

NOTE *Rup*

The Journal for Solicitors in Local Government

Features

- *Our Future, a Prospectus for Local Government*
- *Duty to Consult - when does it arise?*
- *Educational Partnerships*
- *Being a Councillor*

ADVERT



60 YEARS ON AND THINGS ARE STILL CHANGING

Although solicitors have been working in local government for quite some time it appears that it was not until 1947 that they established a representative organisation. That year saw the creation of the Local Government Legal Society. Its purpose was to promote the interests of both solicitors and trainees who worked in local government.

That organisation continued until 1977 when an invitation was received from the Law Society to become an integral part of that body under the designation The Local Government Group of the Law Society; (LGG).

From then until 2003 a strong, constructive and collaborative relationship existed between the Law Society and LGG. At that point in time the Law Society wished to alter its relationship with the various existing Groups such as LGG and to externalise them from the Law Society but however to retain a nexus of relationship. This was constructed under the Recognised Groups Agreement and it was at this juncture that LGG decided that the time was appropriate to change its legal structure from an unincorporated body to a company limited by guarantee. That gave birth to Solicitors in Local Government Limited; SLG.

Those who are keen eyed will have seen the strap-line on our material "Solicitors in Local Government, a Group Recognised by the Law Society".

Life, as we know rarely remains constant for any period of time. You will know from the legal press that the Law Society has undergone change resulting in the externalisation of the regulatory function and the creation of the Solicitors Regulation Authority, SRA. This simple separation may however have significant consequences for SLG.

The simple fact of the matter is that the Practice Certificate fee goes to the SRA and not the Law Society. So, in addition to the need for change to the structure of the Law Society there is need for a review of other matters including their relationship with the Groups; and this may be reflected in the extent and nature of support for SLG from the Law Society in particular financial support.

It is understood that the Recognised Groups Agreement is to end, though we do not know when that will be. The Law Society has also begun consideration of additional funding arrangements for Groups coupled with a review of the services provided by the Society to them.

At this point in time there is no certainty what will happen other than that change is on the horizon and coming our way.

To date we have had one discussion with Des Hudson, Chief Executive and Andrew Holroyd, Vice President about these matters and we anticipate that further discussions will take place after the summer. The next meeting of the National Executive Committee of SLG is on the 21 September and I would wish the Committee to consider the outcome of those discussions then.

It should be of no surprise to anyone that this uncertainty is reflected in concern for the future wellbeing of SLG and the continued support it can offer to local government practitioners.

Over the last 60 years a geographical network of some 9 branches has been developed to represent all local authority practitioners throughout England and Wales. Through that network a broad range of activities have been established, in the main, focussed on helping colleagues to increase their knowledge of the Law and enhance their ability to

practice Law in the public sector.

These activities have been enhanced and complemented by the ability to develop personal professional networks with colleagues who work in related areas in other councils. This had been possible by attending Branch and Special Interest Group meetings, training courses and the annual Weekend School. These personal networks are now supplemented by this magazine, *Noter Up*, and the SLG website (www.slgov.org.uk) through which you can contact each other, via the forum, to share problems and suggest solutions.

I hope you will agree with me that this opportunity to easily relate to colleagues demonstrates one of the greatest strengths of local government practice which is that we are not in competition with each other but, reflecting the ethic of public service, we want to assist each other in delivering those services.

In this period of uncertainty and, no doubt, transition it is the wish of the Executive Committee to ensure that all our services and activities will continue and thereafter continue to be enhanced as in the past.

So what can you do? Firstly, watch this space for more information. Secondly, if you have not enrolled as a member of SLG please do so because there is the possibility that future financial support may be related to the number of signed-up members we have. So that small step could have long lasting consequences.

Finally, please support your local Branch and Special Interest Groups as well as other SLG activities and consider how you could take an active part in SLG.

George Curran
Chairman

...there is no certainty other than change is on the horizon and coming our way



NOTERup

The Journal for Solicitors In Local Government

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EDITORS LETTER

I would like to introduce myself as the new deputy editor of Noter Up. Many of you will already know me from my branch activities in London and Home Counties and prior to that in South Wales. I am currently Chairman of London and Home Counties and have just returned from sunny Havant where we arranged our branch's 3rd annual Special Interest Groups away day. More in the next edition!

It has been a privilege and a rewarding experience working on my first issue of Noter Up. I hope you will enjoy it. We are currently sourcing articles of interest for the next edition so please do get in touch if you have any news or interesting articles for us.

This edition contains some very interesting articles on issues such as release of empty home data and being both a local government solicitor and a Councillor.

**TICKETS
ON SALE NOW**



www.slgov.org.uk

17th November 2007
The Chancery Court Hotel,
Holborn London

The 2007 SLG Charity Ball
The Chancery Court Hotel
252 High Holborn, London
WC1V 7EN

- Reception from 6.30pm
- Dinner Served at 7.30pm

- Dress: Black Tie
- Carraiges: Late

- Live Entertainment & Disco

For tickets contact Stephanie
Nunn at the Law Society

The Solicitors in Local Government
AnnualBall
17th November 2007

Sponsorship Packages

The SLG would like to thank the sponsors of the 2007 charity Ball



60 years representing local government solicitors!

East Midlands Branch

An Assistant Branch Secretary has been appointed, Mandeep Virdee (Leicester City Council), to help run branch affairs. Mandeep and fellow trainee, Nikki Adams continues to develop a Trainees' Group.

Branch meetings for 2007 are:

- AGM - Wednesday 19th September at 2pm - Rushcliffe Borough Council (Nottingham) with George Curran (National Chair) and Mark Greenburg, local government partner at Wragge & Co on Employment Law.

- Wednesday 5th December at 2pm or Friday 7th December at 11am - Leicester City Council (possible joint meeting with ACSeS) with a Local Government Law Update.

The new style SIG Day covering education, social services and child care meets twice more this year on Wednesday 11th July at Leicestershire County Council from 11am and then on Wednesday 14th November at Lincolnshire County Council at 2pm. More details are available from the Joint Convenors - Robin Constable (robin.constable@derby.gov.uk) or Kamal Adatia (kamal.adata@leicester.gov.uk).

South and Mid Wales Branch

Branch Chair: Jonathan Evans, Newport City Council
 Vice-Chair: Matt Dunstan, Cardiff City Council
 Treasurer: Currently Vacant
 Branch Secretary: Laura Mumford

On 28th February members attended the Branch Meeting which was held at the National Assembly for Wales in Cardiff Bay. Guest speakers Mr Keith Bush, formerly Legislative Counsel at the Welsh Assembly Government and Mr Gwyn Griffiths, Legal Adviser within the Assembly Parliamentary Service gave members an interesting and informative talk entitled "Assembly Legislation and The Role of the Assembly Government". Thanks goes to Dianne Bevan, Deputy Clerk to the National Assembly and her staff for their organisation and hospitality. Longstanding members of SLG will remember Dianne's

contribution to the Group.

North Branch

Branch Chair: Andrea Barker, Tynedale Council
 Vice-Chair: Julie Grant, Stockton-on-Tees Borough Council
 Secretary: Dennis Hall, Sedgfield Borough Council
 Treasurer: Stephen Rickitt, Northumberland County Council
 NEC Representative: Pat Holding, Durham County Council

County Representatives: Andrea Barker, Northumberland; Geoffrey Wilkinson, Cumbria; Vivienne Geary, Tyne and Wear; Pat Holding, Durham and Richard Frankland, Tees Valley

Co-opted members: Carmel Murray Northumberland County Council; Trainee representative: Zingra Roberts Durham County Council

On 12 April Dickinson Dees Newcastle hosted a training event on the Health Act 2006 with Scottish local government colleagues who spoke on their experience of implementing the new anti smoking laws. The inaugural meeting of the Employment SIG, chaired by Steve Newton (Redcar & Cleveland Council) took place at Sedgfield.

