**SERVICE LEVEL AGREEMENT BY LEGAL SERVICES TO SCHOOLS**

2020/21

1. **Purpose of the Agreement**
   1. This Agreement sets out the arrangements by which Legal Services will provide services to Schools.
   2. The purpose of this agreement is to ensure the highest standards of client care and to establish practical performance indicators.
2. **Legal advice and assistance**
   1. A structure chart for Legal Services is at [Appendix A](#AppendixA).
   2. Legal Services offer advice and assistance on all legal issues that arise from your work. The main areas that are likely to arise are set out at [Appendix B](#AppendixB).
   3. Main contact officers for Schools are -

Education related matters –

* Raymond Prince, Head of Legal Services, (Litigation, Corporate and Property), telephone number 020 8489 5935.
* Mobina Khan, Senior Lawyer (Employment and Education matters), telephone number 020 8489 2098.

Other matters –

* Stephen Lawrence-Orumwense, Head of Legal Services, (Social Care and Contracts), telephone number 020 8489 5947.
* Gina Clarke, Principal Lawyer (Employment, Education and Corporate), telephone number 020 8489 5656.
* Michelle Williams, Principal Lawyer (Litigation, including anti-social behaviour). Telephone number 020 8489 3857.
  1. Our role is -

* To ensure that you are properly advised and informed so as to be able to take sound decisions.
* To give effect to your wishes through the appropriate legal documentation.
* To present your cases before courts and tribunals so as to give you the greatest possible chance of achieving the desired outcomes.
  1. In order for us to provide an effective service, we need -
* Timely, complete and accurate instructions, including the provision of all relevant documentation.
* Prompt notice of any material change in circumstances or objectives.

1. **Timescales and instructions**
   1. Wherever possible, you should put your instructions in writing and tell us -

* The instructing officer and any relevant contact officer (if different).
* The nature of the assistance required.
* All relevant background information (and provide relevant documents).
* The timescale in which the assistance is required.

We will accept instructions from any of your staff on your behalf, but the work needs to be approved via the Council’s SLA online portal by an officer with the appropriate authority to do so. Oral instruction will only be accepted if the matter is urgent, but the authorisation will still be required via the SAL online portal.

* 1. We will normally acknowledge all instructions in writing within five working days of receipt of full instructions and this will include the following -
* Name and job title of the officer dealing with the case.
* Confirmation of your oral instructions or reference to your written instructions.
* File name / number raised by Legal Services.

Where during the course of a case any of the above details change, we will consult and or notify you as necessary. We will respond to requests for immediate assistance if that is necessary.

* 1. Overall priority will be given to litigation, having regard to court and tribunal timescales. We will generally deal with other work in the order it arises unless you request that it be given higher or lesser priority. The work will be allocated to individual staff at our discretion.
  2. Attendance at meetings may exceptionally be required at short notice but whenever possible reasonable notice will be given.
  3. If appropriate, we will discuss with you whether the proposed course of action will justify the expense or risk involved including, if relevant, the risk of having to bear an opponent's costs. We will inform you in writing of any circumstances of which we become aware which will or may affect the degree of risk involved or cost benefit to you of continuing with the matter.
  4. All written advice should be in plain English as far as possible. Please let us know if it is not.
  5. We will send you without delay a copy of any agreement or other document, which affects particular work (eg court orders). We will orally report the outcome of a hearing as soon as is reasonably practical, and confirm that report in writing, within five working days.
  6. At the conclusion of a matter, we will -
* Explain any further action that you (or we) need to take.
* Return any original documents or other property if required.
* Advise you whether you should review the matter in future and if so, when.
* Ask you to complete an end-of-case questionnaire (where available for the type of work in question).
  1. We may have to undertake work on your behalf or interest which is generated elsewhere, eg Ombudsman's complaints, and we will consult you and keep you informed as appropriate.
  2. We will monitor our achievement of timescales and other requirements in this section by review of files and also by review with you (see paragraphs 10, 11).

1. **Information**
   1. We have a computerised time recording system, which provides detailed information on the time spent on different kinds of legal work and on individual matters. We can provide standard quarterly reports showing –

* A summary of the cost charged.
* A detailed statement of types of work and listing of cases.

