
Joint Case Management Unit

Committee considering report:	Executive
Date of Committee:	20 October 2016
Portfolio Member:	Councillor Marcus Franks
Date Portfolio Member agreed report:	10 October 2016
Report Author:	Sean Murphy
Forward Plan Ref:	EX3184

1. Purpose of the Report

- 1.1 The purpose of this report is to set out the rationale for a joint case management unit with Oxfordshire County Council and Royal Berkshire Fire and Rescue Authority and to seek the relevant delegated authority to enter into this arrangement.

2. Recommendations

- 2.1 That the Head of Culture and Environmental Protection in consultation with portfolio Member for Community Resilience and Partnerships, the Head of Legal Services and Head of Finance be granted delegated authority to enter into an agreement with Oxfordshire County Council (OCC) and Royal Berkshire Fire and Rescue Authority (RBFRA) for the delivery of a joint case management unit; and that
- 2.2 The term of that agreement shall be three years with an option to extend by one year; and that
- 2.3 A Joint Management Board will oversee the arrangement and that the Head of Culture and Environmental Protection or nominated service manager will represent the Council on that Board; and that
- 2.4 That West Berkshire District Council will host the unit.

3. Implications

- 3.1 **Financial:** An analysis of the workload has been carried out. This has given a workload split and the cost of the unit will be shared between the parties based on workload split. In the existing arrangement there are 1.4 FTE employed on case management. This includes 0.81 Case Manager and 0.6 Administrator. In addition approximately £12K per annum is spent on specialist agency staff to handle disclosure. The proposals in the paper will include require the employment of an additional case manager and the designation of one case manager as unit leader. In addition it is proposed that an additional 1FTE specialist officer will also be appointed to support the disclosure and case management functions. The total cost of this additional resource will be £90.4K

(including a management recharge of approximately £8.1k and ongoing travel and smartphone charges of 4K) this will be split between the parties to this agreement based on workload and individual requirement. It is anticipated a proportion will be recovered through court costs.

Finally a start up budget of £2.5K has also been identified for new staff based on the ICT equipment including Citrix, Laptop and Smartphone.

3.2 Policy:

The Council has key policy strands identified in relation protecting those who need protection and a strong effective Council. Protective services such as Fire Safety, Trading Standards and Environmental Health are key contributors to protecting the wider community and specifically the most vulnerable. This proposal addresses the key policy position on efficiency by building increased resilience, reducing risk and building expertise.

3.3 Personnel:

Consideration is being made of any implications for partner organisations. Should any TUPE implications arise these will be dealt with through the negotiation of the agreement. This proposal if accepted will initially require the appointment of a further full time case officer and 1FTE specialist role to deal with matters such as disclosure. One officer will be designated as the unit lead and will have day to day responsibility for overseeing the effective delivery of the service by the unit.

3.4 Legal:

Advice has been sought on the legal aspects of any proposed agreement and related matters. There has been a meeting involving Legal Services with the procurement officer from RBFRA to discuss the basis of any agreement should authority be granted.

Section 113 of the Local Government Act 1972 and Article 10 of The Berkshire Fire Service (Combination Scheme) Order 1997 provide a mechanism for the sharing of staff between the three potential parties to this agreement.

The governance arrangement will be a Joint Management Board with the remit of agreeing strategy and financial and operation performance. It will have the remit of looking at opportunities for further collaborative working. The agreement will not involve the delegation to institute proceedings on behalf of the other parties. This decision will reside with the parties within the terms of their constitutions.

If any work arises which would be considered to be regulated activity by the Solicitors Regulation Authority, such work would be undertaken under the control of the Head of Legal Services. Appropriate steps will be taken to ensure that any Solicitors performing a regulated activity do so in accordance with the regulatory framework.

- 3.5 **Risk Management:** The risks associated with not adopting these proposals are failure at a critical control point. Other risks around liability will be dealt with in the formulation of the legal agreement and the relevant indemnifications put in place. Discussions with the Insurance Manager have confirmed that should this be agreed the relevant notifications will need to be made.
- 3.6 **Property:** There are no property implications. Where officers are working on matters for partner authorities they will provide suitable accommodation including access to equipment, systems etc. as required to do perform the role.

4. Executive Summary

- 4.1 Case management is a critical element of the investigation and litigation process. Robust systems to ensure probity in the investigation process are not only desirable but are required by the legal framework governing investigations. It is a broad term that encompasses a wide range of functions including: file reviews, advice for investigating officers, review of applications for warrants, surveillance and expert witnesses, liaising with witnesses, courts and defence teams and keeping under review legislative changes to ensure case and investigative process is fully compliant. It also encompasses very specialist areas of the investigative process including the obligations relating to 'disclosure'.
- 4.2 The framework around investigations and investigative process is complex and constantly evolving as a result of legislative changes and case law. Keeping up to date is time consuming but is an integral part of the case management function. Large enforcement organisations such as the Police and HMRC have units dedicated to this role. These are distinct from the role of the Crown Prosecution Service whose equivalent in West Berkshire is Legal Services. This is clearly not practical for local authorities or the Fire and Rescue Service therefore traditionally we have tended to rely on individuals to provide this function. Often described as a single point of success it is also potentially a single point of failure.
- 4.3 There is then the issue of developing and implementing robust systems to ensure that investigations are conducted in an appropriate manner and the due process is followed. This requires standardised processes and more importantly competent and informed investigators. For this reason areas such as training, case file standards and quality assurance will also be one of the benefits and efficiencies to be derived from this arrangement.
- 4.4 The parties to this proposal share a common purpose in that they are services with enforcement roles that have community protection at the heart of delivery whether that be fire safety, food safety or rogue trading. For trading standards cross border-working is desirable as it is not unusual for offending to transcend borders and we share a significant border with Oxfordshire. For RBFRA the enforcement work around business premises and houses of multiple occupation or licensing matters share many aspects with the environmental health service.
- 4.5 A recent retirement at the Fire and Rescue Service combined with the increasing demands from the public protection shared service arrangement and a recognition of the benefits of setting up a larger more sustainable unit have led to discussions with potential partners. It is considered that a single unit to provide a range of case management functions is desirable. This would include ensuring investigative legal requirements are met, assessment of evidence and advising officers and managers, considering and advising on procedural applications and instructions, disclosure etc. along with associated matters such as overseeing competence and training frameworks, maintaining file standards and proceeds of crime procedural matters. The proposal allows for the building of expertise, resilience, an ability to deal with peaks and troughs and provides economies of scale through avoiding duplication.
- 4.6 Going forward the proposal also offers benefits in that it provides scope for the further development of joint working on specialist enforcement functions such as Road Traffic or matters associated with enforcement such as proceeds of crime investigations and support for vulnerable witnesses. For both Trading Standards

and Environmental Health there are distinct advantages of working much more closely in the sharing of intelligence and identification and protection of vulnerable residents. Common file standards and shared oversight will ultimately assist all the parties, improve knowledge and consistency.

- 4.7 At the time of writing RBFRS have indicated that subject to reaching agreement on the terms they wish to proceed as soon as possible as they have an immediate need for the reasons set out above. Oxfordshire County Council has indicated that they wish to explore the development of the joint case management unit to cover elements of both the trading standards and fire authority case management functions of the County Council.

5. Appendices

5.1 Appendix A – Equalities Impact Assessment

Background Papers:

None.

Subject to Call-In:

Yes: ☒ No: ☐

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input type="checkbox"/>

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

☒ **MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priority:

☒ **MEC1 – Become an even more effective Council**

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