London and Home Counties

London and Home Counties held its annual AGM on 22 May 2007 when Matt Ginn was elected Chair, Zakir Hussain Vice Chair and Amrina Fakir was elected Branch Secretary.

After the AGM the Branch was provided with an informative talk on gambling law by Katherine Smith of Lacors.

The next event to take place is the third annual SIGs away day which this year will take place in Havant on Friday 6 July where the Highways, Environment, Licensing and Information SIGs will hold meetings before and after lunch kindly hosted by Havant Borough Council.

Anyone interested in joining one of our many SIGs or becoming more involved in the branch should contact

Amrina.Fakir@haringey.gov.uk

North-Western and North Wales Branch

Ian Young and Bev Cullen are the new Chair and Vice-Chair, having been appointed at the meeting on 29th June. Ian is Lancashire CC's Deputy County Secretary and Solicitor, and Bev is their Assistant County Solicitor (Community Services).

The meeting welcomed SLG Chair George Curran. Guest speaker was Ross Griffiths who delivered a compelling overview of statutory developments in public road transport over the last 40 years.

On 20th April, the Annual General Meeting took place. Graham Cooper was re-appointed as Treasurer and NEC Representative: so were Bev Cullen (Training and Lancashire Area Rep), Jane Kennedy (North Wales Rep) and Richard Lester (Secretary). The next meeting is scheduled for Friday, 28th September at 2pm.

For further details of the Branch and its Special Interest Groups, contact richard.lester@salford.gov.uk

West Midlands Branch

Branch Secretary: Emma Fownes emma.fownes@telford.gov.uk
 Chairman: Deborah Wilson dwilson@worcestershires.gov.uk
 Vice Chairman: Peter Endall peterendall@warwickshire.gov.uk
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 Employment Law Yvette Berkeley Yvette.berkeley@telford.gov.uk
 Commercial Law Heather Dean DeanH@walsall.gov.uk

Planning Special Interest Group
 The last meeting was on 27th June 2007 was a seminar entitled "Whose land is it anyway and what can we use it for?" It was a useful seminar regarding a vital but often overlooked facet of local authority law - the way in which the capacity in which local authorities hold land can affect their ability to act. For more information contact: Convener: peterendall@warwickshire.gov.uk

New Employment Special Interest Group
 Yvette Berkeley of Borough of Telford & Wrekin organised the first employment SIG at Telford's offices on 9th March 2007. The last meeting was held on 20th June at the offices of Wragge & Co in Birmingham. This was an update on the Statutory Dispute Resolution Regulations, Religion and Belief with a general forum at the end.

The next meeting is on Friday 21st September at Telford from 9.30am to 3.30pm. This will be a seminar presented by a number of employment specialists from No 5 Chambers in Birmingham. Convener: yvette.berkeley@telford.gov.uk

Court User Group
 The last meeting of the user group was held on 15th June 2007 at St Phillips Chambers in Birmingham. This was a general update on criminal law. Convener: sgill@solihull.gov.uk

New Commercial Law SIG
 A new SIG has been set up by Kate Perons and Heather Dean. Convener: DeanH@walsall.gov.uk

Branch Meeting/AGM
 The next branch meeting is to be held on Friday 14th September at the offices of Mills & Reeve in Birmingham. The AGM will also take place at this meeting.

COLIN ENGLAND v INFORMATION COMMISSIONER'S OFFICE AND BEXLEY COUNCIL - LIST OF UNINHABITED PROPERTIES

Like many Councils around the country Bexley received a request under Freedom of Information for its' list of long term uninhabited properties in the Borough, together with the name and the address of the owners.

Again, like many authorities, this posed some interesting questions with regards to Freedom of Information and importantly Data Protection. Bexley's approach from the first receipt of the request was that we considered that there were possible significant implications in releasing such a list. The first thing that we reminded ourselves of, which we should all remind ourselves of when we have Freedom of Information requests, is that disclosing information pursuant to the Act is effectively the equivalent of publishing it. Would you publish a list of long-term empty properties in your Borough given the fact that such information could be of use to criminals and/or squatters? We took advice from the local Police who confirmed that they did not think that the release of the information was advisable and, therefore, they agreed with the Council that the relevant exemption applied. Mr England's request was, therefore, refused initially and subsequently on Appeal. The matter was referred to the Information Commissioner's Office.

They were influenced by one nearby authority who had released the information but who had not suffered a crime "wave" as a result. However, it was pointed out to them, both in correspondence and subsequently at the Hearing, that this is not a relevant factor to take into account when deciding whether or not to release information and whether or not the exemption applies. In determining the matter, the Information Commissioner did not consider the exemption was actually engaged at all and, therefore, concluded we should release the information. We duly appealed the Information Tribunal.

This was the first time as an authority that we had been to the Tribunal. In addition, I decided early on to deal with the matter myself. I was not at that stage familiar with the rules of the Tribunal but it became apparent quite quickly that they are actually more formal than one might expect. For example, in this case we ended up serving skeleton arguments on each other as well as preparing in writing our closing submission. If you do go to the Tribunal, therefore, be prepared for this level of formality. In addition the Information Commissioners invariably instruct Counsel, and invariably they will be experienced Counsel.

When we appealed to the Information Tribunal we relied not only on the Crime and Disorder exemption but in addition we relied on the fact that in our view the information was personal data and, therefore, to disclose it would be a breach of the Data Protection Act.

The Hearing itself lasted a full three days. The Information Commissioner called a number of witnesses and the case turned very much on the issue of whether or not the release of the information would be in the public interest. Whilst the Information Commissioner never formally accepted that the exemption on crime was engaged the case to a large extent ran on that basis. They called two experts, being academics in relation to housing strategy and the need, from their perspective, to have such information released in order to stimulate potential re-use of the property. We called three witnesses, being our Information Officer who primarily dealt with the processes around this particular application, a Senior Officer who deals with Housing Regeneration and, and this was very significant, a Senior local Police Officer. The Police Officer gave clear and compelling evidence that in his professional opinion the release of this information would be of use to criminals and also the links

between squatting and crime. The Information Commissioner denied that squatting was linked to crime but our local Police Officer thought otherwise, albeit he recognised that many squatters are, in fact, law abiding. Both sides produced evidence from the Internet from squatting sites to prove their point.

In the end, whilst the decision is rather complex, the Tribunal decided that firstly the exemption on crime was engaged and in relation to individuals who own property the balance was against disclosure. They were greatly influenced by the evidence from the Police concerning the impact of crime on individuals. When the premises are not owned by individuals they thought the balance was, in fact, in favour of disclosure. They also concluded that the data was personal data and that there was no fair or lawful reason to process it and, therefore, again individuals would have that data protected.

Perhaps the key lesson from the Hearing, other than the fact they are a lot more formal than you might imagine, is in relation to evidence. Whilst you do not necessarily have to have all your evidence in support of whatever exemption you might be relying on in place when you make the initial decision you certainly have to have it when you get before the Information Tribunal. Therefore, the best advice, difficult though this may be, is to treat any application which you refuse on the basis that it will in turn up in front of the Tribunal. Therefore, what is your evidence to support the use of the exemption? Who would potentially give evidence to support that? The other interesting thing that came out of the case is again the Act and the rules make it clear that there is nothing to stop you from introducing further exemptions later on in the process if you think they are applicable.

Andrew Maughan
Head of Legal Services
London Borough of Bexley

...treat any application which you refuse on the basis that it will turn up in front of the Tribunal.

EQUALITY AND DIVERSITY SUCCESS

SLG wants to broadcast its commitment to equality and diversity

Developing and delivering levels 1 and 2 of the Equality Standard within 12 months was a “big ask”. When the task was given to a handful of people with ‘day jobs’ it became a massive challenge. But with flexibility, adaptability and originality, levels 1 and 2 have been delivered.

