

**MINUTES** of the meeting of the **ORBIS** Public Law Joint Committee held at 2.00 pm on 2 July 2018 at Committee Room - County Hall, Lewes.

These minutes are subject to confirmation by the Committee at its meeting on Monday, 15 April 2019.

**Elected Members:**

- \* Councillor David Elkin (Chair)
- \* Councillor Les Hamilton
- \* Councillor Helyn Clack
- \* Councillor Jeremy Hunt

**In attendance**

Philip Baker, Assistant Chief Executive (ESCC ) and Interim Head of Orbis Public Law  
Rachel Crossley, Director of Strategy Commissioning (SCC)  
Abraham Ghebre-Ghiorgis, Executive Lead Officer, Strategy Governance and Law (BHCC)  
Tony Kershaw, Director of Law and Assurance (WSCC)  
Andrea Kilby, Business Development Manager (OPL)  
Emma Nash, Project Manager (OPL)  
Susan Smyth, Head of Strategic Finance (Orbis)  
Adrian Stockbridge, Head of Strategy, Performance & Change (Orbis)

**5 MINUTES OF THE PREVIOUS MEETING [Item 1]**

The minutes of the previous meeting held on 25 January 2018 were approved as a correct record.

**6 APOLOGIES FOR ABSENCE [Item 2]**

There were none.

**7 DECLARATIONS OF INTEREST [Item 3]**

There were none.

**8 URGENT ITEMS [Item 4]**

There were none.

**9 REPORTS [Item ]**

Reports referred to in the minutes below are contained in the minute book.

## 10 ORBIS PUBLIC LAW - INTEGRATION UPDATE [Item 5]

The Committee considered a report on the work done to integrate the Orbis Public Law partnership, introduced by Philip Baker.

Witnesses:

Philip Baker, Assistant Chief Executive (ESCC ) and Interim Head of Orbis Public Law

Rachel Crossley, Director of Strategy Commissioning (SCC)

Abraham Ghebre-Ghiorgis, Executive Lead Officer, Strategy Governance and Law (BHCC)

Tony Kershaw, Director of Law and Assurance (WSCC)

Key Points:

- 1) Philip Baker set out the work to be done in the coming months by the Interim Leadership Team (ILT) in assessing the current work and complexity levels, to provide an understanding of the collective demand and resource available. The ILT will then design the best model to deliver OPL's objectives and the single service. This will lead to best practice and procedures being shared across the partnership and allow centres of excellence to be developed.
- 2) The current work on developing a shared case management system was highlighted, together with the results of the staff engagement survey and the alignment work being undertaken with teams which were not part of OPL pathfinder projects.
- 3) The Committee reflected on the survey results and the differing level of take up among the authorities. Abraham Ghebre-Ghiorgis set out that some BHCC staff had commented that the pace of change was not fast enough. Philip Baker explained the ways that the ILT were engaging with the staff, via email and office noticeboards, using the results of the survey as a guide. He also set out the benefits that had already accrued in terms of peer support and training opportunities.
- 4) The Committee commented on recruitment and retention of staff, and the potential for developing staff within OPL.
- 5) The Committee reviewed the performance data and commented on the differential in child care applications between the authorities and the associated external expenditure. This was discussed later in the agenda under the advocacy project which sets out OPL's strategy to address this external spend.
- 6) Officers present emphasised the importance of consistent data across the partners, and the challenges posed by approaches to time-recording. A data review is underway to ensure that the data supports the delivery of the business plan. Officers also explained the workshare principles which will be developed further, but which were welcomed as a way of seeing how other teams approach similar issues. An update with case hours at the next meeting was offered.
- 7) Members were supportive of OPL's achievements so far, are very keen that the partners keep up the pace and deliver the business plan on time.

### RESOLUTIONS

The Joint Committee RESOLVED to endorse the approach taken towards an integrated service.

## **11 CHILD CARE ADVOCACY STRATEGY AND BUSINESS PLAN [Item 6]**

The Committee considered a report on the Child Care Advocacy Strategy and business plan introduced by Philip Baker.

