

**BRIGHTON & HOVE CITY COUNCIL, EAST SUSSEX
COUNTY COUNCIL, SURREY COUNTY COUNCIL AND
WEST SUSSEX COUNTY COUNCIL**

ORBIS PUBLIC LAW JOINT COMMITTEE

DATE: 2 JULY 2018

**LEAD OFFICERS: PHILIP BAKER (ASSISTANT CHIEF
EXECUTIVE, ESCC),
RACHEL CROSSLEY (ASSISTANT DIRECTOR,
CHIEF OF STAFF, SCC),
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LEAD OFFICER FOR STRATEGY,
GOVERNANCE AND LAW, BHCC),
AND
TONY KERSHAW (DIRECTOR OF LAW AND
ASSURANCE, WSCC).**

**SUBJECT: CHILD CARE ADVOCACY STRATEGY AND
BUSINESS PLAN**

PURPOSE OF REPORT:

Following the Joint Committee in January 2018, a Child Care Advocacy Strategy and Business Plan has been agreed by the OPL Interim Leadership Team.

INTRODUCTION

1. The key objective of the Child care advocacy strategy and business plan is to reduce spending on external counsel to represent OPL authorities in child care proceedings. Refer to appendix 4 for the full report.

RECOMMENDATION:

It is recommended that the Joint Committee reviews and approves the Child Care Advocacy Strategy and Business Plan and endorses the approach to reducing expenditure on external counsel to represent OPL authorities in child care proceedings.

REASON FOR RECOMMENDATION:

To ensure the Joint Committee is fully briefed on progress with the Advocacy project.

DETAILS:

2. Over the last three years the number of care proceedings in the OPL area has increased by 57%, more than double the national trend. This significant rise has placed increasing pressure on legal services teams to provide child care lawyers and advocates to manage proceedings. In 2017/18, over 40% of care proceedings were delivered in-house but to meet demand, OPL authorities spent £2m on instructing counsel to represent our local authorities in child care proceedings.
3. In June 2018, OPL was working with six FTE advocates employed by the four partner authorities.
4. An OPL advocacy project group is working to reduce the amount we spend on counsel by:
 - recruiting up to four additional OPL advocates. On average each OPL advocate saves around £23,000 p.a over the cost of instructing external Counsel. An OPL advocate is due to start in August 2018;
 - prioritising OPL advocate activity on longer hearings and final hearings which are expensive to buy in;
 - supporting case lawyers to do more of their own advocacy;
 - co-ordinating advocate activity and monitoring the cost of child care hearings; and
 - agreeing an OPL child care framework which should stabilise and possibly reduce the prices we pay for external counsel.

CONCLUSION AND NEXT STEPS

5. The Child Care Advocacy project will reduce the amount we spend on external counsel and make the best use of our own staff which in turn will help to make OPL more sustainable and resilient. The reduction in the cost of advocacy for Children's Services departments will benefit front-line children's services.

Contact Officer: Shân Allan (ESCC Governance Services)

Appendices: Appendix 4 Advocacy Strategy and Business Plan

Sources/background papers: None

Consulted: Advocacy working group:

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Child Care Advocacy: Strategy and Business Plan

Final

June 2018

Contents

1. Background
2. Objectives
3. What does an advocate do?
4. Where are we now?
5. Meeting our objectives
6. Developing information
7. Managing workload
8. Securing the best price for counsel
9. Enabling a digital court
10. Conclusions
11. Action Plan

1. Background

1.1 Orbis Public Law (OPL) has a vision to be a single, resilient, sustainable cost effective legal service with a public service ethos with an ability and ambition to grow.

1.2 In January 2018 the OPL Joint Committee agreed the OPL Business Plan which sets out aims, ambitions and future plans. OPL objectives are to:

- Enhance the value of service to our authorities,
- Improve resilience,
- Reduce the net cost of legal services and
- Increase opportunities for staff and their development.

1.3 An important part of delivering the OPL Business Plan is the Child Care Advocacy Project. Reducing the amount we spend on external Counsel and making the best use of our own staff will help to make OPL more sustainable and resilient. Ultimately, any reduction in the cost of advocacy will benefit front-line child care services.

2. Objectives

2.1 The key objective of the Child Care Advocacy Strategy and Business Plan is to:

- Reduce spending on external counsel to represent OPL authorities in child care proceedings.