SLG has a diverse membership and at the outset wanted to demonstrate its strong commitment to treating this issue as one of real importance rather than of ‘tick-box’ significance.

So what does it mean for SLG members? SLG has committed to and engaged with the requirements of levels 1 and 2 of the Standard. Some examples are: -

a) Procedures have been

updated to ensure that publicity for vacancies does not unfairly restrict the range of applicants.

b) A standard range of application forms and job descriptions have been produced that are clear and explicit.

c) Training opportunities now exist in the area of equality and diversity.

d) The impact assessment process has begun so that SLG can ensure compliance with equality and diversity principles in respect of its Policies and Procedures. (Revised editions available on SLG website).

e) A Complaints Procedure has been developed to ensure that there are mechanisms in place for responding to harassment on grounds of race,

disability, gender, age, religion and sexual orientation.

SLG wants to broadcast its commitment to equality and diversity and is looking for a strapline to appear on its publications and documentation. So get your thinking caps on and see what you can come up with. George Curran, Chair of the Group has promised a bottle of champagne (or suitable equivalent) to the winning entry.

All entries to be sent to linda.m.walker@durham.gov.uk by 31 August 2007.

Linda Walker
Head of Legal Services
Durham County Council

ADVERT

CUSTOMER RELATIONSHIP MANAGEMENT - IT'S WORTH THE INVESTMENT

The private sector spends considerable time and money on managing their customer relationships. After all, happy clients mean repeat business and bigger profits. As lawyers in the public sector we often neglect those to whom we provide a service taking their custom for granted, probably because we're too busy and in most authorities they are required to use the in-house legal service.

In Kirklees, an annual questionnaire twelve months ago showed that some clients were unhappy with particular aspects of the service they were receiving. Others had perceptions of the service based on limited contact and experience, but as we all know, perceptions, whether based on fact or fiction can be damaging and have to be dealt with.

Whilst clients were entirely satisfied

with the quality of the legal advice they received, some were less happy about the communication with and accessibility and responsiveness of the legal staff. There were also some concerns about the understanding legal staff had of clients' objectives.

We decided to put serious effort and commitment into understanding our clients and their needs and our response to these concerns has included:

- I attended all senior management team meetings in the Authority to ask for views/comments on the service, what changes clients would like, and to understand the client's agenda and priorities for the next twelve months. This was followed up by more regular client meetings at different levels. Senior managers were delighted that their views were being sought and their objectives considered – basically they were being listened to.

- On the principle of getting back to basics, a concerted effort was made by all staff to answer phones promptly, to return calls promptly and to regularly update clients on progress of casework.

- Staff discussions have been held at a variety of levels to look closely at the Council's Ambition and what it means for us in how we can best support the Council and individual client departments in achieving that Ambition.

- A revised SLA has been produced and incorporates a Customer Charter which sets out what clients can expect from Legal Services but also makes it clear what is expected in return, for example timely, clear instructions and deadlines.

All staff have worked hard to focus on customer care, and the results have been

impressive. This year's annual client questionnaire has just been completed and the figures show an improvement so that overall satisfaction with the way matters are dealt with overall has risen to 99%. The challenge of course is to maintain that, but seeing the impact that a committed customer focus can have shows us what we need to do to maintain that satisfaction.

So whilst we're not the private sector seeking to improve profits we can quite easily do more to develop client relationships by listening to those for whom we provide a service, and assisting them in delivering the best quality, value for money services possible to the ultimate customer, the taxpayer.

Susan Betteridge
Head of Legal Service
Kirklees

The Role of the Fire Lawyers Network

The recent floods and terrorist attacks have seen the nation's Fire & Rescue Services on the front foot again – adding sharp relief to the otherwise by and large 'steady state' world of local government legal practice. Whilst the Fire Authority Lawyer's Network (FLN) and the individual lawyers who populate its ranks (i.e. all lawyers who deal with fire authority legal work - and a sprinkling of non lawyers) may not be 'manning the pumps' with quite the same urgency as their operational colleagues, there is still a great deal happening in the FLN world.

Any additional 'emergency' work sits on top of the usual lavish helping of Fire and Rescue Authority (FRA) legal work courtesy of the modernisation agenda facing brigades spawned by Sir George Bain's review of the fire service of 2002 which itself emerged against a back drop of simmering and actual industrial unrest.

Then we add to the mix the recent Fire & Rescue Services Act 2004 and the 'National Framework'. The former codified and supposedly modernised the legislation which had largely remained in tact since the World War II – reflecting that era. The latter, now in its third manifestation, is a strategic plan putting the meat on the bones of how FRAs and their brigades can meet their objectives under the auspices of the overarching 2004 Act.

So, what is on the agenda for the FLN at the moment? A simple list of what has appeared on recent FLN Agendas would merely hint at the true breadth of FRA legal work – all the 'usual' corpus of local government law and governance with plenty bolted on!

However, what the FLN currently has on its plate in American breakfast proportions is the issue of establishing Regional Control Centres (RCCs). By way of explanation for the uninitiated, these are call handling centres which are to process emergency calls for regional fire services (and potentially other emergency services so rumour has it). They are, by DCLG prescription, local authority controlled companies whose only shareholders are the FRAs in their region.

So, the FLN deals with company law. Not to mention the other legal issues spawned by the RCC such as exactly how we handle the TUPE transfer of staff to these centres; or the leases for these new bespoke premises; or the Facilities Management issues; or interoperability between regions, FRAs and any central control centre? There are a plethora of legal and governance issues to clear - admittedly not insurmountable – all set against the grey mist which doggedly obscures the business case (i.e. the money - aka 'best value') which itself makes those of our less clairvoyant treasurer colleagues a tad nervous.

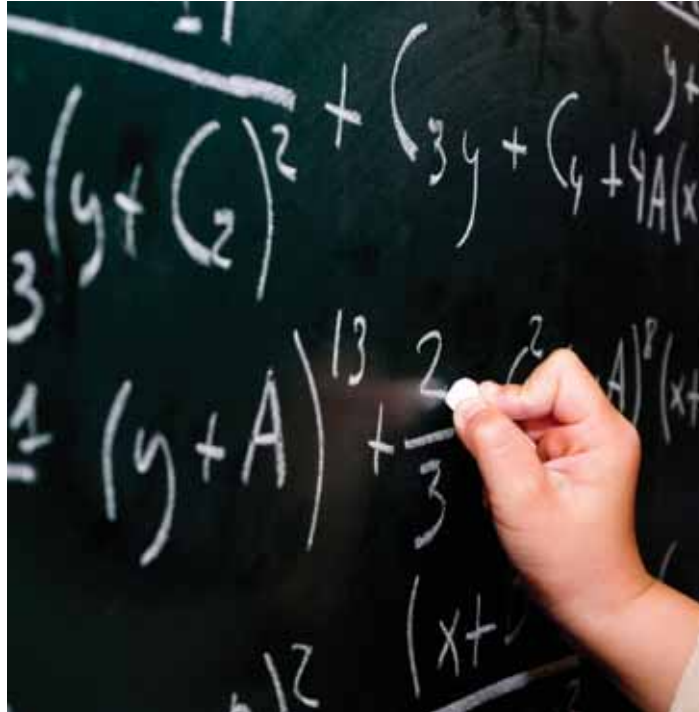
Also, additional recent fare to the FLN legal diet includes corporate manslaughter liabilities of Chief Fire Officers; coordinated national procurement; reforms to fire safety legislation; and civil contingencies obligations in the face of industrial unrest. And of course all this on top of the recent disasters – with concomitant liabilities in their wake no doubt!

David Cutting
Solicitor & Deputy Monitoring Officer
SYFRA / FLN Secretary

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EDUCATIONA



Contrary to popular myth you don't have to have children in tow in order to be a school governor. So, don't stop reading this article just because you don't have children of your own or your children have grown up and have left the nest! You might just be surprised at what you can gain from the experience.

