

**Draft Long Term Plan 2021-31**

**Activity Plan**

**Legal Services**

**(Internal Activity)**

**Adopted 4 March 2021**

## Approvals

Role	Position	Name	For Draft LTP	
			Signature	Date of sign-off
General Manager	General Manager Corporate Services (Acting)	Leonie Rae		05 February 2021
Activity Manager	Head of Legal Services	Helen White		04 February 2021
Finance Business Partner	Finance Business Partner	David Leighton		03 February 2021

## Authors and Advisors to this Activity Plan

Group	Business Unit	Position	Name

**Table of Contents**

- 1. What does this activity deliver? .....4
- 2. Community Outcomes – why do we deliver this activity? .....4
- 3. Strategic Priorities – how does this activity support progress on our priorities? .....4
- 4. Increasing Resilience .....5
- 5. Specify Levels of Service .....5
- 6. Does this Activity Plan need to change as a result of a Service Delivery Review (S17A)?.....7
- 7. What levels of service are we proposing to change from the LTP 2018-28 and why? .....7
- 8. How will the assets be managed to deliver the services? .....8
- 9. What financial resources are needed?.....8
- 10.How much capital expenditure will be spent, on what category of asset, and what are the key capital projects for this activity? .....9
- 11.Does this activity have any significant negative effects on social, economic, environmental or cultural wellbeing, now or in the future? .....9
- 12.What risks are identified and what controls and mitigations are planned?.....9

## 1. What does this activity deliver?

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**High quality, cost-effective legal services** by internal and external lawyers to enable Christchurch City Council to comply with its statutory obligations and effectively manage legal and commercial risks in advancing its organisational goals, including the strategic priorities.

## 2. Community Outcomes – why do we deliver this activity?

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This Internal Service supports all the Community Outcomes through the organisational support provided by this Activity to the External Services of the Council.

## 3. Strategic Priorities – how does this activity support progress on our priorities?

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Legal Services provides advice to business units within the organisation in support of the delivery of all Strategic Priorities.

Strategic Priorities	ACTIVITY RESPONSES
<b>Enabling active and connected communities to own their future</b>	This Internal Service supports the organisation to make progress on the strategic priorities
<b>Meeting the challenge of climate change through every means available</b>	
<b>Ensuring a high quality drinking water supply that is safe and sustainable</b>	
<b>Accelerating the momentum the city needs</b>	
<b>Ensuring rates are affordable and sustainable</b>	Maintaining budget by balancing internal and external legal spend to minimise external costs and maximise internal capacity.  Providing advice to business units, to minimise their external costs by managing risk to the organisation.

## 4. Increasing Resilience

Legal Services provides advice to the organisation as a whole and to specific business units within the organisation to address specific shocks or stressors. The advice provided specifically addresses issues, such as natural disasters, climate change, demographics, housing and social equity, globalisation and health.

## 5. Specify Levels of Service

LOS number	C/ M <sup>1</sup>	Performance Measures Levels of Service (LOS)	Historic Performance Trends	Benchmarks	Future Performance Targets				Method of Measurement	Community Outcome
					Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 10 2030/31		
High quality, cost effective legal services										
13.5.2.1	M	Legal contact and advice provided in a timely manner	2019/20: 90% 2018/19: 90%		90% advice provided within timeframes agreed between internal business unit and Legal Services	90% advice provided within timeframes agreed between internal business unit and Legal Services	90% advice provided within timeframes agreed between internal business unit and Legal Services	90% advice provided within timeframes agreed between internal business unit and Legal Services	LEX system captures data on timeframes which can be reported on.	Supports all the Community Outcomes
13.5.2.2	M	Legal contact and advice provided in a timely manner	2019/20: 95% 2018/19: 95%		95% of delays to legal advice provision communicated to business unit at first reasonable opportunity	95% of delays to legal advice provision communicated to business unit at first reasonable opportunity	95% of delays to legal advice provision communicated to business unit at first reasonable opportunity	95% of delays to legal advice provision communicated to business unit at first reasonable opportunity	LEX system captures data on timeframes which can be reported on.	Supports all the Community Outcomes

<sup>1</sup> C/M – Community or Management level of service (LOS)

Community LOS - Previously known as LTP LOS. These are LOS that are community facing and will be published in our Statement of Service Provision.

