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NOTICE OF EXECUTIVE DECISION TO BE MADE

The following Executive Decisions are due to be made by the CABINET MEMBER FOR GOVERNANCE on THURSDAY, 27 JANUARY 2022.

1. Regulatory Law Administrator role (GV610L) (Pages 3 - 16)

Reports relating to the decision(s) to be taken are attached to this notice, unless they contain confidential or exempt information. A meeting will not necessarily take place when the decision is made. Please contact Democratic Services for more information.

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FOR PUBLICATION

Regulatory Law Administrator role (GV610L)

Meeting:	Portfolio Holder – Governance
Date:	27 January, 2022
Cabinet portfolio:	Governance
Directorate:	Corporate

1.0 Purpose of the report

1.1 To enable recruitment to a new Regulatory Law Administrator role.

2.0 Recommendations

2.1 That the new role of Regulatory Law Administrator be added to the establishment and recruitment takes place.

2.2 That the funding arrangements described in section 6.0 are approved.

3.0 Reasons for recommendations

3.1 To respond to the administrative capacity challenges identified within the Regulatory Law team.

4.0 Background

4.1 Current administrative support available

Administrative support to the Regulatory Law team is extremely limited and not fit for purpose. Previously the team have accessed some typing support via the now retired Legal Clerk/ Typist. There is also access to some very basic administration is provided by the central support services team but this is limited to post and basic physical file retrieval.

4.2 The challenge around administrative support has been compounded over recent years due to changes within the Procurement, Property and Contracts Law team. Regulatory Law had previously been able to access some limited administrative support from the Apprentice Legal Executive e.g. photocopying, collection and collation of court documents etc. The postholder has grown in knowledge, skills and experience and the workload of the Procurement, Property and Contracts Law team has increased, the postholder now has a full caseload and can no longer assist Regulatory Law.

4.3 Capacity issues within the Regulatory Law Team and case for support

There are a number of pressure points impacting on Regulatory Law team capacity:

- **Housing disrepair claims** - the number of housing disrepair claims is growing (this is a recognised national issue and has been raised via Risk Management Group). Emergency measures are currently in place with support from external solicitors. Without the introduction of administrative support for the team we will need to continue with the current emergency measures indefinitely.
- **Freedom of Information Act** – there are additional demands upon the Regulatory Law team in terms of FOIs. The previous co-ordinator for FOIs, retired earlier this year and since then we have increased the level of supervision of these processes to ensure we continue to meet legislative requirements.
- **Subject access requests** – the number and complexity of subject access requests is increasing. While expert legal advice is essential in these cases, there is also a significant amount of administration level work to be completed. Significant time is spent on collecting, collating, reviewing, redacting and responding to the subject access requests, many of which are complex. This can take substantial time out of a working day for senior Solicitors, much of which is spent chasing up enquires with other teams within the Council. Juggling this duty alongside other priorities also can harm response times.
- **Litigation** - we are experiencing an increasing litigious culture, therefore an increase in the litigation workload. Much time is spent by our highly qualified, skilled and experienced team preparing cases for court with no administrative support. The workload includes drafting/checking statements and a significant amount of time copying and preparing bundles for court. This work often takes a day or more for each court proceeding. It is vital that the paperwork is correctly prepared, but it doesn't need to be undertaken by a senior Solicitor.

The Regulatory Law Administrator would undertake this work under the direction of the solicitors and build up knowledge, skills and experience to take over this crucial part of court preparation, enabling solicitors to concentrate on the court proceedings requirements and rise to the challenge of the increasing litigation workload.

- **Case management system** - the legal teams within the Council have access to a case management system. The system itself is more useful within routine, process driven legal functions such as right to buy, contracts and conveyancing (undertaken by the Procurement and Property Law team). There are however opportunities to expand its use and application and increase productivity. Administration support is required to manage new cases, develop the workflows and speed up processes.
- **Staff caution list** - the staff caution list is an area that has been highlighted as a priority area for improvement by the Health and Safety Committee. A new Staff Caution List system and processes has been developed within Salesforce and will deliver vast improvements upon the current position. However, we believe that administration support is required to maximise the outcomes from this work and reduce the administrative burden upon the Regulatory Law team. For instance, entries within the list need to be frequently reviewed and updated with information from services. The new system also facilitates greater liaison with the subject of the entry.
- **Complaints** - we are seeing an increase in complex complaints about Council services, with the Regulatory Law team increasingly engaged in these. This includes monitoring and advising on correspondence including letters, e-mails and increasingly social media activity. Work can include, reviewing, contacting and chasing up with social media platforms including Facebook, Twitter and YouTube with potential to take action regarding legally sensitive or offensive material. The administration support would act as an essential filter for this activity and would also be able to undertake some of the social media chasing and action work under solicitor instructions. This could generate significant productivity savings avoiding the use of solicitors to sift through many hours' worth of content.
- **Monitoring Officer role** - the Monitoring Officer role is one of three statutory roles that the authority has to have. Again this is an area with increasing demands. The number of councillor complaints are rising (this includes councillor complaints against the Council, each other and by members of the public). In addition, we are being asked to take on additional duties such as Monitoring Officer responsibilities for key partnerships including Vision Derbyshire. Monitoring Officer duties