School governors

There are about 350,000 school governor places nationally, a number almost equal to the population of Bristol and at any one time 40,000 of those places, equivalent to the population of the City of Durham, are vacant. Not all of them will be filled by parents of children attending the school concerned. Indeed parenthood is not a prime qualification.

What is required are volunteers with transferable skills who are concerned about children getting a better start in life and who are willing to give up 6 to 8 hours of their time per month to ensure that schools are properly governed and managed.

In the view of Steve Acklam, the Chief Executive of School Governors' One Stop Shop (SGOSS), diversity of skills, background and experience coupled with a commitment to educational excellence are what it is all about. Although he himself is a white, male, middle-aged, middle-class educated professional, Steve considers that part of the function of his organisation is to dispel the myth that you have to be "one of those stereotypes" in order to be a school governor. SGOSS reflects the desire of local authorities to attract a much more diverse group of people. 25% of those recruited by SGOSS come from ethnic communities (only 7% of governors nationally are from these communities), 50% are women and 65% are under 45 (the norms are male dominated and 50+).

What is SGOSS?

SGOSS was launched in 1999 as a small limited company with charitable status. It works in mutually beneficial partnerships with organisations such as the CBI and the Home Office, and also with

law firms including Allen & Overy, Clifford Chance and Wragge & Co.

Although the running costs are funded by the Department for Education and Skills (DfES), which provides seven eighths of its annual income of £850,000, SGOSS also obtains funds from United Biscuits, developer John Laing, the City of London Corporation, BP and HSBC bank. Only two of its seven Board members come from the DfES, thus ensuring that its majority funder does not have a majority voice in the formulation of the organisation's policy.

SGOSS is a provider of information and a process facilitator. It does not interview candidates and nor does it appoint them; that is the province of the local authorities. Using a matching service such as SGOSS saves local authorities the cost of advertising for every single vacancy and SGOSS's web-site and documentation give "highly skilled, high quality individuals who want to help children" a helpful insight into what they could contribute and be expected to do. The staff of SGOSS (seventeen, including Steve) therefore have much to do. Eleven of the staff are under 25, but two of the business development directors are "even older than I am" says Steve, who adds proudly that "some have turned down better paid jobs in order to work for SGOSS, because they wanted to find occupations where they could add value to the wider community."

Purpose and method

SGOSS exists for two main purposes. The first is to persuade as wide a variety of people as possible of the crucial importance of being involved in the delivery of education. And the second is to make it easier for local authorities to obtain the best possible access to the best possible governors. As

...there is no certainty other than change is on the horizon and coming our way

AL PARTNERSHIP

local authority budgets become more constrained, the money available to spend on recruiting school governors decreases and thus the importance of an organisation like SGOSS increases.

The SGOSS web-site is one of its main marketing tools, where interested individuals can find general information about being school governors, can find lists of current vacancies and local authority contact details and can also download the standard application form that SGOSS has developed. This enables SGOSS to perform a first sift, to return to potential candidates for additional information and then to act as liaison between candidates and local authority. It does not take part at the interview or appointment stage.

However, the ongoing interaction with local authorities has given Steve and his staff a very good idea of what sort of mix of governors would suit individual schools. It is, for example, important that in schools where significant numbers of the pupils are from ethnic minorities, that the staff feel that at least some of the governing body have similar experiences. "We need more governors who come from ethnic minorities, who are lone parents, who are refugees, who are in the 16-25 age bracket, or who are disabled, to ensure that all the different perspectives are represented." It is exactly the same principle – the optimum mix of cultures, energies, experiences and aspirations – that convinces Steve Acklam that lawyers of all ages and stages have much to give to education.

Why lawyers?

Steve sums it up by saying that "legal people are futuristic," which is a desirable attribute in those involved with the country's

future adults, "and it is a two-way street. SGOSS gets lots of volunteers from Wragge & Co, Allen & Overy, Herbert Smith, Linklaters, DLA Piper, Shoosmiths and Clifford Chance." This he opines is because there is a natural synergy between the skills that lawyers can bring to the governance role and the benefits that they can derive from it.

Good lawyers are recognised as being "able to sort out areas where people agree and disagree" and "keep to a focussed agenda" while at the same time being able to "order, prioritise, check and have an eye for detail." Believe it or not, these are all qualities that others have admired in lawyer governors! Lawyer governors are seen as bringing either youthful enthusiasm while they acquire some experience of working in another organisation, or in the case of older people a willingness to pass on the wealth of experience and skills they have learned in the commercial world.

And what do the lawyers themselves gain? Initially the most persuasive aspect could be the appreciation of those talents that they may have felt undervalued back at the office, but there will also often be the acquisition of a useful dose of humility. "I've learned to have more patience, more restraint and am less directive," and "I've learned to work with people at different ability levels and with a different exposure to life experience."

Arguably the greatest benefit to the individual is in the development of soft skills, undoubtedly useful to the future careers of young lawyers, when they have to learn more about "summing up points, being very disciplined with timing, managing a range of governors with different agendas and contributing formally to a meeting" and crucially,

interviewing candidates for posts in their schools. Perhaps this is why Allen & Overy has been more than happy to support the 68 of its lawyers who have been school governors and Freshfields have recently become involved.

The nuts and bolts
So, you have seen the web-site, have completed the application form, been interviewed and been appointed, what can you expect?

At this point the direct involvement of SGOSS ceases, though they will remain available to answer your queries, to help you find another governorship if you move and will also send you a copy of their periodic newsletter. It is the responsibility of the local authorities who appoint the governors to provide their training and all are given a guide to education law and training in what is required and what they should expect. Lawyers should be clear that they are not there to provide specific legal advice but to use their "transferable skills" for the benefit of the school.

Steve considers that governors have four critical functions:

- To monitor the school's budget expenditure against its strategic plan
- To make sure that the standards of the school are going up
- To appoint the head teacher
- To ensure that the school is a good place to learn and to oversee the strategic direction of the school.

The timing of meetings will be dictated by the school itself, and the amount of time required by meetings and ancillary work will be determined by the way that the school performs. Where a school is struggling the governing body will have to be more involved,

but usually governors will have a commitment to one Board meeting and one other Committee meeting per month. There are usually no meetings during school holidays. Junior school meetings will probably take place during late afternoon or early evening and secondary school meetings in the evening, although disciplinary hearings and appointment interviews take place during the school day.

Yes, it will take time and organisation, but you really could make a difference to educational provision in this country.

The AWS and SGOSS
Because the AWS is convinced and SGOSS is convinced that lawyers make good governors, we have arranged a free evening reception at the impressive Guildhall, the home of the City of London Corporation in London EC2 on Monday 24 September where you will have the opportunity to discover more about the arcane arts of school governing. You will be able to hear Steve Acklam and a lawyer school governor speak about their experiences and will have the opportunity to put questions to them followed by a chance to chat informally over wine and canapés.

We hope to see you there – and we very much hope that school governorship will be for you!

For further information and details of how to book a place, keep an eye on the AWS web-site. Further details will also appear in the September issue of Link.

Elizabeth Cruickshank
and Joanne Mortimer
Elizabeth Cruickshank and Joanne Mortimer are both members of the AWS Executive Committee. Joanne is a corporate solicitor in private practice in London and Elizabeth is the Editor of Link.

10TH ANNIVERSARY



Stephen Doye (left) and Robin Tolson

The London and Home Counties Community Care Special Interest Group celebrated its 10th Anniversary on 14th June 2007 at the offices of the London Borough of Camden. The meeting, followed by an evening soiree with invited guests was well attended and a credit to the enduring SIG convenor for this group, Pamela Clarke.

Pamela Clarke is a Principal Lawyer at the London Borough of Camden and has been the SIG convenor for the group since its inception and I went along to speak with the dedicated solicitor on the group's success and her commitment to its continuation.