2.2 In achieving this objective, the strategy is underpinned by three guiding principles:

- Optimum integration to achieve best value,
- Maximum organisational self-sufficiency and resilience; and
- Exploiting technology to improve performance and manage caseloads.

3. What does an advocate do?

3.1 Each partner uses solicitors and barristers as advocates to act on behalf of the local authority in child care proceedings. Acting on instructions from child care lawyers, they take on responsibility for all matters related to the conduct of court hearings and of reporting actions and outcomes to the Children's Services department client and the relevant team lawyer. This includes the drafting of court documents such as case summaries, court orders and, where required, skeleton arguments and legal position statements. The nature of the work means they regularly attend court and at times may be required to prepare for urgent cases outside of normal office hours.

3.2 This work requires a particular skill set. Advocates need expertise in public law relating to child protection and to be confident and articulate in court on a range of hearings at different levels and with different levels of complexity. The work is sensitive as children may be removed from their

parents or carers. Advocates need to be good communicators in court and also able to quickly build and maintain good relations with legal colleagues and social workers.

3.3 Advocates work on many different types of hearings within care proceedings. An example is a Case Management Hearing. This is an initial short hearing before a judge to sort out procedural and practical matters, including what evidence is necessary, and get the case ready for a hearing where a full decision will be made about the welfare of the child.

Case Management Hearing

An advocate representing the local authority has to:

1. Read the brief provided by the local authority case solicitor.
2. Review relevant papers for the hearing. This is likely to include the following: previous directions and position statements; any expert evidence; social worker’s initial assessment; any existing assessments; review of any threshold evidence.
3. Raise any queries with the instructing solicitor.
4. Draft a case summary – typically a 4 page document.
5. Attend an advocates meeting (meeting of the advocates for all parties). Feed back to the instructing solicitor and take further instructions if necessary.
6. Draft a case management order (6 page document) and any additional orders e.g. disclosure of documents from police or hospital.
7. If there is a contested issue for the hearing, the advocate will review relevant law and prepare argument/submissions or examination of witnesses. The advocate may be required to draft a skeleton argument or position statement.
8. Attend the hearing (including travel to and from court). Attendance required 1 hour before the hearing in most cases.
9. Write an attendance note for the instructing solicitor.
10. Finalise case management order(s) and circulate to other parties’ advocates. Amend and recirculate if appropriate.
11. Send case management order(s) to court for approval by the judge.

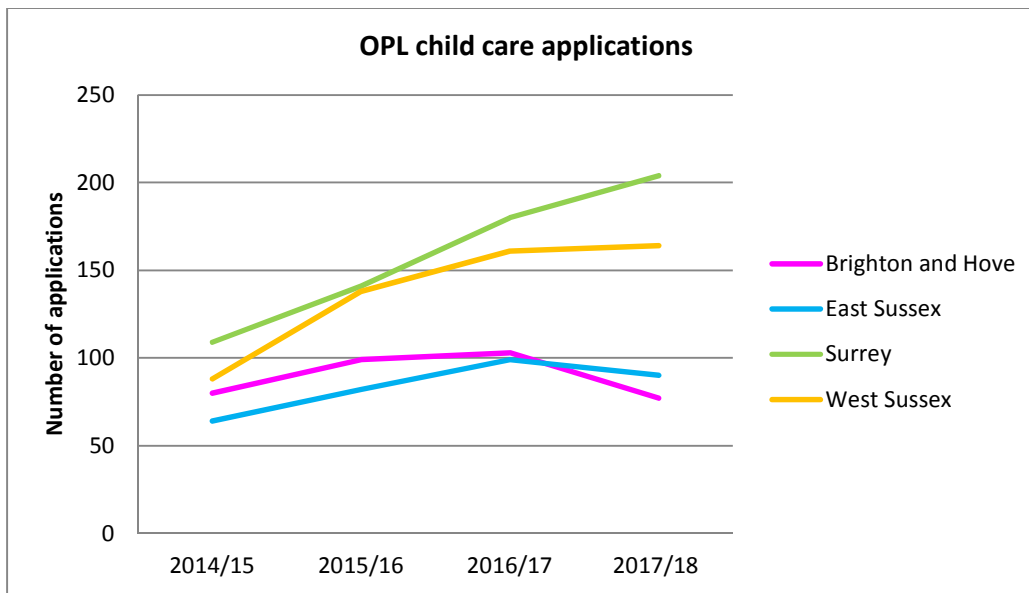
4. Where are we now?

