

Report to: Lead Member for Resources

Date of meeting: 25 June 2019

By: Assistant Chief Executive

Title: Future direction of Orbis Public Law

Purpose: To provide an update on the direction of the partnership and seek the dissolution of the Joint Committee.

RECOMMENDATIONS

The Lead Member is recommended to:

- 1) Agree to the proposed direction of travel for the partnership as set out in the report;**
 - 2) Delegate authority to the Chief Executive to amend or enter in any agreements necessary to give effect to this; and**
 - 3) Approve the dissolution of the Joint Committee.**
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1 Background Information

- 1.1 In January 2015 the Leader agreed to the creation of a Legal Services Partnership with Brighton & Hove City Council, Surrey County Council and West Sussex County Council to be known as Orbis Public Law.
- 1.2 Orbis Public law (OPL) has a vision to be a single, resilient, sustainable, cost-effective legal service with the public service ethos and an ability and ambition to grow.
- 1.2 It was agreed that the Legal Services function would be overseen by a Joint Committee, and the partners have entered into an Inter-Authority Agreement which sets out the basis and terms of the Partnership, and the arrangements for making officers available to the other partners.
- 1.3 Since then the Partnership has led to a number of benefits:
 - 1) Digital court – implementation of the digital court project in the family courts in Surrey and Sussex. Conservatively this will release £90k savings per annum across OPL alongside the good reputation OPL has established within the judiciary.
 - 2) Child care advocacy – the recruitment of an OPL children’s social care advocate, to represent all OPL authorities at court. This builds in-house capacity and reduces the reliance on external legal spend.

- 3) Joint case management - all partners are managing their cases with the same prescient plus case management system. Plans are underway to merge all systems into one single database instance of this system, hosted by Surrey County Council (SCC). Contracts have been renegotiated with a £68.5K saving.
- 4) Resilience through work sharing – for example an Environment Lawyer maternity leave is being covered by OPL, removing the need to recruit a backfill. Work sharing with Adult Social Care has helped alleviate a staffing pressure experienced by one partner.
- 5) OPL 'shared hours', where one lawyer acts for all partners is recorded. To February 2019 OPL has reached nearly 1300 shared chargeable hours; equivalent to 1 Full Time Equivalent (FTE). This is therefore between 2-4 FTE worth of work because work is done once, not 2, 3 or 4 times over.
- 6) Facilitated networking across the partners through workshops, pathfinder projects, staff forums and joint training. In from April 2017 - 708 places of free training has been provided by Chambers. If this was notionally costed at £100 per head this is 70k worth of free training.
- 7) Insurance claims – OPL and Orbis Finance have been developing an area of expertise for insurance claims. Following detailed analysis and consultation with staff, in September 2018, Orbis Finance transferred the handling of liability and litigated insurance claims for Brighton & Hove City Council and SCC from Orbis to OPL. East Sussex County Council (ESCC) and West Sussex County Council claims handling is already carried out by OPL where there is extensive expertise in this area. The OPL claims team design is included as part of the OPL Litigation discipline. Savings of £40k have been realised in the first six months.
- 8) Monitoring activity - Since January 2018, ESCC has been running a pilot to monitor the time spent on certain types of work. Time recording data is good in terms of understanding hours spent on a file however it does not record whether matters are being dealt with efficiently. In a drive to review and improve efficiency, fixed amounts of time have been established for a number of standard work types. Practice management monitor time spent and if the established time is exceeded on a file this is looked at in more detail. This has helped build a picture of the common tasks and with a view to reducing the average time taken for these and help plan resource management.

2. Continued Collaboration

- 2.1 In January 2018, the OPL Joint Committee endorsed OPL's business plan which set out the aims and ambitions and plans for OPL.

2.2 The implementation of the single service has been following a staged approach working through the 5 C's model; Contact > Cooperation > Coordination > Collaboration > Convergence.



2.3 Collaboration has been achieved and OPL is at a critical point in moving to a fully integrated service during 2019/2020. The OPL Interim Leadership Team undertook significant work last year on starting to design single teams.

2.4 In the last year OPL's largest partner, Surrey County Council, has embarked on an ambitious and comprehensive transformation programme. As part of that SCC has decided to review its Legal Services function, and have indicated they do not consider it right for them to commit to an integrated staffing structure and pooled budget in the medium term.

2.5 Should integration proceed without SCC, OPL will still need to invest the same in the management of OPL and given Surrey have 31% budget, this brings into question the value of the benefits in terms of the costs and disruption single teams will bring. The proposal also included utilising significant vacancies in the Commercial and Governance area, many of these Surrey roles. It was planned that these would help make that saving and the loss of economy of scale would reduce the amount even further in reality and make the savings negligible. Consequently there is far less confidence in the amount of saving/efficiency that could in reality be unlocked, which when weighed up against the significant disruption that a restructure would entail in a challenging employment market, calls into question whether full integration is now the correct way forward for the remaining three partners.

2.6 It is therefore recommended that the Partnership does not progress to integration but instead seeks to continue with collaboration, which to date has delivered some success, but without disruption at a time of high demand for services.

2.7 It is proposed to build on well established relationships between specialised teams between the Orbis Public Law partners and using the shared case management

system and common approaches to case working the following arrangements for greater collaboration in work allocation and workload and resource planning is proposed. In areas of specialism there will continue to be regular exchanges of information and work planning between team leaders or designated service leads of each partner. This will include

- Training needs and plans
- Staff and other resources, workforce planning and recruitment
- Current and planned workload
- Capacity for additional or specific work types
- Options to undertake work for other partners

2.8 Each partner will be prepared to undertake work for another partner in circumstances where

- There is capacity in their team for the work needed by the other
- That capacity is at the right level or the right level can be made available
- That capacity can be freed by other less valuable work being outsourced or postponed
- The work is provided in a timely way and with full instructions

2.9 Each partner will ensure that all workforce planning is shared on a regular basis among partners (current and planned staff resource data) and that recruitment is undertaken, save in cases of urgency, after dialogue with the other partners.

2.10 The regular exchange of information, general advice, professional updates, training, workforce data and all other activity to enable the effective running of these partnership arrangements will continue.

3. Conclusion and recommendations

3.1 The Lead Member is recommended to approve the continued collaboration as outlined in the report. The enhanced collaborative arrangement will require an amendment to the Inter Authority Agreement that has been entered into between the partners and it is recommended that authority be delegated to the Chief Executive to amend or enter in any agreements necessary to give effect to this.

3.2 As there is no longer an intention to integrate the services and each authority will retain its own service it is recommended that the Joint Committee be dissolved and that the services are overseen by the arrangements within their sovereign bodies as before.

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LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None