Pamela graduated from the

University of the West Indies and practiced civil law in Trinidad from 1981 until 1988 when she moved to the UK and became admitted to the roll. After two years in private practice Pamela moved to a position within social services law at the London Borough of Camden in 1990. For a period, the main focus of law at that time was child protection, but this changed in 1995 with the acknowledgement of the need for a dedicated community care and adult social care lawyer. Pamela undertook this new role with enthusiasm and began the task of building up a practice to enable officers and managers to look towards legal for assistance and guidance. It was a task that required a shift in thinking to obtain the recognition that there was a dedicated lawyer in this area.

In 1997 Pamela attended a SLG meeting at the Law Society where she enquired as to whether there was a community care SIG in London and the Home Counties. The answer was no, so Pamela decided to formulate a group in order to share best practice and

The attendees to the anniversary meeting were glowing in their praise of the group



Members of the SIG

SARY CAMDEN SIG



Left to Right: Pamela Clarke, Clive Lewis QC and Mary Ann

support amongst the lawyers practicing in this area. After initial working groups based at the Law Society, Pamela approached Camden who agreed that the SIG could utilise accommodation at its Town Hall in Judd Street. Ten years later and the group is still going from strength to strength and has seen as many as twenty one authorities registered to attend.

When asked why she devotes her time to the SIG Pamela stated that she gets a lot out of it still, "I still benefit from an overview and sharing information with colleagues. Whilst some of the faces have changed over the years, the word has spread and others who have moved up or on have encouraged their colleagues to attend". Pamela is extremely appreciative to the speakers who have assisted the SIG over the years and heaps thanks upon them for their contribution. The impressive list of names include; Robin Tolson from Temple Chambers, Stephen Knafner from 2 Garden Court, Bryan McGuire from 2-3 Grays Inn, Fenella Morris from Essex Street, Sian Davies

from 2-3 Grays Inn, Clive Lewis QC from 11 Kings Bench Walk and Pat Mitchell from Bedfordshire County Council and most recently Cecilia Ivimy and Jason Coppel from 11 Kings Bench Walk.

The attendees to the anniversary meeting were glowing in their praise of the group and in

Pamela's dedication. Lenora Nelson, a Senior Community Services Lawyer at Hammersmith & Fulham stated that the group was a "brilliant opportunity to meet with people who work in a similar background and an opportunity to share views and problems. I am grateful to Pamela for keeping it going!". Likewise Stephen Doye,

a Legal Manager for Community Services at Havering stated that it was "very beneficial to attend the SIG because you get the leading practitioners in that field and can focus and discuss the relevant issues in a supportive environment which encourages the sharing of ideas and problem solving".

For a fee of £20 per annum your authority can register for the Community Care SIG and send as many of your staff as you wish. The group meets four times per year and refreshments are provided. For two of those meetings there is often a focus on the interface between child care, adult care and housing in recognition that lawyers often undertake other areas. Each meeting has a floating chair to encourage participation and significant cases are often discussed. Two CPD points are available for attendance.

Contact Pamela Clarke at Pamela.Clarke@Camden.gov.uk for more information or to register for the SIG.



Member of the SIG

BEING A CO

I never expected to be a councillor before I qualified as a solicitor but that was the way it worked out. Even more unexpected was that I would end up working as a solicitor for a local authority and one not too far away from the borough I was elected to at that. It has been an interesting journey so far and in that I think perhaps may be of interest and so here is my personal account of what it is like to be a lawyer in one authority and at the same time a councillor in another.

I am always a little surprised at colleagues' reactions when I tell them that I am a councillor in another authority. These reactions have ranged from disbelief (on one occasion I had to access Enfield's website and click on the page about members and onto my photograph before one colleague accepted that it wasn't a wind up), to questions as to the legality of doing both (my quip to this that the police haven't caught up with me yet also brings mixed responses!). The truth is that it is an unusual situation to be in and it has its ups and downsides but one thing is for sure – it is never dull.

To non councillors it is hard to explain what being a councillor is like but I will try. I have been a councillor for over 13 years now following my election to Palmers Green ward in the London Borough of Enfield in May 1994. The first thing that you notice as a councillor is the substantial number of meetings that you have. London councillors tend to have a younger age profile than in other parts of the country (the average age of a councillor is 55.4 years) and this means that many councillors work in the day time and have to participate in the majority of Council duties in the evenings and

at weekends. A recent survey of councillors carried out on behalf of the IDEa (National Census of Local Authority Councillors 2006) found that councillors did on average 21.9 hours of per week of council work in addition to their regular job. Invariably this time commitment has a very dramatic impact on councillors' social and family lives. The same survey found that 23.5% were in full time employment and of those 10.6% worked in local government. Being a councillor requires discipline in separating your work from your council duties and in being very organised and efficient in time management and clear and focused in what you are trying to achieve.

All authorities pay their councillors an annual allowance for being a councillor but it tends to be single party strongholds that have the most generous allowances and which in turn enable their leading members to focus on being a councillor full time. There is no way I could stop working and survive on my allowance alone and the allowance in no way compensates for the lost time in spending time with friends and family.

As a councillor you also have to become very organised and accomplished in digesting masses of information whilst becoming an expert in local government matters and also on the issues that may affect your constituents – the latest areas I am fast becoming expert in are education access issues for a child with cystic fibrosis and bye laws and new pieces of legislation to tackle dog mess in parks. If you add to that list, phone masts, planning applications, traffic calming schemes and housing allocation policies, you begin to get some way into understanding the

day to day issues that a councillor has to deal with. Councillors are forever being inundated with masses of paper ranging from agendas, committee reports and annual reports to invitations to attend the local residents meetings. I know one councillor who opens his council mail over a recycling bin!

An important aspect of councillor life is the representation of your constituents which is usually with other councillors according to the size of the ward. As an elected representative those constituents come to you with their problems and naturally there is an expectation that you will attempt to resolve their problem. Often the problem will be quite advanced when it has reached the stage that they have had to contact their councillor. Being a lawyer helps in analysing a problem and trying to find the most appropriate course of action and also hones in your listening skills and communication skills with the constituent. Additionally those of us who practice advocacy find this skill comes in handy in expressing your point of view in the rowdiness of the Council chamber.

The law about being a councillor and working for a local authority is governed by sections 1 & 2 of the Local Government & Housing Act 1989 which say that you cannot hold political office if you are doing a politically restricted post or one which is above PO4 grade. The generic definitions of a politically restricted post is one where advice is given on a regular basis to councillors or committees of the council or else speaking on behalf of the council to journalists or broadcasters. There are other posts which are specified as being exempt in the

I enjoy both my work and my councillor role immensely although 48 hour days would probably greatly help

COUNCILLOR

Act such as Chief Officer. Being a lawyer for a local authority does not automatically fall into the politically restricted category but it may do.

In order to do a job that is caught by this section an exemption has to be obtained from the Government. Exemptions can be sought from the Department of Communities and Local Government (DCLG) by writing to the Independent Adjudicator on this point including a certificate of opinion (as to whether the job is a politically restricted one) by a senior officer of the council and a job description to accompany the letter and opinion. Failure to get an exemption can mean that you have to choose between your job as a council officer and your position as a councillor as you will legally not be allowed to do both. I know some councillors that have had to give up their role as a councillor for this very reason. Alternatively you can choose to work for a local authority and be a councillor on the understanding that you will never rise above the grade of PO4 or do a politically restricted job but this is not a very common occurrence.

As a councillor you also have to be fully aware of such things as the national Code of Conduct for Local Authority Members (recently revised) which outlines how councillors are expected to behave towards each other and towards others. Failure to comply can lead to complaint to and punishment via the Standards Board of England.

