

CORPORATE FINANCE AND PERFORMANCE SCRUTINY PANEL	DATE 7 May 2024	ITEM NO 5
SUBJECT Legal Services – Annual Performance Report 2022/23 & 2023/24	WARD (S) All	
CHIEF OFFICER Director of Legal Services		

1. Recommendations to decision maker:

1.1 The Scrutiny Panel are asked to note the report

2. Links to Our Greenwich missions

2.1 This report relates to the Council's agreed high-level objectives as follows:

- Our Council is an adaptive organisation, enabling it to navigate the increasing number of challenges it faces while remaining financially sustainable
- Our Council works in the most efficient and effective ways possible
- Our Council is a great place to work, with a diverse workforce who have the right skills and are motivated and empowered to deliver.

2.2 Legal Services is a key support service providing legal advice right across the organisation so that the Council can achieve its corporate objectives.

3. Purpose of Report and Executive Summary

3.1 As part of the Council's performance management arrangements, the Overview and Scrutiny function, through its Panels, undertakes a proactive examination of the Council's overall performance in support of the delivery of the Council's priorities.

3.2 This report sets out the performance of Legal Services in 2022/23 and 2023/24. The report sets out an overview of performance across the service, with specific insight into each team's specialist practice areas.

4. The Report

Legal Service Model

- 4.1 Legal Services is delivered using a mixed economy business model whereby legal work will be carried out in-house where there is relevant capability and capacity. Where this is not the case the work will be outsourced. Outsourcing can be more expensive than carrying out the work internally, depending upon the subject matter of the work and effectiveness of legal procurement. It is however possible to recover the costs of externalised legal work in some practice areas, and in such instances outsourcing is cost neutral to the organisation. Legal outsourcing can also present best value in some instances. Legal Services have responsibility for all legal work and manage the contracts for external services, utilising 2 call- off frameworks. The frameworks are entered following a robust procurement process to ensure that they provide best value for the Organisation.
- 4.2 The aspirational business model for Legal Services at RBG (Royal Borough of Greenwich) is for legal work to be carried out internally where it presents the best value option taking into account (1) the ability to deliver corporate priorities on time, (2) price & (3) quality. However, this is subject to the challenges around capacity, and even where established capacity exists, staffing gaps and issues around recruitment and retention. These issues have been prevalent for some years and been further accentuated due to major demand spikes in certain areas.
- 4.3 Legal Services continues to keep under review resources vis a vis demand. During 2022/23 and continuing into 2023/24, resourcing issues began to arise from staffing gaps. In 2021/22, the agency rate was reduced to 12% in Legal Services. However, this returned to levels of over 30% in 23/24. Given the MTFS and budgetary pressures, this is unsustainable. Legal Services has therefore focused on its workforce strategy with a view to ensuring that we are able to recruit and retain sufficient and capable staffing to the establishment. Benchmarking against other authorities has taken place with a view to putting in place a localised workforce strategy. This benchmarking identified sector wide recruitment issues.

4.4 The in-house Legal Services is split into 6 teams:

- Housing & Litigation
- Planning & Procurement
- Adult, Employment & Education
- Regeneration & Property
- Safeguarding Children
- Legal Support & Practice Management

4.5 The in-house team consists of 49 established posts (including legal support staff). The target hours for legal work are approximately 40,000 hours per annum for established staffing (based on industry standard targets). In addition, Legal services have had approximately 3 additional temporary posts due to demand across 2022/23 and 2023/24 (including staffing gaps). Even taking into account the expected additional legal work created by the 3 additional posts, there is an overachievement in the output for across both years of approximately 15%, due to both efficiencies and effort.

4.6 2700 new matters were opened in 2022/23 across a full range of legal services. This was an increase of 26% on the previous year. The number remained fairly similar in 2023/24 (2768). Legal Services commented on approximately 690 decision reports in 2022/23, an increase of 15% upon the previous year. In 2023/24 the number fell slightly to 653, but additionally Legal Services also provided comments on approximately 120 proformas submitted as part of the MTFs budget report for 2024/25. The review of decision reports and the provision of comments on such reports is a crucial element of the Council's decision-making processes to ensure that decisions are robust, and legally sound.