4.1 When a local authority decides it needs to get involved with a family to keep a child safe they may start a court case – known as care proceedings. Nationally, over the last three years, there has been a steep increase in the number of care applications with Cafcass recording a 27% rise between 2014/15 and 2017/18. In the OPL area of Surrey, East and West Sussex and Brighton & Hove, the increase over the same period was 57%, more than double the national trend.

	2014/15	2015/16	2016/17	2017/18
OPL number of care applications	341	460	543	535

Source: Cafcass

4.2 The significant rise in care applications in the OPL area has placed increasing pressure on legal services teams both to provide child care lawyers and advocates to manage proceedings. Data for 2017/18 suggests that the overall number of child care applications may have peaked, however there are different patterns across the four partners. Demand has eased at Brighton & Hove and East Sussex, is plateauing in West Sussex but remains on an increasing trajectory in Surrey. Some of the increase in Surrey may be attributable to both pre Ofsted monitoring visits and the full Ofsted inspection of Children’s Services in February 2018.



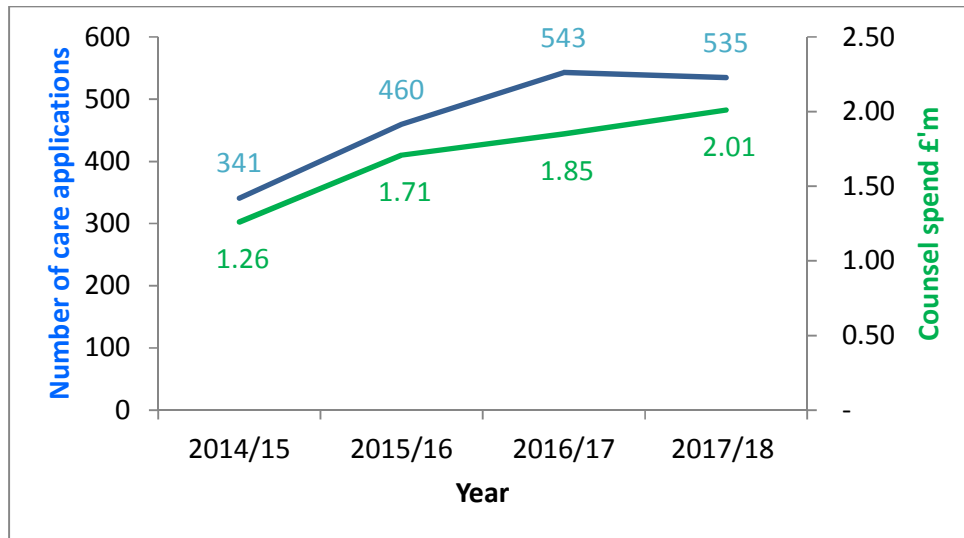
Source: Cafcass

4.3 OPL partners provide child care advocacy in three ways, by:

- employing their own advocates;
- using case lawyers to carry out their own advocacy on straight forward hearings; and by
- instructing barristers from counsel chambers to carry out advocacy on more complex cases and where there is insufficient in-house capacity.

4.4 For most of 2017/18, OPL was operating with five to six advocates. The resource varied over the year influenced by movement of staff, sickness absence, other work pressures and one advocate in training who was carrying a lighter workload. In June 2018, OPL was working with six FTE advocates employed by the four partner authorities.

4.5 Operating with a fixed number of advocates has meant that Councils have been more reliant on instructing counsel to meet the advocacy gap. Over the three years since 2014/15, partners have increased spending on counsel by 59% from £1.26m in 2014/15 to £2.01m in 2017/18.



Source: Cafcass and OPL Authority financial reports

5. Meeting our objectives

5.1 Our key objective of reducing the amount we spend on external advocacy is being met in four ways.

- Increasing in-house advocate capacity;
- Ensuring the most effective use of our in-house advocates;
- Increasing the number of care proceedings hearings covered by OPL lawyers; and
- Securing the best prices for counsel when they are used.

