



# **Review of the Legal Shared Service (including Information Governance)**

**(Shared service Commenced: April 2017)**

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In line with all shared service/shared working arrangements, it is necessary to undertake an annual review of the arrangement. The purpose of the review is two-fold; to ensure that the shared service is delivering against its agreed objectives and to identify any improvements/changes that need to be made to ensure the successful continuation of the arrangement.

The objectives identified for the Legal and Information Governance shared services are as follows:

- Efficiency savings. Realising actual financial savings across the two sites but maintaining delivery of the service.
- Added resilience across the two authorities. There will be a larger pool of officers covering both authorities providing additional resilience to cover sickness absence/vacancies or increased workload should this be required
- Availability of specialist skills across both authorities leading to increased efficiency; potential for a reduced requirement for external support from contractors etc.
- Sharing of best practice in the delivery of services
- Expansion of knowledge base of individual officers

Key areas of focus for the 2019-20 financial year were identified as follows:

- Information Governance to provide targeted support to teams to complete the GDPR Project Plan.
- Revisit the Management Information Report to enable GBC to measure whether they are getting value for money for their financial contribution to the shared service.

## Review Findings

### How is the shared service operating?

1. Has the shared service delivered on the objectives that are set out on page two of the review document?

Yes

No

In part

*Please provide details of how the objectives have been met. If they haven't been met or have been met in part, please provide the reasons for this and any action identified to rectify this.*

The Legal and financial aspect of the Shared Service has delivered on the objectives in full.

Savings were realised at the outset of the Shared service and as follows:

Initial savings for Gravesham were made at the outset, with a financial benefit of around £77k being delivered upon the inception of the shared service.

2017-18 Gravesham's outturn for 2017/18 featured an overall underspend of £120k. In addition to the initial savings of £77k realised, there were further in-year underspends of £43k, largely arising from staffing vacancies within the service.

2018-19 In respect of the 2018-19 financial year, Gravesham's payment to Medway Council for the provision of Legal Services was £468k, which was an increase in the sum paid in the previous financial year (£359k in 2017-18). This was due to an agreed arrangement that, following new GDPR requirements, GBC would contribute for a new Senior Information Governance Officer post in full, on the understanding the whole GDPR team were made available to GBC. The other factor in the increase between years, was the inclusion of a provision for one-off redundancy/retirement costs.

2019-20 In this year, the outturn for Gravesham's contribution to the shared service was £398k which represented an underspend against the original budget of £50k. This arose largely due to staff turnover and vacancies within the overall shared service.

Added resilience across both authorities has been reinforced following a restructure in Legal Services in May 2019 which created 2 additional solicitor posts to ensure we had the appropriately qualified staff to deal with the work streams coming through.

The legal team have continued to keep the majority of matters in house save for the complex regeneration projects. Where those projects have been passed to external advisors the legal team have continued to provide support in discrete areas where it is appropriate to do so. One of the key projects this year was advising GBC on the governance structure of the LATCo – Rosherville Ltd. The number of cases has reduced due to the Covid-19 pandemic but it is anticipated that this will increase again. Support has continued to be provided at council meetings and advising on the decision-making powers and legal aspects of reports ahead of such meetings.

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A suite of KPI's was agreed with GBC Directors following an audit in July 2018, which scored the service as strong. The KPI's are provided in a monthly Management Information report along with the numbers and types of cases being referred to the shared service and a summary of significant cases that have been handled by the team and their outcomes. The MI report evidences the continued strong performance of the service with all targets met or exceeded. The KPI's have been reviewed and the current KPI's provide the best measurement of progress.

The IG aspect of the Shared Service has met it's objectives in part having made good progress in supporting both councils becoming GDPR compliant, improving response times to FOIs/SARS and introducing a suite of policies. The team experienced a period of being short staffed during financial year 2018-19 which has impacted on the team's ability to complete the objectives in full, particularly in relation to ensuring GDPR compliance, which was highlighted in an audit report. This was further impacted upon by the Local Authority's response to the Covid-19 pandemic in the last few months of 2019-2020. The IG team will provide targeted supported to teams to enable GBC teams to complete the GDPR project plan. While the IG team can advise and support teams across the two authorities the majority of the work to be GDPR compliant needs to be undertaken by the individual teams themselves as it is their data. The IGG group will monitor progress across the local authority. There has been a reduction in the number of FOIs received and the council's response times to FOIs during the Covid-19 pandemic but the response times are improving again.

