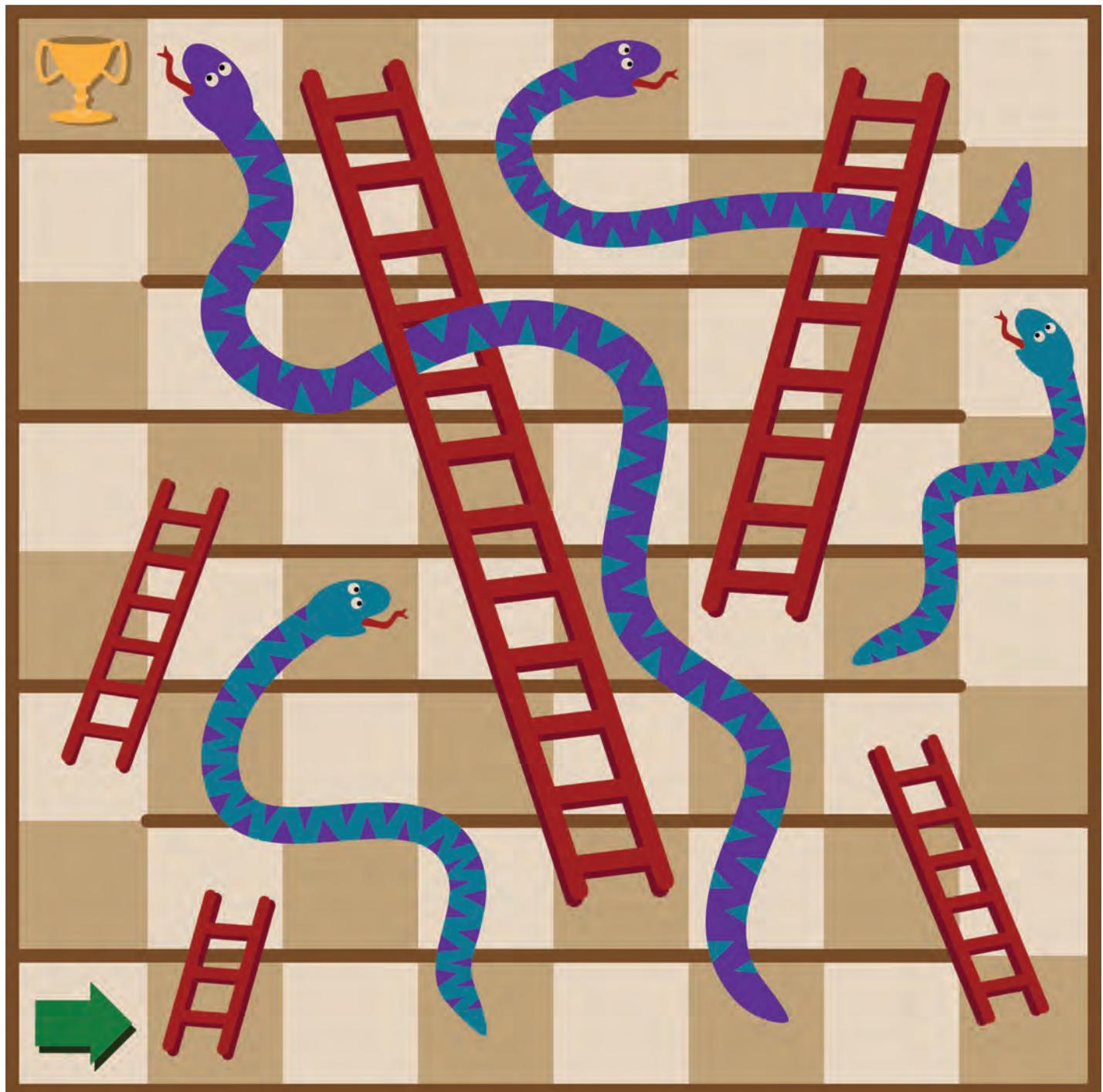


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LocalGovernmentLawyer

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May 2013

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Time to take control of your career

Welcome to *Local Government Lawyer's* first careers and training supplement.

The cornerstone of the publication is a survey of local government lawyers that throws up some fascinating results. More than 200 answered a range of questions such as: Would they recommend local government for a legal career? What are the best – and worst – aspects of working in the sector? What steps could employers take to improve their environment? And what do lawyers think the impact of shared legal services will be on their employment?

Taken as a whole, the results are pretty positive. However, for those who manage local authority legal teams, there are undoubtedly some important lessons to be learned.

One challenge is the difficulty in providing a career structure that allows ambitious local government lawyers either to make progress without being forced to switch authorities or to receive rewards for the efforts they are putting in. In an article on the future shape of the local authority legal department, we asked heads of legal for their views on how this can be resolved as well as, importantly, on where tomorrow's local government lawyers will come from.

The supplement also looks at the steps lawyers can take themselves to enhance their careers. For example, should they consider taking on monitoring officer responsibilities? Or becoming a judge? Could a spell working as a locum boost their career? Or would taking post-graduate qualifications make a difference? Various lawyers who have chosen these paths explain why they took them and how their careers have developed as a result.

I hope you enjoy reading the supplement. As always, feedback is gratefully received, so email me at philip.hoult@localgovernmentlawyer.co.uk.

Do also get in touch if you would like to write for the site, whether on careers or legal issues.

Philip Hoult, Editor, *Local Government Lawyer*

If you would like to advertise jobs on *Local Government Lawyer*, please contact Derek Bedlow, Publisher, on 020 7239 4917 or by email at derek.bedlow@localgovernmentlawyer.co.uk.

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The majority of local government lawyers remain upbeat about their choice of career and their department, writes Philip Hault. But they have strong views on how things could be improved

The power of positive thinking

Huge cuts to local authority budgets. Relentless pressure on pay and benefits. Greater demand for legal services.

You might think that, against this backdrop, lawyers working for local authorities would not recommend local government law as a career. Not a bit of it – some 77% of the 214 respondents to our careers and training survey said they would.

“Entry is very competitive and it is important that aspirants know this,” commented one lawyer. “But local government continues to offer a challenging career and the satisfaction of helping deliver a public service.”

Another wrote: “You never just deal with dry law, which makes a legal career in local government exciting, interesting and constantly changing.”

A significant minority (23%) would nevertheless advise lawyers against entering the sector. This is almost certainly a higher figure than you would have had if you had asked the same question a few years ago – many of these respondents said “not at

the moment”, “at the current time, no” or something similar.

Getting satisfaction

To drill down further, we asked respondents to rate a number of aspects of their employment on a scale of 1 to 10 (with 10 being most satisfied).

Quality of work was the category to receive the highest rating (7.37 out of 10). Other higher rated aspects were work-life balance (6.95), the ability to influence how to do the job (6.31), the pay and pension (6.20) and the manageability of the workload (6.13). The culture and collegiality of the workplace, which is often cited as one of the trump cards of local government law, drew a reasonably positive score (6.00).

Comfortably at the other end of the scale – and highlighting a real challenge for those with management responsibility within legal services departments – came career prospects, with a lowly 4.38.

Other aspects of employment to finish near the bottom of the list were office and other support facilities (5.04), job security (5.31), quality of leadership (5.36) and professional development opportunities (5.49).

These results were further confirmed when we asked respondents to name the best – and worst – aspects of their working environment. The variety and quality of work was comfortably the most frequent response in relation to the first of these questions.

“There is a broad range of work,” said one respondent. “There is exposure to higher value work than [you would get in] a comparable PQE position in the private sector.”

A real sense of teamwork, opportunities for flexible working and an ethos of providing a public service also came through strongly. “The feeling that you are working for the community and making a difference,” wrote one respondent, also citing “the exceptional quality of the work”. Another reported getting “enormous job satisfaction”, adding that: “You really feel your job makes a difference to the community you serve”.

Respondents were quick, however, to detail some of the worst aspects about working as a lawyer in local government and the public sector.

The number one issue, as mentioned already, was career development – or rather its absence. “There is no clear defined progression – it is very much ‘dead man’s shoes,’” claimed one lawyer. The fact that you may well have to move organisations to progress your career was also criticised.

Levels of remuneration were identified by many who felt that the number of hours they were being required to work was on the rise. “We are paid less than private practice colleagues, there is less money for training and sometimes it feels like we are not seen as being ‘proper’ lawyers because we are in-house local authority lawyers,” was one comment.

Other aspects highlighted included difficult relationships with client departments, low standards of senior management, excessive bureaucracy (including a ‘meetings culture’ and ‘tick-box mentalities’ in some authorities), poorly-drafted legislation and the battering the public sector gets from politicians and the media.

On the latter front, one respondent said: “There is a feeling that local authority functions are being devalued. [There has been] erosion of the role of local government, of pride in offering a public service. [Also], the lack of value placed on local government from central government and the depiction in the media of local government somehow being a burden on society, rather than a necessary and positive presence in society.”

Give us the tools

So what steps could employers take to improve lawyers’ working environment? As you might expect, there were many pleas – among the near 150 comments left by respondents – for greater clarity over employment situations and career prospects, as well as improvements to pay.

Less obviously, a virulent dislike emerged among many lawyers for open plan offices

On a scale of 1-10 (with 10 being most satisfied), how satisfied are you with the following aspects of your employment?

	Rating average
Quality of work	7.37
Work-life balance	6.95
Ability to influence how I do my job	6.31
Pay/pension	6.20
Manageability of workload	6.13
Culture & collegiality	6.00
IT & research facilities	5.56
Professional development opportunities	5.49
Quality of leadership	5.36
Job security	5.31
Office & other support facilities	5.04
Career prospects	4.38

and hot-desking, or cramped conditions where noise levels rise. As a result there were comments such as: "Move away from open plan working where it is impossible to concentrate" and "the open plan office is appalling and my desk is so small I can't properly open my file".

Another lawyer was meanwhile fearful of an impending office move. "The current environment is pretty good but we will be moved into a smaller space and have a small desk, almost call centre like. This just does not provide the right facilities for legal work."

There were several calls for department managers to communicate better both with their lawyers and with internal client departments. "Listen to staff requests for changes or improvements", "listen to my ideas and involve me in decision-making" and "tell us what the hell is going on" were some typical – if in the last case more extreme – comments.

When it comes to internal relationships, some respondents identified a need for heads of department to explain to client departments what legal services can do for them "given the time". They also need to back their lawyers, manage members' expectations and provide support when the right decision is made but not liked by the client service.

But easily the most frequent demand was for departments to give their lawyers the tools to do their job properly and more

efficiently. So this meant "better, faster IT equipment", "better business support", and taking steps "to allow us to do quality work rather than churning through quantity".

Many recognised that this is hard at a time of such pressure on resources. However, there was a belief that this is a case where 'investing to save' could make a real difference.

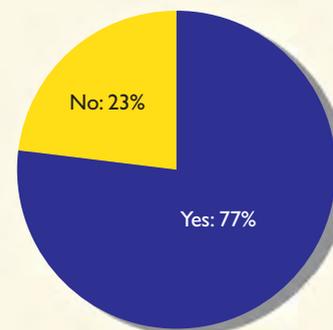
A problem shared

From this, you can tell that respondents were certainly not backwards in coming forwards with ideas for how their working environment could be improved. On a positive note, nearly three quarters (73%) would recommend their department as a place to work – recognising the pressures they face are shared with other teams across the country and paying tribute to those they work alongside.

"Although it has many issues, these seem to be common to all local authority departments (and indeed many private sector organisations too)," reported one. "My colleagues are generally very amiable and the workloads manageable."

Similarly: "It is a pleasant and supportive place most of the time. There are some interesting staff members in the council, but the management of the legal team is friendly and cooperative, with a focus on letting staff do their job. There's no micro management."

Would you recommend local government law as a career?



But the survey shows that more than one in four (27%) would not recommend their department. Common themes in these instances included a lack of leadership, a failure to support junior lawyers, insufficient resources or botched shake-ups.

"The department was recently restructured in a spectacularly inept fashion," one lawyer was prompted to say. "Senior management was told it wouldn't work. They still pressed ahead. There is no guarantee the department will survive the next few years."

A majority of respondents nevertheless felt that their team was generally well regarded within their authority or authorities. Some 70% believed that the department was considered to be a 'trusted adviser'.

A locum's eye view

The survey also sought to find out from locum lawyers what their experiences were and how the departments that hire them could improve their working conditions. This is against a backdrop where the number of locum lawyers has been rising quite significantly.

Although the sample size (12) was small, nevertheless the responses threw up some interesting results. For example, we asked locum lawyers to rate on a scale of 1 to 10 (where 10 was best) how good the induction programme at their present employer was.

More than half of the respondents gave a score of just one or two – a pretty shocking indictment and evidence that some authorities are doing a very poor job at introducing locums into their department. "No induction beyond being shown around the legal department," reported one.

We also asked locums to reveal the extent to which they feel part of the team at their current employer. In this respect the results were more positive, with half handing their department a score of 9 or 10.

However, three locums gave a score of 3 or lower. "What team?" asked one. "No Lexcel, no office manual, no 1-2-1. It is like stepping back into the dark ages."

