

CABINET

1 OCTOBER 2013

RECRUITMENT FREEZE – ADDENDUM REPORT

Portfolio Holder: Councillor Alan Jarrett, Finance

Report from: Neil Davies, Chief Executive

Author: Tricia Palmer, Assistant Director, Organisational Services

Summary

This report brings forward three further posts to be considered for approval.

1. Background

1.1 The following posts are also coming forward for approval the details of which are shown at Appendix 1: -

Business Support Department

Lawyer, Children's Services

Lawyer, Litigation

Paralegal (Planning and Projects).

Lead officer contact

Tricia Palmer, Assistant Director Organisational Services, Gun Wharf, Dock Road,
Chatham Telephone: (01634) 332853 Email: tricia.palmer@medway.gov.uk.

CABINET APPROVAL FOR RECRUITMENT TO VACANCIES

Please complete this form, with all required signatures, and return to the Organisational Change Team, HR Services, 3rd Floor, Gun Wharf. You will also need to forward an electronic word version to resourcing@medway.gov.uk, so that the approval form can be inserted into the cabinet report.

DIRECTORATE	Business Support		
SECTION	Legal Services		
POST TITLE	Lawyer, Children Services		
GRADE AND SALARY RANGE	PO2 (38-48)		
POST NUMBER	0080		
LOCATION	Gun Wharf, 2nd Floor		
DATE POST BECAME VACANT	1 July 2013		
MANAGER POST REPORTS TO	Jenny Robinson		
*IS THIS REQUEST TO COVER PERMANENT RECRUITMENT	Yes		
*IS THIS REQUEST TO APPLY TO AN EXTERNAL AGENCY	No		
*IS THIS REQUEST TO COVER TEMPORARY RECRUITMENT FROM AGENCY POOL	No		
IF TEMPORARY PLEASE SPECIFY DATES FROM AND TO:			
IF TEMPORARY PLEASE GIVE NAME OF EMPLOYEE COVERING VACANCY (if applicable)			
WHICH PHASE OF BETTER FOR LESS DOES THIS POST RELATE TO? Phase Two			
ARE THERE IMPLICATIONS FOR NOT FILLING THE POST PRIOR TO THE RELEVANT PHASE OF BETTER FOR LESS – IF SO PLEASE INDICATE BELOW N/A			
NAME OF RECRUITING MANAGER: Christine Wilson, Head of Legal Services			

(* please delete as appropriate)

Impact on Service – please include:-

1. Information on the structure within this function indicating numbers of posts of the same type and how many corresponding vacancies – e.g. 20 care workers 2 posts vacant.
2. Impact on the service if this post is not filled, with particular reference to services to the public.

This request is for a permanent, full time lawyer in Children's Services (within Legal Services) to recruit to a post, which has been vacant for some time. The post is currently covered by a locum.

There are 7 lawyer posts in the team and 2 are vacant.

The post provides legal advice to the Children and Adults team and representation at court in child protection cases. It is particularly important this position is filled because of the recent client department Ofsted report and because of the national initiative to reduce care proceedings durations from the current national average of

48 weeks to 26 weeks. In order to facilitate this, it is important to maintain permanent staffing levels.

Budget Issues

Please indicate:

1. the realisable savings if this post remained vacant until the 31st March 2014.
2. If any savings could be achieved by alternative ways of providing the service.

If the post were not to be covered on a permanent basis until the end of March 2014 this would save approximately £23,700 (Oct - Mar salary). However, it would significantly impact on the number of child protection cases that the Children's Services team could undertake. Proceeding with such cases is not optional and so would have to be dealt with externally or by locums.

Employment of external solicitors or locums to undertake this type of legal work will be more expensive than recruiting a permanent employee.

Please specify the funding source for this post:
This is an establishment post funded by the Legal Services department budget.

Comments from Portfolio Holder

Signed:
Portfolio Holder

Dated:

Signed:
Councillor Alan Jarrett

Dated:

Signed:
Director

Dated:

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DIRECTORATE	Business Support		
SECTION	Legal Services		
POST TITLE	Lawyer, Litigation		
GRADE AND SALARY RANGE	PO1 (33-43)		
POST NUMBER	Awaiting a Post Number from HR		
LOCATION	Gun Wharf, 2nd Floor		
DATE POST BECAME VACANT	November 2012 – post currently covered by a locum		
MANAGER POST REPORTS TO	Elizabeth Benjamin		
*IS THIS REQUEST TO COVER PERMANENT RECRUITMENT	Yes		
*IS THIS REQUEST TO APPLY TO AN EXTERNAL AGENCY	No		
*IS THIS REQUEST TO COVER TEMPORARY RECRUITMENT FROM AGENCY POOL	No		
IF TEMPORARY PLEASE SPECIFY DATES FROM AND TO:			
IF TEMPORARY PLEASE GIVE NAME OF EMPLOYEE COVERING VACANCY (if applicable)			
WHICH PHASE OF BETTER FOR LESS DOES THIS POST RELATE TO? Phase Two			
ARE THERE IMPLICATIONS FOR NOT FILLING THE POST PRIOR TO THE RELEVANT PHASE OF BETTER FOR LESS – IF SO PLEASE INDICATE BELOW N/A			
NAME OF RECRUITING MANAGER: Christine Wilson, Head of Legal Services			

(* please delete as appropriate)

Impact on Service – please include:-

- Information on the structure within this function indicating numbers of posts of the same type and how many corresponding vacancies – eg 20 care workers 2 posts vacant.
- Impact on the service if this post is not filled, with particular reference to services to the public.