Vision & Values

4.7 Legal Services aim to be a high performing in house legal service which plays an essential part in the achievement of the Royal Borough's mission and vision for the benefit of our community. The Vision and Values for Legal Services is attached at Appendix A. The objective of the Vision and Values is to provide a clear strategic direction for Legal Services, together with a set of consistent behaviours around how we seek to deliver the service.

4.8 Legal Services are committed to working collaboratively with colleagues across all Directorates and building relationships based upon mutual respect. We are putting into place more transparency with Directorates around our capacity, usage, costs and accountability. This work is at an early stage currently but will be designed to drive reductions in demand where appropriate, and identify any further efficiencies in the end-to-end delivery process, with a continuous improvement approach. As part of this work there will be a reset of the Service Level Agreement with directorates and a review of the performance KPI's to ensure that these remain relevant and aligned to mission and vision of the Organisation.

Staffing & Development

4.9 The former Director of Legal Services left the Royal Borough in September 2023. Interim arrangements have been put in place for the Management of Legal Services. This has resulted in several development opportunities at a Senior Level, in line with succession planning and the aspiration of the department to develop our internal staffing capabilities for the future. These include:

- The Head of Legal Services acting as Interim Director of Legal Services
- The Assistant Head of Legal Services (Safeguarding Children's) acting as
Interim Head of Legal Services
- Senior Lawyers acting as joint interim Assistant Head of Legal Services in Adults Education & Employment (since 2022)
- 2 x Senior Lawyers exposure to development opportunities undertaking some of the Assistant Head duties on an honorarium basis
- We have also successfully recruited 2 x Assistant Head of Legal Services (Regeneration & Property and Housing & Litigation) to join the organisation on a 12-month fixed term basis, to provide continuity to the management of the service.

4.10 This is consistent with our embryonic workforce strategy, aligning with the Corporate Workforce Strategy, which is to develop our in-house resource.

4.11 There have been a range of development, secondment and honorarium opportunities across the Directorate including:

- 5 apprenticeship opportunities
- 5 secondment opportunities
- 7 honorarium opportunities

4.12 There continues to be some vacant, long-term hard to fill posts in some areas, and some ongoing issues with recruitment and retention. Concluding the review of our local Legal workforce strategy designed to address this, and implementation of any recommendations arising, will continue to be a management priority for Legal Services in 2024/25.

Service Standards

4.13 Legal Services undertakes an annual legal survey and the current survey for 2023/24 is out for response. In the last survey 94% of respondents rated the service as satisfactory or above, with over 2/3 rating the service as 'good' or 'excellent'. Outside of the annual survey we keep service standards under review as part of our quarterly client liaison meetings with each of the Directorates. These have not highlighted any service issues.

4.14 The general service standard in Legal Services is to provide advice within 5 working days, or alternatively, provide a later date when the fee earner will be able to provide advice in the event of a complex matter.

4.15 There are individual timescales in place for particular types of matters (e.g. fraud cases). There will of course be frequent occasions where an urgent response is requested, and Legal Services will seek to assist where there is capacity to do so. We are working to formalise our SLA's and KPI's arrangements in 2024/25, to ensure that these are aligned with the mission and visions of the organisation and provide clear and measurable indications of performance.

Legal Service Performance

4.16 We have provided some detail and service examples across each team for the Scrutiny Panel to show the service benefits of matters being dealt with by Legal Services. These are organised into the individual teams dealing with the cases.