A number of suggestions were made as to the steps that legal departments could take to improve the working environment for locum lawyers. In addition to providing a more comprehensive induction to the department, this wishlist included:

- treating locums the same as employed staff in terms of meetings,

information and management;

- providing administrative support;
- helping with time recording and timesheets; and
- providing access to training opportunities.

One, rather exasperated, respondent was moved to write: "Welcome and introduce me to the team, show me how the systems work so I can be effective. Tell me about the relationship with the client department. Stop blaming me for not having a laptop or dictaphone, I keep asking but I am a locum and not a priority. You are my manager, you sort it out, take responsibility for how you run the department."

"I have been there six months and am still not on the group email from the head of department about new procedures and new developments on office or client protocols. I wasn't given training on the time recording system or case management. I was senior solicitor at my last authority and we had an induction procedure and checklists whether staff were permanent or temp. I had to ask security staff about fire exits. If I knew who to go to when a problem occurred, my time would have been better used and more cost effective."

Another notable request was to give more timely indications of contract extensions and the scope for becoming a permanent member of staff. Half of the locums who took part in the survey were looking for a permanent role.

So, while the sample size may have been small, the responses should provide food for thought for some local government legal departments out there.

By contrast, 15% said it was perceived as a 'remote service department' and the same percentage felt it had a reputation as a 'roadblock to change and innovation'.

"It does vary from department to department," commented one lawyer. "However, members of the council's senior management team do generally view us as carrying out an important role, even if we are viewed at times as being negative and preventing their (often harebrained, ill-thought out and *ultra vires*) plans." Another respondent added: "They do not like any advice that does not support what they want to do."

Future imperfect

Of course, many departments continue to face a great deal of uncertainty as authorities seek to rationalise the so-called 'back office' functions. As a result we wanted to find out from local government lawyers where they felt the future lay and in particular what they thought of shared services.

Nearly two in five respondents (39%) predicted that their team would be part of a shared service, whether a properly integrated one (20%) or an independent team that benefits from a looser shared service arrangement (19%).

"There is a strong possibility a shared service will be foisted upon us and given the lack of commitment of the authority to the department, this might not be a bad thing if it means we get more resources and resilience," wrote one lawyer.

Almost the same number (38%) believed that their team would remain a standalone department of a similar size to that it enjoys today, while 16% feared that they would be part of a standalone department "of much smaller size".

Only a handful thought that their departments would become part of a more radical solution, such as being an

outsourced function operated by a law firm or an outsourcing provider (3.5%) or as an independent alternative business structure (3.5%). Interestingly, one respondent said their authority planned to become an enabling authority. However, the legal team would not be outsourced as that had been tried before and the decision was taken to bring it back in as the arrangement was costing the council too much.

The comments revealed that perhaps the worst thing was not knowing what the future holds. "It is all up in the air," acknowledged one respondent. Added another: "Truthfully, we don't have a clue."

Scepticism about shared services

The move towards shared legal services has been one of the most prominent trends in the sector in recent years, but what do local

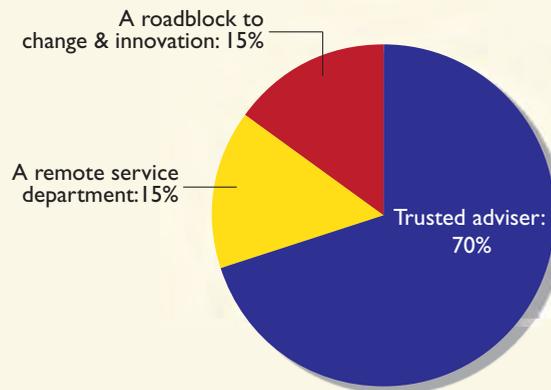
government lawyers really think of them?

We asked respondents to rate – as positive, negative or neutral – the effect being employed in a shared services department would or does have on various aspects of their working life and career. The question attracted some strident comments, such as "shared services can be the refuge of those who lack the drive and imagination to reform their own service".

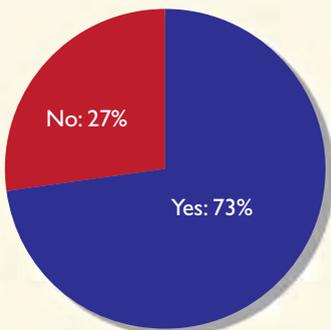
Shared services were seen in the most positive light in relation to the variety of work that would be on offer (with a rating average of +0.32). Other areas to attract good scores were the training opportunities available (+0.28), the quality of work (+0.27), career development opportunities (+0.25) and support and facilities (+0.20).

However, a number of areas went into negative territory. These were, unsurprisingly perhaps, the location of the office (-0.23).

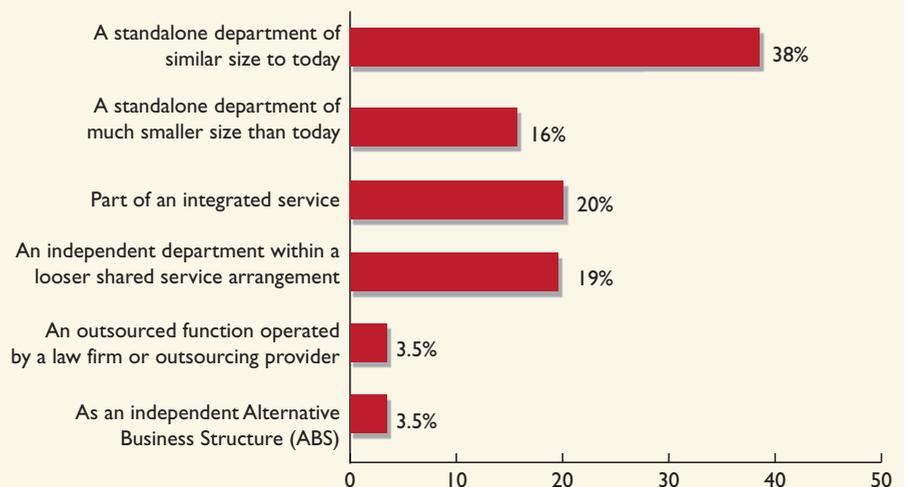
How do you think the legal department is generally regarded by your authority (or authorities)?



Would you recommend your department as a place to work?



What is the future of your department?





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"As location is important to me, I don't have the slightest intention of travelling somewhere else unless necessary," wrote one respondent.

But other areas to see negative average ratings were job security (-0.13), the relationship with clients/authorities (-0.08), manageability of workflow (-0.06) and pay and conditions (-0.05).

Addressing these perceptions would therefore appear to be a key management task for those with responsibility for implementing or operating new and existing shared services.

And, judging by the results of a follow-on question, they also have a job on their hands to articulate to a significant minority of lawyers what the attractions of working in a shared services environment are.

Respondents were asked whether they would be more or less likely to apply for a job in a shared services department. A majority (62%) said it would make no significant difference. But more than one in four (27%) felt they would be less likely to apply to join such a department. Only 11% reported that it would make them more likely to apply.

One lawyer commented that "as salaries are being frozen or cut, the only pay rise is through promotion", adding that "shared services destroy management opportunities – while it may be good for junior staff, it also creates a plateau as there are fewer management posts".

Still as ambitious

So if the jury is out among local government lawyers about shared services, what are the key factors they take into account when deciding where to work? Do they prefer to

What would you describe as your main career ambition?



be specialists or generalists? And what are their main career ambitions?

Respondents were asked to choose the three most important factors in deciding where to work. The pay and pension on offer received the most mentions overall (112), followed by work-life balance (95), the quality and type of work available (94) and location (89). In fifth to seventh places were job security (41), career prospects (41) and the culture and collegiality at the employer (24).

However, the order changes significantly when it comes to the factors receiving the most number of first choice mentions. In this case the quality and type of work available came top, followed by work-life balance and location – pay and pension came fourth.

A slight majority (53%) of the lawyers who took part meanwhile prefer to be

specialists (and many would like to take a post-graduate qualification to boost their career). A quarter (27%) like being generalists and one in five (20%) expressed no preference either way.

The comments revealed recognition that there were risks with both approaches. In relation to specialising, a number of respondents warned against doing so too early in a career and highlighted the importance of retaining some knowledge of other areas of the law. "It is important to have a specialist area whilst at the same time maintaining a generalist approach in order to remain versatile," one argued.

Others meanwhile pointed to the difficulty of operating as a generalist at a time when the law's complexity has increased considerably. "William Blake said that to

Trained for peak performance

In an environment where demands on legal teams are growing, but – in the vast majority of cases – budgets are being cut, the importance of getting good training remains high. So we thought we would ask local government lawyers if they felt they were getting the training they needed to equip them for their often highly-pressurised roles.

The results were largely positive, with 77% agreeing that they were given adequate training to do their job. But a sizeable proportion (23%) did not feel that way, which must be a concern from a risk management perspective.

Many highlighted the impact that cuts are having and called for a rethink. "Training budgets are limited," wrote one lawyer, "and sometimes we work on areas of law with which we are not at all familiar; where additional training would be very useful."

Another said: "We are expected to take on new areas of law without training or even a briefing."

Certain respondents expressed a degree of frustration at teams' increasing reliance on free training. "There is definitely more of a

focus upon obtaining free or cheap local training to get CPD points these days, rather than obtaining the most appropriate or relevant training," was one comment.

When local government lawyers were asked what would improve the training that they receive, the most frequent responses were bigger budgets, a wider choice of courses and, again, more relevant subject matter. Not having to do the courses in their own time was another familiar refrain.

Several, meanwhile, called for training in leadership, practice management, non-legal work areas and 'soft skills'.

The appetite among local government lawyers to develop real in-depth expertise is still very much in evidence. Nearly half of respondents (47%) said they would consider studying for a post-graduate degree, while a further 22% revealed they had already obtained such a qualification. Fewer than a third (30%) would not consider going down this route. A key issue for those looking at obtaining further qualifications of this kind is how to finance the course – the availability of funding varies across authorities – as well as the ability to get time off work to complete one.

generalise is to be an idiot – I couldn't put it better myself," said one lawyer, eruditely if a bit harshly.

When it comes to their career ambitions, the loyalty of local government lawyers to their sector came through strongly. One in four (28%) wanted to remain broadly at their existing level within a local authority or other public sector legal department.

Some 44% meanwhile said their aim was to move into (or up) the management chain within a local authority or other public sector legal department. But, as we have seen earlier from the survey, there is widespread frustration at the declining levels of opportunities for promotion.

This presents a major challenge for management to provide a career structure that goes some way to meeting this desire for promotion. Simply saying "'Twas ever thus" cannot be the best way forward to tackle this issue.

There was, though, surprisingly little appetite for switching into private practice, with fewer than one in 20 respondents (5%) eyeing up a move to a law firm or chambers. Indeed, more wanted to change their career

completely (7%) while one in 10 (12%) chose the 'other option' – many citing a judicial post or a commercial in-house role as their target.

A handful (3%) would like to follow the example of Southwark Council's Deborah Collins – who in May 2012 switched from being Strategic Director of Communities, Law and Governance to the post of Strategic Director of Environment and Leisure – and move into a non-legal role within the public sector.

Staying positive

When we set out on this exercise, I have to admit we expected to find a gloomier outlook. It is therefore good to be able to report that local government lawyers remain – by and large – happy with their career choice and the authorities they work for.

Yes, there is plenty of room for improvement. But, given the hammering the public sector has taken in recent years, the overall result is welcome news indeed.

Philip Hoults is Editor of *Local Government Lawyer*

Demographics

The survey was conducted in March and April 2013. There were 214 respondents based in district councils (26%), unitary councils (23%), county councils (18%), London boroughs (13%), metropolitan borough councils (12%), and other organisations (8%).

Nearly three-quarters worked in departments that were not part of a shared services arrangement. Of the rest, 12% were in an integrated service team with at least one other authority and 15% were in an independent department that was a member of a shared services partnership.

Respondents were drawn from all levels of seniority. For example, there were heads of legal (10%), principal solicitors/barristers/legal executives (7%), senior solicitors/barristers/legal executives (23%) and solicitors/barristers/legal executives (46%).

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Doreen Forrester-Brown sets out the skills required for the monitoring officer role and explains why it is a good career choice for lawyers

Hands up: who wants to be a monitoring officer?

The monitoring officer has the specific duty to ensure that the council, its officers and its elected members maintain the highest standard of conduct in all they do.

The legal basis for the post is found in section 5 of the Local Government & Housing Act 1989, as amended by schedule 5, paragraph 24 of the Local Government Act 2000.

The monitoring officer has three main roles:

- to report on matters he or she believes are, or are likely to be, illegal or amount to maladministration;
- to be responsible for matters relating to the conduct of councillors and officers; and
- to be responsible for the operation of the council's constitution.

The legal explanation of the monitoring officer's role is relatively clear. However, it is much more difficult to explain what undertaking the role is really like and to identify the skills a lawyer needs to become a monitoring officer.

With the recent trend across local government to downgrade the monitoring officer from the top table and new regulations proposed by Communities Secretary Eric Pickles to remove the designated independent person from the process of dismissing statutory officers, I am sure that some lawyers within council legal departments will be asking themselves why they should put their head above the parapet and seek to become a monitoring officer in what is an uncertain and changing climate.