There are fun parts to being a councillor too! It can be incredibly rewarding to know that you have helped resolve a problem for someone who would not otherwise have been able to themselves. You develop a sense of camaraderie and often strong friendships

with fellow councillors who sometimes end up becoming a sort of surrogate family because of the time they spend with you. You get invited to lots of very nice community events and get to meet many dedicated people who devote their time to improving the lot of a particular section of the community whether it be a social club, a sports club or a charitable organisation. It restores ones faith in humanity when you observe that at first hand. There have been very few if any conflicts between my work as a councillor in Enfield and that of my work as a lawyer in Hackney but it still means I have to be careful to avoid any such situations arising. I do notice that things that are done differently in one borough from the other but the two boroughs are very different both politically and in the social composition and also with regard to needs. One sad link between the two boroughs was the death of my former line manager in Hackney, Roo Michie, who was tragically killed in skiing accident in March 2005 at the age of 39. He was working in Enfield at the time and at his funeral both Enfield and Hackney legal teams were present. He was a kind, good man, and a great colleague and he is missed by a great many people.

As a councillor (along with lay magistrates and tribunal members among others) you are entitled to take up to a maximum of 20 days paid leave for approved council duties such as for attending meetings or conferences as a councillor. This number varies from authority to authority and also applies to the private sector too. As a member of Enfield's licensing committee I occasionally have to sit on day time licensing panels considering licensing applications.

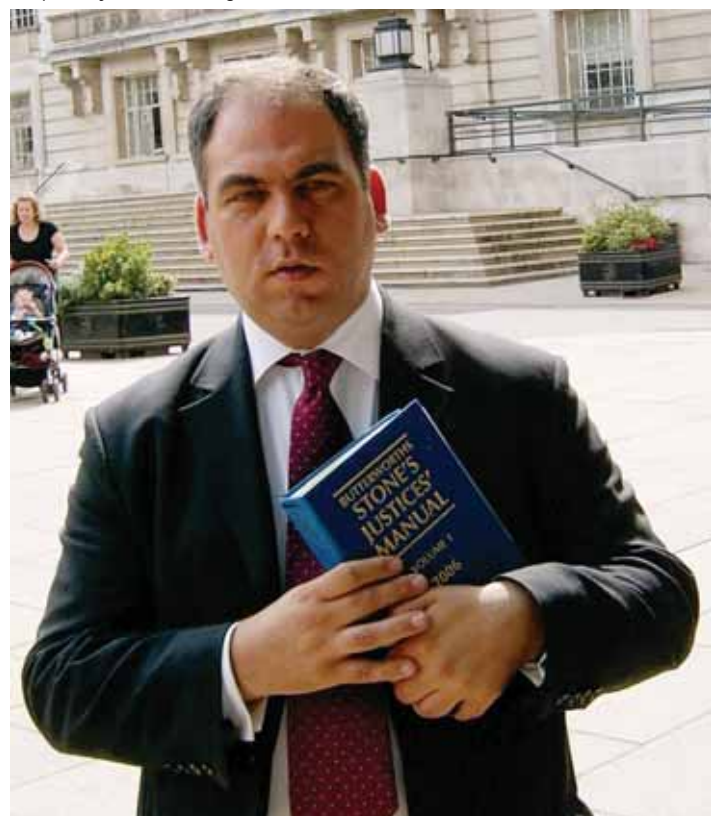
Support from your managers is vital if you are to continue as an effective councillor and an efficient and good employee. I have been very lucky to have had some fantastic managers in Hackney who have seen my knowledge as to how local authorities operate from a member perspective as an asset. In fact I have worked with some remarkable people at Hackney and all have been very supportive and regarded me no different from anyone else.

I try to be discrete in referring to or drawing attention to my role as a councillor when working in Hackney but this is not always possible as I recently found out when I met the Chancellor Gordon Brown MP the day after Tony Blair announced that he would be standing down as Prime Minister in June. There were a number of television cameras present that day and despite my brief meeting of Gordon

Brown images of me in close proximity to him were broadcast on national news for a few days and one clip even managed to make it on to BBC satire series 'Have I Got News For You!'. I got a bit of ribbing about that one!

I know that there may come time when I have to choose between my career and being a local politician but at the moment I don't have to make that choice. I enjoy both my work and my councillor role immensely although 48 hour days would probably greatly help me in both. Until that time I will seek to do both to the best of my abilities and seek to ensure that my unique role, knowledge and skills benefit both my employer and my constituents. If I can keep both happy then who knows what could happen in the future – the secret is to enjoy this split life that I lead...and I do!

Bambos Charalambous



LEGAL RECRUITMENT - A FORM OF RUSSIAN ROULETTE?

One phrase that is frequently over-used and invariably under-applied is "staff are our greatest asset". Easy to say - but how often are the words backed up by reality? How much time and energy do we really spend on ensuring we recruit the best staff, to the best positions, and keep them there?

In law, perhaps more than any other field, issues of recruitment and retention, productivity and customer satisfaction are of paramount importance and will determine whether a firm succeeds or fails. People are the raw materials of the legal profession - high quality, motivated and happy staff are the key to the success of any practice.

Yet so much recruitment is still done through the traditional route of advertisement in professional and national media, consideration of CVs and formal interview. This is not only a lengthy and expensive process - in terms of advertising costs, managerial time and lead

in times before a new recruit can join (let alone get up to speed) - but it is also a complete lottery. It is well known that applicants tend to exaggerate their qualifications and achievements in their CVs and at interview. There is little opportunity to test out these claims, even if references are taken up, before a person takes up their post. By the time it is discovered that they are not all they were cracked up to be, it can be a very costly, damaging and time consuming exercise to remove them.

A much maligned and often under-appreciated source of recruitment is through agencies. This is often thought of as a short-term, temporary fix rather than an established means of identifying quickly and cost-effectively, high calibre staff who are motivated, readily available and capable of hitting the ground running.

By building up good relationships with two or three agencies, with a clear mutual understanding of your

firm's requirements, expectations and standards when it comes to recruitment, you can be assured that the CVs you are sent are only going to be those that match your profile of a suitable candidate.

Once interviewed and appointed (sometimes as early as the following day), you can assess that individual's competence and 'cultural fit'. If, for any reason, you don't like them or they don't like you, it is easy to sever the arrangement immediately, with the minimum of delay or expense. If, however, after a month or two in post, the relationship is blossoming, then it is equally simple to make them a permanent employee. Whilst there are agency fees to pay for doing so, they are often less than the costs of advertising and recruitment through the traditional route.

Pointers for successful recruitment:

- Good staff give you competitive advantage.
- Customers can identify with

92% accuracy which employees are poor performers and which are dissatisfied.

- Dissatisfied employees are 20% less productive than satisfied employees.
- For every 1% of dissatisfied employees there are 5% of dissatisfied customers.
- Use agency staff - flexibility in hiring and firing, immediate and more reliable way of recruiting, capable of being made permanent.
- As a manager be personally involved in all recruitment, don't delegate - select on the basis of emotional intelligence, cultural fit and attitude. You can teach people law, but you can't change their personalities.
- Don't carry passengers - it brings everybody down. Nurture and reward the good and don't suffer the bad. Don't carry passengers and cut out the dead wood!
- Put the right people in place and make sure they can succeed. Make every person and every position count.

NOT GETTING YOUR COPY OF NOTER-UP? NEED TO AMEND YOUR DETAILS?

SLG used to provide copies of Noter-Up to local government solicitors via the details held on the role by the Law Society. However, since the formation of the Solicitors Regulation Authority (SRA), established in January 2007, all member details are now processed for the time being, through the SRA.

What this means in practice, is that if you move authority, retire, or otherwise change your practice details, you need to contact the SRA directly. SLG are not able to amend your address details at this time. To change your details please e-mail the record changes department of the SRA at – recordchanges@sra.org.uk.

THE DUTY TO CONSULT - WHEN DOES IT ARISE?

A vexed question for any local government solicitor is advising your authority as to when consultation should take place before changing or bringing a service to an end either as a result of a policy change or a budget cut. So when does a duty to consult arise?