Housing and Litigation Team

- 4.17 The work of team is beginning to recover following the impact of the COVID pandemic on litigation work and the court system. In total the number of matters dealt with by the team has increased from 700 in 2021/22 to 1060 in 2023/24. In the last financial year, the team has processed:
- rent possession cases, some of have resulted in suspended possession orders, recovering income for the Council, whilst others have resulted in possession of the property being regained. (This is an approximate figure, due to the effects of embedding the new case management system).
 - 124 NTQ and NOSP possession cases on the grounds of unlawful occupation, subletting, obtaining tenancies by fraud, under-occupation, and anti-social behaviour (including mandatory ground possession orders to address serious anti-social behaviour) were conducted. This is a significant increase which reflects the return to business as usual following the pandemic. Work in this area ensures that Council properties are not occupied by those who are not eligible for council housing and remain available for allocation in accordance with the RBG allocation policy and statutory duties.
 - 10 anti-social behaviour injunction applications were made to protect the quality of life of tenants and Council staff from violence, threats, and abusive conduct from members of the public.
 - 11 Section 204 Housing Act 1996 appeals. These are appeals to the County Court against decision by the Council not to provide housing assistance to individuals who are not eligible usually because they do not have a priority need for housing or have been assessed as intentionally homeless from their last settled address. This is a significant increase reflecting the severe shortage of social housing and the pressure placed on the Housing Inclusion Service to make robust decisions that can withstand legal challenge.
 - 17 cases for possession of temporary accommodation. This is a notable increase which reflects the need to move agreed homeless cases into permanent tenancies to increase the supply of temporary accommodation.

- 43 debt recovery cases, including commercial rent arrears, forfeiture, overpayment of salary and return of Council equipment, residential care fees, damage of street furniture and charging orders.
- 15 fraud prosecution cases which protect the public purse including, disability direct payments, housing tenancy fraud and blue badge prosecutions.
- 45 licensing matters, including hearings before the Licensing Sub – committee and appeals of those decisions to the Magistrates Court.

4.18 Notable outcomes for the team include:

- Recovery of £145,000 in commercial rent arrears from a national chain restaurant.
- Removal of travellers from a number of locations in the borough and
- Obtaining a borough wide Public Spaces Protection Order prohibiting the use of E-Scooters, sexual harassment and drinking alcohol in public spaces.

Disrepair

- 4.19 A significant volume of work for the team relates to dealing with housing disrepair proceedings brought against the Council. Royal Borough of Greenwich has housing stock of approximately 30,000 units.
- 4.20 Housing disrepair claims have continued to increase over the last 7 years. In 2023/24, the team dealt with 408 disrepair claims. This is a significant increase on previous years due to a range of factors. These include the legacy effects of Covid delays to property repairs/backlog; a heightened awareness of potential claims amongst residents due to increased media coverage; and a focus on public health around damp and mould.
- 4.21 The spike in claims experienced by Royal Borough of Greenwich is however representative of national trends which are driven by a range of factors which contribute to the increase in workload for Legal Services:
- Homes (Fitness for Human Habitation) Act 2018 which came into full force in 2020. Whilst, many claims are still issued under previous statutory provisions, the act is used to pursue damp and mould claims which previously would not meet the threshold for litigation.

- Lack of ability to carry out repairs during the lock downs in pandemic period and staffing shortages.
- Reduction in the availability of Legal Aid for claimants, driving 'no win no fee' culture and increasing costs.
- Increased specialist legal advice offered by private law firms and improved marketing of their services. This is a lucrative area for private firms as the recoverable success fee is uncapped which is not the case in other areas of litigation.
- Wide use of social media by law firms to attract potential claimants.
- Increased number of housing complaints and referrals to the Housing & Local Government & Social Care Ombudsmen.
- Lack of in-house capacity to deal with the volume of work and repairs.
- Delay of implementation of the fixed costs regime to 2025.

4.22 The volume of work is such that there has been insufficient resource within the team to effectively manage the caseload. Whilst Homes and Communities have funded two additional fixed-term lawyers, a national shortage of housing lawyers with the required skill set has necessitated the need to outsource pre-litigation matters on a temporary basis. Fixed fee arrangements have been negotiated in relation to this work to ensure that the costs of outsourcing are mitigated as far as is possible.