The demise of the standards regime under the Localism Act 2011 has only served to make our job even more difficult. Add to the mix reduced resources, increased demands for legal support, complex partnering and shared services arrangements – all combining to put more pressure on the role.

I became the monitoring officer at Southwark in July 2012, following the move of my predecessor, Deborah Collins, to become the Strategic Director of Environment and Leisure.

My promotion to the role was part of an

initiative across the council to reduce the number of chief officers and deliver £1m worth of savings from the senior management structure over a two-year period. Prior to being appointed, I had been the deputy monitoring officer and head of



Difficult decisions: impartiality is a key attribute for monitoring officers

legal services for four years at Southwark.

With the move to reduce senior management costs, it is becoming increasingly common for the monitoring officer role to be combined with that of head of legal services. Unfortunately, the roles do require very different skill sets.

What are the skills required to be a monitoring officer?

Build a good team of people around you

Remember, it is impossible for you to know everything that is going on and you must be able to rely on your team to be your eyes and ears within the organisation.

Make sure you communicate clearly to your team that you need their support to carry out your role effectively and ensure that they are given the appropriate training. You must always be approachable, staff must feel able to tell you the good news stories and inform you quickly when things go wrong.

Appoint a good deputy

You are required to do this under the legislation, but it is also extremely important that you have a deputy to support you in your monitoring officer function. You can then delegate to a competent deputy, leaving you more time to focus your energies on the important strategic legal issues and dealing with the politicians. This is good succession planning as well.

Transitioning

Transitioning into the role is important; give yourself time to do this. The discharge of the monitoring officer function is a very personal role and it is important that you make the role your own.

At the outset, it is important to establish that you will have your way of discharging the function and that you are likely to be very different from the previous monitoring officer. Take a bit of time to assess and understand the type of monitoring officer your council wants. Organisations change and what is wanted from you as the monitoring officer will also change.

Build relationships

It is important to build relationships with chief officers, members and politicians. In my first few weeks in the job, I spent time visiting chief officers to introduce myself in the new role and to seek their support. I also met with the three group whips and the Leader.

Maintaining these relationships is key. I therefore recommend having regular quarterly meetings with the whips, the Leader and the chief executive. Sometimes

Be prepared to work with others to encourage them to build their own relationships as well. At times, you will feel as though you are less of a lawyer and more of a mediator or skilled counsellor

these meetings are to talk business, but at other times it is just to be able to touch base, talk about issues that are currently going on within the council and develop the relationships.

Impartiality

An essential skill of the monitoring officer, which I think probably comes naturally to us as lawyers, is the ability to be seen to be fair and impartial at all times and to ensure that the appropriate processes are followed. It is important that you are able to maintain and uphold the position of fairness and transparency even when, at times, this can make you unpopular with chief officers and sometimes politicians.

Know when to wear your monitoring officer hat and be clear why you are wearing it. However, don't wear it all the time as this will only serve to make you unpopular.

Wise counsel

Be prepared to work with others to encourage them to build their own relationships as well. At times, you will feel as though you are less of a lawyer and more of a mediator or skilled counsellor.

Don't underplay this role, however, because as the monitoring officer, your role is to ensure that the council and its members maintain the highest standard of conduct. Your intervention on an informal basis can have a significant impact on the cultures and behaviours of the organisation.

Trust and confidence

You must be trustworthy and able to keep matters confidential. You will be surprised what people are prepared to share with you in confidence.

Political awareness

You must have the skill to be incredibly politically aware and to understand the particular politics of your organisation. The ability to think politically is a key skill.

Awareness of your dual role

As a council's monitoring officer, you are also probably a very senior manager within the organisation. Remember to see yourself as a senior manager and the contribution that you can make in the dual role of a senior manager and monitoring officer. This can make a difference to your council, both in terms of governance and law, but also in terms of contributing to the strategic delivery of its corporate objectives.

This is the part of the role that I find most challenging and exciting because I can often become involved in projects that are not strictly law related, but where my knowledge and experience as a senior manager is highly valued.

Why become a monitoring officer?

I think lawyers within local government should still strive to become a monitoring officer. I accept that the role can be difficult, challenging and lonely. In an ever-changing climate it can also, some would argue, be seen as a career-limiting choice. I have often heard the joke that the monitoring officer has a very short shelf life.

Being a lawyer in local government is complex and demanding. However, on the positive side, the job is interesting, challenging and rewarding.

As lawyers, one of the fundamental reasons we came into law and the public sector was to ensure fairness and transparency, and that organisations which undertake public functions are subject to the highest possible standards of conduct.

As the monitoring officer you have a crucial role in ensuring that these standards are upheld. In addition, the position provides great variety and scope for your future career development. As we have seen in Southwark, our previous monitoring officer is now running a major frontline service.

The downgrading of the monitoring officer role is unfortunate, but we should not walk away in despair. Those of us who have been in local government for a while know that it will only be a matter of time before the monitoring officer is back on the top table.

So remain positive. The skills of a monitoring officer, together with your skills as a senior manager, will present new opportunities to diversify your career beyond the law and explore new areas.

Doreen Forrester-Brown is Director of Legal Services and Monitoring Officer at the London Borough of Southwark

Fit for the future

What does the future hold for local authority legal departments when it comes to staffing? And where are tomorrow's public sector lawyers going to come from? Philip Hoult asks leading heads of legal

In April it emerged that the number of solicitors employed in local government had fallen 3.3% in the year to 31 July 2012.

Given the cuts local authorities have been required to make since the Comprehensive Spending Review in 2010, arguably, this should have come as no surprise. And there are understandable fears that worse is yet to come as the current budgetary pressures on councils are set to last until 2018 at the very least.

It would, therefore, be easy to be gloomy about the future for local government legal departments. But, in fact, there are valid reasons for a certain degree of optimism.

Although the Law Society's annual statistical review revealed that the number of solicitors employed in the sector fell to 4,509 in 2011/12, the total was nevertheless higher than for 2008/9 (4,372) and 2006/7 (4,018).

Nor was it immediately clear the extent to which Chancery Lane had included the number of locums working for local authorities. A recent study by Comensura, the supply specialist, revealed that the usage of temporary lawyers by councils between January and March 2013 was 9% higher than in the same period the previous year.

What is more, research for *Local Government Lawyer's Management 2013* supplement suggested that the impact of the cuts was more likely to be felt by external advisers than in-house lawyers, at least initially.

According to Michelle Sacks, Deputy Head of Law at Staffordshire County Council, a number of factors will dictate whether councils continue to invest in their legal teams and maintain staffing levels.

"One thing underpinning all of this is the way that the legal department is perceived by internal clients, and whether it is seen to provide value," she says. "In the smaller councils that often comes down to the quality of the head of legal and how they interact with members and the chief executive. In the larger councils, it is not just the head of legal, it is the next tier of management down."

It is crucial that the legal team is not



seen as an obstacle to progress at a time when there is great pressure simply to get things done, she adds. To assure its future, a department needs to be involved in the decision-making process and provide risk-based solutions.

Teams also need to raise their game when it comes to customer service. "It is very much moving – and it has to move – away from the team being in an ivory tower," Sacks says. "This might mean being aware of value for money and broader aspects, such as whether there is a possible PR issue, beyond the narrow point on which the lawyers are advising."

"If those things are being done, then I think you will find that councils still value their legal services and will therefore provide investment or funding. On the flipside, if the head of legal is not engaged with the chief executive or senior members, their views are

Looking forwards: there are opportunities as well as challenges for legal teams

not listened to and they are sidelined. The consequences are that you won't get the funds you need for your structure."

Time for the hourglass?

Despite so far being sheltered largely from the worst of the cuts, many legal departments are nevertheless looking to restructure their teams to make themselves fit for the future.

Kent Legal Services, for example, has sought to apply an 'hourglass' model in a bid to tackle what Director of Governance and Law Geoff Wild calls an "historical anachronism".

"This goes back to the way in which

lawyers are remunerated in local government, which is according to pay scales and progression against incremental points on pay scales," he says. "Therefore most lawyers tend to stay put for a few years once they get settled in. They work their way up the ladder simply through length of service, rather than necessarily merit, and all bunch up together at the top of the pay scale. This is irrespective of the improvements in performance, the quality of service or the return on investment that the authority gets for their services."

One of the effects of this, Wild argues, is to leave some quite seasoned and experienced lawyers at the top of the scale handling junior or mundane work that could be done at lower cost using different skill sets or types of staff.

"That's a scenario that I guess a lot of authorities have in their staffing profile and something I wanted to change," he says. "Clearly, we do need a number of very skilled and experienced senior lawyers to do the work that only they can do and we don't want to cut back on quality or depth and range of skills. We want to keep that most certainly because that is part of our offering. But we don't need as many of them and we don't need those lawyers doing work which could be done lower down the food chain."

The aim therefore is to have more staff at the bottom of the 'hourglass' who are keen to come up through the ranks. Clients will not see any differences, insists Wild. "In fact, they might even see an improvement in service because some people who have been doing the job for many years tend to get a little staid in their ways, a little bit blasé and show a little less attention to detail in some of these more routine things."

At the heart of these changes is the idea of ensuring that particular types of work are handled at the right level by the right type of employee. Sacks says this is the approach that Staffordshire takes and is something she has implemented at previous councils she has worked for.

"At one authority I worked for there was a cry to have another solicitor," she reports. "But I took a step back and asked what needed to be done. And when we looked objectively at the work and broke it down, we realised that we needed two legal assistants to do the more standard or housekeeping work. This freed up the solicitors to do more fee-earning."

Working together

Two other factors – the move towards shared legal services (whether fully integrated or looser arrangements) and the growing

'If the head of legal is not engaged with the chief executive or senior members, their views are not listened to and they are sidelined. The consequences are that you won't get the funds you need for your structure'

Michelle Sacks, Staffordshire County Council

number of local authorities seeking to increase the amount of work they handle for other public bodies – are also having an effect on staffing levels.

The trend for closer collaboration has, for example, allowed some teams to justify hires in specialist areas that if they were to do it on their own, would not stack up. WYLAW, the shared service between the five local authorities in West Yorkshire, is a case in point.

"What we have done in WYLAW is try and work out who has got what expertise and where the member authorities have got a gap," says Bernadette Livesey, Service Director Legal and Governance at Wakefield Council.

Initially, this has led to the councils clubbing together to pay for a costs draftsman (based at Leeds City Council) – a move that has already paid for itself, according to Livesey. The five authorities have also changed their new staff contracts to allow cross authority working.

The WYLAW members are now in the process of establishing a post for a pensions lawyer, to be located at Bradford. "The authorities have a significant number of TUPE transfers and other work that affects pensions," explains Livesey. "At the moment we have to pay heavily for that advice as it is very specialist."

The consortium is also looking at whether or not member authorities ought to have more lawyers with higher rights of audience, so that they can reduce their expenditure on counsel. However, this process is in its infancy, admits Livesey.

Wakefield's Service Director Legal and Governance highlights how the future shape of local government legal departments is being dictated by the changing shape of local government itself.

"For example, at the moment we are now trying to understand the public health

agenda because of the recent transfer of responsibility to local government," Livesey explains. "Nobody that I know in West Yorkshire has that health expertise. I can see a point where someone says we may need to recruit a specialist healthcare lawyer to work for all of us."

To cope with these and other developments, many local authorities require a degree of flexibility in their staffing levels. This means that locum lawyers will stay as an important part of the landscape, and not just in those practice areas in which councils have historically found it difficult to hire, such as childcare.

"We are heavily engaged in both shared services and trading, and the trading tends to be outside of our immediate partnership," says Philip Thomson, County Solicitor at Essex County Council. "Within that, we have a constantly changing level of work in nearly all topic areas. Inevitably what we tend to do, particularly for trading, is we front it with key people and if we have got some 'business as usual' work which needs covering, then we will bring in locums or other temporary staff to handle it."

Essex Legal Services will often use locums, including more expert locums, where it has secured additional work – say under a framework agreement – until it fully understands the level of work it is likely to have going forward.

The service has also sought to develop its own network of temporary lawyers who have worked for it before and can hit the ground running.

Making progress

Although the situation is not as bleak as might first appear, there is no doubt that local government legal departments will continue to face challenges.

Perhaps the greatest for senior management is to meet the desire of ambitious and able lawyers to advance their careers. As we have already seen in this supplement, three-quarters of lawyers would be happy to recommend local government for a legal career. However, they ranked career prospects – by some margin – as the least satisfactory aspect of their employment.

"To get promoted, it was always the case of 'dead man's shoes' or you got on your bike and moved around to progress," acknowledges Kent's Wild. "To an extent that is always going to be there. Having said that, we are very much trying to build in a path so there is career progression based upon developing and acquiring certain

skills, experience, knowledge and proven performance."

Wild says those criteria will also allow the department to, if not promote, then reward staff for that ability. He recently promoted two junior members of staff above their senior colleagues "simply because they were the best", a move which he said had sent out a strong message about what it would take to get on within Kent Legal Services. "I have used them as a role model for others," he says.