Increasing the number of in-house advocates

5.2 Our six FTE advocates are employed by partner authorities on broadly similar salary scales and all carry out advocacy for their Children’s Services departments.

	FTE advocates	Salary scale 2017/18
BHCC	1	£46,552 – £51,043
ESCC	1	£47,072 – £51,540
SCC	2	£50,903 - £56,261
WCC	2	£48,423 - £51,284

5.3 Since 2017, we have been tracking advocate performance and comparing the cost of the hearings they do with the cost of instructing counsel to carry out equivalent work. Working with Orbis Finance colleagues, we have established that the full cost of employing an advocate is around £71,000.¹ Based on this cost, data for 2017/18 shows that using our own advocates was £145,000 less expensive

¹ Based on a notional average salary of £50,000 and including all employment oncosts, marginal overheads, travel expenses, supervision etc. (Appendix A)

than instructing counsel to do the same work; this is less than previously reported because we have included all overheads.

Total value of work carried out by OPL advocates 2017/18	Cost of employing OPL advocates 2017/18	Notional saving over instructing counsel	Notional saving as a percentage of instructing counsel
£000	£000	£000	%
591	446	145	25

Source: OPL advocacy tracking

Note: Value of work based on counsel rates

5.4 The data shows there are clear financial benefits to employing our own advocates. There are also other advantages from using our own staff more extensively:

- We know from work carried out at SCC that where case lawyers or in-house advocates attend case management conferences, the subsequent number of hearings per case is likely to be lower than when counsel attends the initial conference;
- In-house advocates build up relationships with clients and possess specialist knowledge of local authority procedures that enables more efficient progression of the case; and
- Our advocates support and train colleagues in advocacy skills.

5.5 We also recognise that there are benefits from using counsel:

- Instructing counsel provides flexibility - if the number of child care proceedings fall then spending on counsel will reduce; and
- there will always be a need to instruct Counsel for complex cases.

5.6 It is not straightforward to identify the optimum number of advocates OPL should employ. The £2m spent on counsel for childcare proceedings in 2017/18 would buy 28 additional advocates, indicating the scale of the resource currently involved. However, even if this was desirable, the recruitment market for advocates is difficult with competition from other sectors and restrictions on the salary we can offer and there are risks associated with employing new staff:

- The work is demand led; we cannot be certain what level of advocacy will be required in the future;
- If we have too many advocates, and work falls, then we may be facing redundancies and the costs associated with that;
- High levels of sickness absence may be incurred which would impact on overall productivity and the financial benefits of using our own staff; and
- The budgets for counsel are held by Children’s Services at BHCC and ESCC. Although Legal Services makes spending decisions about counsel, if additional advocates are recruited, the funding has to come from the client department. Any change would need to be explained and agreed in advance; this may pose an unacceptable risk to departments.

5.7 In March 2017 the OPL Joint Management Board recognised these dilemmas and agreed a pragmatic approach to recruit up to four additional advocates to work across OPL. This would increase in-house capacity to 10 advocates; a situation which will be kept under review. Employing more staff

means that the cost of OPL will increase, however this will be more than offset by the reduced cost of external advice in the budgets of each partner.

5.8 During 2017 two recruitment campaigns were run to attract suitable candidates; a position was offered to one candidate who declined the position. A recruitment campaign continues including more targeted approaches to potential candidates. This has been successful with a candidate accepting an OPL position and due to start in August 2018.

5.9 Until April 2019, when a permanent OPL management structure and combined budget are in place, the new advocate appointment will be funded and hosted by one of the OPL partners; in this case BHCC. The advocate will work across all four OPL partners according to need; the cost of employment will be apportioned between each OPL partner based on the time the advocate spends working for each sovereign authority. In the event that not all costs will be recovered, or during a training and induction period, the residual cost will be shared between partners based on the ACR.

5.10 Based on current average activity levels, each new advocate could save OPL around £23,000. However, there are opportunities to increase this through effective management and by prioritising advocates’ work on hearings which are expensive to buy in (paragraphs 5.11 -5.16).

Most effective use of in-house advocates

5.11 Our tracking has highlighted the type of hearings that OPL advocates cover and how we can make best use of our staff. During 2017/18, the value of the work each advocate delivered varied considerably, influenced by a number of factors such as other work pressures and sickness absence. On average, each advocate saved OPL £23,000 (the value of work carried out in excess of their salary plus oncosts). Our most productive advocates were saving OPL over £40,000 p.a.

