

GWENT POLICE AUTHORITY

Meeting of the Full Police Authority

Date: 5th February 2010

Item No: 7

Heading: JOINT LEGAL SERVICES – GWENT & SOUTH WALES POLICE

Report Author: Chief Constable & Chief Executive

SUMMARY

The report provides details of the new Joint Legal Services unit to be established between Gwent and South Wales Police on 1st April 2010.

RECOMMENDATION(S)

The Authority is requested to confirm that the establishment of a Joint Legal Services between Gwent Police and South Wales Police may be progressed in accordance with its previous agreement and as set out in this report.

INTRODUCTION

- 1.1 Between May and November 2008, the Gwent Police Service Improvement Section of Service Development, carried out a review of Legal Services within Gwent.
- 1.2 In brief, the review recommended the appointment of additional solicitors and police staff to create an enlarged in-house Legal Services Department. This would enable most of the work which was currently being out-sourced to private practice, to be undertaken in-house. Money saved could then be diverted to off set additional staffing costs. It had been made clear from the wealth of evidence gathered by the review team that this is what the majority of police officers and police staff wanted to happen.
- 1.3 The review found that the demand for legal services within Gwent Police had increased immensely since the Department was first formed, fourteen years earlier. The wide range of work, and the increasing complexity of that work, meant that one solicitor could not be expected to provide the level of service required to satisfy the needs of modern policing. There is no evidence that demand for legal advice and representation will reduce in the future, on the contrary, all indications point to continued growth.
- 1.4 As part of the review conducted by Gwent police, with the agreement of both Chief Constables, a joint South Wales Police (SWP) and Gwent Police (GP) Working Group was established to explore the feasibility of collaborative working in the area of legal services.

- 1.5 The Joint Working Group, under the Chairmanship of the SWP Director of Legal Services, Mr Gareth Madge explored in-depth the issues which would affect both Forces and both Authorities and concluded that collaboration was a very attractive option.
- 1.6 The review report was accepted by the Corporate Planning and Performance Committee of the Gwent Police Authority (GPA) at its meeting on 8th January 2009. The report's recommendations regarding increased staffing and collaboration with SWP were approved for implementation.

PROPOSAL FOR CONSIDERATION BY COMMITTEE/CURRENT POSITION

- 2.1 At the meeting of the South Wales Police Authority (SWPA) held on 20th April 2009, a joint report of the Chief Constable and Chief Executive was received concerning the SWP and GP Joint Legal Services Project. The report sought the approval of the Authority on the establishment of a Joint Legal Services Unit between both forces.
- 2.2 At that meeting the Authority agreed the establishment of that Unit as set out in the joint report which supported the earlier decision to progress the Joint Unit by Gwent Police Authority.
- 2.3 Following a strategic meeting between Chief Officers of both forces, agreement was reached in relation to the governance of the project and how matters should be progressed. A Joint Project Board, Implementation Team and four Business Area Teams were established to implement the work.
- 2.4 Initial meetings of the Implementation Team were given over to scoping the wide ranging issues to be dealt with and these were formulated into a project plan under the headings of:
 - Project Management
 - Annual Plan
 - Human Resources
 - Finance
 - Performance management
 - Legal Issues
 - Information Technology
 - PR/Communications
 - General Administration
 - Risks
 - Business Area Issues
- 2.5 The plan is on target for delivery of Joint Legal Services unit by 1st April 2010 and no major difficulties have been encountered.
- 2.6 In-depth consideration has been given to all matters that pose a potential risk to the success of the project. These matters once identified have been incorporated into a Project Risk Register which provides a repository of information about risks, their analysis, counter measures and status. Each inherent risk is scored as to impact and likelihood of occurrence and colour coded accordingly. There are no significant risks that are incapable of being mitigated appropriately.

2.7 The Project Board comprising of the Deputy Chief Constables of both Forces, the Chief Executives of both Police Authorities and the SWP Director of Legal Services met on the 30th November 2009 and fully endorsed the proposals to date. As a consequence of that meeting, the Implementation Team has been replaced by a Shadow Senior Management Team comprising of senior members of both departments under the direction of the SWP Director of Legal Services.