4.23 The Legal Team work collaboratively the Housing Disrepair Team and external lawyers to achieve the best results, adopting a proactive strategy of early settlement of de minimis claims to achieve better outcomes for residents and reduce the overall costs of defending claims to the Council.

4.24 Despite the challenges, the Legal Team has been able to obtain some noteworthy results, i.e. successfully defending a disrepair claim where the Judge found that one of the main contributors to the dampness was the tenant's choice to install a large fish tank and 50L filtration system without lids. The Council was awarded costs in this case. This is an

important outcome and reflects the effectiveness of our collaborative approach to case preparation and evidence gathering.

Planning & Procurement

- 4.25 Planning continues to be a growing area of work streams, reflecting the Council's Regeneration and Housing Delivery agendas. Highlights of the past year include:
- Providing legal support to the issuing of the planning enforcement notice ordering the demolition of 204 homes in the Mast Quay development in Woolwich, which made national press. The public inquiry is set for later in 2024.
 - Continued personal ranking in Planning Magazine (since 2016) for the Assistant Head of Legal Services who manages the team.
- 4.26 More recently Highways has seen an exponential growth in the need for legal support following the adoption of the Council's Transport Strategy and introduction of an increasing number of experimental traffic orders. This looks set to expand in the forthcoming year.
- 4.27 Contracts and Procurement continues to be a significant work stream for the Council especially due to the increase in the number of capital and other strategic projects, increased working relationships with the Corporate Procurement Team and the need for more robust corporate governance arrangements.
- 4.28 The forthcoming implementation of changes to under the Procurement Act has led to collaborative working with Procurement colleagues to ensure that our contracts and processes are aligned. Legal Services have been major contributor to the review of the Councils contract standing orders.
- 4.29 Recruitment and retention of Senior in-house lawyers in both the planning & highways and contracts & procurement areas continues to be difficult, reflecting the trend seen across local government (including London). We have therefore put in place temporary arrangements with external lawyers to provide Senior Lawyer support. These arrangements continue to remain under review and longer- term solutions are being considered as part of the Legal workforce strategy.

4.30 The costs of Planning & Highways outsourced work can be recovered in some cases. Outsourcing in such workstreams is cost neutral to the Organisation.

Adults, Education & Employment

4.31 The team covers the following functions:

- Employment – TUPE, General policies and procedures, Grievance and Disciplinary matters
- FOI/Data Protection/ICO Complaints
- Adults - Safeguarding, Court of Protection and the Deprivation of Liberty Safeguards (DOLS) Transitions
- Safeguarding Adult Board and advice to Safeguarding Adult Reviews
- Ordinary Residence/SI 17 Aftercare Charging and Deprivation of assets
- Public Health
- Coroners Inquests
- Judicial Reviews in related areas
- Mental Health
- Education - admissions, Special Educational Needs (SEN), Governor Services, parental complaints
- Schools (+ SLA) includes- Exclusion and Banning parents and disability discrimination, Academisation and school closures

Health and Adult Services

4.32 The demands around Safeguarding Adults remains a challenge This is in line with the experiences of other local authorities throughout the country, due to the pressure of increasing social care demands. We continue to work collaboratively with the HAS (Health and Adult Services) Directorate, and other relevant agencies to manage the risks to this vulnerable group whilst making the best of our resources.

4.33 Demand for legal support from Health & Adults Directorate has grown substantially over the last few years. Whilst early legal engagement can assist in protecting the Council from the risk of costly legal challenge, and ensures compliance with our statutory duties, this is subject to the capacity of within Legal Services. Demand is currently about 3 times the established capacity. Collaborative approaches to staffing have been agreed with the Health and Adults Directorate to meet demand, but despite having some additional staffing, it has been necessary to outsource some work to ensure that the organisation can meet its

statutory obligations in this area. The work of the team supports the Council to ensure its statutory duties are properly complied with and that vulnerable adults within Greenwich receive the care, support and protection they require and are entitled to. In addition to this, the team's work protects the Council's interests financially, reputationally, in terms of the Council's relationships with external bodies and neighbouring local authorities.