5.12 Working together, partners have learnt from this and challenged existing custom and practice with positive results. For example, refocusing the work of one advocate has seen the value of work increase from £24,000 to £65,000 over two consecutive six month periods. This is largely because of a move to longer hearings (1-6 days) which are particularly expensive to buy in - a 2 day hearing typically costs around £1,800 if counsel is instructed.

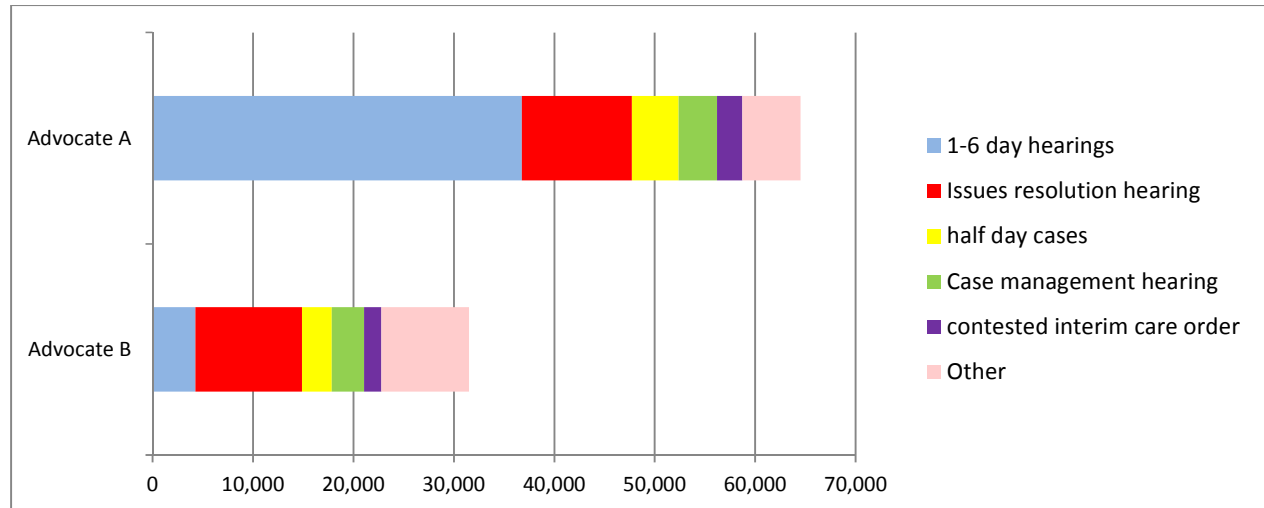
	Value of work carried out by Advocate A £
Oct 2016 – March 2017	24,502
April 2017 – Sept 2017	65,582

Source: OPL advocacy tracking

5.13 The immediate pressures of day to day work means it is not always possible or desirable to shift advocate work to longer hearings. However, the chart below illustrates the financial benefits this can bring about. Both Advocate A and B worked full time for the six month period illustrated but the

spread of work was different. Advocate A carried out work with a financial value of £65,000 compared to the £31,000 carried out by Advocate B.

Example of Advocate activity April – September 2017



Source: OPL advocacy tracking

5.14 Realising the benefits of working on longer hearings requires clear and consistent management and effective allocation of work. A protocol prioritising the type of work that advocates will be used on is shown at Appendix B. The three priority areas are:

1. Final Hearings listed for more than 1 day
2. Final Hearings listed for 1 day or less
3. Issues Resolution Hearings (IRH) where it is likely the case will conclude, or the advocate is instructed to cover the final hearing. The aim should be that the advocate attends the IRH if they are covering the final hearing.

5.15 Managers will also look at how hearings are allocated. For example, half day cases at court may often run into the afternoon because starts are delayed or the hearings overrun. In such circumstances the counsel fee typically increases from £425 to £625. We cannot accurately predict overruns but, where possible, it makes better financial sense for OPL advocates to carry out these hearings.

5.16 Advocates attend the same five or six family courts for hearings and we have looked at the potential for them to cover hearings for more than one authority. A review of hearings from January – March 2018 highlighted three occasions when advocates were working at the same court on the same day and in theory could have covered more than one hearing. However, in practice this is not possible:

- Hearings are scheduled by the courts in morning and afternoon sessions and require attendance by the advocate one hour before the listing. Multiple hearings may be scheduled for 10am.

- Hearings often run late or overrun.
- Hearings may be in front of a different judge at the same court who may be running on a different time schedule.
- Advocates may be instructed by the judge to finalise draft orders before leaving the court which impacts on their availability.
- Advocates may require pre-meetings.
- Hearings can sometimes be rescheduled at the last minute – e.g from Guildford to Staines court.
- Advocates need to build in preparation time in advance of hearings

Increasing the number of care proceedings hearings covered by OPL lawyers

5.17 Many of our child care lawyers have experience of acting as advocates and attending court. Through an OPL programme of training and support we require case lawyers to cover more of their own hearings where appropriate. There are particular benefits from lawyers being involved at the start of the matter attending case management conferences, short hearings and advocate meetings:

- Case management is better.
- Lawyers understand the background well and are often in a position to shorten the case duration.
- There is increased throughput of cases.
- It provides variety for the lawyer, increases their skills and morale because they get to see all aspects of the case.
- It reflects how private practice operates – sending a lawyer is usually more cost effective than paying counsel.

5.18 Available data from each of the OPL partners shows that during 2017/18 around 43% of childcare proceedings hearings were delivered in-house, either by advocates (25%) or in-house lawyers (18%). This was mostly at WSCC and SCC but also at BHCC, during the last quarter of 2017/18, when a strategic decision was made for in house lawyers to cover more of their own hearings. Where there is capacity and the appropriate skill set this will be developed further. Training sessions for our own childcare lawyers have been arranged.

	Counsel		Advocates		In-house lawyers	
	No. hearings 2017/18	Value 2017/18 £000	No. hearings 2017/18	Value 2017/18 £000	No. hearings 2017/18	Value 2017/18 £000
BHCC	412	380	136	73	92	36
ESCC	419	306	214	141	42	17
SCC	534	648	216	176*	228	140*
WSCC	729	675*	320	198	310*	98**
Total	2,094	2,034	886	588	672	291

* SCC in-house advocacy costed at a Sussex rate for consistency but this is not what SCC pay as they don't use those chambers

** estimate

Source: Financial records and data systems maintained by each OPL partner.

6. Developing information

6.1 Our tracking of the hearings covered by OPL advocates provides valuable information however, comprehensive data on the activity of all our child care lawyers, and how we use counsel, is not fully or consistently in place. Four authorities have four different ways of managing team diaries and recording information which, with other work pressures, have not been integrated. Monitoring has improved since time recording was introduced across all four OPL partners in 2017/18 but complete information is not available for the year. In particular, a decision on in-house lawyers using specific codes for advocacy was only made in April 2018 so information is inevitably incomplete. As with the introduction of many new systems, early time recording is inconsistent and patchy. We are not complacent about this and know there is more work to do.

6.2 The interim management structure will drive changes to management information systems. However, capturing information consistently in a way which is not overly burdensome will be a challenge and is reliant on adequate resources being available to design simple systems and capture information. We aim to refine the way we capture and monitor:

- the type of hearings and value of advocacy carried out by advocates and case lawyers;
- savings from in-house advocacy; and
- the type of hearings allocated to counsel.

6.3 Where applicable and appropriate, this information will inform the setting of targets for advocates and child care lawyers.

7. Managing workload

7.1 Under Interim leadership arrangements, advocates will continue to be line managed within their authority structures. The volumes of work are significant and, in these circumstances, it is envisaged that advocates will continue to work predominantly to support their own Children's Services departments. However, there are benefits from working more closely together:

- Recruiting new advocates to the team will necessitate careful co-ordination to ensure that work is appropriately and fairly allocated;
- There needs to be oversight of each advocate's workload so that longer hearings are prioritised;
- Co-ordination across child care teams will help to support case lawyers in handling some of their own hearings.
- Advocates' knowledge, skills and interests need to be used most appropriately; and
- Advance planning could help to reduce travel time and costs. For example, in February 2018 a WSCC hearing was held at Hastings court. This could possibly have been picked up by an ESCC advocate reducing the travelling time.

7.2 Co-ordinating advocate work requires a clear understanding from line managers of how work will be allocated and a commitment to the guidelines for prioritising work. This can be supported by the

Practice Management team to help track advocate work in a consistent manner. This will be kept under review. If more advocates are recruited there may be merit in managing all advocates as a pool supported by a part-time Advocate clerk responsible for diary co-ordination and tracking advocate activity. As OPL develops into a single effective partnership, it is vital that consistent information is produced to help manage and drive the business. This has a cost implication and the salary of the clerk, which is estimated at £17,000 p.a, will be offset from any future savings.

8. Securing the best price for counsel

8.1 Expenditure on external counsel for child care proceedings is tracked closely by OPL partners. As there are different approaches to funding counsel across the partners, the budget for counsel is not included in the OPL operational budget. However, any benefits from reducing the amount we spend on counsel will be shared and ultimately will reduce the amount that either OPL or Children's services departments spend.

8.2 Each OPL partner has its own arrangements and pricing structures with counsel chambers they use regularly. These are broadly comparable. Work is in hand to procure a Child Care framework agreement for OPL with the aim of reducing the prices we pay for advocacy and handling matters. It is possible that prices may not reduce but a framework provides certainty about what we will pay for a given period.

9. Enabling a digital court

9.1 Working with colleagues in the Surrey and Sussex family courts, we are changing the way bundles of evidence are made available from hard copy lever arch files of paper to electronic bundles (E-bundles). Instead of printing off hundreds of sheets of evidence from Prescient Plus (the OPL case management system) and sending them to court, the bundles are 'transported' electronically via a product called CaseLines. A cloud based digital court room is set up for each matter; this holds the E-bundle which parties and the judge have secure access to.

9.2 Following a successful pilot at Guildford family court in Spring 2018, we are now implementing E-bundles across all Surrey and Sussex family courts with the full roll-out scheduled for June 2018. Annual savings for OPL for the Guildford court alone are estimated to be £45,000 p.a. (saving on paper, print, postage, courier, admin time etc). In addition, there are further savings e.g. OPL solicitor and advocacy efficiency savings, reduction in DX bills, storage, destruction costs etc. The indicated net savings from a full roll- out across OPL are likely to be significant – in excess of £200,000 p.a.

9.3 The transition of Guildford family court to the digital solution is extremely prestigious and reflects well on OPL. The Judges involved are very impressed with the CaseLines product and the impact the new system has had on their working lives.

10. Conclusion

10.1 The Child Care Advocacy project will reduce the amount we spend on external counsel and make the best use of our own staff which in turn will help to make OPL more sustainable and resilient. The reduction in the cost of advocacy for Children's Services departments will benefit front-line children's services.

11. Action Plan

	Action	Description and status	Benefit	Action owner	Due date
1	Recruit up to four OPL advocates	<p>Continue with the external recruitment campaign for up to four new advocates.</p> <p>One new advocate has been recruited and is due to start in August 2018.</p>	Each OPL advocate saves around £23,000 p.a over the cost of instructing external Counsel	Interim Head of Children's Social Care	Ongoing. Review Sept 2018
2	Comply with the protocol prioritising advocates' work.	<p>The three priority areas are:</p> <ul style="list-style-type: none"> ■ Final Hearings listed for more than 1 day ■ Final Hearings listed for 1 day or less ■ Issues Resolution hearings (IRH) for the above (there should be the aim that the advocate attends the IRH if they are covering the final hearing). 	<p>Longer hearings are expensive to buy in from counsel.</p> <p>Increasing the number of long hearings improves the financial productivity of OPL advocates.</p>	Interim Head of Children's Social Care	Ongoing. Review Sept 2018
3	Support child care lawyers to do more of their own advocacy	A training session, delivered by OPL advocates, for child care lawyers is programmed for July 2018.	Child care lawyers will be supported and empowered to carry out some of their own advocacy reducing the reliance on OPL advocates and counsel.	Interim Head of Children's Social Care	Ongoing. Review Sept 2018
4	Further develop performance and monitoring information	<p>Time recording information is being refined and the tracking of child care hearings enhanced so that:</p> <ul style="list-style-type: none"> ■ The type of hearings and value of advocacy carried out by advocates and case lawyers can be monitored; ■ Savings from in-house advocacy can be monitored and, where appropriate, used to set targets. ■ the types of hearings allocated to counsel can 	Monitoring activity and setting targets will help to track performance and ultimately reduce external costs.	<p>Interim Head of Children's Social Care</p> <p>Business Development Manager</p>	Ongoing. Review Sept 2018