require administrative support including arrangement of meetings, compiling and collating witness statements and investigation notes and some research functions.

4.4 New Regulatory Law Administrator role

A new permanent role has been developed to provide much needed administrative support to the Regulatory Law team. The Job Description and Person Specification are attached at Appendix 1. The post has been job evaluated at Scale 5 (£20,092 - £21,748). This equates to £27,402 with oncosts (26%).

5.0 **Alternative options**

5.1 An apprenticeship role has been considered, however, 20% of the posts time would need to be devoted to academic work and it is an additional burden in terms of management as apprentices generally require more support than more experienced team members. Therefore, the full benefits of the role would not necessarily be realised. There is also an issue of the apprenticeship course costs – Legal apprenticeships are at the top end of apprenticeship costs so this would need to be funded centrally via the apprenticeship levy. Further discussions have taken place with our HR Business Partner and she considered that an apprenticeship would not be suitable for this role due to the level of confidentiality and attention to detail required for the court preparation activity in particular.

6.0 **Implications for consideration – Financial and value for money**

6.1 There is currently budget provision of £12,030 allocated for administrative support for the Regulatory Law team (this is a saving via the former Legal Clerk role). The Housing Revenue Account funds 20% of Regulatory Law team costs due to specific Council housing support functions. This equates to a £5,480 contribution. Within the wider Directorate Corporate we currently have budget provision for one vacant post Assistant Policy Officer (Scale 5) 18.5 hours which equates to £13,700 including oncosts. Due to work undertaken within the Policy and Partnerships Team to reduce duplication and maximise digital solutions for consultation and engagement activity we do not intend to fill this post and we are recommending that this funding is diverted to the Regulatory Law team where the need is currently greater.

6.2 In order to fund the Regulatory Law Administrator we are recommending virement of £9,890 from the Policy and Partnerships staffing budget to the Regulatory Law team staffing budget.

7.0 Implications for consideration – Legal

7.1 This new role will provide much needed administrative support for the Regulatory Law team, enabling higher productivity levels across the full range of regulatory law and monitoring officer functions provided.

8.0 Implications for consideration – Human resources

8.1 The new role will be recruited to in-line with the Council’s recruitment and selection policy.

9.0 Implications for consideration – Council plan

9.1 The Regulatory Law team provide legal advice and support across all areas covered by the Council Plan.

10.0 Implications for consideration – Climate change

10.1 The Climate Change impact assessment looks solely at Climate Change rather than other environmental impacts, and social, economic, wellbeing measures which are considered under other considerations. We do not consider there to be any specific climate change impacts for this decision.

11.0 Implications for consideration – Equality and diversity

11.1 The new role will be recruited to in-line with the Council’s recruitment and selection policy which includes a range of equality and diversity provisions including the disability confident scheme and job-share / flexible working arrangements.

12.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Continued capacity challenges leading to further external support provisions being required.	H	H	New role developed to maximise team productivity and respond to pressures	M	M

			and emerging challenges.		
Additional funding pressures emerging from new role.	H	H	Fully funded proposal developed utilising vacant posts emerging from transformation activity.	L	L

Decision information

Key decision number	Non-key
Wards affected	All

Document information

Report author
Donna Reddish – Service Director Corporate
Background documents
These are unpublished works which have been relied on to a material extent when the report was prepared.
None
Appendices to the report
Appendix 1 – Job description and person specification.

JOB DESCRIPTION

JOB TITLE:	Regulatory Law Administrator	JE NUMBER:
DIRECTORATE:	Corporate	BAND: 5
RESPONSIBLE TO:	Head of Regulatory Law and Monitoring Officer	
RESPONSIBLE FOR:	Administrative support for the Regulatory Law team	
MAIN PURPOSE OF POST:	To provide administrative support to the Regulatory Law Team.	

