Real People, Real Problems ...Real Solutions

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Executive Summary

KCC (Kent County Council) Legal Services has thrown off the traditional mantle of public sector lawyers. Whilst remaining faithful to the needs of our core corporate client, we have undergone one of the most dynamic and significant transformations within local authority legal circles by engineering major changes to the way we do business. We now operate as an in-house private practice, combining the efficiencies and dynamism of the private sector with the service ethos of the public sector, focused solely on outputs and outcomes that benefit the communities we serve.

As KCC’s legal team we already played a pivotal role in supporting the service delivery of the largest local authority in the country; now we lead the field in terms of quality, customer service and marketing initiatives. Not only do we provide legal advice to a wide - and widening - range of public sector organisations across the country, but we go well beyond the traditional role of a local government legal team.

Increasingly, our role is not just to give advice but to play a part in shaping and delivering some of the most radical and visionary projects in the history of Kent County Council. A combination of innovation, determination and a willingness to work in partnership has allowed us to deliver real and lasting benefits to the communities we serve. This document sets out to show how.

From the iconic Turner Contemporary arts centre in Margate to our radical proposals to limit Council Tax increases for pensioners to the rate of inflation, our contribution is driven not simply by a need to demonstrate our own abilities but by an unstoppable desire to use those abilities to make a real difference to the lives of the people of Kent.

What makes us different?

• We are changing the way public sector lawyers think and work.
• Technical expertise is a given.
• It's how we deliver advice to our clients which sets us apart.
• Our business is client-driven and our success is measured by their success.
• It's by forging true partnerships with clients, keeping an open mind and looking for creative solutions that we add value to our relationships and build our success.
• Our lawyers are business advisers not just legal experts.
• We have a reputation for being 'unstuffly', down-to-earth, accessible people whose primary motivation is delivering great advice to clients: not just answering questions or clarifying points of law, but getting stuck in and identifying with our clients' business.
Our role

Our role in driving Legal Services forward is founded in a commitment to:

1. Introducing change - not just responding to it
2. Being market leaders in high quality, cost effective professional services
3. Identifying client needs and forging client satisfaction.

Marketing Policy

The change has been dramatic. Just six years ago 98% of our work was for Kent County Council; today, thanks to our entrepreneurial marketing policy, over 25% of our income is derived from a variety of over 150 external clients. The introduction of the wellbeing powers contained in the Local Government Act 2000 has lifted the main legal restriction on expanding our client base even more widely, providing us with the opportunity to expand our services even further into the public sector and, significantly, private sector markets. It is the taxpayers of Kent who reap the rewards of a legal service which is not only self-reliant for funding but also produces a surplus to invest back into the County Council.

As a result, we accounted for more than £1m of external income in 2007-08, the highest figure ever recorded. The £1,086,200 figure represents a 24 per cent increase on last year's record £877,245, and eclipses the KCC budget target set for 2007-08 of £913,500 by more than 19 per cent. This year, we are set to go even further, despite the worldwide economic downturn.

This represents a huge phase of growth where the marketing of Kent Legal Services is seen as particularly strong. The success of the unit has attracted considerable plaudits and numerous awards from both the public and private sectors and this is a real tribute to the professionalism of the staff working within KCC, who have shown that not only are they committed to high standards of public service but have a strong entrepreneurial spirit as well.

Expertise

With more than 100 staff based in offices across Kent and a turnover of £6.5m, we provide a wide range of specialist services. During 2007/08 we successfully dealt with 6,000 cases, involving 50,000 hours work and requiring expertise in vastly different areas of the law, including employment, child protection, education, planning, building contracts, PFI, pensions, commercial conveyancing, debt recovery, asylum seekers and complex litigation.

We have the size, expertise, experience and calibre of staff to rival many medium-sized regional firms and, with a disciplined background of Best Value, our quality standards, time recording and fee-earner targets have all been carefully refined to match the best the public and private sectors can provide.
Quality matters

We are the only legal practice in the country (from both the private and public sectors) to simultaneously achieve ISO9001, Law Society Practice Management Standards (Lexcel), Charter Mark and Investors in People quality accreditation.

This emphasises our commitment to customer care and reflects our passion to continuously improve the standard of our services and deliver customer-focused solutions.

Satisfied Customers

KPMG Management Consultants found a higher level of client satisfaction than in any previous survey of a local authority legal department (over 95%). This year’s Annual Customer Survey found 98% client satisfaction.