Management LOS - Previously known as Non-LTP LOS. These are LOS that are measured in the organisation to ensure service delivery.

LOS number	C/M <sup>1</sup>	Performance Measures Levels of Service (LOS)	Historic Performance Trends	Benchmarks	Future Performance Targets				Method of Measurement	Community Outcome
					Year 1 2021/22	Year 2 2022/23	Year 3 2023/24	Year 10 2030/31		
13.5.4	M	Percentage of internal business unit requester satisfied with the legal service provided	2019/20: no survey 2018/19: 72% 2017/18: 55% 2016/17: 54% 2015/16: 73.9% 2014/15: 63.5% 2013/14: 55% 2012/13: 79.7%		Baseline result to be taken from 2020/21 satisfaction result	Target to be set per baseline result	Target to be set per baseline result	Target to be set per baseline result	Yearly Shared Services survey.	Supports all the Community Outcomes
13.5.6.3	M	Cost effective legal service provision	19/20: 0.63% 18/19: 0.55% 17/18: 0.61%	Audit Scotland LOS measure for in-house legal services . Planned for 2017/18 0.7%	<or= 0.7-1%	<or= 0.7-1%	<or= 0.7-1%	<or= 0.7-1%	% range of total controllable costs of LSU/total controllable organisational expenditure at year end % of In-house controllable legal expenditure/total controllable legal expenditure expressed as a percentage.	Supports all the Community Outcomes.
13.5.6.4	M	Cost effective legal service provision	Internal/External 2019/20: 51%/49% 2018/19: 45.2%/54.8% 2017/18: 50%/50% 2016/17: 34%/66% 2015/16: 67%/33%	Audit Scotland LOS measure for in-house legal services. Planned for 2017/18 43/57%	Maintain between the range of 50% - 75% internal provision and 25% - 50% external provision	Maintain between the range of 50% - 75% internal provision and 25% - 50% external provision	Maintain between the range of 50% - 75% internal provision and 25% - 50% external provision	Maintain between the range of 50% - 75% internal provision and 25% - 50% external provision	External controllable legal expenditure /total controllable external legal expenditure expressed as a percentage. Provides targeted percentage split e.g. 60% in-house/40% external legal spend	Supports all the Community Outcomes
13.5.3	M	High quality legal advice provision	2019/20: 98% 2018/19: 100%		90% of high risk complex legal advice evidenced by peer review	90% of high risk complex legal advice evidenced by peer review	90% of high risk complex legal advice evidenced by peer review	90% of high risk complex legal advice evidenced by peer review	LEX system captures data on peer reviews undertaken	Supports all the Community Outcomes

## 6. Does this Activity Plan need to change as a result of a Service Delivery Review (S17A)?

No S17A Service Delivery Review for this planning period.