DUTIES AND RESPONSIBILITIES:

Duties and responsibilities must be undertaken to comply with Council policies/procedures.

1.	Delivering a full range of administrative duties to support the provision of an efficient effective Regulatory Law function. This includes organising meetings, accurate and confidential note taking, photocopying, scanning and e-mail searching and cataloguing.
2.	Utilising the Council's case management system to maximise productivity. This includes opening, maintaining and closing case files, uploading precedents, producing letters, updating and developing user guides and resolving operational issues.
3.	Physical and electronic file management
4.	Supporting the preparation of case files and litigation bundles.
5.	Producing and amending letters, reports, spreadsheets and presentations.
6.	Utilising the Council's financial management system to raise requisitions, purchase ordering and raising invoices.
7.	To deal with any sealing arrangement, engrossment and filing/storage of legal documents as directed by the Head of Regulatory Law.
8.	To update as necessary documents and agreements onto work systems.
9.	Supporting Monitoring Officer, Senior Information Risk Officer and Data Protection Officer and Regulatory Law Solicitors caseload with meeting invites, co-ordination of documents/inspections, collection/collation of evidence, review of draft statements, chronologies, agendas and minutes.
10.	Undertaking research and data collection to support Regulatory Law functions.
11.	Supporting the co-ordination of legal input into the Freedom of Information scheme.

GENERAL – To be aware of and implement the following:

Equalities – The council’s Equality and Diversity Policy which sets out the council’s commitment to advancing equality and social inclusion while celebrating the diversity within our communities.

Code of Conduct – All employees of Chesterfield Borough Council must comply with the Employees’ Code of Conduct.

Health & safety – To comply with the Health and Safety at Work etc. Act (1974) and carry out all duties in accordance with the Council’s Health and Safety policy.

Staff Development - The Council's Performance & Development Review is an integral part of Chesterfield Borough Council's performance management framework as well as a key employee development procedure. You will be required to undertake any training required for the job role.

Data Protection – All employees must adhere to the requirements of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 in respect of confidentiality and disclosure of data.

Safeguarding Children and Vulnerable Adults - The council has both a moral and legal obligation to ensure a duty of care for children and vulnerable adults across its services. We are committed to ensuring that all children and vulnerable adults are protected and kept safe from harm, and we have a responsibility to safeguard and promote well-being.

SPECIAL FEATURES OF POST:

Political Restriction – the post is undertaken by an officer whose role is politically restricted	YES		NO	x
Vetting Checks e.g Disclosure and Barring Service (DBS)	YES		NO	x
Flexible approach to time of work, with ability to work evenings and weekends as required by the needs of the service.	YES	x	NO	
You may be required to carry out those duties at your present workplace or at another council venue.	YES	x	NO	

It is the council’s intention that this job description is seen as a guide to the main areas and duties for which the job holder is accountable. However, as the work that the council changes the job holder’s obligations are also bound to vary and develop, so the job description should be seen as a guide and not as a permanent, definitive and exhaustive statement. This job description is non-contractual.

PERSON SPECIFICATION

JOB TITLE:	Regulatory Law Administrator	JE NUMBER:	
DIRECTORATE:	Corporate	DATE:	August 2021

KNOWLEDGE / SKILLS / ABILITIES		Assessment Method
		Application Form, Presentation, Scenario based Exercise, Interview, Qualification / Certificates
Essential		
•	Computer Literate with good IT skills, in particular Microsoft Office including Outlook, Word, Excel and PowerPoint.	Application Form
•	Good communication and inter-personal skills.	Application Form Interview
•	Strong administrative skills including minute taking, organising meetings, filing etc.	Application Form Interview
•	Financial administration skills including invoicing, requisitioning and purchase ordering.	Application Form Interview
•	Organisational skills.	Application Form Interview
•	Research and data collection skills.	Application Form Interview
•	Knowledge of confidentiality issues and ability to observe data protection guidelines	Application Form Interview
Desirable		
•	Knowledge of court processes and proceedings	Application Form Interview
•	Knowledge of Freedom of Information and Data Protection Act regimes.	Application Form

		Interview
EXPERIENCE		
Essential		
•	Experience of administrative and co-ordination roles within a legal service.	Application Form Interview
•	Experience of using case management software.	Application Form Interview
•	Experience of co-ordinating the developing of case files.	Application Form Interview
•	Experience of undertaking research and data collection.	Application Form Interview
Desirable		
•	Experience of working in local authority legal environments.	Application Form Interview
QUALIFICATIONS		
Essential		
•	Educated to GCSE, O Level or equivalent.	
Desirable		
•	None.	
OTHER REQUIREMENTS		
Essential		
•	To display the council's values and behaviours when carrying out the job role	Application Form, Interview
•	To perform the job role in accordance with the specified level of the council's Competency Framework	Application Form, Interview