The starting point is to consider whether there is an express or implied obligation to do so arising from a statutory provision. If a duty does arise in this situation then the authority to comply with the statutory scheme. It is worth remembering that a court cannot impose an obligation to consult where delegation legislation is concerned and Parliament has refrained from doing so (*Bates v Lord Hailsham* (1972) 116 SJ 584)).

There are 3 grounds upon which administrative action is subject to judicial supervision – illegality, irrationality and procedural impropriety (per Lord Diplock in *Council of Civil Service Unions v Minister for The Civil Service* [1985] A.C. 374 at 410).

Whether a duty to consultation arises must be seen within the context of procedural impropriety. The Courts may impose an obligation where there are special circumstances (per Stanley Burnton J in *R (Bapio Action Ltd) v SSHD* [2007] EWHC 199 (QB) at [48]). Those circumstances are likely to be derived from the 4 broad categories of legitimate expectation identified by Simon Brown LJ in *R v Devon County Council ex parte Baker* (1995) 3 All ER 73.

Category 1: Substantive Right
This involves an entitlement that the claimant asserts cannot

be denied him and operates as a sort of estoppel.

In *R v SSHD ex parte Khan* [1995] 1 All ER 40 reliance was placed on a Home Office circular giving guidance to persons in the UK wishing to adopt a child from abroad that in exceptional circumstances the Secretary of State would exercise discretion if certain specified criteria were met. The criteria were met but the Home Secretary refused to exercise discretion to grant entry clearance applying different criteria. The Court of Appeal held that the Home Secretary could not depart from the terms of the circular after giving Khan a full opportunity to make representations.

Category 2: Claimant's interest in some ultimate benefit which he hopes to retain (or perhaps even attain)
Here it is the interest and not the benefit which is protected by the requirements of procedural fairness. So the interest cannot be withdrawn or denied without the claimant being given the opportunity to comment and without the authority having rational ground for doing so.

In *R v Metropolitan Borough Council ex parte S* [1993] 1 FCR 306 the High Court held that where a local education authority paid the travelling expenses of a child the parents had a legitimate expectation that the LEA would continue to pay them or withdraw them only after the parents had been given an opportunity to make representations.

Category 3: The public body will act fairly towards the claimant
It is doubtful whether the need

to adopt a fair procedure adds anything to the concept of legitimate expectation (per Dawson J in *A-G for New South Wales v Quin* (1990) 93 ALR 1 at 39).

Category 4: A particular procedure to be followed as a result of a specific promise or established practice
Where this occurs the authority will be held to that promise or practice.

In *Re Liverpool Taxi Owner's Association* [1972] 2 All ER 589, Liverpool Corporation were held to a promise made by the Chairman of a sub-committee at a council meeting that no more hackney licences would be issued until new legislation was introduced to control private hire cars came into force when following legal advice that the undertaking was held to be unlawful the Corporation approved new proposals to increase the number of licences without giving the Association a further opportunity to make representations.

This refresher should provide practitioners' with a starting point for considering when the duty to consult may arise and beginning their analyses of their authorities' obligations.

Guy Goodman
Head of Community
Services Law
Leicester City Council

*This refresher
should provide
practitioners'
with a starting
point*



Get ready for the new code of conduct
The new Solicitors' Code of Conduct 2007 is in force from 1 July 2007, changing the professional conduct regime for solicitors. These changes will affect the responsibilities and obligations of every solicitor in England and Wales.

The Solicitors Regulation Authority makes and enforces the rules. It has published the code free online at rules.sra.org.uk.

The Law Society is your representative body, so we've produced some support services to help you comply with the rules:

- Solicitors' Code of Conduct 2007 – the entire code in a book.
<http://www.lawsociety.org.uk/productsandservices/publicationsandgifts/publishing/searchcatalogue/view=article.law?PUBLICATIONID=340593>
- Companion to the Solicitors' Code of Conduct – a book giving commentary and guidance.
<http://www.lawsociety.org.uk/productsandservices/publicationsandgifts/publishing/searchcatalogue/view=article.law?PUBLICATIONID=340594>
- Online CPD training for the new code of conduct – online training on the code, giving 2 hours CPD.
<http://www.lawsociety.org.uk/newsandevents/news/view=newsarticle.law?NEWSID=340596>

Do you want the Law Society to represent your views on improving the code to the regulator? E-mail code@lawsociety.org.uk.

Questions?

- For guidance on the code, contact the Solicitors Regulation Authority on 0870 606 2577. Lines are open 1100 to 1300 and 1400 to 1600, Monday to Friday.
- For information on the suite of support products, contact the Law Society at marketing@lawsociety.org.uk or on 020 7841 5470.

Local Government solicitors

NB: 3.05 - There may be occasions when you are asked to advise your employer in situations where there is a (potential) conflict with between your interests and your employer's. In these situations is transparency about your interests.
5 - If you are a solicitor employed as a head of an in-house legal department, you must effect supervision and management arrangement within your department provide for:

- (a) adequate supervision and direction of those assisting in your in-house practice;
- (b) control of undertakings; and
- (c) identification of conflicts of interests.

13 - As an in-house lawyer, you may be able to act for a limited number of other bodies and individuals, i.e. Councillors. You must ensure that there is no conflict of interest between your employer and the other company/individual.
13.01 - Conditions applying at all times:

- (1) You must not act for a client other than your employer [under 13.02 to 13.12] if to do so would compromise:
 - (a) your professional independence or integrity;
 - (b) your duty to act in the best interests of that client;
 - (c) your duty to comply with rule 3 (conflict of interests);
 - (d) your duty to keep information about that client's affairs confidential from your employer; or
 - (e) your ability to discharge any other duty owed to that client under these rules.

13.08 - Local government:
If you are employed in local government you may act:

- (a) for another organisation or person to which or to whom the employer is statutorily

empowered to provide legal services, subject to the conditions in (b)–(g) below:

- (b) for a member or former member of the local authority, provided that:
 - (i) the matter relates to or arises out of the work of the member in that capacity;
 - (ii) the matter does not relate to a claim arising as a result of a personal injury to the member;
 - (iii) you are satisfied that the member does not wish to instruct some other lawyer; and
 - (iv) no charge is made for your work unless those costs are recoverable from some other source;
- (c) for a company limited by shares or guarantee of which:
 - (i) the employer or nominee of the employer is a shareholder or guarantor; or
 - (ii) you are, or an officer of the employer is, appointed by the employer as an officer of the company, provided the employer is acting in pursuance of its statutory powers;
- (d) for lenders in connection with new mortgages arising from the redemption of mortgages to the local authority, provided:
 - (i) neither you nor any other employee acts on behalf of the borrowers; and
 - (ii) the borrowers are given the opportunity to be independently advised by a qualified conveyancer of their choice;

Search for legal jobs online

The Law Society has launched an online jobs service through the Law Society's Gazette. The new website lists legal jobs by position, practice area, location and PQE. You can apply for a job online with your CV, and register for e-mail alerts on the latest jobs. www.lawgazettejobs.co.uk

Stephanie Nunn
Policy Executive – employed solicitors
The Law Society

OUR FUTURE, A PROSPECTUS FOR LOCAL GOVERNMENT

Local government came together to create the Local Government Association (LGA) some 10 years ago to be its voice in the national arena.

Councils have achieved much in that time and now have a track record of improving performance. They lead the public sector on efficiency and now have a new confidence to play a wider and enhanced role on behalf of the people and places they represent.

At the same time the LGA has made a substantial contribution to the new consensus that 'the future is local'. In its May 2006 report 'Closer to People and Places' the LGA set out a clear and ambitious role for local government.

They have pursued this localist role with vigour but not ignoring their own performance. Having established an independent commission under Lord Best enquiring into the LGA and its relationships they followed this with an initiative aimed at 'Raising our Game' that involved a series of events and discussions with leading council representatives and partners across the country.