1. **Quality standards**
   1. We are Lexcel accredited. Lexcel is the Law Society’s Practice Management Standard.
   2. Lexcel covers the following areas -

* Structure and strategy.
* Financial management.
* Information management.
* People management.
* Risk management.
* Client care.
* File and case management.
  1. Lexcel requires us to establish and maintain an Office Manual detailing our practice management procedures. A copy can be supplied to you on request.
  2. Lexcel accreditation involves periodic checks by Law Society assessors. This could mean that files are selected for checking. We will assume that we have your consent to this unless you notify us to the contrary. If you wish, we can mark a file as not to be inspected.

1. **Charging** 
   1. Our charges for legal services represent the time actually spent on work which we do on your behalf.
   2. The current hourly rates for the various levels of staff are set out at [Appendix C](#AppendixC). These hourly rates are reviewed annually to reflect changes in overhead costs. Administrative and secretarial support is included.
   3. Legal work gives rise to various other expenses on behalf of clients such as Land Registry fees, court fees, counsel's fees, experts' fees and witnesses' expenses. Legal Services will pay for these fees on your behalf.
   4. Legal Services will invoice you one month in arrear of the work carried out based on our hourly rates.
   5. You will be sent a breakdown of the work carried out within 10 working days of each month.
2. **Legal developments and training**
   1. We aim to keep you up to date with legal developments, including implications of new legislation and case law affecting practice.
   2. Training is a cost-effective way of providing legal advice to a wide range of staff. We can discuss likely areas of training as and when legal issues of general significance to your area of work arise.
3. **Use of counsel / external specialist**
   1. We will consult you, prior to engaging counsel, where this is appropriate. This will include situations where there is no general consensus to use counsel, complex cases and it is likely to lead to high cost. We will advise you of the name of the person and how long he/she might take to respond and, and likely cost of disbursements.
   2. On occasions, it may be agreed that specialist technical advice is needed to assist you. We will consult you, prior to engagement, where appropriate. This will include situations where there is no general consensus to use specialist advice, if the matter is complex or the specialist advice is likely to lead to high cost. We will advise you of the name of the person and how long he/she might take to respond and, and likely cost of disbursements.
   3. We may sometimes need to instruct external solicitors. This may be due to excess workloads, a conflict situation, or because of their expertise in a particular area of law. If this is required, we will ensure that you are consulted and ask for your authorisation to instruct. We will keep you fully informed of the progress of the matter including approximate costs.
4. **Risk management**

9.1 Legal work, by its very nature entails a degree of routinely manageable risk. However certain matters may present a high level of risk and merit special attention. High-risk matters could include –

1. Significant risk of adverse publicity to Legal Services, the Council or its members
2. Abnormal risk of substantial financial loss
3. Implications for other matters e.g. undesirable precedents
4. Conflicts between different Schools
5. Controversial decisions or action
6. Complex, novel or uncertain areas of law
7. Persistent claimants or vexatious litigants
8. Significant or unusual member interest or involvement
9. Unusual involvement of chief officer/s
10. Political sensitivity
11. Conflicts with other local authorities or other public bodies
12. Significant risk of challenge
13. Significant resource or skills issues for Legal Services
14. Intimidation or risk to the personal safety of staff, clients and/or other parties

9.2 Assistant Director of Corporate Governance is designated Risk Manager. The Risk Manager will review all high-risk matters and discuss with the Heads of Legal Servicesor other senior officers as necessary.

1. **Conflicts of interest**
   1. Any conflicts of interest which will stop Legal Services from acting in any matter will be brought to your attention, as soon as it is reasonably practicable, following receipt of full instructions.
   2. Examples of a possible conflict are where:

* Legal Services is already acting for another client School with an opposite view to yours in relation to the same / related issue
* Where your instructions are in dispute with the wishes of the overall objectives or policies of the Council
  1. In the event of a conflict of interest arising, then the relevant Head of Legal Services will meet with the instructing officer and/or his/her line manager in an attempt to resolve the issue. If a resolution cannot be found, then the provisions of paragraph 8.3 above will apply.

1. **Complaints and dispute resolution**
   1. If a difference of opinion or dispute arises between your School and Legal Services in respect of an individual matter, those involved should attempt to resolve the matter informally.
   2. If the difference or dispute escalates into a complaint, you will have recourse to our Complaints Procedure on the SLA portal.
2. **Document Retention**
   1. Documents belonging to your School will be returned at the end of the legal case.
   2. The legal file(s) will be stored off site and will be destroyed in line with the Records Management Society of Great Britain’s Local Government Group 2003:1
3. **Review of this Promise**
   1. This Service Level Promise will be reviewed on an annual basis. If you have any suggestions changes to our promise and practices, please contact Head of Legal Services, Raymond Prince, on telephone number 020 8489 5935.

