

Committee: Finance Committee Establishment Committee	Date: 06 June 2017 19 June 2017
Subject: Corporate and Public Law Division of the Comptroller & City Solicitor's Department - Staff Funding	Public
Report of: Michael Cogher	For Decision
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Summary

This report seeks approval to recruit three additional permanent members of staff to the Comptroller & City Solicitor's Department (C&CS), a Senior Lawyer on grade E, a Legal Support Officer grade C and an Assistant Information Officer grade C/D. The base budget increase of £140K for future financial years was approved by **Policy and Resources Committee** on 4th May 2017.

It is proposed that the funding required in the current financial year of £140,000 is met from the 2017/18 Finance Committee's contingency fund split between the City Fund, City's Cash and Bridge House Estates contingencies. This split is based on the allocation of Comptroller and City Solicitor recharges between the three funds (£97,000 City Fund, £36,000 City's Cash, £7,000 Bridge House Estates).

The Public and Corporate Law Division (P&CL) within C&CS would then be sufficiently resourced to meet the demand for increased absolute volume and complexity of legal work which have developed over the last three financial years. Additionally the Information Team would be fully resourced to effectively handle the increased requirements in relation to data protection legislation.

Recommendations

Members of the **Establishment Committee** are asked to approve the recruitment of three additional members of staff at grade E, career grade C/D and at grade C.

Members of the **Finance Committee** are asked to approve that the 2017/18 Finance Contingencies Fund is used to fund the 2017/18 cost of £140,000.

Main Report

Background

1. The City is progressing ambitious initiatives to enhance its contribution to London and the Nation, including in relation to culture, education, housing, philanthropy, economic development and training & skills. Innovative delivery models (often involving external stakeholders) are being explored and implemented to maximise impact. Increased emphasis on complex project and governance work (such as the Academies Programme and the Museum of London relocation), growing focus on philanthropy and information law and an increased corporate role for the Comptroller and City Solicitor has resulted in a significant increase in the volumes and complexity of legal advice and support

from the P&CL Team. At the same time, the team's core on-going work-streams such as in relation to planning and infrastructure are above previous volumes, due to the increasingly challenging regulatory framework and market demands. Legal support is increasingly sought at the options appraisal phase, and during all subsequent phases, to ensure projects are initiated and delivered on a sound legal footing.

2. In order to address this resource shortfall it is proposed to create new Senior Lawyer and Legal Support Officer posts this will ensure that the team can continue to deliver effective timely legal support to protect the City's interests and facilitate the delivery of corporate initiatives.
3. The Corporate Information Team transferred to C&CS on 1 February 2017 following a review of the team resource it is evident that an additional Grade C/D role is required to strengthen the performance of the Team and to build resilience, particularly with the introduction of the new General Data Protection Regulation (GDPR) in 2018 and the proposed transfer of RIPA responsibility to the Department both of which will result in a significant increase in work volumes.
4. Although the Corporate Information Team currently reports directly to the Comptroller and City Solicitor directly it is likely that at least partial line management responsibility will transfer to the P&CL Division.

Risks

5. As a result of increased demands for legal support P&CL staff are working a significant number of unpaid extra hours to meet demand and deliver the service. C&CS fee-earner annual chargeable hours targets for the P&CL Team as a whole for 2016/17 were over target by 1210 hours which equates to one full-time lawyer post. This is not sustainable and is impacting on staff morale and work life balance. There are also concerns relating to staff health and wellbeing and potentially an increase in staff absence and a high risk of staff attrition.

Options Considered

6. Whilst it is possible to outsource legal support work where practicable this will always be at a higher cost than the internal service even when procured at a discounted rate from the London Boroughs Legal Alliance framework. In any case internal governance issues require a detailed understanding of the Corporation and its constitution therefore little corporate work can be wholly outsourced and requires input and supervision on the part of the in-house team to avoid the risk of poor quality advice this in effect also adds to the already much higher external costs and creates additional opportunity costs for the P&CL Division.

Comparative legal support/advice Rates	Hourly Rate
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C&CS Senior Lawyer	£90
London Boroughs Legal Alliance framework rate	£130
Commercial Rate	£180

7. In order to continue to deliver an effective legal support service additional temporary lawyer and support officer assignments commenced in January 2017 and this temporary arrangement has successfully provided sufficient support to enable the team as a whole to handle the additional work volumes effectively it is proposed that these positions be made permanent and recruited to under the current proposal.
8. The P&CL Senior Lawyer and Legal Support Officer temporary posts were funded by a small underspend on employees in the C&CS 2016/17 local risk budget created by two vacant posts elsewhere in C&CS which have now been recruited to, it will therefore not be feasible to fund these temporary posts from the existing C&CS local risk budget provision in 2017/18 and following years.

Staff Chart

9. See Appendix 1.

Financial Implications

10. Adopting a worst case scenario of employing three staff at the top of the Grades and allowing for London weighting the costs inclusive of National Insurance and pension contribution are summarised below.

Post	Grade	Spinal Point	Cost
Senior Lawyer	E	1040	£53,600
Legal Support Officer	C	1027	£39,200
Information Officer	C/D	1035	£47,200
Total			£140,000

11. It is proposed that the funding required in the current financial year of £140,000 is met from the 2017/18 Finance Committee's contingency fund split between the City Fund, City's Cash and Bridge House Estates contingencies. This split is based on the allocation of Comptroller and City Solicitor recharges between the three funds (£97,000 City Fund, £36,000 City's Cash, £7,000 Bridge House Estates). Funding for future years has been agreed by the Policy and Resources Committee.

Benefits

12. The proposal to create new Senior Lawyer and Legal Support Officer posts will ensure that the P&CL Division have sufficient resource to deliver effective legal support in response to the increased demand and complexity of the

advice sought. The alternative is to outsource work at greater cost and greater risk to the Corporation. The proposal to create a new Assistant Information Officer post will facilitate Effective management of the increased demands of the existing data protection requirements and those of the GDPR and RIPA.

Conclusion

13. The allocation of £140,000 from the Finance Committee's contingency will enable the recruitment of three additional permanent staff at grades E, career grade C/D and at grade C in order to deliver an effective cost effective legal and corporate information support service. The on-going resource requirement for future years has been approved by the Policy and Resources Committee.

Appendices

- Appendix 1: Staff structure

Contact

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Appendix 1

**City of London Comptroller & City Solicitor's
Department
April 2017**
Proposed new posts