4.34 There has been a general trend which has seen a significant increase in referrals to the service in the following ways:

- Increase in those needing to access mental health services. This in turn has had an impact on the numbers of requests for legal advice in this area.
- There continues to be a high number of cases in the Court of Protection in relation to proceedings and deprivation of liberty.
- There has been an increase in referrals for legal advice following the Supreme Court decision in the Worcestershire. This case confirmed that Councils have a duty to provide S117 after care if a person requires it and they have Ordinary Residence in the Local Authority area. Increase in the number of transition cases from Children's services to Adults.
- Increasing number of referrals for legal advice from the Nil Recourse Team following Greenwich becoming a Borough of Sanctuary and therefore having a larger number of refugees.

4.35 Other areas covered are as follows:

- Dealing with Coroner's inquests.
- Leading on ordinary residence disputes
- Working with the Safeguarding Adults Board (SAB) and Safeguarding Evaluation Group (SEG) to ensure that safeguarding practices in Greenwich properly protect vulnerable adults. As a result of attending SAB and SEG, the team also attend subgroups to discuss specific and thematic case referrals.
- Working with HAS to review all- high risk matters monthly, in order to mitigate against any potential financial or reputational risk to the council.

4.36 Legal Service have been assisting HAS by dealing with a backlog of approximately 120 deprivation of liberty cases. As a result of deploying two Legal Assistants in the team, the team have submitted 64 DOL's cases to the Court of Protection as at end of March 2024. This has minimised the risk of potential damages claims against the Council.

Education

4.37 The team continues to advise on a range of education matters: SEN, admissions, complaints, attendance issues and judicial review proceedings, including responding to threats of judicial Review. There were 41 new matters in 2022/23 and 31 new matters in 2023/24 respectively.

4.38 The team is committed to supporting schools in the Borough and has been successful in ensuring that a number of pre action protocol matters are dealt with in a timely manner to avoid possible Judicial reviews. We also have a very high success rate in supporting schools to defend claims of disability discrimination. We are very mindful of the pressures our local schools operate under and we proactively provide legal advice where schools are experiencing threatening or abusive behaviour from a parent or carer. We regularly advise on exclusions and on the complaints process as well as admissions and aspects of SEN law. Demand for these services continues to grow.

4.39 There is no established dedicated resource within the team exclusively for Special Educational Needs work. From 2000 onwards, an additional resource of a Senior Lawyer was appointed to deal with the increase in workload. The demand in this area continues to increase and the number of hours attributable to this work has increased from an average of 400 to in excess of an average of 800 hours per annum in the years of 2022/23 and 2023/24. Experienced Lawyers with a specialism in this area are hard to find. From 2020 until February 2024, we were able to employ a Lawyer, albeit on a locum basis. That locum left in February 2024. Attempts to recruit have been unsuccessful therefore we have had no option but to outsource this work in the short-term whilst we consider long-term options.

4.40 There has been an emerging trend of schools seeking approval of the Secretary of State to convert to Academies. Conversely due to falling pupil rolls affecting some of our schools in the borough, the team are receiving an increase in enquiries relating to school closures or closures

of school sites This has given rise to the creation of the Task and Finish Groups and Strategic Boards with a view to facilitating the conversions or closures. Legal team have representation on these groups to ensure that our statutory obligations are met and that the interests of the Council are best protected.