They have now published a prospectus in the form of a consultation paper reflecting the outcomes of that process. This is a document for Councils and, hopefully, something that partners in other sectors and government will acknowledge as setting the direction for local government; and be something that they will welcome and support.

As practitioners in local government this is something with which we should be engaged. This is about the future of the arena in which we work and is the national means by which many services are provided to us and everyone else. Consequently although SLG will produce a response to this paper you as individuals may also wish to do so.

This paper is based on four propositions.

1. A Framework for Excellence
That all Councils adopt and work to a nationally agreed Framework for Excellence developed by the sector, which strengthens and builds democratic leadership, partnership, quality services, place-shaping, public engagement, local choice and accountability.

In doing this they will operate to the highest ethical standards with transparent and accountable decision-making. Delivering efficiency and value for money and seeking constantly to improve all aspects of their work. In this process they will be employers that value and invest in staff and encourage partners and contractors to do the same.

2. Staying Ahead
That there are a small number of critical work programmes or performance issues that local government acting as a whole-including councils, the LGA and central bodies- need to commit to in the year ahead to achieve and demonstrate improvement in service and in place-shaping.

The LGA will commit to leading, supporting and commissioning the design and delivery of a set of practical proposals over the coming 12 months for the six identified critical issues:-

- i. Ensure that Local Area Agreements and Multi Area Agreements deliver on their promise.
- ii. Develop the sectors own improvement programme.
- iii. Reinvigorate work to enhance the reputation of local councils and local accountability.
- iv. Promote the role of councillor and the performance of the council political process
- v. Support Councils to become effective leaders of place
- vi. Realising the potential of our workforce

3. Developing the local government sector and the LGA.
That councils, the LGA and the central bodies need collectively to deepen and strengthen their relationships to ensure effective support, representation and leadership for the sector and at the same time develop stronger partnerships with other sectors and with government.

The LGA is organised as an association of councils in individual, not group, membership and believes that this is an essential principle to maintain. It acts through consensus and is the only national political body that acts without party political bias. This is an enormous asset to its work.

The Best Commission Report is published at www.lga.gov.uk and contains some 18 recommendations. The LGA accepts the arguments of the Commission and the objectives of its recommendations. A full response will be published soon.

In the meanwhile the Commissions conclusions will impact of the work of the LGA and other central bodies and their working relationships with councils in the following ways:-

- i. Relationships with member councils.
 - The local government family, by providing cost-effective and customer focussed services that support the continuing development and improvement of the sector.
 - Regional groups, responding to the government's agenda on the regions and regional groupings.
 - Other groupings of councils, such as the networks separately representing county councils, metropolitan and unitary councils and district councils and how their work may be more integrated.
 - Partners, by, for example,

inviting partners in other sectors, Think Tanks and other associations who share an interest in public service and the democratic process to share experience and work together.

- To work collaboratively with equivalent bodies from Wales, Scotland and Northern Ireland.
- Developing a Futures Capability by bringing together the work of many organisations that provide a rich source of intelligence that contribute to the development of public policy to be better able to develop and disseminate what the localist vision means in practical terms for people and their communities.

4. Developing the local alternative
That councils should be determined to lead the development, and drive forward the implementation, of a more local approach to public service improvement and the re-invigoration of our democracy, but that this requires a bold de-centralisation, a devolutionary agenda and renewed partnership with central government.

This represents what is the 'golden thread' through this prospectus that the debate has moved on and that we are on the cusp of fundamental change.

Time for action now.

You can take part in this debate and help to shape the future

You will find the full consultation paper at www.lgg.gov.uk/Documents/Publications/ourfuture.pdf

Please send your comments and suggestions by the 31 July to LGA (Prospectus) at Local Government House, Smith Square, London SW1P 3HZ.

George Curran
Chairman

PREPARATION FOR QUALIFICATION

- Upon completion of your final PSC module your PSC provider will issue a completion letter.
- At least eight weeks before you are due to complete your training contract, the Solicitors Regulation Authority (SRA) will send you a Criminal Records Bureau (CRB) form for you and your training/supervising principal to complete an return to them. There is a cost of £47.00 (correct at the time of printing) which should be paid direct to the SRA.
- The results of your standard disclosure CRB check will be sent to you for your records.
- The clear CRB check results will trigger the SRA to send through another form for you to complete (known as AD1). This form is used to:
 - Apply for admission as a solicitor;
 - Apply to attend an admission ceremony;
 - Apply for your first practising certificate; and
 - Apply for membership of the Law Society (Fit and Proper Person Test)
- This form needs to be discussed with your employers where you will be working on qualification.
- There is a cost of £100.00 for admission as a solicitor. Although this is significantly less than the cost for your practising certificate, it maybe that your new employers may offer to pay for this as well, so please discuss this with them.
- Once you have sorted the issues of payment for your admission and practising certificate, you then need to consider the date on

which you want to be admitted. Please note that this is dependent on the date that the SRA receive your completed AD1 as there are set times for receipt to ensure the admission date that you want.

- Trainees must always bear in mind the Solicitors Act 1974 and the Solicitors Practice Rules, which state you cannot call yourself a solicitor until you have received your practising certificate. The new solicitors Code of Conduct 2007 is available online at <http://www.sra.org.uk/code-of-conduct.page>
- As soon as the SRA receive your completed AD1 and payment, they will send through your practising certificate as well as confirm the date on which you attend the Law Society for your admission ceremony. The SRA do put in a caveat that the admission ceremony will take place some time after your admission date due to a lack of space at the Law Society and there is also a limitation on the number of people that attend the ceremony with you.

Introducing Leyna Stewart
Hello! My name is Leyna Stewart and I am currently a trainee solicitor with North Yorkshire County Council. I recently became one of three trainee representatives on the NEC of SLG, the others being Lauren and Kemi.

I read Law at the University of Liverpool, and then stayed on to undertake a masters degree in International Law with Business. As the additional year failed to exorcise my desire to become an eternal student I embarked upon on the Legal Practice Course at

The College of Law in Chester.

It was during the LPC that I first considered a career within Local Government. I had a part-time job working for a local authority as a legal officer based within a client department. Although I worked in a very supportive team I was able to undertake tasks with minimal supervision, which was something I greatly valued.

My tentative steps along the career path took an unexpected turn upon the completion of the LPC. Rather than begin working as a paralegal and commence an all out assault on training contract applications I took up a graduate training post with my 'alma mater' which focused on marketing and recruitment. It may seem like a strange choice but the post massively developed the transferable skills we all drone on about having in application forms and was a great introduction to the harsh realities of having to simply work for a living!

Being a slightly older applicant I didn't want to spend two years chained to a photocopier and kettle (although I never mind making the tea!). I knew that I wanted to work in the public sector and my experience of working for a Local Authority confirmed that this was the environment in which I wanted to train. To get further legal experience I got a job as a support officer and three months later I had secured a training contract. My first seat has been Child Care and my experiences thus far have exceeded my expectations. I have the freedom and support to get involved in a wide variety of matters and I have even been lucky enough

to run a case file from start to finish being responsible for all aspects of the case management and advocacy! As I rotate in just a few days time my fingers are tightly crossed that my next seat will be just as enjoyable.

I became involved with SLG from my first week as a trainee, as there is just one other trainee at my authority I wanted the opportunity to meet other local government trainees. I'm really glad I did as I've met a number of other trainees as well as newly qualified and experienced solicitors who have all shared with me their experiences. I'm looking forward to meeting more people training within local government so roll on the Ball and the Local Government PSC!

Trainee Induction Pack
This has been progressing well and it has been amended slightly. Lauren is undertaking a mini consultation on the nearly finalised version and we all hope that it will be ready to be sent to the new trainees commencing in September. The Law Society has also given this pack a warm reception and we are hopeful that they will fully support its distribution once the pack is finalised.

Kemi, Lauren and Leyna
The Trainee Reps

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