

MINUTES of the meeting of the **ORBIS** Public Law Joint Committee held at 10.00 am on 25 January 2018 at CC2 - County Hall, Lewes.

These minutes are subject to confirmation by the Committee at its meeting to be arranged in July 2018.

Elected Members:
(*present)

- * Councillor David Elkin (Chair)
- * Councillor Les Hamilton
- * Councillor Jeremy Hunt
- * Councillor Tim Oliver

In attendance

Philip Baker, Assistant Chief Executive (ESCC)
Rachel Crossley, Assistant Director, Chief of Staff (SCC)
Abraham Ghebre-Ghiorghis, Executive Lead Officer, Strategy Governance and Law (BHCC)
Tony Kershaw, Director of Law and Assurance (WSCC)
Andrea Kilby, Business Development Manager, Orbis Public Law
Emma Nash, Project Manager, Orbis Public Law

1/18. APOLOGIES FOR ABSENCE [Item 1]

There were none.

2/18. MINUTES OF THE PREVIOUS MEETING [Item 2]

The minutes of the previous meeting held on 16 October 2017 were approved as a correct record.

3/18. DECLARATIONS OF INTEREST [Item 3]

There were none.

4/18. ORBIS PUBLIC LAW BUSINESS PLAN [Item 4]

The Committee considered a report on the updated Orbis Public Law Business Plan, introduced through a presentation by Philip Baker.

Witnesses:

Philip Baker, Assistant Chief Executive (ESCC)
Rachel Crossley, Assistant Director, Chief of Staff (SCC)
Abraham Ghebre-Ghiorghis, Executive Lead Officer, Strategy Governance and Law (BHCC)
Tony Kershaw, Director of Law and Assurance (WSCC)
Andrea Kilby, Business Development Manager, Orbis Public Law
Emma Nash, Project Manager, Orbis Public Law

Key points

1. The presentation set out the progress made since the October Joint Committee meeting, and set the baseline to measure future performance.
2. Philip Baker highlighted the “Leap of Faith” from Collaboration to Convergence for Orbis Public Law (OPL), and set out the factors underpinning convergence such as: a single Interim Head of Orbis Public Law; a joint operating budget; integrated case management systems; and a resource pool by legal discipline (rather than geographical area).
3. Officers confirmed the work being undertaken in aligning processes, such as time recording and accounting records, to allow meaningful comparisons across the partnership and establishment of a joint budget. Officers confirmed the development of an OPL Framework Agreement for both non-social care and social care cases.
4. In-house advocacy is monitored and more cost-effective, and measured against an agreed notional target for comparison against external advocate costs to support in demonstrating in-house value.
5. Members were informed that client departments favour the in-house advocates, given the ability of the advocate to become familiar with the case over time. Officers also highlighted that cases where in-house advocates attended Case Management Hearings, early in the process, usually resulted in fewer hearings overall. Officers acknowledged that recruitment and retention is an issue, and set out the efforts made to grow the authorities’ own staff, including supporting the qualification for higher courts rights of audience.
6. Officers explained the Digital Courts project. The OPL case management system can be used to produce court bundles, which are currently printed and circulated to participants. OPL are piloting new software with the Guilford Family Courts to use electronic versions of these bundles, using laptops, tablets and a large screen in court instead of paper bundles. The first electronic hearing will be in February 2018, and it is hoped to roll the pilot out to Brighton later in the year.
7. Officers highlighted the considerable savings to be made, in paper, printing, postage and petrol. Members considered this work should be more widely publicised, and referred to the EY Market Insight briefing at the Orbis Joint Committee.
8. Officers set out the work sharing element of the integration, whereby officers in each authority can work on the files of the others to provide the resilience needed.
9. Philip Baker set out the Performance Baseline that had been established in terms of a shadow budget, the volume and types of work, the cost per chargeable hour, staff make up, work sharing and the child care advocacy project.

10. Each authority had its own pattern of spending on external legal advice, some of which is based partly on how that spending is treated by the respective Finance departments. Members were supportive of all legal costs to be overseen by legal, regardless of whether legal holds the budget.
11. Members asked questions about the insurance claims handling service. It was set out that each partner currently had its own approach. Members suggested a focus on this area of work, as there is a range of potential public sector organisations to whom the service could be offered. This supports the OPL public sector ethos of minimising the cost of legal services to the public sector. Officers set out the work being done to standardise approaches to time-recording and chargeable hours, and to encourage staff to record accurately which will result in the development of fixed-cost offers for certain areas of work. Officers noted that West Sussex had only recently started time-recording.
12. Officers set out the staff make up of each authority, categorised by: qualified fee earner, non-qualified fee earner and support staff. 86% of OPL staff are classed as fee earners. Officers also set out the efforts being made to ensure that work is being allocated to the right level of staff. Officers highlighted that not all fee earning legal work needs to be undertaken by qualified solicitors, and the value of recruiting people who wanted to specialise in a discrete area of law, without the wider training needed to be a solicitor. Officers also highlighted the benefit to staff retention of being part of a larger organisation. Promotion opportunities are greater than in an individual authority.
13. Members asked questions about the difference in staffing cost per chargeable hour. It was explained that some of the data was new and that it would become more meaningful over time. The overall average showed a reduction in cost per chargeable hour. Members requested a further breakdown of cost per type of fee earner.
14. With regard to work sharing, officers acknowledged that the figures were currently low, with the exception of the commercial areas of property and contracts. However other benefits were highlighted, such as the support offered to junior staff by more senior colleagues based in another authority.
15. Officers highlighted the notional saving of £210,000 of the in-house advocates. Members discussed the optimum level of staffing and were informed that the advocates were home-based workers, so did not incur accommodation costs but asked that the total cost (including all overheads) should be set out in calculating the cost of an in-house advocate. It was re-iterated that there would always be situations where external counsel would need to be instructed, due to short notice or complexity.
16. Members asked questions regarding the potential for offering legal services to external clients. It was confirmed that OPL would not be established as an Alternative Business Structure at present, but there was scope to revisit this as the partnership develops. Members were

informed that OPL in its current form was able to offer services to certain specified public bodies, but that an ABS would be necessary should OPL wish to engage with 'the public'.

17. Members were interested in the plans to fully integrate the case management system. Currently all partners are operating the same system but on different servers. To be a true single service this needs to operate as one. There are different approaches to this and the OPL Business Development Manager will provide an update on the IT strategy at a future Joint Committee.
18. Summary - The Committee requested further revisions to the business plan in the following areas:
 - A business plan and strategy for child care and advocacy (including setting out the total cost including all overheads such as salary, accommodation, IT etc, of employed advocates)
 - Performance data on:
 - the average cost per fee earner type
 - data on in-house staff undertaking advocacy
 - a qualitative measure of success of the OPL service.

Further Information requested:

- The Committee requested sight of the Income and Marketing Strategy when it is available
- Promotion of the digital court project through EY Insight
- Further information on the IT Strategy and integration of the case management system.

The Committee requested that an additional meeting for July 2018 be set up, ideally in conjunction with the Orbis Joint Committee. The Committee also requested that the feasibility of changing the October 2018 date be explored.

RESOLUTIONS

The Committee resolved to approve the revised Business Plan, subject to the revisions highlighted at paragraph 18 above.

Meeting ended at: 11.25 am

Chair