FOI/Data protection

- 4.41 FOI and GDPR (General Data Protection Regulation) demand has continued to increase.
- 4.42 The Council has received an unprecedented number of ICO (Information Commissioner's Office) complaints in 2023/24. These ICO Complaints present the team with an increased workload with tight and demanding deadlines. The total figures of ICO complaints the Council received in 2023 was **29** this is to be compared with 5 in 2020, 7 in 2021 and 14 in 2022. The required resource hours to deal with these complaints has tripled from 2022/23 to 2023/24.
- 4.43 With only one established in-house Lawyer with expertise in this area, demand outstrips the available resource. Our in-house lawyer is currently being supported by an additional Legal Assistant who has taken on some casework and is also offering helpful technical support to facilitate responses to client queries. In addition, especially during intense periods of demand caused by ICO complaints, some work has been outsourced to external lawyers due to capacity.
- 4.44 Legal resources and expertise needed in this area has greatly increased. The Information Management team within the Communities, Environment & Central Directorate was expanded by 20% in 2018 to reflect the additional work resulting from the increasing legislation, regulation and information requests. Legal Services resources have increased for the short to mid-term, however established resourcing remains insufficient to respond to the volume of instructions received. However more effective use of technology in this area has led to greater time efficiency in case handling.
- 4.45 The in-house lawyer and Legal Assistant have also been instrumental in reviewing and amending the Council's internal processes for responding to FOI/EIR requests. The review has also achieved much needed clarity in relation to roles and responsibilities of stakeholders to this process and is aimed at driving compliance. Training has been rolled out on

common exemptions to support empowerment of officers and enable the quality of responses.

- 4.46 The Council have had some important successes in defending its position in the First Tier Tribunal where it had decided to exempt information from disclosure in circumstances where the requests were vexatious.

Employment

- 4.47 In relation to employment, the team provides regular advice and supports Human Resources (HR) and all other Directorates across the Council in this regard. Demand for such advice continues to be high. The team acts for the Council in relation to Employment Tribunal cases brought against the Council.
- 4.48 The team is also commissioned to support some of our local schools to defend ET claims. For the year 2022/2023, we received 15 new ET cases. For the year (2023/2024) we have also received 15 new cases. The number of cases received have remained consistently high compared to 2020/2021 figures (8 cases received at that time).
- 4.49 The Council continues to win the majority of its defended claims and the team ensure that any learning from the defence of cases is captured and fed back to the Organisation to minimise risk of future claims. We have also had a notable success in defending a disability discrimination complaint brought against the Council in relation to a school matter.
- 4.50 The team have a strong working relationship with the HR team and hold corporate monitoring meetings every month whereby the team update HR colleagues on progression on cases, strategy for progressing cases taking into account wider organisational factors and lessons learned following outcomes of those cases.
- 4.51 The team also meet with key clients as part of a Joint Strategy group to discuss employee relations matters arising with the borough's schools. The team also sits on the Enabling Service Board which is geared towards exploring opportunities to improve the interface between Schools and the Council's Support Services. During a survey of the

schools, 91% of schools rated Legal Services support as quality, satisfied or very satisfied.

- 4.52 The team also sit on the Portfolio Board which is a forum within which high level strategic planning conversations take place in the review and delivery of activities set out in the Council's Corporate Plan.

Regeneration & Property

- 4.53 Demand to purchase 'right to buy' properties has fallen in the past two years. The number of successful completions has dropped from 186 in 20/21 to 77 in 2023/24. The ratio of applications to completions has also significantly dropped across the same period. This may be linked to a deteriorating economic outlook. In 2022/23 and 2023/24 we outsourced most of the Legal work within this area due to best value. The low fixed fees negotiated, and economies of scale for the external provider, have resulted in a more cost-effective model for delivery. This has also resulted in the in-house Legal resource being deployed on work that provides best value and in-house delivery.
- 4.54 There has been a greater focus of In-house capacity in relation to commercial property. This can be outsourced when there is insufficient capacity within the team, but where capacity allows this to be done in-house, this creates the opportunity for income to be brought into the Organisation. There is a long -term plan to further develop in-house skills, and increase in-house delivery in this area.
- 4.55 Legal Services has collaborated with DRES (Directorate of Regeneration, Enterprise and Skills) to update the Council's precedent. This will ensure that the Council and their tenants are clear as to their respective regulatory duties and obligations.
- 4.56 Lawyers have completed approximately 50 wayleaves for electronic apparatus on residential blocks in the years 2022/23 & 2023/ 24 which also create the opportunity to bring income into the organisation.
- 4.57 The Council has acquired up to 100 individual leasehold units and is acquiring further units in the near future following receipt of £13 million in LAHF funding.