Continuous Improvement

We decided to measure our performance against the best in the public and private sectors by becoming a founder member of a national benchmarking group, involving Eversheds and four other large county councils. This was a unique partnership project, never before attempted, and filled a major gap in the market by providing three dimensional analysis which compared data both across the sectors (public-public and public-private) and year-on-year. Just three years on, the group encompassed all county councils in England, using the rigours of benchmarking and Best Value to provide national statistical data. We are constantly looking for similar such initiatives, recognising that change and innovation are the quickest route to organisational security.

Going the Extra Mile

With bases in Maidstone and Canterbury, legal 'surgeries' in client offices and the option of assigning dedicated staff to client projects, we endeavour to get close to our customers and serve their needs in ways not previously considered possible or practical.

Kent Business Centre

The Chancellor of the Exchequer has set major challenges for the whole of the public sector in the form of financial savings. These savings targets can only be met if local agencies collaborate more closely together to achieve economies of scale. Using the new powers to trade and charge for services, KCC Legal Services were instrumental in establishing the ‘Kent Business Centre’, designed as a vehicle to sell professional and back office services and to realise economies of scale to and for the whole public sector.

The Centre’s offer is unusual. There is no desire to make a profit. Procurement is fast and by negotiation, the terms are ‘easy out/easy in’ and there are no penalties if customers wish to disengage. Customers, meanwhile, know they are dealing with an experienced supplier with a thorough understanding of the public sector.
There has been considerable interest, contracts have been awarded and negotiations are underway with potential customers.

**Real People, Real Problems, Real Solutions**

While our track record speaks for itself and our achievements are well documented, our focus is on the impact we have on the lives of the people of Kent. As the following examples show, we never forget that our work has a purpose – making life better for the communities we serve. Here are just a few examples of where we have made a difference:

**Cliffe Airport**

Achieving the internationally recognised BS EN ISO 9001:2000 quality standard for legal services marked a turning point for Kent's legal team - but it didn't help the people of north Kent fight off the immediate threat of a new international airport on their doorstep.

Thanks to our efforts in mounting a concerted campaign with Medway Council to stop a new London airport being built at Cliffe, those same people were able to celebrate success. Through a High Court challenge orchestrated by KCC Legal Services, the campaign successfully judicially reviewed the Government and required it to reconsider all the options for airport provision in the south east, notably including Gatwick (which had been excluded from the initial proposals).

The intention in seeking the judicial review was to achieve a ‘level playing field’ in the Public Consultation because of the immense environmental importance of the Cliffe Marshes and the need for the consultation to include all possible options in the search for increased airport capacity. It followed an 18-month campaign led by KCC and Medway Councils, together with residents, community groups and the Royal Society for the Protection of Birds.

KCC Legal Services fought the judicial review largely on transport, planning and environmental grounds. Up to 200,000 birds, protected by international law, would have lost their habitat on the north Kent Marshes and more than 1,000 homes would have been demolished if the go-ahead had been given. The scheme would have brought massive urbanisation to north and mid Kent and disrupted plans for the Thames Gateway.

KCC Leader Sir Sandy Bruce-Lockhart said: “Without doubt the Cliffe airport proposal presented us with the greatest ever challenge to the county’s environment. The impact of a new airport and its surrounding infrastructure in such a sensitive area would have been enormous.”

KCC Cabinet Member for Regeneration Alex King added: “The County Council opposed this with all the power we could muster. We threw our considerable weight, legal expertise and the experience we had gained with the Channel Tunnel Rail Link behind the local campaign. I am delighted that our efforts have paid off and that common sense has prevailed for the sake of Cliffe residents and the wider Kent community.”
Index-Linked Council Tax for Pensioners

Being one of the first legal practices in the country to achieve (and then retain) the Law Society's Practice Management Standard (Lexcel) was very rewarding - but it didn't help the thousands of Kent pensioners unable to afford above-inflation rises in Council Tax.

In recent years, the national average increase in Council Tax has been around four times the rate of inflation. This increase contrasted with a below-inflation 2.6 per cent increase in the basic state pension. This hit pensioners in the south east particularly hard, where as a result of Government redistribution of grant away from counties such as Kent, Essex and East Sussex, Council Tax had been driven up. At the same time the cost of living for pensioners in the south east is considerably higher than in the north.

When the idea was put forward that Kent pensioners should only pay a Council Tax increase that was inline with inflation, KCC Legal Services leapt into action to find a robust and innovatory legal route which would achieve this end.

The radical solution that was eventually put to the Government by KCC Legal Services attracted widespread media coverage and generated major interest from local authorities across the whole country wishing to follow this course of action, not only benefiting the pensioners of Kent but impacting on the elderly nationwide.