Witnesses:

Philip Baker, Assistant Chief Executive (ESCC ) and Interim Head of Orbis Public Law

Rachel Crossley, Director of Strategy Commissioning (SCC)

Abraham Ghebre-Ghiorgis, Executive Lead Officer, Strategy Governance and Law (BHCC)

Tony Kershaw, Director of Law and Assurance (WSCC)

Andrea Kilby, Business Development Manager (OPL)

Susan Smyth, Head of Strategic Finance

Key Points:

- 1) Philip Baker set out that the report was a response to a request at a previous committee meeting, The strategy sets out a number of measures underway to collectively manage the demand. It highlighted the advantages of using in-house advocates in relation to child care proceedings. He also informed the Committee of a recent recruitment of an advocate, but that OPL had hoped to appoint more than one candidate. Officers continue to explore joint recruitment.
- 2) Philip Baker explained that the courts were also content with the greater familiarity with cases of the in-house advocate, which led to fewer case management hearings overall and a greater efficiency throughout the system. OPL contributes to the Court Users Groups, to assist the judiciary and administration with maximising efficient use of court time, and the roll out of the Digital Court programme was highlighted.
- 3) The Committee commented on the difference in pension contributions between the partner authorities. It was clarified that staff pay the same contribution to pensions, it is the employers rate that accounts for this difference.
- 4) The Framework for securing the best price for when external advice or representation is ne being developed,

### **RESOLUTIONS**

The Joint Committee RESOLVED to approve the Child Care Advocacy Strategy and Business Plan, and endorse the approach to reducing expenditure on external counsel to represent OPL authorities in child care proceedings.

## **12 DIGITAL COURT [Item 7]**

The Committee considered a report on the digital court pilot and roll out introduced by Andrea Kilby.

Witnesses:

Philip Baker, Assistant Chief Executive (ESCC ) and Interim Head of Orbis Public Law

Rachel Crossley, Director of Strategy Commissioning (SCC)

Abraham Ghebre-Ghiorgis, Executive Lead Officer, Strategy Governance and Law (BHCC)

Tony Kershaw, Director of Law and Assurance (WSCC)  
Andrea Kilby, Business Development Manager (OPL)

Key Points:

- 1) Andrea Kilby informed the Committee that the digital court pilot had been featured in the Law Gazette, and set out the principle features of the project in reducing the production of paper copies of documents for Family Court proceedings. The project is live at Surrey based courts (Guildford and Staines) and is now being rolled out to the other family courts in Sussex (Brighton, Worthing, Horsham and Hastings), It was set out that the project included video link capability, to assist vulnerable witnesses.
- 2) The Committee commented on the benefits to children that would result from the streamlined, more efficient court proceedings, and felt that the project should be more widely publicised. Officers agreed to initiate further publicity through their communications teams.

RESOLUTIONS

The Joint Committee RESOLVED to note the update and plans and congratulate Andrea Kilby and all involved in the successful pilot.

**13 FINANCE UPDATE [Item 8]**

The Committee considered a report on the Orbis Public Law partnership finances introduced by Susan Smyth.

Witnesses:

Philip Baker, Assistant Chief Executive (ESCC ) and Interim Head of Orbis Public Law  
Abraham Ghebre-Ghiorgis, Executive Lead Officer, Strategy Governance and Law (BHCC)  
Tony Kershaw, Director of Law and Assurance (WSCC)  
Rachel Crossley, Director of Strategy Commissioning (SCC)  
Susan Smyth, Head of Strategic Finance (OPL)

Key Points:

- 1) Susan Smyth outlined the underspend of £1m, which is in part attributable to a staffing underspend. The officers set out how they were addressing recruitment issues.
- 2) The Committee remarked on the challenges posed by departmental spending on legal advice beyond the control of OPL, and the need for a collective responsibility within authorities to address spending on external legal advice.
- 3) Susan discussed that the plan is that the Agreed Contribution Ratio (ACR) will move in accordance to the work done, measured through time recording data. This will be presented at the next meeting,
- 4) Susan Smyth set out the objectives for the final shadow budget year of having all the OPL Finance resources in one team, the VAT registration and implications and support for the income generation strategy. The OPL Finance team will produce a proposed budget for 2019/20 for the Joint Committee to consider and each authority to authorise.

## RESOLUTIONS

The Joint Committee RESOLVED to:

1. Note the shadow operating budget variance of £1.0m for 2017/18 due to staffing underspends.
2. Note a total spend on external legal costs of £5.9m. This includes spend on court fees, counsel, expert witnesses as well as external legal advice, and therefore not all this spend is addressable by OPL.
3. Note changes to the notional contributions to the shadow operating budget as a result of differences between the partners in expectation for savings and changes in headcount.

## **14 ANY OTHER ITEMS PREVIOUSLY NOTIFIED UNDER AGENDA ITEM 4 [Item 9]**

The Joint Committee noted the date of the next meeting which will be held on Friday 12 October 2018 at Kingston, in conjunction with the Orbis Joint Committee meeting.

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