</u>	<u>Action</u>	<u>Supporting Service Objective(s)</u>	<u>Officer Responsible</u>	<u>Finance Identified</u>	<u>Target date Milestones</u>	<u>Success Criteria Linked Targets</u>
12	Implement electronic case management system for care proceedings	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Service Manager	Existing budget	April 2009 <i>Target date extended to April 2010 due to current pressures on Team</i>	
13	Improve communications and IT provision by: <ul style="list-style-type: none"> • developing IT links with office at Neath Port Talbot and Bridgend; • improving remote access to IT systems for lawyers working away from the office; 	1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments	Service Manager	Budget implications currently being explored	April 2009	

<u>No.</u>	<u>Action</u>	<u>Supporting Service Objective(s)</u>	<u>Officer Responsible</u>	<u>Finance Identified</u>	<u>Target date Milestones</u>	<u>Success Criteria Linked Targets</u>
14	To establish links with other legal services teams to share information and best practice and explore collaborative working	<ol style="list-style-type: none"> 1. High quality, cost effective and efficient service. 2. Meeting the demands of the client departments 3. To explore the potential benefits of joint working with other Local Authorities 	Service Manager and Head of Legal Services	Existing budget	Ongoing	

TARGETS SECTION

Appendix 3

<u>No.</u>	<u>Performance Indicator</u>	<u>Target 08/09</u>	<u>Actual 08/09</u>	<u>Target 09/10</u>	<u>Actual 09/10</u>	<u>Target 10/11</u>	<u>Actual 10/11</u>	<u>Linked Action</u>
1	Achieve chargeable hours as per Law Society recommendations	1200 (or pro rata) per lawyer per year	100%	100%		100%		
2	Number of vacant permanent posts (lawyers only) at the end of the financial year	0	3	0		0		
3	Number of temporary staff employed in the support section	0	15	0		0		
4	Number of in-house training sessions delivered to whole team	5	9	10		16		
5	Number of training sessions delivered to support team	5	8	10		16		
6	Number support team members undertaking professional qualifications to qualify as solicitors/barristers	1	3	2		3		

<u>No.</u>	<u>Performance Indicator</u>	<u>Target 08/09</u>	<u>Actual 08/09</u>	<u>Target 09/10</u>	<u>Actual 09/10</u>	<u>Target 10/11</u>	<u>Actual 10/11</u>	<u>Linked Action</u>
7	Number of care proceedings outsourced to private practice	0	0	0		0		
8	Number of legal surgeries held for client departments	10	35	15		20		
9	Number of training sessions provided to the client department	3	10	5		6		
10	Number of training sessions provided to other agencies/Local Authorities	4	4	5		6		
11	Number of questionnaires sent at closure of care proceedings	10	0%	30		50		
12	Percentage annual client questionnaires sent from target client list	100%	100%	100%		100%		