What we proposed was to peg the increase in Council Tax to inflation for pension householders. This would mean that for the 134,000 pensioner households in Kent, the increase would be in line with the increase in the basic state pension.

This was achieved through a unique and heady cocktail of powers contained in the council tax discount provisions of the Local Government Finance Act 1992 and the Local Government Act 2003, blended with a creative use of the wellbeing powers contained in the Local Government Act 2000. This was set against the backdrop of administrative law principles and involved careful analysis of human rights and anti-discrimination legislation.

The idea was to make maximum use of the liberating powers of the 2000 Act in promoting the wellbeing of this section of the community. For too many years, innovative actions by local authorities have been stifled by concerns over the scope of their powers, resulting in an overly-cautious approach to innovation and creativity and limiting councils’ contributions to the improvement of their communities' quality of life. Here was an opportunity to change this.

The result was that the level of Council Tax for pensioner households aged over 65 could be pegged at 2.5 per cent, with an extra 1.3 per cent increase in the county council’s part of the Council Tax for other taxpayers.

Reducing the Number of Children in Care – Increasing Adoptions

Becoming one of the first parts of KCC – and the first local authority legal department in the country – to secure Investors in People accreditation was a nice touch - but it made little difference to the lives of hundreds of children trapped in the care system and waiting to move to new adoptive families.
April 2004 brought the results of the first partnership of its kind between central and local government - the Kent Public Service Agreement (PSA). The Kent PSA has radically improved public services through targets that have seen lives saved, disorderly behaviour cut, social care improved and hospital discharges speeded up, as well as preventing serious injuries in fires. The prize for Kent County Council and the people of Kent – alongside these very real benefits - was £21 million in extra grant from the government.

Kent County Council was among a small advance guard of six local councils throughout the UK who entered into Public Service Agreements with the government which were aimed at achieving radical improvements in key areas of public service. The Kent Agreement has proved to be a highly effective vehicle for radical innovation and improved local services. It has also helped to forge a constructive relationship with the Government.

KCC Legal Services played a key part in setting up the agreement, approaching the task with a verve and ambition that helped to inspire results that have transformed the lives of many Kent residents. Those results included more than doubling the rate of adoptions to give more youngsters secure family environments in which to grow up. The PSA targets were difficult to achieve and required extraordinary initiative in bringing in new ways of working to achieve the results.

Target 1 of the PSA was hugely ambitious, aimed at reducing the number of 'looked after' children in Kent by 30% over three years, from a baseline figure of 1,553 down to 1,200. Through a combination of recruiting, assigning and training dedicated specialist solicitors, the introduction of a streamlined protocol with the courts system and extraordinary additional hours worked by staff, a massive number of discharge applications were progressed. The result? The reduction in the number of looked after children actually exceeded the target and fell by 34% to 1,153.

Target 2 of the PSA sought to go further by addressing the long-term needs of some of the most vulnerable groups of children. It was not enough to discharge children from the institutional care of the local authority. One of the best possible outcomes for such children is a long and stable relationship within a loving and supportive family. Over the three years of PSA, therefore, Kent sought to more than double the number of adoptions from 58 to 120 per annum. With the assistance of KCC Legal Services, KCC now has one of the highest rates of adoption in the country. The remarkable reduction in the number of children in care is against a strong upward national trend. These targets were achieved by a very wide programme of partnership actions, including not only the endeavours of KCC Legal Services but also the provision of family centres, greater use of voluntary agencies, new forms of funding and investment in family support services.

**Major Regeneration Projects**

Being one of the first local authority legal teams in the country to win a Charter Mark for excellent customer services brought the biggest celebrations of all amongst staff and clients - but even this meant nothing to people in some of the most deprived areas of Kent.
In-house Counsel Management

PFI Projects

All the county council's Private Finance Initiative (PFI) projects are now tackled using a dedicated, specialist team of in-house PFI, contract and commercial lawyers established this year. Previously, KCC Legal Services only played a peripheral role in such projects, but the team has now come of age and is able to handle all but the most complex aspects of such transactions internally. This represents a reversal of the traditional roles, with KCC Legal Services now leading the negotiations while external lawyers act as back room advisers.

These examples show how KCC Legal Services will make a real difference to people’s lives:

Kent Grouped Schools

Six existing secondary schools in Kent and their local communities will benefit from an £80 million project involving new buildings, the refurbishment of existing buildings and upgraded IT infrastructure. As well as bringing educational benefits by improving the teaching environment for staff and pupils alike, the local communities will be encouraged to use the facilities for a variety of purposes ranging from lifelong learning to all types of sport.

Integrated Care Centres - West View & Victoria House Social Care PFI

Two integrated Social and Health Care Centres will provide intermediate care, recuperative care, dementia care, day services, a carers’ centre and a range of community services for older people. The services are designed to prevent people from ending up in long-term institutional care and enable people return to their own homes as quickly as possible.

The Gravesham Hospital and Social Care Centre NHS PFI

This is a brand new venture, uniquely combining both hospital and Social Care Centre facilities in one setting, where a range of services focussing on intermediate and recuperative care will be available.

Social Care/Housing PFI

KCC, acting in partnership with 11 district councils, has received provisional approval for its bid for £63 million PFI credits for the construction of a total of 350 residential units at various sites for occupation by older people and people with learning disabilities. They will be provided with 24 hour on-site extra care and support to the former category and daytime care and support to the latter.

Eastern Quarry

This massive proposed development of some 7,000 residential units on a brownfield site is on a scale that will dwarf even its giant neighbour in the adjacent quarry - the Bluewater shopping complex. Indeed, it is the largest planning application ever dealt with by a District Planning Authority in Europe. The challenges facing the in-house legal team pulling this all together include the complex negotiations between the land owner, the various public bodies and their respective advisers, covering issues such as planning gain, site development, financial contributions for schools and "one-stop shops"
providing a range of council services. An added dimension is the negotiation of land or financial contributions for a dedicated highway infrastructure known as ‘Fastrack’ which will link the development to the two major retail outlets in the locality, Bluewater and Dartford.

**Turner Contemporary**

The Turner Contemporary is a major £25 million iconic construction project for Margate. It will be a new international venue for the visual arts in Kent, both historical and contemporary, and a celebration of JMW Turner’s association with the town. It is expected to be a major tourist attraction that will be of benefit to the economy of the town and the Thanet region as well as benefiting the artistic community locally, regionally, nationally and internationally. This involves the team of lawyers dedicated to Turner Contemporary working in partnership with key stakeholders, becoming a leader in positioning and promoting Kent as a region of international status and transforming Margate into an exciting place in which to live, work and visit. It will mean stimulating new opportunities in culture, education, housing and employment and restoring Margate’s popularity as a seaside resort in the Isle of Thanet.

Key legal challenges are:

- Producing a unique bespoke engineering contract, enabling the steel structure to be constructed in a shipyard and towed into position on the seabed.

- Complex legal issues with respect to ownership of the foreshore and the obtaining of a Transport and Works Act Order to undertake construction.

- Consulting both English Nature and English Heritage, firstly in relation to building in a Conservation Area which is home to migratory species such as the Turnstone and secondly because of the implications of building next to, and partly on top of, a pier that is a Listed Building.

- Close involvement with the Port of London Authority as the operator of navigation precision equipment on the pier, including the need to enter into an agreement with them to allow vital access for maintenance through the pier during construction.

- Ensuring the procedure for awarding the construction contract complied with OJEU notice legislation since the value of construction exceeded the EU threshold. The complications involving procurement of the finished centre, the risks involved in procurement, life cycle costs set against possible disaster events (a one in 100 year storm event) and designing the centre to withstand collision by seafaring vessels ensured that this was far from straightforward. The insurance aspects of the project and the finished building also required bespoke negotiations since the risks associated with it were unique and untested.

- Ensuring the design complied with strict health and safety regulations and would have a useful life of 70 years, with particular regard to the materials used in its construction.
Allington Waste Incinerator

After 10 years of lengthy and painstakingly detailed consultation and negotiation, KCC Legal Services successfully let a 25-year contract to the private sector for the first ever waste incineration plant in Kent. This was the largest contract ever let by the council, with a lifetime value in excess of £400 million. It has been constructed at Allington, near Maidstone, and will receive domestic and commercial waste from the whole of Kent and beyond. It will help solve the problem of the lack of landfill sites within the county and will be capable of producing 42 megawatts of electricity for the National Grid.

Community Growth

As well as these high profile individual projects, KCC Legal Services also contributes to the community through its day-to-day support of the work of the council towards regeneration and growth across the county. Two areas are of particular significance:

Kent Thameside

KCC has set up a Kent Thameside Delivery Board as an informal partnership of the public and private sectors to deliver regeneration in Kent Thameside in response to the Government’s Sustainable Communities agenda. Over the next 20 years this partnership will lead and champion partner activity, influence and commitment. The key issues for the KTDB are improving the environment and the urban fabric, upgrading public transport, investing in new community facilities, providing jobs for existing and future generations, linking existing and new communities, teaching the skills needed for the new jobs, providing new learning opportunities and providing schools for the future (the Eastern Quarry application mentioned above is just a part of this work). KCC Legal Services has advised (and will continue to advise) KCC and the KTDB on all the legal issues involved.

