

# TRANSFORMING OUR PROFESSIONAL SERVICES



# UCL

## TRANSFORMING OUR LEGAL SERVICES TO ENSURE THERE IS EFFECTIVE MANAGEMENT OF LEGAL RISK FOR THE INSTITUTION

The Service Leadership Team is made up of Phil Harding (Director of Finance), Natasha Lewis (Director, Legal Services), and Simon Griffiths (Deputy Director, Legal Services), Paul Phibbs (Director of Operations, Population Health Sciences).

**Recent years have witnessed significant growth in the size of UCL and an increase in complexity in terms of the types of activities that it is involved in. In addition, an increasingly complex regulatory environment in which to operate, means there is an absolute need for a clear and appropriate legal support framework at UCL.**

**An institution of the standing and size of UCL requires an effective and appropriate in-house legal function that is correctly positioned within the organizational structure if UCL is to achieve its strategic objectives, effectively manage legal risk and deliver compliance and good governance.**

We are exposed to significant risk, and guilty of carrying substantial inefficiency, as a result of the piecemeal and uncoordinated approach to compliance and related disciplines. This includes inter alia governance, information security, immigration, health and safety, declaration of interests, company secretarial, audit and risk management. We have been unable to galvanise sufficient engagement from the disparate parts of UCL that are involved in this set of actions to properly address this to date. It is vital that we do so through TOPS, otherwise we will have missed a rare opportunity. We have therefore focused on addressing the important issues relating to legal advice and its provision across UCL, as these need to be addressed as a priority.

### 1. We have heard from a large number of colleagues regarding the issues they are facing. These include:

- There is significant fragmentation of legal advice provision across the institution, with legal advice or contracting support available from Legal Services, Research Contracts, UCLB, UCLC and within the clinical trial functions (and probably other areas too). The Legal Services team currently has no visibility over any legal advice that is provided outside of its area and there are no reporting lines from any of these functions into Legal Services. This makes effective management of legal risk for the institution extremely difficult
- The result of such fragmentation is that it is unclear what legal skill set is available throughout UCL, and where legal activity is taking place as there is no end to end visibility of what legal activity is happening
- There are no clear and universal pathways to engage with the Legal Services team or the other providers of legal support within the institution. This makes it very difficult for internal clients to know where they need to go to get the legal advice and support that they need. Significant amounts of engagement with the providers of legal support are conducted solely as a result of personal relationships, which often results in issues being fixed purely because of these relationships and not as a result of processes
- Legal Services is not represented within any of the formal governance structures of the organisation meaning Legal Services involvement in issues is often overlooked and that the Legal Services team has little visibility over the critical issues that the institution is dealing with. This makes effective management of legal risk in respect of strategic and significant issues for the institution very difficult to achieve
- Legal advice is often sought too late – which means that Legal Services and Research Contracts are often “firefighting” issues/problems that could have been spotted earlier. This “firefighting” environment has meant that the Legal Services are not able to use their expertise to focus on strategically important issues

- There is no MI to track regulatory training for relevant staff and any associated training that may be needed, and there is a limited view of training across differing roles from a legal perspective
  - The institution lacks the resources and appropriate processes for dealing with low level transactional work. This often results in Legal Services dealing with low value/low risk activity, distracting its focus from the strategically important activity
  - The institution does not currently have a central compliance function.
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## 2. Overview of the principles and emerging ideas

The key principles and emerging ideas are:

- We could ensure that legal advice and support is overseen through the use of dotted line reports
  - Understanding of the law and legal frameworks needs to exist at all levels to ensure issues are escalated appropriately, and knowledge of how and when to access the services is readily available.
  - We could develop channels for accessing legal advice to ensure that they are clear, and are appropriate to the type of legal activity that is being undertaken.
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## 3. What could potentially change?

In practice, the emerging ideas could mean:

- **Make processes simpler:** we could design and document the processes for accessing legal advice and consider how we can most effectively deal with low value/ low risk activity, through some level of self-service activity (with documentation and guidance provided by Legal Services) and supported by an additional contracting resource to support staff
  - We could develop materials and a delivery methodology to ensure that staff at every level are provided with, and required to undertake, appropriate training or familiarisation to fully understand the law and legal frameworks within which they operate. This will deliver appropriate legal awareness across UCL, so staff understand how and when it is appropriate to escalate issues for consideration and how and when to access the services available.
  - We could establish governance structures to ensure that the service provided is understood by and responsive to the needs of users, through the Faculty Managers/Operational Directors
  - We could address the issue of fragmentation of provision of legal advice and support in the institution, by creating dotted reporting lines into Legal Services from the other service providers within the institution to enable complete oversight of legal activity, and help ensure that the institute has the appropriate level and scope of legal resource
  - Consider the appropriate position for Legal Services within the governance structures of UCL, to ensure that it can fulfil its role of managing legal risk for the institution. This should see legal representation on relevant executive decision making functions across the institute's activities
  - We could ensure that the Director of Legal Services has an increased level of seniority within the organisation to enable appropriate oversight of legal issues and to ensure that there is effective provision of legal support
  - We could review the breadth and scope of regulated activities currently undertaken at UCL and consider the creation of an internal compliance function that could report into the Director of Legal Services
  - We could consider the organisational co-location with other cognate disciplines e.g. company secretarial, governance support, other compliance functions, risk management, IT/data security
  - **Great careers:** create a Community of Practice in order to bring together staff working in shared professional areas to share best practice, develop the practice area and establish career pathways. (The head of communities of practice is to work with practice area steering group in order to define/sign off specific communities needed to support the practice area)
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## 4. What would not change?

There are a number of areas which are not covered by the emerging ideas and would not change. Although not exhaustive, these include:

- The specialist focus of the Legal Services team will continue.

## 5. The benefits and investment we are making

The following table details the benefits we are aiming to achieve within the Legal service, as well as the investments we need to make in order to realise these benefits (a detailed list of quantifiable and qualitative benefits are included in the business case):

Benefits	Costs
<ul style="list-style-type: none"> <li>• Quicker contract resolution resulting in the ability to deal with more business</li> <li>• Improved compliance rates leading to a reduction in potential litigation and fines</li> <li>• Better decision making where legal risks are assessed</li> <li>• More appropriate risk management</li> <li>• Increased protection for UCL's reputation</li> <li>• Increased satisfaction with the service</li> <li>• Improved satisfaction in staff roles</li> <li>• Greater integration across legal services</li> <li>• More comprehensive oversight and management of legal risks.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional resourcing</li> </ul>

## 6. What are the outstanding questions we would welcome feedback on?

1. What would a joined up legal services function look like when the other cognate disciplines are considered?
2. What will the organisation structure look like for legal services?

### Disclaimer:

These documents contain emerging ideas for how UCL professional services could be delivered in a more effective way in the future. At present, no formal change proposals are being put forward by UCL and so engagement remains at an informal stage. Where a preferred option is mentioned, this pertains to PA Consulting recommendations and does not constitute a formal proposal for change by UCL.