## 7. What levels of service are we proposing to change from the LTP 2018-28 and why?

Activity/ Level of Service	Change from 2018-28 LTP	Reason	What will be done differently	Options for consultation
<b>AMENDMENTS</b>				
13.5.2.1 Legal contact and advice provided in a timely manner	90% advice provided within agreed timeframes	Changes to funding of Legal Services requires changes to criteria for acceptance of legal advice requests.	Legal team will contact the business unit requester to indicate whether the request has been superseded by another matter which has higher organisational priority and the internal capacity does not enable the requester's timeframe to be met.	Internal service, no consultation required
13.5.4 Percentage of internal business unit requester satisfied with the legal service provided	From At least 75% satisfaction to Set baseline	The changes to ways of working will likely lead to reduced internal business unit requester satisfaction. Seeking a baseline survey in first year of LTP to help set realistic future year targets.	Not all requests from business units for legal advice will be able to be met given the reduction in budget. The legal team will need to determine organisational priorities. Low risk, low priority requests will not be supported by legal advice.	Internal service, no consultation required
13.5.6.4 Cost effective legal service provision	From 55-45% split at year end to  Maintain between the range of 50% - 75% internal provision and 25% - 50% external provision	Changes to funding of Legal Services will alter the split of provision between internal and external advice.	Allocation of legal advice requests will be to the internal legal team in the first instance and will only be instructed externally on approval of the Head of Legal Services.	Internal service, no consultation required
13.5.3 High quality legal advice provision	From 98% of strategic/complex legal advice evidenced by peer review to  90% of high risk complex legal advice evidenced by peer review	Changes to funding of Legal Services will reduce the capability of achieving 98% peer review of advice provision especially from external lawyers.	Changes to funding of Legal Services will reduce the capability of achieving 98% peer review of advice provision, because internal resource will have greater responsibility for completing peer reviews and at times the tight timeframes and limited internal capacity will mean a peer review will not occur.	Internal service, no consultation required

## 8. How will the assets be managed to deliver the services?

No Asset Management Plan for this activity.

## 9. What financial resources are needed?

Legal Services 000's	Annual Plan										
	2020/21	LTP 2021/22	LTP 2022/23	LTP 2023/24	LTP 2024/25	LTP 2025/26	LTP 2026/27	LTP 2027/28	LTP 2028/29	LTP 2029/30	LTP 2030/31
<i>Activity Costs before Overheads by Service</i>											
Legal Services	3,627	3,530	3,564	3,645	3,729	3,818	3,910	4,008	4,116	4,227	4,337
	3,627	3,530	3,564	3,645	3,729	3,818	3,910	4,008	4,116	4,227	4,337
<i>Activity Costs by Cost type</i>											
Direct Operating Costs	1,661	1,557	1,590	1,625	1,662	1,702	1,743	1,787	1,835	1,884	1,933
Direct Maintenance Costs	-	-	-	-	-	-	-	-	-	-	-
Staff and Contract Personnel Costs	1,932	1,939	1,939	1,985	2,030	2,079	2,129	2,182	2,241	2,302	2,362
Other Activity Costs	34	34	34	35	36	37	38	39	40	41	42
	3,627	3,530	3,564	3,645	3,729	3,818	3,910	4,008	4,116	4,227	4,337
<b>Activity Costs before Overheads</b>	<b>3,627</b>	<b>3,530</b>	<b>3,564</b>	<b>3,645</b>	<b>3,729</b>	<b>3,818</b>	<b>3,910</b>	<b>4,008</b>	<b>4,116</b>	<b>4,227</b>	<b>4,337</b>
Overheads, Indirect and Other Costs	(3,410)	(3,447)	(3,480)	(3,559)	(3,641)	(3,728)	(3,818)	(3,913)	(4,019)	(4,127)	(4,235)
Depreciation	-	-	-	-	-	-	-	-	-	-	-
Debt Servicing and Interest	-	-	-	-	-	-	-	-	-	-	-
<b>Total Activity Cost</b>	<b>217</b>	<b>82</b>	<b>84</b>	<b>86</b>	<b>88</b>	<b>90</b>	<b>92</b>	<b>94</b>	<b>97</b>	<b>100</b>	<b>102</b>
<b>Funded By:</b>											
Fees and Charges	217	82	84	86	88	90	92	94	97	100	102
Grants and Subsidies	-	-	-	-	-	-	-	-	-	-	-
Cost Recoveries	-	-	-	-	-	-	-	-	-	-	-
Other Revenues	-	-	-	-	-	-	-	-	-	-	-
<b>Total Operational Revenue</b>	<b>217</b>	<b>82</b>	<b>84</b>	<b>86</b>	<b>88</b>	<b>90</b>	<b>92</b>	<b>94</b>	<b>97</b>	<b>100</b>	<b>102</b>
<b>Net Cost of Service</b>	<b>0</b>	<b>-</b>	<b>0</b>	<b>-</b>	<b>(0)</b>	<b>-</b>	<b>-</b>	<b>(0)</b>	<b>(0)</b>	<b>(0)</b>	<b>(0)</b>



## 10. How much capital expenditure will be spent, on what category of asset, and what are the key capital projects for this activity?