2.8 **STRUCTURE OF JOINT LEGAL SERVICES**

It is intended to structure the work of the Joint Legal Services on the model adopted by the SWP Legal Services Department. The structure for the Joint Legal Services is set out in **Appendix 'A'**.

2.9 This model divides legal services into three distinct Business areas:

- Corporate Support
- Operational Policing
- Litigation

2.10 Although the Police Authorities are not specifically mentioned within the Business Area structure, the legal needs of both Police Authorities are covered in the subject areas. Thus the Joint Legal Services is responsible for providing Legal Services to the Chief Constables and Police Authorities of both forces. The Business Area Structure is set out in **Appendix 'B'**.

2.11 If everything proceeds as expected it is intended that a fully staffed and equipped joint service working from offices in Croesyceiliog and Bridgend under the management of the Director and Assistant Director SWP will be fully operational from 1st April 2010.

2.12 **Benefits**

The main benefits flowing from the establishment of the Joint Legal Services are as follows:

2.13 **It provides a visible example of collaboration.** It shows two Welsh Forces collaborating and by so doing delivering business benefits to both SWP and GP. This should be viewed as part of the larger Welsh Police Collaboration Programme and is in direct support of the areas of collaboration identified in the National Policing Plan for Wales.

2.14 It also accords entirely with current Government policy (as expressed most recently in the White Paper on Policing) and with the views of HMIC regarding police forces collaborating not only on operational areas such as protective services but also on back office functions.

2.15 **Joint Access to increased legal resources.** An enhanced team of lawyers, fully supported by Practice Managers, Case Workers and Support Staff will provide a responsive and resilient resource available to both Forces.

2.16 **Access to greater specialisation.** The structuring of Legal Services by way of the Business Areas set out above will enable the development of expertise amongst lawyers within specific subject areas.

- 2.17 **A more efficient and cost effective use of external legal resources.** It is intended that the majority of the legal work will be undertaken in house by Joint Legal Services.
- 2.18 On occasion however, it will be necessary to engage counsel and/or an external firm of solicitors to undertake specialist work or to deal with any unanticipated increases in workload which cannot be managed internally. Policies will be established as to such outsourcing but it is anticipated that there will be less need to do so with the enhanced in-house provision.
- 2.19 In addition the Joint Legal Services will be able to negotiate favourable terms for instructing external solicitors and Counsel which will itself result in cost savings and economies of scale. The Joint Legal Services will of course be accountable for its expenditure and will monitor and measure the quality of external services.
- 2.20 **The harmonisation of management and administrative processes leading to greater effectiveness.** SWP Legal Services Department has a well established business structure, management strategies, policies and performance framework. These will be suitably adapted to the new Joint Legal Services. In particular, the IT Support System used in SWP (including the time recording and case management system) is being extended to the Croesyceiliog office. This in itself will enable the harmonisation of systems and will ensure management control of processes.
- 2.21 SWP Legal Services Department has been awarded 'Investors In People' status until November 2010. By applying the same rigorous management structure and framework to the Joint Legal Service it is anticipated that the expanded service will also be in a position to apply for and achieve IIP status.
- 2.22 This in turn would place the Joint Legal Services in a good position to apply for Lexcel Accreditation, which is the Law Society's Gold Standard for legal firms and in-house legal services. To date only a few police forces in England and Wales have achieved Lexcel Accreditation.
- 2.23 **Economies of Scale.** This will be an inevitable consequence as a result of an efficiently run Joint Legal Services and the harmonisation of management and administrative processes. This includes not only benefits from having access to a much larger pool of legal resources but also from utilising a uniform and computerised file management system, time recording system and legal information system.
- 2.24 **Development Opportunities.** A Joint Legal Services with an increased variety and level of work and an extended hierarchy, will present developmental opportunities which may have been limited in the past. It is envisaged that this will have a very positive impact on staff within the Joint Legal Services and benefit both forces as a whole.
- 2.25 **More pro-active engagement.** A Joint Legal Services with increased resilience will enable the department to undertake more pro-active work. This includes debriefings on specific cases and identifying and sharing 'lessons learned' across both Forces. This, in turn, should lead to an improved legal service and a reduction in future legal costs.