- 4.58 The Housing Delivery team programme has a number of ongoing projects upon which Legal Services continue to be instructed. However, having acquired new units, the focus is currently on allocating homes and assisting with rehousing, in line with the Organisational priorities to reduce temporary accommodation.
- 4.59 Capital and Regeneration projects have continued in line with the Organisations aspirations as a regeneration borough. Due to capacity, skill set, knowledge and urgency, much of this work is outsourced to external legal partners who have the personnel and expertise to deliver this work at pace. Outsourcing in this area is cost neutral in most cases to the Organisation, as costs are recovered from developers. The in-house Assistant Head of Legal Services in this area plays an important role in briefing and co-ordinating these projects, ensuring governance, and protecting the best interests of the Council. Outsourcing preserves resources of the in-house team to deploy to areas where the costs are not subject to recharge.
- 4.60 As a result of changes in building regulations specifically regarding “higher-risk buildings” as defined in the Building Act 1984 (as amended by the Building Safety Act 2022 and the Higher Risk Buildings (descriptions and Supplementary Provisions) Regulations 2003, there have been some delays in the progress of Capital projects. An example of this is the making of the Woolwich Leisure Centre CPO has been delayed pending the grant of an agreed revised planning permission/section 73 application.
- 4.61 Successes
- Substantial tranches of unregistered land have been registered to the Council, with further areas pending registration

Safeguarding Children

- 4.62 Our main challenges continue to relate to children who are being criminally exploited and who may have become involved in gangs, drugs and county lines. Keeping these children safe remains a challenge not just for us here in Royal Greenwich but for other local authorities throughout the country. It is therefore unsurprising that save for children under age 2 years, we increasingly issue proceedings (or have other legal involvement) with children aged 12 years plus. We continue

with our joined collaborative joint working with other agencies to minimise the risks to this extremely vulnerable group.

Pre-Proceedings Framework

- 4.63 Care proceedings should be a last resort and only initiated where the safety and welfare of the child demands it and the legal threshold – that the child is suffering, or likely to suffer, significant harm because of parental care or because the child is beyond parental control – is met. We therefore place emphasis on working with families and their legal representatives' pre-proceedings. Working with families' pre-proceedings ensures that, in a formal setting, with their solicitor present, parents can hear the concerns and engage with the identified support to meet the needs of their children and thereby, if it is possible, avoid proceedings. Regrettably, pre-proceedings framework does not always avoid care proceeding as it can be difficult to “shift” hard to engage parents to a position of engagement to enable safeguarding to improve. This can result in proceedings needing to be issued. Although we aim to use the pre-proceedings process in every case, if it is safe to do so, sometimes proceedings are issued without this procedure. For example, in late notice pregnancies or in the case of older children who are beyond parental control.
- 4.64 It should be noted that the financial burden of delivering pre-proceedings work falls almost entirely on local authorities. Costs of assessments, including psychiatric and psychological assessment as well as toxicology testing (which are shared when in care proceedings) are borne entirely by local authorities in pre-proceedings. The use of advocates and intermediaries for parents with learning needs are always used when necessary to ensure that parents understand the process and are properly and appropriately supported, and these costs are borne entirely by local authorities.
- 4.65 During 2022-2023, the number of PLO cases was at 22 matters, and 46 children open in pre-proceedings. The number of cases stepped down from proceedings was 4 cases, resulting in all others being issued.