No capital programmes planned for this activity.

## 11. Does this activity have any significant negative effects on social, economic, environmental or cultural wellbeing, now or in the future?

No known negative effects from the delivery of this internal service.

Negative Effect	Mitigation
Social	Legal Services actively seeks to collaborate to reach resolutions rather than take an adversarial approach to legal proceedings
Economic	N/A
Environmental	Legal Services is reducing use of paper documents and printing to minimise environmental impacts
Cultural	N/A

## 12. What risks are identified and what controls and mitigations are planned?

Risk	Planned Controls and Mitigation
<p>Application of Legal Advice</p> <p>There is a risk that:</p> <p>(a) Legal advice is not sought at all or too late in the process by staff;</p> <p>(b) Legal advice is misunderstood, inadequately applied or ignored;</p> <p>(c) Legal advice is reactive rather than strategic</p>	<p>Induct new leaders of the role that LSU plays in the organisation.</p> <p>Educate staff of the importance to access legal advice as soon as possible if they consider a legal issue/implication exists.</p> <p>Educate staff about how to access legal advice and understand the range of expertise available.</p>

Risk	Planned Controls and Mitigation
<p>As a result of:</p> <ul style="list-style-type: none"> <li>(a) Staff lacking awareness and understanding;</li> <li>(b) Operational budgetary constraints and confusion around capitalisation of legal costs;</li> <li>(c) Workload and time pressures;</li> <li>(d) No mandate on staff to seek and follow legal advice;</li> <li>(e) Limited visibility into strategic matters unless Legal Services is specifically engaged.</li> </ul> <p>Resulting in the possible following consequences:</p> <ul style="list-style-type: none"> <li>(a) Legal, financial or reputational damage to the Council.</li> </ul>	<p>LSU staff ensure that staff understand advice provided and dig deeper to establish whether the right questions have been asked and all relevant information considered, and understand how the advice they provide will be used by staff.</p> <p>Where staff disregard legal advice, escalate the issue to relevant Unit Head. Educate staff of the importance of "legal privilege" to ensure that advice is not distributed externally unless approved by Head of Legal.</p>
<p><b>Incorrect Legal Advice</b></p> <p>There is a risk that:</p> <ul style="list-style-type: none"> <li>(a) Incorrect advice is provided by LSU or an external legal service provider.</li> </ul> <p>As a result of:</p> <ul style="list-style-type: none"> <li>(a) The lawyer not receiving clear instructions, or accurate information from staff;</li> <li>(b) Work load and time pressures;</li> <li>(c) Lack of understanding, knowledge or expertise in that area of law</li> </ul> <p>Resulting in the following possible consequences:</p> <ul style="list-style-type: none"> <li>(a) Legal, financial or reputational damage to the Council.</li> </ul>	<p>Clarify instructions and details received from clients to ensure all relevant information is provided to LSU.</p> <p>Maintain Continuing Professional Development for all LSU staff responsible for providing legal advice.</p> <p>Undertake peer reviews (either within LSU or by external lawyers) of strategic/contentious or complex legal advice provided by LSU and external lawyers.</p> <p>Strengthen relationships with external lawyers to enable a clear understanding of the organisation and relevant regulatory framework.</p> <p>Strengthen relationships between LSU staff and clients across the organisation, developing open channels.</p> <p>Maintain a panel of external lawyers to ensure access to expertise not available in-house.</p>