**Redesign Board Workshop – Provision of External Legal Services**

**14 November, 2017**

**PROPOSED SCOPE**

**Summary**

The purpose of this review is to examine the provision of external legal services and to explore whether a more cost effective solution can be identified which will continue to meet service user requirements for specialist legal services.

**Background**

The Council’s Legal Team led by the Head of Corporate Governance has a current establishment of 13.2 FTE members of staff based in Inverness and Dingwall and is divided into three teams:

* Litigation and Advice - 4 FTE
* Regulatory and Licensing - 3.6 FTE
* Conveyancing and Commercial – 4.6 FTE

In addition, individual Services have recognised the demand being placed upon the Legal Team and are supporting them directly through the funding of 3.2 FTE temporary posts on a year by year basis as follows:

* 1.6 FTE temporary solicitor positions funded by Housing Development (0.6 FTE) and Asset Management (1FTE).
* The Head of Housing is funding from the HRA a temporary one year solicitor post (1FTE) to deal exclusively with right to buy disposals.
* Revenues Team within Finance Service (0.6 FTE) *(this post is managed directly by Corporate Resources).*

In addition to the in house legal provision, the Council also commissions external legal services from the private sector through both a framework agreement with Harper Macleod LLP and through a number of other legal companies.

This expenditure primarily relates to the provision of specialist legal services in the areas of employment, procurement, major construction and projects.

**Finance**

Based on figures from Corporate Resources expenditure in 2015/16 was as follows:

|  |  |  |
| --- | --- | --- |
| Internal Legal Costs | External Legal Costs | Total |
| £1,074,065 | £521,275 | £1,595,340 |

**Legal Services**

|  |  |
| --- | --- |
| Name | Designation |
| Stewart Fraser | Head of Corporate Governance |

**Review Team**

|  |  |
| --- | --- |
| Name | Designation |
| Karen Ralston | Area Care and Learning Manager (South) |
| Kenneth Forbes | Property Manager (Estates), Development & Infrastructure |
| Gordon Morrison | Parliamentary Officer |
| Rikki Selkirk | Union Representative |
| Councillor Carolyn Caddick | Redesign Board Member |
| Councillor Callum Smith | Redesign Board Member |

**Supported by**

Stuart Black, Director of Infrastructure and Development

**Objectives**

The objectives of the Peer Review are:

1. Review expenditure on external legal services by type of activity and by Service;
2. Assess process for obtaining external legal services;
3. Review current status of agreements for procured legal services and any joint arrangements;
4. Determine where the gaps are in specialised in house expertise;
5. Consider the best option(s) of service delivery against the 10 options as set out in the peer review framework; and
6. Recommend the preferred option(s).

**What will not be included**

It is proposed that the following be excluded from the scope

1. Counsel Opinion and Judicial Review;
2. Fees such as Curator Ad Litem, Permanence Orders, Guardianship Orders;
3. Court Appearances in geographical areas where there are no in house legal staff (Caithness, Fort William, Portree);

**Methods that will be used to undertake this review**

1. Desk Top analysis of all relevant financial information

2. Meetings with Legal Team and other Service users

3. Benchmark provision in other Local Authorities

**Timescales**

It is proposed that an up-date report will be provided to the Redesign Board workshop on 12 December, 2017 with recommendations presented and discussed at the workshop on 16 January, 2018. The final report would then be considered at the next formal Board meeting.