•	Commitment to self-development, service improvement and organisational effectiveness	Application Form, Interview
COMPETENCY REQUIREMENT:		
Seeing the Big Picture	<p>Seeing the big picture is about having an in-depth understanding and knowledge of how your role fits with and supports the council plan and the wider public needs and the national interest. For all staff, it is about focusing your contribution on the activities which will meet the council goals and deliver the greatest value.</p> <p>For leaders, it is about scanning the political context and taking account of wider impacts to develop long term implementation strategies that maximise opportunities to add value to the customer and support economic, sustainable growth.</p>	Interview
Level: 1		
Changing and Improving	<p>People who are effective in this area take initiative, are innovative and seek out opportunities to create effective change. For all staff, it's about learning from what has worked as well as what has not, being open to change and improvement, and working in 'smarter', more focused ways.</p> <p>For leaders, this is about creating and encouraging a culture of innovation and allowing people to consider and take informed decisions. Doing this well means continuously seeking out ways to improve policy implementation and build a leaner, more flexible and responsive council. It also means making use of alternative delivery models including digital and partnership approaches wherever possible.</p>	Interview
Level: 1		
Making Effective Decisions	<p>Effectiveness in this area is about using sound judgement, evidence and knowledge to arrive at accurate, expert and professional decisions and advice. For all staff it's being careful and thoughtful about the use and protection of council and public information to ensure it is handled securely and with care.</p> <p>For leaders it's about reaching evidence based strategies, evaluating options, impacts, risks and solutions and creating a security culture around the handling information. They will aim to maximise return while minimising risk and balancing a range of considerations to provide sustainable outcomes.</p>	Interview
Level: 1		
Leading & Communicating	<p>At all levels, effectiveness in this area is about showing our pride and passion for public service, communicating purpose and direction with clarity, integrity, and enthusiasm.</p> <p>It's about championing difference and external experience</p>	Interview
Level: 1		

	and supporting principles of fairness of opportunity for all. For leaders, it is about being visible, establishing a strong direction and persuasive future vision; managing and engaging with people in a straightforward, truthful, and candid way.	
Collaborating and Partnering	People skilled in this area are team players. At all levels, it requires working collaboratively, sharing information appropriately and building supportive, trusting and professional relationships with colleagues and a wide range of people within and outside the council, whilst having the confidence to challenge assumptions. For senior leaders, it's about being approachable, delivering business objectives through creating an inclusive environment, welcoming challenge however uncomfortable	Interview
Level: 1		
Developing self and others	Effectiveness in this area is having a strong focus on continuous learning for oneself, others and the organisation. For all staff, it's being open to learning, about keeping one's own knowledge and skill set current and evolving. For leaders, it's about investing in the capabilities of our people, to be effective now and in the future as well as giving clear, honest feedback and supporting teams to succeed. It's also about creating a learning and knowledge culture across the organisation to inform future plans and transformational change	Interview
Level: 1		
Delivering Value for Money	Delivering value for money involves the efficient, effective and economic use of taxpayers' money in the delivery of public services. For all staff, it means seeking out and implementing solutions which achieve the best mix of quality, and effectiveness for the least outlay. People who do this well base their decisions on evidenced information and follow agreed processes and policies, challenging these appropriately where they appear to prevent good value for money. For leaders it's about embedding a culture of value for money within their area/function. They work collaboratively across boundaries to ensure that the council maximises its strategic outcomes within the resources available	Interview
Level: 1		
Managing a Quality Service	Effectiveness in this area is about valuing and modelling professional excellence and expertise to deliver service objectives, taking account of diverse customer needs and requirements. People who are effective plan, organise and manage their time and activities to deliver a high quality, secure, reliable and efficient service, applying programme, project and risk management approaches to support service delivery.	Interview
Level: 1		

	For leaders, it is about creating an environment to deliver operational excellence and creating the most appropriate and cost effective delivery models for public services	
Delivering at Pace	Effectiveness in this area means focusing on delivering timely performance with energy and taking responsibility and accountability for quality outcomes. For all staff, it's about working to agreed goals and activities and dealing with challenges in a responsive and constructive way. For leaders, it is about building a performance culture where staff are given space, authority and support to deliver outcomes. It's also about keeping a firm focus on priorities and addressing performance issues resolutely, fairly and promptly	Interview
Level: 1		

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