2. Have there been any other, unforeseen benefits, as a result of the shared service?

Yes

No

*Please provide details of any other benefits, which were not anticipated at the start, which have come about as a result of the shared service.*

The Shared Service has enabled the lawyers to gain further knowledge and expertise on some complex property matters which could further reduce the need to outsource work.

Similarly the IG team have been able to gain further knowledge and expertise relating to ICO queries and GDPR.

3. Have there been any unforeseen issues or problems resulting from the shared service?

Yes

No

*Please provide details of any other issues of problems that have arisen which were not previously identified and how these have been managed/rectified.*

The Head of Legal attends GBC's Management Team meetings on a weekly basis at which any issues arising have been raised and quickly resolved.

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4. What has been the financial impact of the shared service on both authorities?

*Please provide details of the financial impact of the shared service i.e. confirmation of any savings achieved, if these are above/below anticipated levels, any costs that were not previously considered or have arisen etc.*

See Q1 above.

5. Feedback from officers involved in the shared service:

*Please provide details of feedback that you have received from officers involved in the shared service. This section could be completed via a short team meeting for example, whereby officers views are sought.*

The shared service has now been in place for a little over three years, whilst largely a positive experience there is a level of frustration for the lawyers at the very limited progress we have been able to make in aligning standard documents and processes due to the different back office systems. Efforts on this front are on-going.

In general the IG Team view working with GBC officers as a positive relationship, however, it appears that the main frustrations are the technical barriers and managing the demanding workload within a small team when trying to support both councils. Below are a few comments received:

- The shared service is most of the time working great. The main difficulty is to fairly split the time spent on cases. We always want to try and be 50/50, but it is not always possible. The main frustration can sometimes be that the two councils use very different systems (some which we cannot get on, without a work laptop) which create difficulties.
- In essence it's good but it is a juggle to support two Councils with such a small team.
- Whilst we are quite well known in Medway we are not that well known in Gravesham, the biggest hurdle I have is trying to get hold of people. We do not have any access to their systems and in some cases reliant on Rosemary on giving us contact numbers etc. We literally only have the FOI contact sheet to use.

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## Moving forward with the shared service

6. Based on the review that has been undertaken will the shared service continue to operate?

Yes

No

*If 'No' please provide details of why it is felt that the shared service should not continue and any exit plans that have been discussed/agreed.*

*If the answer is 'Yes' but there are changes that need to be made to ensure the shared service is effective, please provide details of the changes that are required and how they will be addressed.*

Both shared services have brought savings and resilience for both authorities, for example the councils share a Data Protection Officer, a statutory role, which has enabled the DPO to develop their expertise in this area and share experiences from both authorities.

The Head of the Shared Service will review with GBC colleagues how the IG team can get further access to contacts and will keep workloads under review. The team were short staffed previously which did cause a backlog of work however, the team has been fully staffed now for a year and the backlog addressed so it is anticipated that going forward and with increased training there will not be a repeat and there will be sufficient capacity.

7. If the shared service is to continue to operate, what are the key areas of focus for the coming year for both authorities?

*If answered 'Yes' to question 5, please provide details of the key aspects of work that are going to be undertaken in the year in order to ensure the shared service continues and is further strengthened.*

Legal Shared Service – continue to allow members of the team to expand their knowledge and experience to further increase resilience and take on more of the complex regeneration work, further reducing the need for external instructions. Additionally to provide support to the Council's LATCOs under new Service Level Agreements

Info Governance – to provide further support to GBC and Medway Teams Directorate by Directorate to complete the GDPR project plan.

## Summary of recommendations

*Please list any recommendations that you feel need to be reviewed by the relevant Directors at both authorities. This may include changes to processes or potential supplement increases (if applicable) if it is felt that partnership is working well.*

1.	IG to provide targeted support to teams to enable them to complete the GDPR Project Plan.
2.	IG to provide further support to teams to further improve response times to FOIs.
3.	Legal to expand provision to encompass advice to LATCOs
4.	Legal to continue to support the introduction of new contract procedure rules