**Appendix A**

***To contact anyone via telephone, please dial 020 8489 and the 4 digit extension number indicated in the chart below***

APPENDIX B

**Legal Services will provide the following services to Schools**

1. **Legal Advice and Assistance**

Legal Services offer advice and assistance on any matters that arise from the work of Schools, including, but not necessarily restricted to, the following -

1. Education matters raised at either Authority or school level.
2. Safe guarding vulnerable children.
3. Court of Protection cases.
4. School Attendance Prosecutions.
5. Data Protection, Freedom of Information and disclosure issues.
6. Asylum seekers advice.
7. Advice on complaints procedures and complaints with the Ombudsman (correspondence with the Ombudsman being via the Chief Executive).
8. Human Rights issues / Act.
9. Advice on legal issues relating to contracts
10. **Litigation**

The service includes the conduct and presentation, as requested, of any claim, or defence, in any court, tribunal, commission or arbitration proceedings, including internal and school appeals. The following are examples of proceedings that may be dealt with by Legal Services -

1. Applications to the High Court for judicial review.
2. Applications for the Court of Protection
3. Injunctions
4. Defending Judicial Review applications
5. Advising internal and school appeal panels
6. Advising appeal panels

### 3. Employment Matters

Employment advice includes the conduct and presentation of any claim, or defence, or employment related applications to the Courts or the Employment Tribunals.

Legal Services will provide full support for such applications including consultation about evidence, advice on prospects of success or failure and the cost implications. Legal Services will be responsible for the filing of statements but Council employees will be expected to draft their own initial statements. Legal Services will advise on all employment related matters and disputes in consultation with the appropriate officers from the Council’s Human Relations Department. Legal Services will be primarily responsible for obtaining such Elected Member authority as may be necessary in respect of litigation.

1. **Contracts**

Legal Services offer a legal advice and consultation service on all matters relating to contracts and procurement.

Legal Services will advise on all types of contracts and procurement matters, eg contracts for works, goods and services, funding and voluntary sector agreements, as well as advising on domestic and European procurement procedures and associated matters such as compliance with the Council's Contract Standing Orders and interpretation of EU Regulations on procurement.   The Contracts Team also provides advice on major projects.

A full service is offered in the preparation of contracts including advice on contract terms and conditions, negotiation of conditions, dealing with all matters arising and preparation and signing and sealing of agreements. Officers will liaise with and keep the client updated on a regular basis.

Advice and a full back-up service is offered in relation to disputes arising out of contracts including negotiations and settlements and reference to arbitration or mediation.

## 5. Third Party Claims

All claims brought or initiated by third parties, except judicial reviews are responded to by the Risk Management and Insurance Team (Head of Service is Anne Woods).

We offer a full legal service for the defence of cases in court including the conduct of cases throughout in relation to judicial reviews. We will provide consultations and advice throughout regarding witnesses, medical and other evidence and all other matters arising including advice relating to the outcome of cases.

## 6. Debt Recovery

Legal Services provides a full debt recovery service comprising -

* Advice on all matters both prior to and after the issue of an account.
* Full conduct of debt cases pursued using the court process, from letters before action and attendance at Court hearings and various enforcement procedures to subsequently obtaining payment.
* Regular consultations at all stages of proceedings with written information supplied as required.
* Negotiated settlements and instalment payments arranged and advice given on them as required
* Advice on evidence (documentary and witness) and in regard to likely success and costs throughout.

**APPENDIX C**

**LEGAL SERVICES’ HOURLY RATES 2020/2021**

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| **Corporate Legal Services** | **Hourly rate** |
| **Grade** | **2020/21** |
| Heads of Legal Services | £108.00 |
| Principal Lawyer / Deputy Principal | £94.50 |
| Project Lawyers / Advocates | £94.50 |
| Senior Lawyer | £86.00 |
| Lawyer | £78.75 |
| Senior Legal Assistant | £63.00 |
| Legal Assistant | £47.25 |
| Trainee Solicitor | £50 |