

Business Plan for Legal - March 2012 to 30 September 2013

1. Introduction

1.1 The Service's key responsibilities are:

- Ensuring the Council acts lawfully.
- The provision of legal services in support of the Council's aims and objectives and statutory objectives.
- The provision of advice and assistance to ensure acceptable information governance standards are applied to information held by the Council

1.2 Context

Local Government is a creature of statute which requires careful analysis of the powers available to it and there continues to be new legislation which impacts on the work we do. For example the Localism Act 2011 will introduce changes over a period of time. The Council are also operating at a time of substantial cuts which brings new challenges as we seek continuous improvement and value for money, along with reducing/stopping some services and the processes around these decisions and any challenges to them.

The Council has a number of projects ongoing which require significant legal input to reduce the risk of a successful challenge including PFI and transforming social care, together with rationalising our property portfolio. With significant changes in services, challenges have increased and specific focus in advising on and providing training in relation to Equality Impact Assessments has been a priority and will continue to be.

It is essential to ensure that children and vulnerable adults are appropriately safeguarded, that all Council departments act lawfully and that significant data losses do not occur here on the Island.

Legal Services holds a quality accreditation "Lexcel" – which is approved by the Law Society. We undergo an annual inspection.

Legal Services also take part in the CIPFA benchmarking for Legal Services, and have done so for the past 3 years.

Contracts and procurement advice is now dealt with by the procurement and contract team, into which legal posts have transferred. A close working link with those lawyers remains and is necessary to ensure effective joined up working.

All the above activities are carried out with due consideration being given to the nine protected characteristics under the Equality Act 2010 (which are age; disability; gender reassignment; marriage/civil partnership; pregnancy/maternity; race; religion/belief; sex and sexual orientation) in accordance with the public sector duty in the exercise of its functions to give due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance the equality of opportunity and to foster good relations between people. For changes to strategy, policy or service delivery/redesign, an equality impact assessment will be undertaken.

2. Key Business Objectives

Number	Business Objective	Link to Corporate Priority or Directorate Plan Objective
1	Supporting changes to council service delivery	Delivery of budget savings through changed service provision
2	Effective support for regulatory clients	Delivery of budget savings through changed service provision
3	To provide comprehensive legal support in safeguarding vulnerable groups	Supporting older and vulnerable residents and keeping children safe
4	Council-wide effective Information Governance	Delivery of budget savings through changed service provision

3. Key Business Objectives Details:

Key Business Objective 1: Supporting changes to council service delivery

Key Activities to support the objective	Success Factors	% Complete	Target/ Completion Date
<p>1. To provide the following in relation to proposed changes to services:</p> <ul style="list-style-type: none"> a) Advice as to the necessary processes b) Advice regarding the need for and completion of Equality Impact Assessments c) Advice as to the decision making process d) Training across the council in the need for and completion of screening for full EIAs 	<p>Reduced/different service provision in operation. Any challenges concluded.</p>	50%	2013
<p>2. To provide such legal advice and support as is required to assist the Strategic Asset Team in the delivery of rationalising the council's portfolio of land/property rented/leased – both as landlord and tenant</p>	<p>Disposal of non-operational property identified as not required as part of portfolio.</p> <p>Termination leases where council is tenant as appropriate.</p> <p>All tenanted properties to have current leases, with rent reviews undertaken</p>	10%	2014
<p>a) To provide:</p> <ul style="list-style-type: none"> a) such legal advice and support as is required to assist the Strategic Asset Team in delivery of its Capital Receipt Programme and the achievement of its targets 	<p>a) To have completed, subject to instructions, the disposal of all property identified as surplus, including:</p> <ul style="list-style-type: none"> i. public conveniences ii. libraries iii. disposal of surplus offices iv. any other property whilst minimising/reducing spend on external legal advisers. 		

b) support through the provision of legal advice to deliver the disposal or other changes to school sites following the reorganisation of schools	b) To have completed, subject to instructions, all legal documentation to effect: <ul style="list-style-type: none"> i. the transfer of all relevant schools to the successful bidders ii. disposal of identified surplus school sites iii. new build/refurbishment of all identified schools iv. resolution of all employment related issues 	20%	2015
b) Pan Development	c) To have completed the transfer of all relevant tranches to either the RSL, Developer and the Management Company in accordance with the timescales set out in the Development Agreement.		
4. To continue to review and identify more effective and efficient ways of working in Legal Services.	An efficient, effective and proactive Legal Team.		

Risks
Ability and capacity to identify and meet the need for specialist advice in a timely manner
Risk of increased legal challenge in response to the implementation of budget decisions
Performance Measures
Number of complaints from in-house client base
Percentage (%) of files randomly checked at monthly meetings that don't require corrective action.
The retention of Lexcel accreditation following robust external assessment yearly, to include risk management, performance, training and development. (Yes = 1, No = 0)

Key Business Objective 2: Effective support for regulatory clients

Key Activities to support the objective	Success Factors	% Complete	Target/Completion Date
1. Provision of support to regulatory clients including Prosecutors forum as well as discrete training to develop a proper and lawful enforcement culture	Effective enforcement. Feedback indicates clients achieving their desired outcomes and are supported through client survey	75%	Ongoing
2. Case management including statement preparation, evidence assessment and advocacy	Successful case management achieving best result for the Council with reduced spend on external firms/chambers	80%	Ongoing
3. Co-ordination of Regulation of Investigatory Powers Act 2000, compliance, training and monitoring taking into account the proposed change under the Protection of Freedom Bill.	A positive inspection report from the Office of Surveillance Commissioners.	75%	Ongoing
4. Provision of support to planning services including the implications of the Localism Act, s106 arrangements, enforcement matters and Planning Surgery.	Compliant planning service that is discharging its duties in accordance with legislation. In particular the s106 arrangements bringing in the most amount of money that can be supported by policy and capacity and utilising the external firms framework provisions to secure value for money training and advisory support.	80%	Ongoing

