

Business Case to create an allowance for Statutory Officers and Deputy Statutory Officers

Background Information

It is widely acknowledged that there is a shortage of qualified Lawyers working in the public sector which is posing many challenges with the recruitment and retention of not only permanent Lawyers but also of temporary Lawyers via employment agencies. The demand for such workers is high and we are finding that we cannot compete with the salaries that the private sector and larger Local Authorities are offering.

These are key roles that provide access to high quality, cost effective legal advice to officers and members. The most senior legal adviser would also normally carry out the Statutory Officer role of Monitoring Officer.

We have tried on 3 occasions to recruit to a qualified Lawyer role to fill our vacant post of Legal Services Manager (Deputy Monitoring Officer), but have failed, despite increasing the salary from a Grade 11 to Grade 12 as follows:

1. September 2021 – Grade 11 – £49,051 to £53,215 – no applicants
2. July 2022 – Grade 12 – £54,930 to £58,226 – no suitable applicants
3. December 2022 – Grade 12 – £56,855 to £60,151 – 1 applicant – we offered the position to the candidate on the maximum salary but they declined our offer due to their current employer increasing their salary to approx £70,000 to retain them.

This post has been covered by 2 separate agency workers but is now vacant due to the agency worker stepping up into the Asst Director role following the resignation of the permanent postholder in February 2023.

We have also been unsuccessful on 3 occasions to recruit to our 2 new Planning Lawyers which we created last year on a permanent basis. These have been covered by agency workers albeit we have had to replace these agency workers due to turnover.

As well as receiving the resignation of the Assistant Director in February we also saw one of our two permanent lawyers leave who was enticed away to the private sector with the offer of a far higher salary that we couldn't compete with.

The table below summarises our current staffing situation for our qualified Lawyer roles:

Post	Salary	Status	Comments
Asst Director – Governance & Legal (Monitoring Officer) Grade 13	£74,432 to £77,729	Vacant – being covered by an Agency worker	Monitoring Officer duties being covered by another Asst Director
Legal Services Manager (Deputy Monitoring Officer) Grade 12	£56,855 to £60,151	Vacant	Deputy Monitoring Officer duties being covered by Agency worker in the above AD post
3.6 FTE Lawyers Grade 9 – 2.6 FTE Grade 10 – 1 FTE	£42,503 to £45,495 £46,549 to £49,590	0.6 FTE is a permanent employee 3 posts are vacant and are being covered by Agency workers	Some legal work has been outsourced on a temporary arrangement

Other consideration/issues:

1. We have council wide budget saving targets that need to be considered.
2. In total we have three Statutory Officers (Head of Paid Service, Section 151 Officer and the Monitoring Officer) and two Deputy Statutory Officers (Deputy 151 Officer & Deputy Monitoring Officer)
3. Our previous Deputy 151 officer left us last year due to an offer of a higher salary with a larger Local Authority.
4. Covering vacant posts with agency workers is far more expensive than employing permanent employees and is not sustainable in the long term.
5. Permanent employees provide continuity and stability.

Recommendations

- a) To introduce a Statutory Officers Allowance of £10,000 per annum, to be paid only to Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.
- b) To introduce a Deputy Statutory Officers Allowance of £3,000 per annum, to be paid only to Deputy Statutory Officers on Grades 12 and below. This allowance will be subject to the normal deductions such as Tax, NI and Pension and will be paid on a monthly basis. Deputy Statutory Officers on grades 13 to 15 will not be entitled to this allowance as these duties are already included in the grade and salary of the post.
- c) To delete the roles of Assistant Director Governance & Legal (Monitoring Officer) - Grade 13 and the Legal Services Manager (Deputy Monitoring Officer) - Grade 12 and create the role of Head of Legal (Monitoring Officer) on Grade 12 plus the new £10,000pa Statutory Officers Allowance.
- d) The Deputy Monitoring Officer responsibilities will be allocated to a suitable alternative role.
- e) Other services that the Assistant Director Governance & Legal was responsible for will be distributed to other Assistant Directors across the organisation.

Conclusions

Under these recommendations, only the new post of Head of Legal would attract a new allowance. All other Statutory and Deputy Statutory Officers are currently on Grades 13 to 15 and would not be entitled to either of the allowances.

Adding the allowance of £10,000 to the Head of Legal post will put us in a better position to attract a suitably qualified Lawyer to Head up our Legal Service and undertake the Statutory Officer role of Monitoring Officer.

By distributing the remaining services to other Assistant Directors (point 'e' above) will enable the newly appointed Head of Legal to have more focussed time on building a highly professional and cost-effective legal service and to undertake the Monitoring Officer duties.

These recommendations will also achieve budget savings in the region of £90,000 at the senior level of the organisation.

Having these allowances will also allow us to compete in the job market in the future when current Statutory/Deputy Statutory Officers leave and/or the need arises to reallocate these responsibilities to other roles across the organisation.