Traditionally, the problem of limited opportunities for career progression has been an issue for smaller legal teams, particularly those at district councils.

However, Michelle Sacks believes that even in those authorities it is still possible to get ahead. "If you work hard, think creatively and try to resolve problems in a positive way, you become an asset to the team and the authority and one that they will not want to lose."

Giving incentives

Partly in a bid to address the limited opportunities for promotion, a number of local authority teams are considering how to incentivise their lawyers.

"When people see a more senior position somewhere local, the reality is that they will apply for it," acknowledges Wakefield's Livesey, who believes that expertise is not always recognised sufficiently within local government.

"Traditionally, local government pay scales are structured on how many staff you manage," she says. "Sometimes I don't want my lawyers managing staff, I want them being the experts in their field. Local government does not always recognise that within its equal pay systems."

This is a nettle that Essex Legal Services is also seeking to grasp, says Thomson. He acknowledges that there may well be cultural issues for an organisation to face, with colleagues in other departments working just as hard. There is also the downward pressure on pay in the public sector generally.

But he adds: "We are increasingly thinking about how we incentivise our staff and we do want to work towards a more commercial basis, including profit sharing to a degree. For example, our office is set quite stretch targets at times and if we exceed those targets, then how can we recognise that for staff in a tangible monetary way?"

This need is exacerbated where departments that trade are asking their staff to be flexible about where and when they work. "We will probably move in the not-too-distant future to some form of financial

reward for major contributions to the business activity of the office," says Thomson.

Body corporate

A further challenge he identifies will be to develop a cadre of corporate lawyers in local government. This is especially acute at a time when the law has become increasingly complex and – as the survey for this supplement shows – most lawyers would very much prefer to be specialists, rather than generalists.

"As a young lawyer, I was exposed to politicians and how they and the organisation



Graduates: greater awareness is needed of opportunities in public sector law

work from quite an early stage in my career," Thomson says. "Lawyers are now seen as doing a particular function, and not necessarily part of what makes the corporate organisation tick. It is an unfortunate place we find ourselves in at the moment."

As law moves away from the corporate centre, he argues, local authorities are increasingly finding it difficult to find lawyers with the right level of corporate expertise and knowledge of working with members.

Courses can help, but it is the day-to-day exposure that really provides the training ground. "This will ultimately give you not just the legal knowledge but the wisdom you need to work effectively at that level," Thomson argues. "Knowing the law is not enough, that much is for certain."

At Essex Legal Services, trainees are offered the opportunity to spend a seat with him and other members of senior

management to give them an insight into corporate work. This is undoubtedly helped by the fact that the team handles a lot of this kind of work for other authorities.

Thomson says: "The focus of lawyers currently is more on developing their legal career in a more traditional sense, around their subject area or specialism. It's not on their radar [to be a corporate lawyer]. They do see a lot of the hassle as well that comes with the monitoring officer role."

It is important to find a way back to the corporate top table and restore the profile of local government solicitors, argues Thomson (who is also vice-president of Lawyers in Local Government – the organisation created by the merger of Solicitors in Local Government and the Association of Council Secretaries and Solicitors). Developing this cadre of corporate lawyers is a key step if that is to happen, he suggests.

Tomorrow's world

A third major challenge for local government legal departments is how to 'grow their own' lawyers. Relying simply on hiring people with relevant specialist legal knowledge from private practice undoubtedly has its downsides.

The Law Society's annual statistical review for 2011/12 revealed that the number of trainee placements available at local authorities remained pretty stable at 60. This was up very slightly on 2010/11 (at 57) but a long way below the 100+ of a few years ago.

"Clearly private sector skills can be brought in to local government, but there does have to be a mix and if we are not going to train solicitors, that is quite worrying," says Sacks. Staffordshire has two trainees at a time, and is considering whether to have a third.

"If you are growing your own, not only are you able to mould the individuals over that two-year training period, but they develop incredible loyalty to the organisation because they have been given an opportunity. That buys an awful lot of goodwill and many teams have to rely on that kind of goodwill to get through really big peaks of work. You find many lawyers are in the office by 7.30am and there until 6.30-7pm."

A particular benefit of training your own is to plug gaps in hard to fill practice areas, such as childcare, planning or procurement, where there is a real desire to have lawyers with in-house experience.

What appears to be happening is that an increasing number of local authorities are taking on – as paralegals – graduates who have completed their professional

qualifications (including the legal practice course). After an initial period of, say, two years, they may then be offered the opportunity to become trainee solicitors.

Kent's Wild has been working closely with universities in Kent to secure good graduates for this entrance route. "More and more I am looking for people who don't have a wholly legal background and are less pre-programmed in the ways of working and thinking."

The Kent team is also looking for other students further down their career path to come in as trainees. "We haven't had a trainee here regularly for a number of years," Wild admits. "When I got my training contract in 1984, I worked for the Greater London Council and in my year they took in 20 articulated clerks. I just thought that was normal and I didn't know any different. Now I realise that was truly exceptional. We have a real opportunity here to develop our own lawyers."

He adds: "We want to grow our own because I'm not particularly happy with the way in which we are having to recruit unknown and untested lawyers in the market at the moment. You never truly know what you are getting until some six months after they have been here, by which time it is too late."

Loyalty to the sector

Like Sacks, Wild hopes that this approach will encourage loyalty to the local government sector. "Hopefully we will turn out some decent quality staff who will then go elsewhere and spread that. We are not expecting them to stay for life, but with a grounding and training in Kent they can go on to even bigger and better things."

Essex Legal Services has adopted a similar approach in looking to hire paralegals with the potential to become – under its career progression scheme – trainee solicitors further down the track. It has not advertised for trainee solicitors for several years.

"Some law firms have a policy of definitely not allowing paralegals to become trainees but I think we have to be realistic in terms of the current position," says Philip Thomson. "It would seem wholly inappropriate to say we are not going to recruit those that have passed their professional examinations as paralegals. Why wouldn't we choose people who have worked for us and proved themselves over a period of time to be our trainees?"

He also points out that by the time Essex's recruits have been a paralegal for two years, they have acquired considerable legal knowledge before embarking on a

traineeship. They will also typically benefit from a Law Society exemption that means they only need a further 18 months to qualify, rather than the full two years.

"Normally, they are much better equipped to be solicitors when they finish," Thomson suggests. "What we have found over the years is that – almost without fail – we have given each trainee a job as a solicitor at the end of the traineeship. After three-and-a-half years they are often extremely committed to working for us and are at a high level of potential as a solicitor."

Wakefield also 'grows its own' as the last three trainee solicitors there have all been in-house paralegals first. "As a result they are very committed to the council and see their future here," says Livesey, who also encourages junior and administrative staff to train as legal executives. Currently there are four studying for those qualifications.

Raising awareness

There is a consensus, though, that far more could be done to promote local government law as a career among students.

"People are almost completely unaware of the opportunities in the public sector – that is the stark truth, but it has always been thus," says Wild. "When people think of a career in the law they do not think of the public sector, whether central government or local government. They don't even think of commercial in-house work."

"The only real face of the profession that is widely known about is the private sector and that's naturally where people look first for their careers. So we have got to do much more in raising the profile and the image and the relevance of the public sector as a place people can build exciting, rewarding, successful careers."

Thomson agrees. "This might be contentious but I think the universities might be in a different place from the students," he argues. "The students see the reality and are supportive of schemes such as ours and are interested in a variety of legal careers, whereas the universities are very focused on getting their students on traineeships with the top City firms."

This could have something to do with maintaining the standing of the university, he acknowledges. "I'm not being critical but I think that there might be a bit of a gap between what the universities want for their students and what the students want for themselves. What the students want is an opportunity to launch themselves in a career in law."

The reality too is that the bulk of the legal

market in terms of numbers does not work for the large City firms and that rewarding careers do lie elsewhere.

"Universities need to do more to understand the wider career opportunities that are available," says Thomson. "If you are involved in a major organisation like Essex County Council or a big government department and get to a level of seniority bringing you into contact with the politicians and everything else, that alone can – although arduous at times – be a very stimulating environment."

In addition to becoming more attractive to graduates, there is scope too for local authorities to benefit from the revival of interest in apprenticeships and earn-as-you-learn routes, such as legal executive qualifications.

As Jenny Pelling of the Chartered Institute of Legal Executives explains elsewhere in this supplement, there are now school leaver entry points with apprenticeships at Level 2 in Legal Administration (GCSE), Level 3 Advanced Apprenticeship in Legal Services (A-level standard), which is being developed for this autumn, and the recently launched Level 4 Higher Apprenticeship in Legal Services (first year degree standard).

"Essex as a council has been active generally in promoting apprenticeships," says Thomson. "We have not done it yet in legal services, but we are aware of recent developments and we have had some discussions with those organisations responsible for organising apprenticeships and how far they might extend into having a legal career. It's something that is on the horizon."

Wakefield meanwhile has two apprentices and is looking to increase that number, reports Livesey.

Still alive and kicking

As Livesey has said, the future of local government legal departments will depend to a large extent on the future shape of local government. But even though job security may not be as great as it once was, there will still be plenty to look forward to.

"In a way it's quite exciting," adds Essex's Thomson. "I am absolutely convinced, and I say this to all my young colleagues, that while there are difficulties, actually it's a time of great opportunities for significant career development and good remuneration, particularly for those who can work through the solutions and come out the other end."

Philip Hoults is Editor of *Local Government Lawyer*.

The popularity of legal apprenticeships, which provide a fundable route into law, is growing. **Jenny Pelling** explains what they have to offer local government

Hiring the apprentice

From the media frenzy for apprenticeships recently you might be thinking they are just the new political zeitgeist. Boris Johnson was pictured in an orange boiler suit with apprentices in Ilford; Manchester City Hall had 'made by apprentices' written around it; Ed Miliband said that HS2 should create 33,000 apprenticeships; and David Cameron – at the height of the media interest in apprenticeships during National Apprenticeship Week – spoke at Mercedes Benz in Milton Keynes about apprenticeships being the "new norm" and a strong alternative to university for those leaving school.

That might leave you thinking that apprenticeships are just for the manufacturing sector; with little relevance to the legal industry, let alone local government lawyers. But as someone who has been working on the development of legal apprenticeship qualifications for the CILEx Group for more than 18 months, I would challenge that view.

As we know from the Milburn report, for a while the Government's focus has been on widening access to the professions, particularly law. Apprenticeships can provide diverse recruitment and increased social mobility.

To throw that focus into sharp relief the Minister for Skills, Matthew Hancock MP, attended Herbert Smith Freehills' offices in March to launch the new Higher Apprenticeship in Legal Services. Seven apprentices attended the event from Browne Jacobson and one of its partners, Susan Mabbott, spoke about the value apprentices have brought to the firm. The following morning Katherine Price from Lyons Davidson spoke at the House of Lords about the apprenticeship model that the firm has long employed of offering career paths to young people through strong internal training and a career route with CILEx.

Recruitment and development

So, apprenticeships are relevant to law, and to local government. While there are impressive business benefit statistics

from the National Apprenticeship Service, perhaps the main point for local government legal teams is in having a fundable route into law which you can offer to young people within the communities you serve, and to existing staff to improve their current skills. This provides an opportunity to have training delivered for your apprentices, by the likes of CILEx Law School, with government funding.

There is plenty of choice too: there are school leaver entry points with apprenticeships at Level 2 in Legal Administration (GCSE), Level 3 Advanced Apprenticeship in Legal Services (A level standard) being developed by CILEx, Skills for Justice and the University of Law for this autumn, and Level 4 Higher Apprenticeship in Legal Services (first year degree standard) which has just launched with CILEx, Damar and Skills for Justice. Interestingly for local government, the development work on Level 3 legal apprenticeships includes having civil litigation, family, property and employment pathways: all relevant for local authority teams.

Requirements

The Prime Minister said recently: "We have to take on apprentices in some government

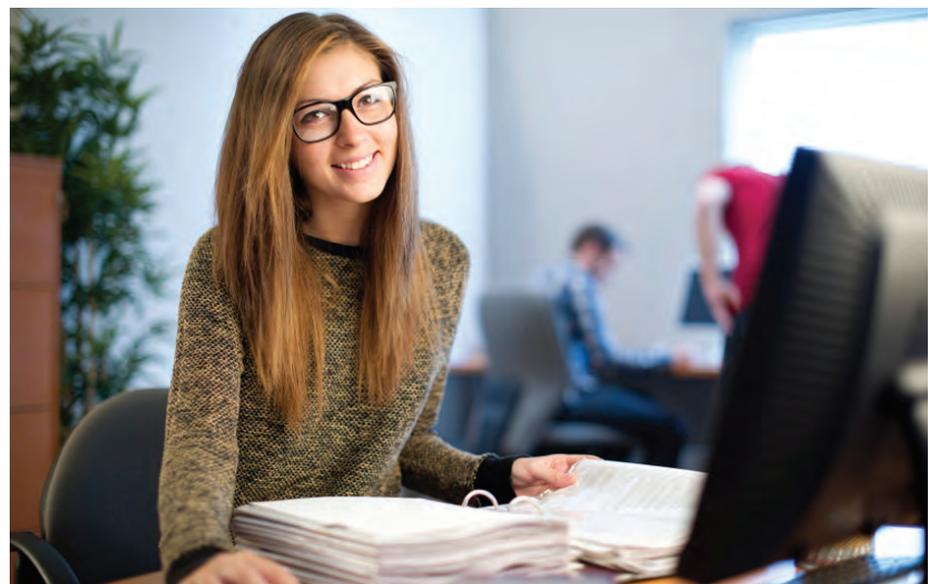
departments. And the public sector needs to look at how it uses apprenticeships." While social responsibility goes deeper than lip service, it is becoming more common to see questions about local community initiatives and educational backgrounds in tender documents.

Ben Watts, Group Leader of Litigation and Social Welfare at Kent Legal Services, says: "Any legal team needs a range of people and experiences from a variety of backgrounds. Given the type of work that we do, we are particularly keen to ensure that our team also reflects the community it serves."

Opportunity

We are all very aware of how difficult the job market is in the current climate, particularly for NEETs (those young people not in education, employment or training). For some time, jobs in major law firms have tended to go to triple A grade, Russell Group graduates. Now, apprenticeships are opening up opportunities in law for school leavers. They also enable legal services teams

Apprenticeships: benefits include diverse recruitment and increased social mobility



House of Lancaster

Louis Pepper joined Lancaster Council as its first legal apprentice. Here he explains how it came about.

What drove you to apply for an apprenticeship with the council?

In my final year of school I was faced with the daunting prospect of choosing a career path. I could take the traditional route – sixth form, university and hopefully a job. Alternately, I could opt for immediate employment or vocational training.

The university route was daunting. The price of higher education was getting higher and the level of student debt was following a similar curve. The prospect of money dancing in my pocket by taking immediate employment was tempting but not certain. Indeed, immediate employment did not necessarily lend itself to development of specialist skill or knowledge (or at least the probability of acquiring such skill was less certain). In the end I chose to study painting and decorating at a further education college.

Solving practical problems and undertaking practical work was enjoyable but not academically challenging. The prospect of undertaking practical academic work was intriguing and the catalyst that drove me to apply for an apprenticeship with Lancaster City Council.

Why did you want a career in a legal department?

Prior to applying for the apprenticeship with the council I didn't want a career in a legal environment; in fact the thought of it hadn't even crossed my mind. However, since I have started working here



I have come to enjoy the study and practice of law. I have especially enjoyed the challenge of learning how law is interpreted and how the facts of a case can lead to differing legal opinions.

What do you do? What do you enjoy?

Each day is quite different. A lot of the work I do is administrative, which involves sorting through the post, taking telephone messages and photocopying. There are numerous other tasks I do such as drafting letters, researching points of law and preparing trial bundles. Sometimes I get to look at cases and make a summary on whether or not I think a prosecution is possible.

I especially enjoy attending licensing and planning committee meetings and court cases. This gives me more of an insight into how the English legal system works, the functions and practices of local government and how judicial and administrative decisions are made.

How the apprenticeship works

The apprenticeship is run by Damar training, which is based in Stockport, Manchester. An assessor comes out every month to see me and to see how I am doing. This gives me the opportunity to ask her questions if there is anything I am unsure about but also gives me a chance to express any concerns or worries.

Damar very much focuses on the administrative side of the apprenticeship; however another part of it is handled by CILEx Law School. This part of the apprenticeship is where I learn about the English law system and the European jurisdiction. The course with CILEx Law School only lasts for 13 weeks with an exam at the end of it.

Where do you want to progress?

At this time, I am unsure where I want to go after this apprenticeship is completed. However, by undertaking it I have given myself greater options and opportunities. It means I can go on to complete advanced and higher apprenticeships, which would help me if I wanted to pursue the course of a legal executive, or even a solicitor.

to be able to home grow their lawyers (there are exemptions from the CILEx qualification for some apprenticeships) and to free up their own time for more complex matters by delegating some of the more routine work to an apprentice.

Hillingdon takes the plunge

The London Borough of Hillingdon announced its recruitment of four legal apprentices on a two-year contract from March 2013 with ILEX Tutorial College (now known as CILEx Law School) and Vision Apprentices. The apprentices will gain six months' experience in each of the housing and property, social services, corporate and planning departments.

Hillingdon's legal team wanted to build the capacity of the department and, at the same time, do something positive for the local community. It advertised for four legal apprentices and was surprised by the

strength of response. The four young people from the local area who joined the legal team in March will gain practical skills and experience while studying for a Level 2 Legal Administration Apprenticeship qualification, equivalent to GCSE/AS level.

Hillingdon Cabinet Member for Central Services, Cllr Scott Seaman-Digby, said: "The jobs market has never been more competitive, and so the council is pleased to be able to offer these young people the opportunity to kick start their legal career, and gain a qualification at the same time.

"Not only are apprenticeships a great way for young people to gain essential work-based skills and experience, but we are also looking forward to seeing what fresh new ideas, energy and skills they can bring to our teams."

Muna Ahmed, one of the apprentices, commented: "This apprenticeship is a fantastic opportunity for me as I want to develop my skills in the work place at the

same time as study. I'm really looking forward to getting some practical experience within the council, which will help me start my career in the legal industry."

So this is no zeitgeist moment: apprenticeships are here for a long time. The Government has invested in creating new routes into the professions via apprenticeships. The Chartered Institute of Legal Executives has offered an alternative route since 1963: the difference with apprenticeships is that government funding is available for the training costs, and apprenticeships will combine technical training with competence skills.

In the words of David Cameron: "The whole point of National Apprenticeship Week is to say to businesses large and small, to public-sector organisations, 'have you thought about this properly?'"

Jenny Pelling is Business Director of CILEx Law School

Are you missing a trick?

In response to relentless financial pressures, local authorities are making greater use of locums. Anna Gibbons looks at the benefits for candidates and employers

In an age of austerity, the locum market is booming, with local government organisations across the country reaping the benefits of sourcing temporary legal specialists.

Mindsets have changed and local authorities are thinking smarter to meet demand and manage spend – with research suggesting that the use of legal locums has increased by more than 30% in the last year.

Within the current economic climate it is unlikely that this is going to change any time soon, as organisations continue to struggle to gain authorisation for permanent members of staff and local authorities are under pressure to deliver.

Consider your career options

The perception of locums has changed significantly over the years and, as such, the market for short-term and interim legal professionals is increasingly competitive. No longer is it the career choice that is perceived as the easy option – the demands are great and the need for superior legal advice means there is a requirement for high calibre commercial locums.

However, with a buoyant market more and more legal professionals are recognising the benefits of working on a locum basis, in terms of the flexibility that it offers and the opportunity it provides to gain varied experience and progress within their careers, as well as develop a strong reputation within their area of specialism.

According to Hannah Cottam, Group

Director of Sellick Partnership Legal, the locum market has experienced a period of transition over the years – and the demand for more skilful and strategic legal professionals has grown stronger, as the strains of the wider economic environment place greater pressures on the public sector, specifically local authorities.

"In many cases, in particular within the shared services arena, the expectations are similar to those of private practice, with the requirement for more commercially-minded individuals increasing," she says.

Traditionally, the use of locums had been synonymous with maternity leave cover, holidays and sick leave, with legal professionals being able to cover a short-term contract without taking on any added responsibility. This made it quite a comfortable career choice.

However, an increasing proportion of short-term or contract positions arise due to the strategic needs of a local authority and the demand for a required skill set or experience. As the locum market continues to grow it is definitely an option worth considering, as not only could it provide you with valuable experience, but also with the flexibility and benefits that you desire.

"To make real headway in this arena you have to really stand out, and have the drive to prove yourself," says Cottam. "Typically we are seeing those individuals who have recently finished their training contracts or are at the start of their career to be demanding quality work and a more diverse range of projects. Their attitude and desire to progress means that they are securing these roles over locums who may have been working within local authorities for a number of years.

"This is a real change of mindset, but it highlights the opportunities available to those who may be considering a career as a locum within local authorities. The diversity of the sector means that there is an opportunity for you to carve yourself an extremely strategic career path which could see you progress to become a highly successful senior locum."

Areas of demand

In the past 12 months a number of specialist areas have seen an increase in demand for experienced local authority specialist locum lawyers, specifically property, planning and

Case study I: Boost your career

Sara Manley decided to embark on a second career path and returned to study law as a mature student. She has used the locum route to progress further within the legal profession, and has now worked at a number of highly-regarded local authorities based within central London and the Home Counties.

What has been the main benefit to you from your locuming career?

Through locuming in a variety of local authorities, I have gained valuable experience which has enabled me to go on and carry my own caseload in the roles of legal assistant and paralegal. During my placements I have had experience of attending the London courts as well as the county courts. This exposure has helped me to grow in confidence and assisted in developing my professional conduct skills.

What would your advice be to anyone considering locuming?

Determination and drive is key. Be

prepared to accept offers which may involve relocating, as some assignments are only for a few weeks. This all builds experience on your CV and offers a valuable insight, which in turn will help you decide if local government legal work is suitable for you, and assist you in determining if you are suited to working as a locum.

Keep abreast of changes within local government, especially in light of the recent and impending cuts, and consider how this may have an impact on the various sectors within the local authority.

Can you use the locum career path to enhance your career?

I have just started my training contract within the London Borough of Lewisham after being placed by Sellick Partnership as a locum for six months. While the competition was fierce, it was an obvious benefit to be experienced within the authority, proving my reliability and high standard of work.



Locums: local authorities can access technically strong lawyers with niche skill sets

contracts. During the past six months alone, Sellick Partnership has seen a 24% increase in the number of contracts vacancies, a 23% increase in the number of planning roles and an 11% increase in the number of property roles. This provides real insight into the changing pressures on local authorities.

One of the main reasons for these increased demands is that many councils have been selling off prime land and properties to generate income – a trend that is set to continue in 2013. This just gives some idea of the changes in the market, and how they influence the recruitment strategies of employers within this sector. The childcare sector remains busy too, although it has eased off from previous years.

In terms of rates of pay, they have not remained level with the increase in positions or the persistent demand, so it is important to be realistic when considering roles. The rates of pay are by no means back up to the boom times. However, for many locums, the opportunities available can provide a lucrative career choice if you are smart in your approach.

It is market influences such as these that can really impact on the time that it may take for you to find a locum position, and the skills and experience required at any one time. In some cases it is possible to secure a

role within 24 hours; however, in other cases it may take a little longer as external factors impact the needs of an organisation.

Change of approach

With this change of mindset and increased financial pressures, more local authorities are moving towards recruiting locums to provide invaluable short-term support.

Organisations are able to take advantage of a massive pool of talented and experienced lawyers available at short notice, whether that is to replace redundant roles or fill outstanding permanent positions. With a well-defined locum recruitment process, a hard working locum can be as effective and productive as a permanent member of staff – and in cases provide an organisation with access to niche skill sets and technically strong lawyers.

This approach demonstrates how a number of local authorities are becoming more efficient and thinking smarter to meet demands amid spending cuts. We are seeing our local authority clients take effective steps to manage their workforce to ensure that spending is managed – placing them in a much stronger position going forward.

Anna Gibbons is corporate communications manager at recruitment specialists Sellick Partnership. For advice on being or recruiting a locum, contact Hannah Cottam on 0161 834 1642.

Case study 2: The real benefits

Jai Atal has worked as a locum since February 2008, embarking on a variety of key assignments within local authorities.

What are the key benefits of being a locum?

The main benefit is the flexibility the lifestyle offers. Once adapted to locuming, it is possible to manage personal finances in a way to allow for long holidays if required. Other benefits include opportunities to take on responsibilities that wouldn't necessarily be available in a permanent role, and the chance to develop into a super efficient and competent legal professional.

Can it enhance your career?

If you have the opportunity to locum, you should treat it as a career choice in which to grow yourself in ways that are not apparent at the outset.

You will be thrown in at the deep end and either sink or swim. If you do the latter, you will develop amazing organisational skills and flexibility. You will also develop the expertise to deal with pressure alongside learning how to prioritise. You will gain confidence and with each assignment you will be able to fine tune your legal skills.

Plus, if the organisation you are locuming for likes what you do, there is a real possibility they will offer you a job.

What would your advice be to anyone considering locuming?

1. Think carefully before embarking on it, especially if you are someone who needs security. As a locum your only security lies in your ability to get on with people, be a team player and work without supervision. You also need to be able to hit the ground running – so you have to be at the top of your game.
2. Prepare for times when there won't be any work and don't take it personally, it is just the market – enjoy the periods that you have the freedom not to work.
3. It is a good idea to set up your own company or work under an umbrella company as this enhances your take home pay; and read up on IR35 and ensure you are compliant with the rules.
4. Register your CV with a specialist agency and join relevant professional networking sites such as LinkedIn.

Variety act

Find out from Michelle Sacks why life as a locum in local government can be extremely rewarding and boost your career

Michelle Sacks started her career as a paralegal in the private sector, but after two years she became increasingly disenchanted and started to look at her options. In June 1997, Michelle started at Fenland District Council as a legal assistant and, within three months, knew that she wanted to stay within local government.

Local government has provided Michelle with an environment that was hugely interesting, varied and always busy against a background of change. She soon progressed to become a trainee, and with the support of her principal, qualified as a housing and environment solicitor.

Since qualifying, Michelle has enjoyed a varied career, working in a range of councils, from district to unitary, and metropolitan to county – all with different structures, decision-making processes, political environments and communities.

Michelle has used her experiences as an opportunity to learn, using each role as a benchmark for continuous improvement, with the aim of building a better function that supports front line services and delivers to meet the needs of the community.

What influenced your decision to become a locum?

Firstly, I was working silly hours as a head of legal and had no work life balance. I had somehow managed to meet my husband and I was becoming a stepmother to three children and knew I wanted my own children. Working the sort of hours I had been meant I would not have time to develop a relationship with my stepchildren. Something had to give, but I loved my job and the work I did.

Secondly, my husband had been working for several years as a senior interim within the finance sector and suggested that I try it – he enjoyed the flexibility it provided him.



I am quite selective in my choice of role. After many years of operating at a senior level, I am reluctant to take a post which detracts from that profile – you are only as good as your last job

However, I was scared – I worried that I would never work again. Needless to say, I took the plunge and had my first assignment through Sellick Partnership – and I have never looked back. It was the best career move I have ever made.

How would you describe the locum market at the moment?

Many areas within the locum market are particularly buoyant. For many years the child protection market has provided readily available work at high hourly rates. Recently, I was seeking to recruit several locums for this specialism and they were few and far between, meaning their negotiating position was strong, especially as councils are reluctant to carry staff shortages due to the potential impact on child protection and the welfare of the child.

Contracts is another area where locums who are experienced in EU procurement and large scale contracts are highly sought

after. There is a shortage of candidates in the permanent market which means recruitment is often unsuccessful, which in turn means locums are used to fill capacity. The volume of procurement is on the increase in the public sector. This is also an area to watch when the anticipated changes to Part B come into effect.

Conversely, property is still an area where demand is lower; although over the past 12-18 months, noting the increase in s.106 agreements that have been part of the planning application process, this may be about to change.

However, there are still a number of property locums in the market from the fallout of the recession. This means that when permanent posts are advertised, there is a good selection of candidates from which to choose, which reduces the need for locums. This has a knock-on effect on the hourly rate that a property locum can expect.

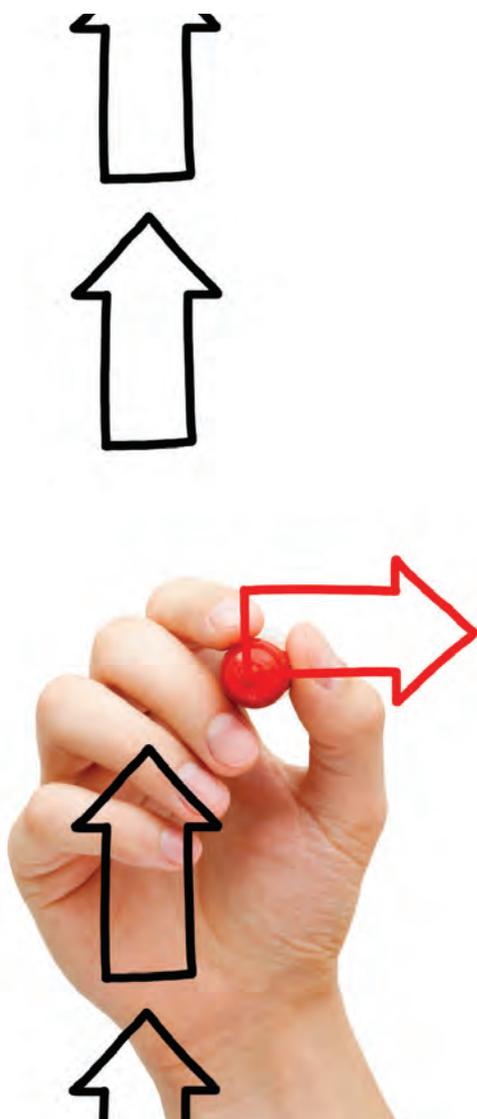
You have obviously been very strategic in your career choices. What influences your decision when considering a new role?

I am quite selective in my choice of role. After many years of operating at a senior level, I am reluctant to take a post which detracts from that profile – you are only as good as your last job – and therefore, I am only interested in becoming head of legal or deputy head of legal at a large council to maintain this profile.

This is an important consideration for my long-term career aspirations because if I choose to go back into the permanent market, I want to do so at director level. My choices now need to support that goal.

The nature of being a locum at the level at which I operate usually involves change management of some form and that is a specific interest of mine – being able to be part of changing a team, department or council for the better gives significant job satisfaction.

I like to hear about what is available in the market. However, if I have not yet completed my current assignment, I am reluctant to change mid-way, unless the role has changed since I was originally appointed or there is a recruitment exercise clearly in the pipeline. I also want to ensure that I don't leave anyone in the lurch – as a locum, your reputation is everything.



How has being a locum enabled you to enhance your career and get to where you are today?

I have been able to work in several councils over a relatively short space of time (in employment terms) which means I have experienced a diverse range of projects, situations, conflicts, challenges, personalities and political environments.

The nature of a senior lawyer has changed over the years – I always say lawyers need to get down and dirty with the client to properly understand what the client needs in order to be able to give the best advice aimed at what the client wants, not what the lawyer thinks the client needs.

This means the nature of risk has to be understood. I have sat with many Leaders and chief executives who want to push the

Change of direction: Becoming a locum was my best career move, says Michelle Sacks

boundaries of what we can achieve in local government – they want to hear the risk options and how those risks can be mitigated, not that they cannot do something. If the risk is clearly explained, they can make informed decisions.

My working as a locum has put me in many more of these situations than I would have experienced in a permanent role. This has been a real benefit to my career and expertise, specifically the way in which I am able to present difficult scenarios.

My references are the testimonial to what I have been able to achieve and deliver in these roles in a personable and positive style,

My working as a locum has put me in many more of these situations than I would have experienced in a permanent role. This has been a real benefit to my career and expertise

and because I have been building a portfolio of these references, employers are able to have a real insight into me and what I can offer, which would not necessarily have been the case had I not been able to work so diversely.

For you, what are the key benefits of being a locum?

- From working in several councils of varying size, political control, internal systems and management styles, I have been able to learn and develop personally, using my skills and knowledge to promote continuous improvement;
- I have seen some of the very best ways of working, as well as some of the worst – all of which I have learned from – and take these experiences to my new roles;
- I have a degree of flexibility that I just did not have as a permanent head of legal. At the end of the day, I am a working mum with a family and while it may seem less flexible in that my roles mean I am away from home, because I am able to devote so much time to the roles in the week, my weekends are my own and I have quality time with my family. Having said that, there are always the times when you are up at 2am trying to finish a report. I think flexibility works both ways;
- I like meeting new people – being a locum is the best way of developing your network and keeping up to date with what is going on in local government;
- I am never bored. It suits my personality to be given a task and get stuck in immediately. As a locum, with goals to achieve in a short space of time, I do not have the luxury of time. This means I have to make an immediate impact with the people, at all levels, with whom I work or I wouldn't succeed; and
- I am a local government geek and get real pleasure from working in so many different council environments.

Michelle Sacks is Deputy Head of Law at Staffordshire County Council

Most in-house lawyers – whether in the public or commercial sectors – need to change if they are to make a full contribution to their organisation, writes Paul Gilbert

The trouble with in-house lawyers

The in-house lawyer has become a mainstay of the head office support infrastructure. Alongside finance, HR, audit and facilities management, the in-house legal team is part of the predictable fabric of corporate and public sector overhead.

Their value is understood and appreciated in the context of risk management (contracts, deals, terms and conditions) and compliance activity.

However, even today, despite a four-decade track record in the United Kingdom, the value of the in-house lawyer is less well developed in terms of a corporate advisory, policy development and business strategy role.

Why is this? Why is the potential to make a strategic contribution less well understood and delivered? Why are in-house lawyers not routinely appointed to roles that help to lead growth and success for their organisations? And what needs to change for this to happen?

There is a great deal of diversity in the size and shape of in-house teams. There are a few seriously large teams, many in the largest global behemoths; literally hundreds of in-house lawyers drenched in their own hierarchy and aligned to churning the most predicable legal/commercial activity generated by their businesses.

That said, a great many teams (the vast majority in fact) are small to medium-sized functions characteristically overrun with work, challenged to justify their existence despite prodigious output, but also semi-detached from the frontline activity.

Aspiring to greater things

It seems to be the case, however, that for all in-house lawyers, in whatever size of team, two aspirations are paramount; first, please let there be less low-risk, routine work and second, the Holy Grail-like pursuit of being anointed 'trusted adviser'.

The quality of people is definitely not the issue. In the past decade especially, the overall standing of the in-house lawyer has risen. It is a credible career path for any lawyer and the talent pool is deeper and

The phrase 'trusted adviser' is a moribund cul-de-sac of conceit. It is a concept that panders to the vanity of lawyers who believe that simply by being present they will somehow excrete value

broader than ever before.

The skills needed to be successful in business, however, are not good enough. This is a failing of leadership and more generally of the way all lawyers are trained in business skills.

Furthermore the grandees of the in-house world, like the equivalent so-called rain-makers of big law firms, have largely failed to describe how they do what they do in a systematic and replicable way.

Sadly, in many in-house teams one suspects that the only learned behaviour is one of a slight air of indifferent frustration. Lawyers frequently complain about a lack of resource and how their best efforts to create a strategic role for themselves are routinely scuppered by the inefficiency of their colleagues. If only those same colleagues would just listen to their pearls of wisdom dipped in insight and delivered on little velvet cushions of legal brilliance.

In this paper, therefore, the intention is to provide a little tough love. We want lawyers to be able to fulfil their potential and to make the contribution they and their organisations should want them to make. To do so, however, most lawyers must change something; many have to change almost everything.

Taking stock

The starting point for change, harsh as it may seem, is to at least be prepared to analyse whether every single failing is the fault of the in-house lawyer, not of their organisation; whether every single blown

ambition is the fault of the in-house lawyer to be credible enough and, finally, to accept that everything the in-house lawyer isn't, it is for them to fix.

So let us begin by exploding a myth or two.

The phrase 'trusted adviser' is a moribund cul-de-sac of conceit. It is a concept that panders to the vanity of lawyers who believe that simply by being present they will somehow excrete value. Their inner Delphic oracle will shine if their ego is polished just a little bit more.

Too many in-house legal teams are dark bottomless pits of inefficiency. Encouraged by faint praise they institutionalise a long-hours culture to manage workload, spectacularly missing the point that their ineffectiveness at managing demand might also have a part to play.

When the brown stuff is hitting the fan:

- first, turn off the fan;
- second, insert a large bung;
- third, clear up the brown stuff.

Instead lawyers tend to opt for requisitioning bigger buckets.

The inability to manage workflow, while often at the same time as persisting in the fool's pursuit of proactively creating even more demand is another demonstration of cock-eyed thinking. It is as if being 'proactive' is an end itself. Being proactive is about as useful an ambition as ordering steak when you have no teeth.

Many in-house teams have simply become inaccessible islands of worthy but strategy-less endeavour. The team never quite adds enough value to warrant investing in, but is never a big enough problem to scrutinise more closely; a sort of no-man's-land function of uncertain worth nestled somewhere in the mix with IT and facilities management.

Knowing the price of everything

Add in the fact that a great many of the in-house lawyer's external relationships with law firm suppliers lack governance, rigour and accountability and the picture is not even as positive as I have suggested.

Costs for outsourced work routinely



Finding a purpose: In-house lawyers can feel pulled in different directions

Lawyers need to get over themselves, seize their moment and build a contribution that adds obvious value to the businesses and institutions they work for

risk sensitive prioritisation, demand reduction and better knowledge management.

Then there is the sheer extraordinary lack of self-awareness as many in-house lawyers plead to be part of the fabric, but at the same time seek to renegotiate the allocation of office chores.

As Oscar Wilde might have said, it is as if budgets are for people who have predictable lives and objectives are for people who lack imagination. The lawyer should not lower their gaze to tussle with such dull infestation. The lawyer must be free to roam the prairie with the other thundering big beasts, untethered by trifles.

In this brave artifice of a world, however, the lawyer is, frankly, just as deluded when it comes to their own career management. We fully expect in-house lawyers to move roles every three to five years. Each role contributes to the narrative of a successful career journey (or should do) and must exhibit skills development, new experiences and articulate contribution.

Yet so many lawyers embark on haphazard networking, write deathly dull CVs and seem to hold to an institutional arrogance that asserts how time served correlates exactly to a bigger and more valuable contribution. Descartes' "I think therefore I am" corrupted to become dullard's "I think therefore I am worth more".

What must change?

Lawyers need to get over themselves, be present in their roles, seize their moment and build a contribution that has hard edges, clear purpose and adds obvious value to the strategic objectives of the businesses and institutions they work for.

Paul Gilbert is chief executive of LBC Wise Counsel

overrun while the basis for pricing many pieces of work is left to after-the-event judgements that, in effect, capitalise supplier ineffectiveness and client side inefficiency.

Inevitably this has resulted directly in the increasing influence of procurement professionals. The in-house lawyer's response, however, has often been to laughably complain how procurement professionals do not understand the legal market.

Apparently for many in-house lawyers

Many in-house teams have become inaccessible islands of worthy but strategy-less endeavour... a sort of no-man's-land function of uncertain worth nestled somewhere in the mix with IT and facilities management

fixed-price certainty is worth sacrificing for the vagaries of hourly billing because, actually, the key to real value is to know the mobile number of the relationship partner should it be needed in the middle of the night. Who knew?

This is beyond parody. It is vanity dressed up as strategy, operational sloppiness cloaked in feeble dark arts; tactical ineptitude coated in a thin veneer of codswallop.

In-house teams are woefully lacking in process discipline and technology support and many seem to treat any centre-driven efficiency initiative as a personal attack on their integrity, designed to undermine their intellectual autonomy.

On demand

In-house lawyers still deliver prodigious amounts of work and are full of admirable people doing great things, but far too much time is spent wallowing in the equivalent glory of a 'diving one-handed catch'; and far too little time is devoted to thoughtful 'fielder placement' that would result in systematic,

Judgment day

Have you ever thought of joining the judiciary? Suffolk Legal's Tim Earl, who was recently appointed a deputy district judge, explains what is involved

When we embark on our legal career, many of us will ultimately aspire to be a judge. However, we can too easily be dissuaded by a combination of factors, such as the commitment required on top of our 'day job' and a flawed perception of the type of person the Judicial Appointments Committee (JAC) is after.

Don't be put off. By working in the public sector, you have already demonstrated your commitment to public service – the foundation of a judicial role.

Combine that with the challenges of being a local government lawyer; the pressures of work in these straitened times; the need to balance competing interests; the far-reaching consequences of our advice; and the scrutiny our decisions can face; and it is clear why you are well placed to step-up to a judicial role.

Preparing for your application

You need to plan well ahead. The process can take up to nine months from the submission of your application form to the Lord Chancellor's decision, with any interviews approximately midway through that timescale.

Pore over the JAC website. Make sure you view the videos and read the advice from other appointees.

While being a regular advocate is not considered crucial, you do need to demonstrate an interest and understanding of the court process. Speak to judges and arrange some judicial work shadowing, either directly or through the dedicated scheme. Make sure you do this well in advance of making an application, as the response from the scheme and any offer of dates can be many months in the future.

Approach referees who really know your background and skills. The references given need to be detailed and demonstrate a working knowledge of your skills and attributes.

Think about how you are going to

find the time. By way of an example, deputy district judges sit for at least 15 and up to 50 days each year. In the first year there are also five 'sitting-in' days and a week-long residential training course to accommodate.

Make sure you speak to your employer. Explain to them the nature of the role you wish to undertake, including the time you will need 'off' and the benefits for them as well as you, of having members of the judiciary working within their authority.

Application process

Take plenty of time to complete your application form. This is not something that can be cobbled together at the last minute. Every word counts and must be tied back to the statement of judicial qualities and abilities that forms part of the application pack.

Make sure you focus on strong examples that show how you have acquired skills that are directly transferable to a judicial role. Ensure you mention any previous quasi-judicial experience – I made reference to handling pension appeals for the Suffolk Pension Fund and complaints on behalf of the Probation Trust.

Then there is the timed test. In the DDJ test the chances are that you will get a scenario and questions based on something

you either have no, or limited, knowledge of, given the wide range of a DDJ's jurisdiction. Applications for other roles, such as a tribunal judge, will be more specific.

You should receive some reading materials beforehand which you need to fully comprehend. The test is not designed to look for who has previous experience of that area, but whether you can quickly identify the important issues in a case and make reasoned, evidenced-based decisions in a tight timescale.

Before the test, practise the past papers on the JAC website in a timed way. Read the feedback on past papers and be aware of basic errors that are often made when candidates are exposed to time pressure. Get used to making and recording your decisions in a form that is clear and readily understandable by those marking the examination – bullet points are ideal.

Next, selection day at the JAC offices consists of two elements, the role play and the interview.

The role play (there may be more than one) scenario is provided to you on the day and you are given a short time to prepare. Once shown into the 'courtroom' you are the judge.

Everything you do from then on must be designed to show how you can deal with the parties and reach a decision in an equitable and reasoned way. Listen to ensure the parties feel they have received a fair hearing, but ensure that you conclude matters within the limited time available. Make sure you reach a decision – that is your role after all.

The interview takes place almost immediately after the role-plays have finished. Make sure you know the judicial qualities and attributes well and are prepared to give solid examples for each.

Decisions

Once selection day is over, the JAC embarks on a fairly lengthy process of checks to ensure the candidates are of 'good character' before recommending appointments to the Lord Chancellor. This can be a frustrating time for candidates, as a wait of three to four months is usual. However, it is all worth it when the letter of appointment is received.

Tim Earl is Head of Legal Services at Suffolk Legal and a deputy district judge



Judicial roles: local government lawyers are well-placed

Mirza Ahmad reflects on his transition from local government to being a barrister in private practice and provides advice for those considering a similar switch

Fulfilling a long-held ambition

I graduated with a combined honours degree in law and politics in 1983, and in 1992, I also obtained an MBA. This was followed in 1998 by an LLM in employment and industrial relations law. These degrees were, undoubtedly, the best investments in my career and allowed me to excel in the law.

After being called to the Bar in 1984, I entered local government with Ipswich Borough Council the following year. Originally I gave myself five years in local government. If I did not like it or my career did not take off, I had a clear strategic intent to go to the Bar after having gained the experience, contacts and a safety net of financial independence.

It was a thought that remained with me. However, I spent 26 years in local government – rising to the very top of legal services at Birmingham City Council. With a highly-talented team of lawyers and managers, I was fortunate in turning around the council's low performing legal department into a highly-successful, national award-winning department that began to punch its weight.

I left the council at the end of July 2011 after I had been a successful Director of Governance, with more than 800 staff covering not just legal and democratic services staff, but also Regulatory Services staff, such as environmental and public health officers, trading standards and the coroner's service.

I left the authority because the time was right to capitalise on that initial thought and since the only way up – from the Corporate Director position – was chief executive. Going to another local authority legal department was not a viable proposition from a career advancement point of view.

I left, therefore, with the strategic aim of becoming a top QC and to capitalise on my national knowledge and expertise in local authority law and governance. In time, I also hoped to be a member of the judiciary.

Both of these career aspirations could realistically only be attained from private practice and St Philips Chambers in Birmingham remains a leading national set with great reputation. We are in the process of setting up chambers in London

and Leeds. I am, therefore, able to serve the whole of local government, not just one employer.

Making the transition

Here are seven pointers for self-transformation and success for those looking to make the transition to private practice:

- Success in one area does not automatically guarantee success in another career direction because of the different context and required skill sets. For example, I am now doing a lot of



Bar talk: after 26 years in local government, Mirza Ahmad joined chambers

advocacy in the courts and tribunals after many solid years doing Board level, written advocacy and corporate management. One major difference is the value of skeleton arguments, lists of issues for trial and closing submissions, which focus the mind and definitely help with oral advocacy.

- Contacts matter and need to be nurtured continuously. As you change and develop your career or fields of law, those contacts will change and develop with you. So you neglect them at your peril. Your old and new contacts become your source of income. LinkedIn can be a powerful tool.

Twitter can also be helpful in keeping your profile raised, but best to keep Facebook for your private and close friends, as you will not always seek to be in the public headlines.

- Success does not come easy and you have to work hard. Peaks and troughs in employed sectors do not compare with the very sharp spikes of legal work, interspersed with advice work in chambers (including Bar pro bono work), editorships and chambers marketing.
- There is ample time during the early days of developing your career from chambers to make a positive difference to British society. For me that included promoting a "Yes campaign for an Elected Mayor for Birmingham" and consideration of running for it if the referendum had been positive.
- A career from chambers can be more profitable than a more predictable diary in the employed sector. There have, for example, already been a number of trials requiring work to 3am and waking up again at 6am. Such practice commitments – sometime at short notice – can play havoc with your personal life, with bursts of activity and inactivity.
- You will have to develop new levels of personal confidence and conviction to succeed for yourself and for your clients, along with a passion focused on excelling at everything that you do. Previous levels of self-confidence and convictions will help, but will not be enough as your environment has changed.

You must continue to value life-long learning and recognise the important role that self-reflection can play in your success. This includes ensuring absolute professional integrity and providing leadership to others.

The bottom line: It really is up to you to fulfil your potential, so remain focused, remain determined and set yourself ambitious goals and targets. Do also set aside some private time to review and reality check the same, with a sufficient cash-flow buffer, as private practice payments can take time to come in.

Mirza Ahmad is a barrister at St Philips in Birmingham. He can be contacted by email: mahmad@st-philips.com

Local government lawyers have much to offer when it comes to the provision of pro bono legal services, argues **Rebecca Hilsenrath**

Community chest

It was good to get a call this week from the head of legal at a council where advice services are being cut back in the wake of legal aid reform and reductions in local authority spending.

Perhaps that remark needs some explanation. Before I get there, LawWorks is based in the National Pro Bono Centre in Chancery Lane and is the country's leading pro bono agency working with solicitors and in-house counsel to promote pro bono legal services.

LawWorks runs a diverse range of projects. We broker casework for both individuals and community groups, providing a triage service for lawyers so that their time is used to greatest effect. We run Free Law Direct, an internet platform for the provision of remote, anonymised information to those in need. We support and develop free legal advice clinics, with a current national network of more than 130. We develop advocacy projects and provide business law and strategic advice to frontline agencies. We work with key partners to innovate in new areas of emerging need.

LawWorks is far from responsible for the wealth of free legal advice which is given in this country. Where we focus is the benefits which accrue from a strategic approach and from collaboration.

Pointing the way

Pro bono cannot and must not be a substitute for legal aid and will never replace what has gone. However, working with the Civil Justice Council and other key stakeholders in the legal profession and advice sector, we believe that the strategy going forward needs to be about investment in signposting, ensuring that those in need are directed to the most appropriate form of assistance and that the scant resource of in-depth pro bono casework is reserved for the most truly vulnerable.

All this requires maximum engagement from the legal profession and maximum awareness. And this brings me back to the start of this article.

Talking to in-house lawyers at a recent seminar hosted by the consultancy LBC Wise Counsel, I ventured that one in

four members of the Law Society was now working in-house, and was told that the actual figure was one in three. This is remarkable not only for the statistic itself but for the rate of growth, unless declining mental acuity is deceiving me as to how recently I checked the information.

This means that any conversation with the legal profession about access to justice must include the in-house world; it also means



Lending a hand: a range of pro bono opportunities are available

that the in-house world must consider the responsibilities which accompany influence and how it can speak to make a difference to those in need. And the local authority sector is one of the key players in that dynamic.

Shared values

Local government lawyers typify the best gift for LawWorks. They have a presence all around the country, they are in a position to help us reach exactly those we need to speak to, they cover the expertise which we seek and, in working for the public sector, they are motivated by the same values which drive the work we do – the need to use legal skills and knowledge to improve the way the community functions.

There is a lot of mythology about the capacity for pro bono work by in-house counsel and the short answer is yes. Yes,

in-house lawyers can do pro bono work, provided they have insurance, which LawWorks can provide (along with tailored opportunities and any training required.).

In-house teams will be aware of section 15 of the Legal Services Act 2007, which prohibits the delivery of reserved legal activities for the benefit of anyone other than their employer, where these activities are carried out as part of their employer's business.

This includes advocacy and the conduct of litigation. We are working with a range of agencies and pro bono counsel to seek possible legislative solutions to this issue. However, it does not prevent the in-house sector engaging in a range of other pro bono activities at a time when the need has never been greater:

Supply and demand

Since 1 April, we have been constantly asked about rising demand for pro bono work and, of course, we are experiencing increasing numbers of phone calls, increasing application rates. But what we see is only the tip of the iceberg – and it comes on the back of a tidal wave of demand which has been growing for more than four years, as a result of the economic environment.

It is hugely beneficial to us that the in-house world speaks with such strong and cohesive voices through groups such as Lawyers in Local Government, the GC100, CLO Programme, and the Commerce and Industry Group. We are very proud of and very grateful for our relationship with these organisations. They are crucial to us in our hopes to speak to as many as possible of their members.

And so I come back to my telephone call. This local authority is aware of the gap in provision in its community and it does not have any easy answers. We do not have an immediate solution, but we know we stand more chance of making a difference for two key reasons – we are being made aware of the local landscape by a key player, and we have an offer of collaboration. It is often all we can ask.

Rebecca Hilsenrath is chief executive of LawWorks

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Seeing the light

After moving into local government from the private sector, Anthony Butler has completed separate diplomas in local government and procurement law. Here he explains the benefits

Having trained, qualified and worked as a commercial property lawyer in a large regional firm, I joined local government in 2007 looking to expand my knowledge of local government property law. In my naive innocence I had not understood that it is impossible to have only the one specialism in local government.

Within a year of joining the council I was offered the opportunity to undertake the Law Society Diploma in Local Government. The course was originally designed only for solicitors in local government, however solicitors in private practice specialising in local government are now also entitled to enrol.

I undertook the course to raise my awareness of the issues exclusive to local government and gain a better understanding of areas of local government on which I was finding myself being asked for advice.

The course requires candidates to complete three 4,000-word assignments each on a practical problem question and two 2¼ hour exams.

The course is self study, although there is a useful seminar which is optional. I completed the course in my own time and probably spent an average of around five hours a week over the course of an academic year; although those hours tended to be crammed into a handful of weekends as the deadline for the projects loomed and the exams were upon me.

Deeper understanding

I cannot say that having completed the course I became expert in local government, but I found the course vital to raising my awareness of the number of different areas of law that impact upon local government and how they apply.

Undertaking the course is equivalent to being handed a candle having found yourself in a pitch black cave; the candle helps you realise you are actually in a massive cavern, but leaves you in no doubt as to the challenges.

I have been fortunate that since completing the course I have been appointed monitoring officer for the council. I found the grounding and confidence the LG Dip gave me invaluable to fulfilling this role.

Perhaps the most surprising thing for me about completing the LG Dip was how much I had enjoyed studying. The following year I was fortunate enough to be given the opportunity to be on the first intake for the Post Graduate Diploma in Public Procurement at Nottingham University.

Bang for your buck

The implementation of the remedies directive into UK law meant it was imperative that the council's legal department could provide practical procurement advice to avoid facing substantial external legal bills and possibly substantial claims. Therefore the modest outlay involved in me undertaking this course provided value for money to the council.

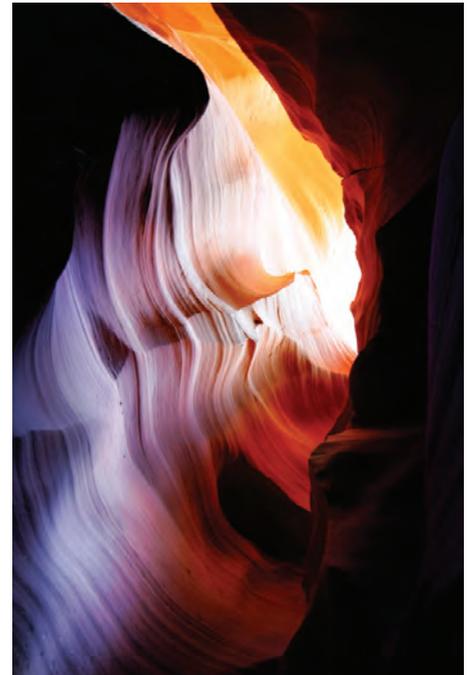
The PG Dip is designed to give participants a thorough understanding of international and UK procurement law and is open to lawyers and non-lawyers. The full diploma requires candidates to undertake eight modules with learning primarily done through self study. Extensive and excellent course materials are provided and there are also weekend schools at Nottingham University.

As an alternative to the diploma you can obtain a Certificate in Public Procurement by completing only four modules. You can convert the diploma to an LLM by completing a 45-page dissertation.

The diploma required around seven hours a week to be spent studying; although as with the LG Dip these hours were often crammed into weekends, particularly when an examination was approaching.

The practical and the academic

Assessment was by two take home examinations for each module; the examinations would be sent out at 5pm on the Friday and had to be handed in by 12 pm on the Monday which although



Way forward: postgraduate qualifications can give greater insight

hard work and challenging at least meant it was impossible to spend weeks cogitating. The style of question was mixed between practical and academic.

Completing the course has given me an excellent understanding of procurement law and its principles, enabling me to give practical and pragmatic advice when ideas and suggestions are at a nascent stage. I am also able to offer advice and support to the council's procurement team which had not previously been available from the legal department.

I thoroughly enjoyed completing both courses and would not hesitate to recommend undertaking them to anyone provided they are able to give the time commitment required. Both courses are a productive way by which to meet your CPD requirements and, particularly in the case of the public procurement diploma, an excellent way of meeting new people and exchanging ideas.

Anthony Butler is Monitoring Officer and Senior Solicitor (Property and Environment) at Torbay Council.

The rights stuff

Obtaining an LLM in information rights law proved invaluable to Alastair Graham's career

In 2004, having just retired after 34 years' police service, I was appointed as Head of Information Disclosure with Grampian Police in Aberdeen.

This was a new police support staff post, to deal with challenges of data protection, freedom of information (FOI), records management and other related disciplines. Having previously been involved in the introduction of FOI to the police service in Scotland, the problems about to befall me were not entirely new.

Involvement in this type of work required a huge amount of application and knowledge; apart from empirical experience, proper academic training was difficult to access.

This changed in the spring of 2007 when I found a flyer for Northumbria University's LLM course in Information Rights Law and Practice. Enrolment quickly followed with the full support of my chief constable.

In 2006 I had successfully obtained the ISEB Freedom of Information certificate. However, the LLM course starting in 2007 was a significant personal challenge, having left school in 1966. Thankfully I was able to import knowledge from my day-to-day activities into situations that were germane, particularly in the fields of data protection and freedom of information.

After successful completion of the quarterly assignments the major work began with the 20,000-word dissertation. This was not easy given the competing interests of a 50-hour working week, but every opportunity for study was grabbed. Discipline and commitment were essential, as was access to relevant material and advice.

The time used in obtaining the degree was very well spent; the knowledge gained was of immense benefit to Grampian Police and the public in providing a service. Complex

enquiries require an expert knowledge, for which the course had prepared me.

I was the chief constable's reviewing officer between 2009-2012, conducting statutory internal reviews and making subsequent submissions to the Scottish Information Commissioner. I was also the police business lead for the introduction of the Protection of Vulnerable Groups (Scotland) legislation and was the secretary of the chief officers' information assurance and release committee. The synergy between the LLM content and my work was obvious.

I retired from Grampian Police in 2012, but the knowledge has not stagnated. I was appointed to the data protection and freedom of information accreditation committee of the Law Society of Scotland while in office and continue that membership. And I was recently appointed to the Society's guarantee fund sub-committee as a Scottish lay member.

Information rights law and practice is growing in importance. This course confirmed that and provides an excellent preparation for employment, career and thereafter.

Alastair Graham is former Head of Information Disclosure at Grampian Police

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School of Law

Maria Memoli sets out why she chose to complete an MBA and how it has made a real difference to her career in local government

My MBA – what has it done for me?

First of all, an MBA is tough so it is not for the fainthearted. Before you embark on this qualification, you must really ask yourself why you need an MBA, how you propose to use it and above all, you must choose the one that is right for you.

For me, it was a natural progression. Management development programmes are a great first step into the management arena. Management is not for everyone – you either like it or you don't.

My first management job entailed managing a team of around 20 people of differing professional backgrounds – all specialists in their field. I had participated in the Top Managers' Programme run by the LGMB (Local Government Management Board), which was subsequently taken over by the IDeA as the Leadership programme.

This gave me a fantastic insight into management thinking in local government, and a good opportunity to meet several top gurus. Some of my colleagues on the programme went on to be chief executives.

My local authority at the time had an excellent in-house management programme. All managers were trained in the same way. A new era was emerging – a new Labour government – with reforms to local government. Managers had to think more strategically and acquire new skill sets.

To me this was manna from heaven. The good thing about this programme was that it meant managers were galvanised into helping each other reach their departmental targets. Team working was the buzzword. Silos were out.

Choosing the right course

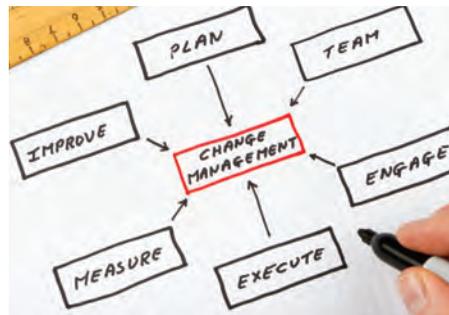
My boredom threshold is fairly low, so once I have done it, been there and got the t-shirt, I want more – but more of what? That was the dilemma. I researched the various MBAs on offer at the time. I was tempted by a Local Government MBA, but did I want to remain in this sector? I wasn't sure at that time.

So I concentrated on searching for a generic MBA, one that ranked highly in that field, and was within travelling distance from home. My nearest university at the time was Bath. On researching their MBA programmes, I found the Bath MBA ranked 10th in the world. I was impressed – even more so when I found

out it was based on the Harvard Business School, with lecturers and speakers often from America, attending the management school to speak. I was hooked.

Next I had to decide whether to do an executive part-time study course or an elective basis over a longer period. Being both impatient and keen to attend as quickly as possible, I decided on the executive part-time two-year course.

This consisted of coursework and exams. I vowed after completing my Law Society finals, I would not undergo any further exams that required the study of accounts. However, so keen was I to do this Bath MBA that I thought I would give it a go.



Transformation: an MBA can help students manage change programmes

Diverse backgrounds

My executive cohort consisted of 50 senior managers and directors from some of the most well-known companies around the world. A number flew in from abroad for the lessons and then flew back.

Out of the 50 senior managers and directors, about six of us were women and only two of us from the public sector – me from local government and another woman from the NHS. The dynamics of the cohort were fascinating. Most were from manufacturing backgrounds with a couple from government departments that dealt with ships and aircraft.

The reading material for this type of MBA is phenomenal. We divided ourselves into reading groups, sharing the reading and doing a synopsis for the rest of the group.

Assignments were always done in groups. I made sure I worked with different groups

of people from different backgrounds. When I came to do my first accounts assignment I made sure I joined a couple of accountants and we used Tesco's accounts. The guys made me write up the assignment in my own words, to ensure I understood the concepts.

Finance skills

In the class, I moaned about the amount of accounts we had to do and the lecturer's response was "you need to know when you are being bamboozled", which was fair enough. However, I did not enjoy the second year accounts exam examining Rolls Royce's accounts.

Also in the second year we had to do 'foreign trade' and we learned about gearing ratios, hedge funds, foreign exchange and LIBOR and so on. So when all the trouble with the banks was spread across the broadsheets, I found I understood what the fuss was about.

In another team, one of the students designed the new Avon tyre and he had a problem with his production line. He was using the just-in-time and lean principles used by Honda. We were invited to inspect the production line. I was fascinated at the automation; we also managed to solve the problem.

Interestingly, we also studied the emergence of the Asia-Pacific economies, and how they were positioning themselves in terms of political and competitive markets and the need/opportunity for joint ventures with the western world. That was in 2002/3.

I led on a project team looking at risk and I used my own local authority as an example. We did all the right things (in management speak) but did not go the extra mile and therefore were risk averse. This was down to officers but also our political masters.

The manufacturing industry had trouble understanding the political influence. They had even more trouble understanding local government supply chain management.

Tangled web

We had to draw relationship maps on the board. Most were fairly easy to follow with seamless destination tables. Both myself, and the NHS person were asked to come up to

the boards and draw our relationship maps. Everyone was aghast and the question on their minds was: "How do you manage all those relationships?" This is very relevant today. With the Localism Act and the way local government will be providing public services, the question is pertinent.

Another topic I found absorbing was change management, particularly culture change. My final project was on change management; using the new CPA (comprehensive performance assessment) model and whether this could change attitudes and behaviours and eventually the culture of an organisation. I also discussed the subject of national versus local targets and whether one size fits all.

I advocated 'local' as best; achieving more locally far outweighed national targets. Having studied this topic in some considerable depth, I find psychometric testing, and such like, merely skim the surface.

The current buzzword is 'transformation', with corporate organisations specialising in local government transformations. We have transformation business managers, transformation programmes. What does it mean?

The short answer is "change" but it is more than that. To survive, local government must change and act like commercial businesses. Managers of today must not only have political acumen but business sense in an entrepreneurial way. They need to be equipped with a range of business skills to provide holistic solutions.

Investment in change initiatives requires commitment from people who connect with those initiatives and embrace them – not because they have to, but because they want to.

Agenda for change

One of the biggest assets of local government is human capital – the workforce with a fountain of knowledge and shared values. What other organisation has such wealth? How many other organisations are able to constantly transform themselves, reframe corporate direction, restructure and renew people?

Local government has become more complex; it requires modern business responses to turbulent environments at this

time. There is a demand for agile workforces with highly-developed skills.

We also need to seriously consider what activities our local authorities want to retain and those they really need to drop. We need to think about how services can be delivered in a different way, utilising different types of resources, tapping into our relationship with the numerous stakeholders.

Would I recommend an MBA? Yes, of course. This qualification has made me think in a different way and opened up my mind to many facets of business. I am hungry to explore new dimensions, compare and contrast new initiatives.

It helped me develop my consultancy business, Local Governance. I am fortunate to have recently been appointed the Head of Legal and Estates at Aylesbury Vale District Council, a robust and progressive council hungry to try out new ideas. That is what I like. Fire in the belly, a new challenge.

Maria Memoli is Head of Legal and Estates and Monitoring Officer at Aylesbury Vale District Council. She is also a Law Society Council member for local government



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