		be tracked.			
5	Manage advocate workload	Under interim leadership arrangements, advocates will continue to be line managed within their authority structures. Co-ordination of advocate work is necessary and will be tracked by the Practice Management team. If more advocates are recruited a part-time advocate clerk will be considered to help co-ordinate diaries.	Advocates will work predominantly within their own authorities but activity will be co-ordinated so that best use is made of skills and work is prioritised.	Interim Head of Children's Social Care	Ongoing. Review Sept 2018
6	Secure the best prices for counsel	Work is underway to agree a Child Care framework for OPL.	The framework will standardise prices for Counsel. OPL's combined spending power should help to stabilise and possibly reduce prices.	Interim Head of Children's Social Care	March 2019

Average cost of employing a FTE advocate based on a notional average salary of £50,000

	BHCC £	ESCC £	SCC £	WSCC £
Salary	50,000	50,000	50,000	50,000
National Insurance	5,773	5,773	5,773	5,773
Pension	8,550	10,150	7,400	12,350
Cost of employment	64,323	65,923	63,173	68,123
Other legal team costs – general office expenses, fees, subs.	378	436	496	334
IT	2,921	2,921	4,205	2,921
Training	244	250	715	133
Total marginal overheads	3,543	3,607	5,416	3,388
Travel, Parking etc	500	570	1,000	1,000
Supervision – estimate based on £47 per hour	564	564	564	564
Total travel, supervision etc	1,064	1,134	2,034	1,564
TOTAL COST	68,930	70,664	70,623	73,075

Source: Orbis Finance

Average full cost of an advocate = **£70,823**

Notes:

Costs are based on Orbis Finance analysis of ESCC and SCC overheads. BHCC review of overheads is incomplete and WSCC falls outside of the Orbis remit. Where information is not available, ESCC has been used as a proxy for BHCC and WSCC.

Overheads – Most central overheads (e.g office accommodation, Finance, Payroll, HR, Insurance etc.) will not increase with small changes in the number of employees in each organisation and have therefore been excluded.

Other legal expenses exclude budgets where the sum will not materially alter if there are advocates employed – eg. Law library, lexeq.

Pension costs - Each authority has its own pension fund. (In the case of BHCC it is a separate admitted body / separate pot which is managed by the ESCC pension team). The employer contribution rate is set for each admitted body (each pot) periodically following an actuarial assessment of the assets and liabilities of each admitted body. There will be different rates as each fund will have a different historical performance, will have a different history of over/under funding, they have different investment policies (e.g. % of funds invested in each type of assets – e.g. gilts versus equity, UK versus global etc) and each will have different liabilities – e.g. different cohort of employees, different mix etc.

Supervision – based on 1 hour per month direct supervision (excludes discussion of weekly work planning)

Using advocates employed by OPL is both less expensive than employing external counsel and ensures that a high quality service is provided to our Children's Services Departments. OPL research shows that the savings are maximised when our advocates carry out multi day hearings rather than short appointments.

Ideally, the case lawyer will attend the initial case management conference as their detailed knowledge of the case will enable this hearing to be dealt with efficiently. Data from SCC shows a reduction in the number of hearings per case when the case lawyer attends the CMC as opposed to counsel with consequent saving both in time and cost.

OPL advocates should usually be considered for cases in the following priority, so that allocation is made to reflect the commercial value of the hearing:

1. Final Hearings listed for more than 1 day;
2. Final Hearings listed for 1 day or less;
3. IRHs where it is likely the case will conclude, or the advocate is instructed to cover the final hearing. The aim should be that the advocate attends the IRH if they are covering the final hearing;
4. Contested initial/Interim Care Order hearings or substantive applications where the local authority is the respondent, such as leave to oppose adoption or discharge care order;
5. Contested applications and stand alone hearings on issues of substance such as contact, s.38(6) applications, change of interim care plan ;
6. Case Management hearings;
7. Directions/ review hearings.