This request is for a permanent, full time lawyer in the Litigation team (within Legal Services) to recruit to a post, which has been vacant since November 2012. The post is currently covered by a locum.

There are 2 lawyer posts in the team and 1 is vacant.

The post provides legal advice to all departments within the council in particular,

- Human Resources
- Planning and Development Control

- Finance and Revenues, Housing
- Trading Standards
- Environmental
- Licensing

A lawyer in post is necessary to cover the wide range of litigation work within the team, in particular the large levels of social care debts, prosecution and enforcement cases, licensing, housing, judicial reviews, employment tribunal and advisory work.

There is the reputational and financial risk to the council of not having adequate resources in place to respond to the wide range of litigious matters affecting the council.

Budget Issues

Please indicate:

1. The realisable savings if this post remained vacant until the 31st March 2014.
2. If any savings could be achieved by alternative ways of providing the service.

If the post were not to be covered on a permanent basis until the end of March 2014 this would save approximately £19,000 (Oct - Mar salary).

An alternative approach would be to employ external solicitors or locums, but this will be more expensive than recruiting a permanent employee.

Please specify the funding source for this post:

This is an establishment post funded by the Legal Services department budget.

Comments from Portfolio Holder

Signed:
Portfolio Holder

Dated:

Signed:
Councillor Alan Jarrett

Dated:

Signed:
Director

Dated:

CABINET APPROVAL FOR RECRUITMENT TO VACANCIES

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DIRECTORATE	Business Support		
SECTION	Legal Services		
POST TITLE	Paralegal (Planning & Projects)		
GRADE AND SALARY RANGE	C2 (22-31)		
POST NUMBER	10271		
LOCATION	Gun Wharf, 2nd Floor		
DATE POST BECAME VACANT	2/9/13		
MANAGER POST REPORTS TO	Hannah Langford		
*IS THIS REQUEST TO COVER PERMANENT RECRUITMENT	Yes		
*IS THIS REQUEST TO APPLY TO AN EXTERNAL AGENCY	No		
*IS THIS REQUEST TO COVER TEMPORARY RECRUITMENT FROM AGENCY POOL	No		
IF TEMPORARY PLEASE SPECIFY DATES FROM AND TO:			
IF TEMPORARY PLEASE GIVE NAME OF EMPLOYEE COVERING VACANCY (if applicable)			
WHICH PHASE OF BETTER FOR LESS DOES THIS POST RELATE TO? Phase Two			
ARE THERE IMPLICATIONS FOR NOT FILLING THE POST PRIOR TO THE RELEVANT PHASE OF BETTER FOR LESS – IF SO PLEASE INDICATE BELOW N/A			
NAME OF RECRUITING MANAGER: Christine Wilson, Head of Legal Services			

Impact on Service – please include:-

- Information on the structure within this function indicating numbers of posts of the same type and how many corresponding vacancies – e.g. 20 care workers 2 posts vacant.
- Impact on the service if this post is not filled, with particular reference to services to the public.

This request is for a permanent, Paralegal in the Planning & Projects Team (within Legal Services) to recruit to a post that has been vacant since 2 Sept 2013.

There is only 1 paralegal posts in the team, which is this vacant position.

The post provides legal support to the Council on a wide range of Town and Country matters. The post holder:

- drafts planning enforcement notices and appeal documents
- prepares and negotiates section 106 agreements
- provides advice on all aspects of planning law including policy development
- is responsible for supporting the client department to recoup costs which have been awarded in the Council's favour through the appeal system
- may be required to attend Planning Committee

- supports the Projects team in responding to FOI/EIR and DPA queries
- provides administrative support to the Senior Lawyer
- will provide legal advice to the Highways team.

The team has a key role in helping the Council to deliver its objectives and core values. The team helps reduce the risk of challenge to Council planning decisions by attending and supporting the Planning Committee as well as providing legal comments on draft committee reports. This reduces the risk of costly planning appeals and judicial reviews. The team draft enforcement notices and support the Derelict Buildings Officer, helping to ensure that enforcement action is taken in a sound and timely manner. The team regularly meet and exceeds its KPI for issuing enforcement notices.

Budget Issues

Please indicate:

1. the realisable savings if this post remained vacant until the 31st March 2014.
2. If any savings could be achieved by alternative ways of providing the service.

If the post were not to be covered on a permanent basis until the end of March 2014 this would save approximately £12,700 (Oct - Mar salary). However, if the post were not to be filled, it would mean that the work would have to be undertaken by the Senior Solicitor in the team.

The team was exceptionally busy even before the Paralegal left the Council. The year-to-date billing figures show the Paralegal had recorded 133% of his chargeable hours target and the Senior Solicitor had recorded 129% of her chargeable hours target. It is therefore not possible for the work to be covered by the Senior Solicitor.

An alternative approach would be to employ external solicitors or locums to undertake this type of legal work, but this would be more expensive than recruiting a permanent paralegal employee.

Please specify the funding source for this post:

This is an establishment post funded by the Legal Services department budget.

Comments from Portfolio Holder

Signed:
Portfolio Holder

Dated:

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Councillor Alan Jarrett

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Signed:
Director

Dated: