

Agreement for the Provision of Legal Services

2018/2019

Cornwall Legal

and

Botus Fleming Parish Council

Cornwall Council is committed to providing you with an excellent and cost effective legal support service and this Agreement sets out our commitment to the way in which those services will be provided to you between 1 April 2018 and 31 March 2019

Our commitments to you:

Our approach

Meeting agreed timescales – we will work hard to keep matters on track and to deliver within agreed timescales.

Regularly informing you of progress – we will keep you informed on the progress of your matters.

Clear and practical advice – we will communicate with you in a way that is easily understandable and which provides a practical approach.

A focus on solving your legal problem – we will be flexible and creative in finding you a way to achieve your desired outcome.

An extension of your business – we aim to work with you and understand your business sector so that you regard us as an extension of your service.

Our accessibility

Legal Helpline

You can access our services through our helpline either by telephone on **01872 322950** or by e-mail at legalhelpline@cornwall.gov.uk. This service operates from 09:00 to 17:00 Monday to Friday excluding Bank Holidays. This single telephone number and e-mail address enables us to put you in contact with the specialist lawyer who can assist you with your ad hoc enquiries.

Where your matter is more complex or requires more than a single ad hoc advice then it will be allocated to a specialist lawyer who will remain your contact until the matter is concluded. Where a lawyer has been allocated to your matter then you will be able to contact them via their individual telephone number or e-mail address.

Instruction E-mail Accounts

For some areas of work, for example Planning and Highways matters specific e-mail addresses are operated for instructing us on substantive matters. These are listed at Appendix 1.

Appointments

Where necessary we will travel to meet you for pre-arranged appointments and where this isn't possible or where this doesn't represent value for money we are happy to participate in tele or video conferencing.

Our performance

We aim to turnaround all Legal Helpline enquiries within 24 hours.

We will normally acknowledge instructions in writing within 5 working days.

We will normally return all telephone calls within 24 hours.

We will, where appropriate, agree with you specific performance measures and report the outcomes to you.

To help us to perform effectively under this Agreement we would ask that you:

- provide us with full instructions at the earliest opportunity.
- put your request for assistance in writing, where appropriate. Instructions should include the following information:
 - Instructing officer and any relevant contact officer (if different) and **contact details**;
 - A clear description of the assistance you need;
 - All relevant background information by way of enclosures;
 - The timescale in which you require our advice or assistance or any key dates;

We will respond in the following way:

- Unless we have agreed alternative timescales with you we will normally acknowledge in writing all written instructions within 5 working days (one week) and this will include the following:
 - The officer responsible for undertaking the work.
 - Any further information which we require at that stage as a result of reading the Instructions.
 - Confirmation whether we can provide you with the assistance you require within the timescales requested or alternatively, if we are unable to do so, we will agree with you appropriate timescales for the work, as the circumstances dictate.
- It may be possible to provide a substantive response to the instructions within the 5 working days, in which case we will do so.

- We will respond to telephone requests for assistance and, where agreed, we shall confirm the nature of the advice in writing. We will usually make a written record of any verbal advice given to you. If your request is for assistance which is other than one-off and immediate, we shall normally ask you to confirm the request in writing.

We will ensure that you are kept informed of the progress of any matter and are advised if a timescale has to be amended for any reason and discuss the impact of this with you.

We will accept instructions to carry out legal work for Botus Fleming Parish Council from any of your staff unless we are notified otherwise and we will assume that anyone contacting Legal Services for advice and assistance is appropriately authorised to do so.

Our charges

The charges to you for our services are on the basis of a single blended average hourly rate of £96.00 +VAT. Our hourly charging rate is the same no matter who within Legal Services actually works on your matters. We will ensure that the legal adviser appointed to deal with the instruction will be appropriately qualified and experienced to deal with the nature of the matter.

The majority of your legal costs will be met through our charging arrangement but there may be occasions where there are additional legal costs that might arise during the course of this matter, for example instructing a barrister. We will inform you of these as soon as we are aware of them and discuss these with you and will only incur these with your prior agreement.

Additional legal costs will be paid initially by us but will be recharged to you.

We will send you a monthly statement which will set out your matters that we have worked on, how much time we have spent working on those matters, the monetary value of this time and any additional legal costs.

We will endeavour to provide an estimate of our likely costs for any individual matter but there will be occasions where this will be extremely difficult and we may provide you with estimates for key stages in these circumstances. We can then agree to cap expenditure and arrange for you to be notified when relevant thresholds are reached.

Managing our relationship

Each month we will provide you with detailed information on the time/cost spent on different types of legal work and on individual matters to enable you to monitor your expenditure on legal services.

We will arrange to call or meet with you every 6 months to: review our performance against this Agreement, consider any changes required to our Service provision and understand your upcoming legal requirements and training needs.

External legal provision

We may sometimes need to instruct external solicitors, barristers or a technical consultant. This may be due to a peak in workloads or due to unplanned levels of demand, a staff absence or because of a need for specialist expertise in a niche area of law.

If this is required, we shall ensure that you:

- understand the reasons for this;
- agree the anticipated costs prior to them being incurred;
- are kept informed of the progress of the matter
- agree the most appropriate external advisor and following your agreement we will be responsible for instructing them.

Although you will be responsible for meeting the costs of Counsel or the external solicitors we instruct, we will ensure that the support that is provided is of the requisite quality and value for money. The Council has Framework Agreements in place with external solicitors which have been procured in compliance with EU procurement rules and offer preferential rates and a quality service, and these are made available to your organisation.

Conflicts of interest

Prior to accepting your instructions we will check whether there is any conflict of interest with the Council or any other external client for whom we are acting. Should a conflict arise we will inform you of this and will only act for you if: it is in the best interests of each of our clients, the Solicitor's Regulation Authority Code of Conduct permits us to do so and we have explained all of the relevant issues and you are content for us to act in these circumstances. Where we do act in a matter where a conflict exists we will utilise systems and controls to adequately manage the conflict and we will provide you with details of these in advance to assist you in deciding whether you wish us to act for you.

Our security

Information

We will use the information you provide primarily for the provision of legal services to you and for related purposes including:

- Updating and enhancing client records.
- Analysis to help us manage our service.

- Any statutory returns.
- Legal and regulatory compliance.

We will only share the data provided via the Helpline for the purposes of giving you initial legal advice and by signing this Agreement consent to this processing. If the matter is opened as a substantive legal matter you will be advised of how this data will be shared at this point and maybe asked to give further consent. At any time you can stop this processing. In order to exercise these rights you should contact the Data Protection Officer dpo@cornwall.gov.uk or call 01872 326424.

Our use of that information is subject to your instructions, the General Data Protection Regulations and the Data Protection Act 2018 and our duty of confidentiality. Please note that our work for you may require us to give information to third parties, such as expert witnesses and other professional advisors and we will further advise you if this is necessary.

We are subject to the Freedom of Information legislation and as such information we hold may be subject to disclosure. Information we hold as a result of client instructions will be subject to legal professional privilege. Should a request for information be received we will liaise with you before responding to any request.

File Retention

After completing your work we will keep our file of papers whether in hard copy or electronically in accordance with our Document Retention Policy. On the expiry of those periods of time we will destroy any hardcopy papers and archive any electronic files.

If we take papers or documents out of storage in relation to continuing work on your instructions to act for you, we will not normally charge for that retrieval.

File Auditing

External firms or organisations or internal auditors may conduct audit or quality checks on our service. These firms or organisations are required to maintain confidentiality in relation to your files.

Anti Money Laundering

We are professionally and legally obliged to keep your affairs confidential. However, Solicitors may be required by statutes to make a disclosure to the Serious Organised Crime Agency where they know or suspect that a transaction may involve money laundering or terrorist financing. If we make a disclosure in relation to your matter, we may not be able to tell you that a disclosure has been made. We may have to stop working on your matter for a period of time and may not be able to tell you why.

Adding value to your service

We will endeavour to keep you up to date with legal developments relevant to your business, including explaining the implications of new legislation and case law affecting you and these updates are available on our intranet site.

Training is a cost-effective way of providing legal advice to a wide range of staff and we will agree with you areas of training that we can provide for you and your staff. We will notify you when we arrange training that might be beneficial to you.

Other external services

Any large quantity of photocopying or printing is undertaken through the Council's chosen method for bulk copying because this is the most cost effective method for such services. This may be under a contract with a third party, in which case there will be a confidentiality agreement with the provider of those services. We have delivery and collection processes in place to ensure client confidentiality is maintained. You should advise us if you object to documents relating to your matters being copied by a third party.

Complaints and dispute resolution

If a difference of opinion or dispute arises between your instructing officer and a lawyer from our Service in respect of an individual matter, both individuals should attempt to resolve the dispute informally. If the matter is not resolved, you should raise the matter with their line manager.

If the difference or dispute has not been satisfactorily resolved then you should notify the Head of Legal and we will work with you to address the complaint in accordance with our complaints procedure.

Should you remain dissatisfied with the service that you have received from us or we do not respond satisfactorily to your complaint within a period of eight weeks then you may refer the matter to the Legal Ombudsman. The Legal Ombudsman can be contacted at PO Box 6806, Wolverhampton WV1 9WJ or enquiries@legalombudsman.org.uk or 0300 555 0333.

Monitoring service provision

It is vital to ensure that the quality of the Service we provide meets with your approval and we will monitor this in a variety of ways, e.g.:

- client surveys
- client feedback forms completed at the end of a piece of work

- regular or ad hoc meetings of fee earners with your senior managers and/or client teams
- the number of compliments of expressions of dissatisfaction we receive.

We will agree with you a method of service monitoring and frequency of client management meetings.

Any case specific issues arising out of this Agreement should be raised with the relevant legal adviser or their Business Partner.

Any general issues arising out of the operation of this Agreement for the provision of legal services should be raised with the Head of Legal.

The parties to this agreement confirm their agreement to the provision of legal services for the period 1 April 2018 to 31 March 2019 on the terms and service standards set out in this Agreement.



Matt Stokes
Acting Head of Legal Services
For and on behalf of Cornwall Council

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For and on behalf of Botus Fleming Parish
Council

DATA PROTECTION

NOTICE - We would like to use the information you provide for the purposes of contacting you (including by e-mail, telephone or letter) about products and services that we believe may be of interest to you.

If you would like us to use your information in this manner please tick the box.

If you have any queries on our use of your personal information please contact
01872 322950

Appendix 1

E-mail instruction accounts

Property and Highways:

legalproperty@cornwall.gov.uk

Social Care:

socialcareinbox@cornwall.gov.uk

Resolution, disputes and regulatory (litigations):

litigation@cornwall.gov.uk

Commercial:

commercialteam@cornwall.gov.uk

Employment:

employmentlaw@cornwall.gov.uk

Planning/Highways:

planninglaw@cornwall.gov.uk

enforcementinstructions@cornwall.gov.uk

NewSection106Instruction@cornwall.gov.uk

HighwayNewInstruc@cornwall.gov.uk

Corporate Governance

LGOlinkofficer@cornwall.gov.uk

councillorcomplaints@cornwall.gov.uk