Case duration and complexity

- 4.66 As at March 2024 the Council is in care proceedings in relation to 76 families involving 157 children. We issue less care proceedings year on

year as we divert families through the pre-proceedings process. Between 2021-2022 65 cases were issued, compared to 47 in 2022-2023. However, the average duration of cases has increased from 43 weeks as of 2022 to 58.5 weeks currently due to the complexity of cases.

- 4.67 Cases are becoming more complex. The complexity may relate to a non-accidental injury to children including pre-mobile children. These cases require the input of medical experts of various disciplines and typically require a fact-finding hearing of between 5 and 10 days. This contributes to the delay in cases being finalised in a timely manner due to the availability of witness who have competing priorities. It can also be challenging for the court to find the availability to list lengthy hearings within a short time.
- 4.68 We are a culturally diverse borough and there is a rise in cases involving parents and children who are nationals of other countries. This international element adds to the costs, complexity and delay of proceedings as documents need to be translated, translators need to be available during every step of the process, including during pre-proceedings, assessments and in court. Background information may need to be obtained from other countries and this can cause delay. Assessments of alternative cares are often undertaken in other countries to ensure (if it is possible) that children can remain within their families. Brexit has meant that for intercountry cooperation, reliance is now placed upon the 1996 Hague Convention, central authorities (in the UK this is the International Child Abduction Unit (ICACU)) as the liaison authority with foreign countries.
- 4.69 The complexity and volume of cases being issued by London boroughs using the Central Family Court has seen significant pressures being put on the court system which has resulted in delay in the disposal/conclusion of cases. The court has, however, made a commitment to prioritising cases involving babies and small children when the potential permanency plan is adoption.

Legal Support and Practice Management Team

- 4.70 The Legal Support and Practice Management team have put in place several processes to enable efficiencies in both wider Legal Services, and the Organisation, including:

- A triage process for decision reports to ensure quality and governance are maintained, and that Lawyers time is focus on legal work
- Implementation and management of electronic signing and sealing software from April 2022, reducing risk and creating efficiency savings of an estimated 1000 hours per annum, as well as reducing the use of paper and the associated costs of postage.
- Procurement and roll out of cloud-based practice management software which achieves greater security of information and will allow efficiency savings opportunities as this is developed.

5. **Recommendations**

5.1 Not applicable – this report is an information report for scrutiny.

6. **Consultation**

6.1 No consultation is required, and none was undertaken

7. **Next Steps**

7.1 The Chair will set out closing remarks and make recommendations to the relevant decision maker as required at the meeting. The Relevant decision maker will respond to the recommendations, and both will be recorded for the next meeting of the Committee/Panel.

8. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
Legal including Human Rights Act	This is an information report only and there are no legal implications arising from it.	Azuka Onuorah Interim Director of Legal Services 24-04-24
Finance and other resources	This is an information report only and there are no financial implications arising from the contents.	Joanne Stark Head of Accounting & Business Change 24 th April 2024

	Any future decisions arising as a result of this report would be subject to separate reporting.	
Equalities	<p>The report is for information only and has a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>This report makes no contribution to the Council's Equality and Equity Charter and the Council's Equality Objectives 2020-2024</p>	<p>Emma Newby Legal Practice Manager 23-04-24</p>
Climate change	<p>This report is for information only and therefore makes no contribution to the Greenwich Carbon Neutral Plan agreed by Cabinet on 18 November 2020</p>	<p>Emma Newby Legal Practice Manager 23-04-24</p>

9. **Report Appendices**

9.1 following documents are to be published with and form part of the report:

- Appendix A: Legal Services Vision and Values

10. **Background Papers**

None

Report Author:

Emma Newby – Legal Practice Manager

Tel No. 020 8921 4002

Email. Emma.Newby@royalgreenwich.gov.uk

Chief Officer:

Azuka Onuorah – Interim Director of Legal Services

Tel No.: 020 8921 5179

Email. Azuka.Onuorah@royalgreenwich.gov.uk