Risks
Ability and capacity to identify and meet the need for specialist advice in a timely manner
Performance Measures
Number of complaints from in house client base
Percentage (%) of files randomly checked at monthly meetings that don't require corrective action.
Percentage (%) of clients very satisfied or satisfied with the overall quality of the service provided by the Legal Team
The retention of Lexcel accreditation following robust external assessment yearly, to include risk management, performance, training and development. (Yes = 1, No = 0)

Key Business Objective 3: To provide comprehensive legal support in safeguarding vulnerable groups

Key Activities to support the objective	Success Factors	% Complete	Target/Completion Date
<p>1. To review the provision of legal advice/ representation in child care proceedings and in adult services, particularly safeguarding vulnerable adults. This will focus on the following areas: a) To support adult services by giving them assistance in updating their policies</p>	<p>By 31.3.2013 policies for adult services will be updated to ensure that they reflect current legislation and guidance</p>	<p>10%</p>	<p>31.03.13</p>
<p>b) To support adult safeguarding service by continued training on safeguarding matters</p>	<p>By 31.3.2013 all social workers involved with safeguarding vulnerable adults will be fully aware of the legal context of Safeguarding Adults, measures available to protect adults who may be vulnerable to abuse and how the local policy and procedures relate to other policy, guidance and legislation</p>	<p>0%</p>	<p>31.03.13</p>
<p>c) To support Adult Services by monitoring the progress of proposed major reforms to legislation in the areas of i. Adult Safeguarding ii. Carer's rights iii. Extending the scope of direct payments</p>	<p>By 31.3.2013 senior staff in Adult Services will be fully aware of the progress and nature of the proposed reforms, what measures will be necessary to ensure compliance with proposed legislation and timescales for implementation.</p>	<p>10%</p>	<p>31.03.13</p>
<p>d) To support Children's social care by ensuring (subject to funding continuing) that a lawyer from the team is available one day a week to work with the service in Children's services in order to ensure that: i. current procedures reflect the latest legislative changes;</p>	<p>By 31.03.2013 all procedures/forms/templates will have been amended to reflect current legislation and guidance</p>	<p>50%</p>	<p>31.03.13</p>

ii. the forms/templates etc being used are reflective of the latest legislation;	By 31.03.2013 all procedures/forms/templates will have been amended to reflect current legislation and guidance	30%	31.03.13
iii. the quality of reports written for the purpose of court proceedings are improved	By 31.03.2013 all social workers involved with court proceedings will have had additional training in the writing of court reports		
iv. there is greater understanding of the public law outline	By 31.03.2013 all social workers involved with court proceedings will have a greater understanding of the procedure set out in the Public Law Outline.		
v. to support Children's Services by monitoring the progress of the Family Justice Review	By 31.3.2013 senior staff in Children's Services will be fully aware of the progress and nature of the proposed reforms, what measures will be necessary to ensure compliance with proposed legislation and timescales for implementation.		

Risks
Ability and capacity to identify and meet the need for specialist advice in a timely manner
Insufficient or poor quality court documentation by Social Services resulting in delays and/or wasted costs orders in Child Protection matters and insufficient time due to volume of proceedings to address issues.
Performance Measures
Number of complaints from in house client base
Percentage (%) of files randomly checked at monthly meetings that don't require corrective action.
Percentage (%) of clients very satisfied or satisfied with the overall quality of the service provided by the Legal Team
The retention of Lexcel accreditation following robust external assessment yearly, to include risk management, performance, training and development. (Yes = 1, No = 0)

Key Business Objective 4: Council-wide effective Information Governance

Key Activities to support the objective	Success Factors	% Complete	Target/Completion Date
1. Undertaking investigations and appeals in relation to Freedom of Information, Environmental Information Regulations, and Data Protection Act (DPA) appeals	Action and or advice required after investigation will reduce likelihood of further appeals	100%	Ongoing
2. Compliance with Subject Access Requests / Freedom Of Information/ Environmental Information Regulations	90% compliance	100%	Ongoing
3. Support of network of officers dealing with requests for information through specific advice and meetings/training	Feedback indicates that officers are supported and receiving the right training	100%	Ongoing
4. To provide corporate and service specific training on information governance including DPA/FOI.	Feedback forms	100%	Ongoing
5. Develop collaborative working plan with partner agencies through the Information Governance Group	Productive inter-agency information governance group and identifiable benefits such as sharing of policies, facilitating appeal	50%	Ongoing
6. To develop a cohesive approach to information governance to the Council and co-ordinating the Information Governance Group and developing a clear and achievable Information Governance Improvement work plan	Clear work plan developed and proper governance of all information governance issues embedded into council practice	5%	Ongoing

Risks
Failure to meet the requirements of the Data Protection Act and the Freedom of Information Act
Performance Measures
Freedom of Information Requests received
Whole Council – Percentage (%) of FOI requests completed in statutory timescale
Whole Council – Percentage (%) of Subject Access Requests closed within statutory timescale
Number of Data Protection Investigations identifying a breach/es of the Data Protection Act