Ashford growth area

KCC is working with other public sector partners to deliver rapid housing and employment space growth in a much quicker time scale than is usually associated with such growth. This involves, and will involve, innovative ways of funding and new kinds of joint venture.

KCC Legal Services will be involved throughout this process, helping to turn the ideas into realities for the benefit of all the residents of the area.

Conclusion

Achieving all the quality awards helped us to do our job more effectively - but the biggest prize of all is knowing that we made the difference to the lives of all these people.
Geoff Wild is Director of Law & Governance at Kent County Council. He heads up one of the largest teams of local authority lawyers in the country, operating as an in-house trading practice, and serving over 140 clients nationwide from across the whole of the public sector.

Geoff believes passionately that public sector lawyers should dispel their image as bureaucratic civil servants and display their talents as entrepreneurs to be measured against the best across the whole of the legal profession.

With this theme, he has led his team to several awards, including The Lawyer Public Sector Legal Team of the Year 2005, which the judges described as "the clear winner of this award, having revolutionized the face of public sector lawyers by turning them into true business advisers." The Financial Times featured his team in their Innovative Lawyers Ranking 2007. Most recently, Geoff’s team was shortlisted for The Law Society Awards 2008 in the category of Excellence in Marketing and Business Development.

In 2005, the Local Government Chronicle named Geoff as one of the five top local government lawyers in the country and he is acknowledged as an expert in local government, administrative and public law by The Legal 500. The Lawyer identified him as one of its ‘Hot 100’ lawyers for 2006, as a lawyer who had excelled in his chosen field and is shaping the legal landscape.

Geoff is committed to the highest standards of excellence in the legal profession, and has successfully secured internationally recognised BS EN ISO 9001:2000 and the Law Society’s Practice Management Standard (LEXCEL) certification for his team. In delivering those services, Geoff strongly believes that they should be tailored to meet customers’ absolute satisfaction, and has gone a long way to confirming this with the attainment of Investors in People and Charter Mark accreditation for the lawyers of Kent.

Geoff was previously with the London Borough of Wandsworth, Basingstoke & Deane Borough Council and the Greater London Council. He qualified as a solicitor in 1986, holds an LL.B (Hons) and Diploma in Local Government Law & Practice, and is one of the founder members of the Eversheds/County Councils Benchmarking Group, linking lawyers in public and private practice across the country.

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Kent Legal Services has gained a reputation for providing a wide ranging legal agency service for other local authorities and public sector bodies, mainly through word of mouth and recommendations. We are a flexible, highly motivated and experienced team of over 60 lawyers and support staff who welcome the opportunity to work for other organisations. We particularly enjoy resolving "old chestnuts" speedily and effectively. Led by the guiding principles of economy, efficiency and effectiveness, our commitment to customer service has been recognised by accreditation under ISO9001:2000, Lexcel (the Law Society’s Practice Management Standards), Investors in People and Chartermark.

In addition, we have received the following awards in recognition of our achievements:

- The Law Society Awards 2008 - Excellence in Marketing and Business Development (Shortlisted Finalist)
- Financial Times Innovative Lawyers Rankings 2007
- International Law Office Global Counsel Awards 2007
We have experience in providing the following range of agency services:

**Commercial & Environmental:**

All property and commercial legal matters, including sales, purchases and leases; right to buy; company, trust and charity law; partnerships with outside bodies; planning agreements and planning blight procedures; building and engineering contracts; tenders and contracts for the provision of goods and services; compulsory purchase orders; advice on common land matters; legal charges; land compensation claims; etc.

**Community Services:**

Advice and pre-court preparation on litigation cases at all levels up to the House of Lords, including advocacy in the Magistrates' and County Courts, employment tribunals and planning inquiries; specialist advice in the areas of housing possession, disrepair, debt recovery, employment, judicial review, licensing and breaches of planning law. Also specialist advice in the areas of child protection, fostering and adoption, residential and community care, mental health, asylum and criminal injuries compensation.

Most work can be done “at a distance” so geographical location is no problem. With court and inquiry appearances we can either agree local agency representation or arrange to cover these appearances ourselves, depending on your preference and the travelling time involved.