- 2.26 **Support to the All Wales Police Collaboration Programme.** Currently legal support on operational issues (to WECTU and Tarian) and other aspects of collaboration is undertaken by SWP Legal Services and the SWP Director of Legal Services has the legal lead role as a member of the All Wales Management Board. The creation of the Joint Legal Services will provide the means to enhance and develop this support.
- 2.27 The benefits of collaborative working between lawyers in the two forces have already been seen within recent months as the project has been developing.
- 2.28 The Operational Policing Lawyer SWP attended Gold meetings at Gwent Police HQ in relation to a planned demonstration by the England and Wales Defence League/UAF held in Newport on Saturday 24th October 2009. The SWP lawyer, together with the Senior Solicitor Gwent Police, formed part of the Silver Command Room on the day of the event enabling immediate legal advice to be available.
- 2.29 The Operational Policing Lawyer SWP has also attended Gold meetings at Gwent Police HQ called to plan the police response to the forthcoming 2010 Ryder Cup to be held at the Celtic Manor, Newport to provide a comprehensive legal response as part of the broader collaboration between the two forces on the policing of the event.
- 2.30 In relation to employment matters the Employment Solicitor Gwent Police has provided holiday cover for the SWP Employment Solicitor.
- 2.31 The Operational Policing Lawyer GP has assisted SWP in relation to applications for Football Banning Orders and has provided holiday cover for the equivalent SWP Lawyer.
- 2.32 On 13th November 2009, a Seminar Training Day on Discipline Appeals for Police Staff was delivered to members of both Police Authorities by the Employment Solicitors in SWP and GP.
- 2.33 Both forces currently use a computerised legal library. The Implementation Team have recognised that this system is not user friendly and not particularly popular with many of the staff. The cost of it is far greater than comparable systems. It is evident that there are significant savings to be made by switching from that system to a similar, but far less expensive option. Both Forces have now given notice to terminate existing contracts and work is being undertaken to evaluate other options.
- 2.34 Work is currently on-going to explore the possibility of obtaining accreditation with the Solicitors Regulation Authority to deliver in-house continuing professional development training (CPD). There are clear benefits, as well as potential cash savings to be had from training in-house.

- 2.35 At its meeting on the 30th November 2009, the Project Board agreed that whilst the legal responsibility for the staff of the Joint Legal Services will remain with the two Chief Constables, the day to day management of them will be delegated to the SWP Director of Legal Services.
- 2.36 Authority members will be aware that Section 23 of the Police Act 1996 (as recently amended by the Policing and Crime Act 2009) provides the mechanism for making collaboration agreements between police forces and between police authorities. Work has commenced to develop the Section 23 Agreement which will cover in detail matters such as:
- Policies and Procedures
 - Roles and responsibilities
 - Conflicts of interest
 - Confidentiality
 - Finance
- 2.37 The Project Board also endorsed the vision for the Joint Legal Services, serving both authorities and forces as:
- “providing the best legal support for the policing of our communities”.**
- 2.38 The SWP Director of Legal Services also produced to the Project Board **Appendix C** which is an outline chart showing how the Joint Legal services will be positioned between the two forces in the delivery of its services. This chart illustrates how the Joint Legal Services will fit into the Planning and Performance framework of each Force.
- 2.39 Communication leads have been appointed by both Forces, who have prepared a Communication Strategy setting out the method and frequency of communication both internally and externally as the matter proceeds to the anticipated launch of the Joint Legal Services in April 2010. Both Forces have been kept aware of developments via Force bulletins.
- 2.40 Subject to the approval of both Authorities to proceed, it is proposed that from the 1st April 2010, a Joint Legal Services Board is created to which the SWP Director of Legal Services would report on a regular basis. It is proposed that the Board will comprise of the same members as the current Project Board, that is to say the Deputy Chief Constables of both Forces, the Chief Executives of both Police Authorities and the SWP Director of Legal Services. The Board would set objectives for the service for the forthcoming year, which would tie in with the visions and plans for each Force, with the Board monitoring performance against these objectives.

STAFFING/PERSONNEL IMPLICATIONS

- 3.1 Following quickly upon the approval of both Police Authorities and Chief Constables, work began to appoint the necessary additional staff to GP.
- 3.2 A need assessment, carried out by the initial review and confirmed by the Implementation Team, concluded that a Senior Solicitor, with a background in Employment Law would be recruited to take charge of the Croesyceiliog office, with two further solicitors taking responsibility for Operational Policing and Litigation respectively.
- 3.3 To that end, a Senior Solicitor (Employment) was appointed and commenced work on the 12th October 2009. An Assistant Solicitor (Operational Policing) and an Assistant Solicitor (Litigation) were also appointed and commenced work on the 2nd November 2009.
- 3.4 A Practice Manager, one Case Worker, three case Work Assistants and two Legal Services Assistants are to provide investigative and administrative support at the Croesyceiliog office. There is no additional staffing resource required in the current South Wales Police Legal Services Department.

Members are requested to confirm that the establishment of a Joint Legal Services between Gwent Police and South Wales Police may be progressed in accordance with its previous agreement and as set out in this report.

FINANCIAL IMPLICATIONS

- 4.1 The establishment of a Joint Legal Services will lead to an increase in efficiency and the enhancement of the legal service provided to both Authorities and forces. However, it is inevitable that some costs will be incurred and this may be described as an 'Invest to Save' initiative.
- 4.2 It should be pointed out from the outset that the vast majority of costs to be incurred in establishing the joint service fall within the responsibility of Gwent Police, highlighted earlier in this report relating to staff, systems and accommodation. Financial information has been provided to the Service Improvement and Audit and Resources Committees.
- 4.3 However, an enlarged in-house capacity will enable most of the work which is currently outsourced by Gwent Police to private practice to be undertaken in-house. Money saved can be diverted to off-set the additional staffing costs.
- 4.4 By way of example, the original review carried out by Gwent Police looked at the financial year 2007/2008 and established that the actual cost of legal services (the majority of which was for outsourced work) was more than the total cost of the enlarged in-house Legal Services now being established, the details of which are contained in the review report presented to the Gwent Police Authority on the 8th January 2009.
- 4.5 In relation to the South Wales Police Legal Services, the position remains the same as reported to the South Wales Police Authority at its meeting on the 20th April 2009, namely that there will be no requirement for any additional staffing

nor will there be any implications for accommodation. There may be some additional costs for matters such as travelling expenses but these are anticipated to be relatively small and can be accommodated within the existing budgetary provision.

- 4.6 The existing total budget of the Legal Services Department in SWP is £701,829 (which includes all staff costs and supplies and services). The existing annual cost of the enhanced Legal Services Department in Gwent Police is £363,400. Therefore it is anticipated that the annual cost of the Joint Legal Services will be the combined costs of the two current departments. No significant additional cost is anticipated and where possible future savings will be achieved in line with the contents of this report.
- 4.7 The grading position of the SWP Director of Legal Services and the Assistant Director of Legal Services is currently being reviewed and Gwent Police have undertaken to meet any additional salary costs which may result.

CONSULTATION

5. The Project Board have agreed the contents of this report.

PROJECT ASSESSMENT FOR EQUALITY AND DIVERSITY MATTERS

6. This project/proposal has been considered against the general duty to promote equality, as stipulated under the Force's Equality Schemes, and has been assessed not to discriminate against any particular group. In addition the enhanced Legal Service for Gwent Police will ensure that issues of Equality, Diversity and HR are adequately addressed throughout all functions of the Force.

RISK ASSESSMENT

7. The risks involved in this proposal are minimal. A Project Risk Register has been established and is monitored by the Project Board.

STAYING AHEAD (2011 REVIEW)

8. The project has been considered against the Staying Ahead Programme and is compatible with its objectives.

CONTACT OFFICER

9. Chief Constable and Chief Executive.

BACKGROUND PAPERS

10. Legal Service Review January 2009.

APPENDICES

11. Appendix A – Joint Legal Services Staff Structure
Appendix B – Business Area Structure
Appendix C – Joint Legal Services Vision