

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
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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.