

# Local Government Capacity Survey – Legal Services

Research Report

October to December 2023



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# Summary

## Background

As part of the drive to improve workforce information, the LGA has collected quantitative and qualitative workforce data across different council service areas, including legal services. This report is part of that work, and additionally in response to Heads of Legal Services highlighting challenges in recruiting, developing and retaining staff across all legal disciplines, and increasing pressures facing legal teams.

All principal legal officers (or equivalent position) in all English councils (317 in total) were asked to complete an online survey between October and December 2023. The final overall response rate was 36 per cent (115 councils). By council type, the response rate was highest from county councils (48 per cent) and lowest from metropolitan district councils (25 per cent).

Regionally, response was highest from councils in the South East (47 per cent) and lowest from councils in the Yorkshire and the Humber and Greater London (both 27 per cent).

## Key findings

- As of 1 October 2023, an average of 23 per cent of council legal posts were vacant.
- There was a total of 8,500 FTE legal staff in English local councils. The average council employed approximately 27 FTE legal staff.
- Over 6,000 FTE staff were estimated to be present in post across all councils, at an average of 19 per council.
- Approximately 1,900 FTE posts were vacant, at an average of six per council.
- Ninety-three per cent of councils reported that the solicitors were the group of staff with the most vacancies.
- Eighty-eight per cent of councils found recruiting solicitors on a permanent basis very or fairly difficult.
- Sixty-two per cent of councils found solicitors very or fairly difficult to retain on a permanent basis.
- The legal services areas or specialisms for which councils found it most difficult to recruit staff on a permanent basis were commercial (70 per cent), regeneration and property (67 per cent) and planning (65 per cent).
- On average, local council legal teams had, in the 12 months to 1 October 2023, a turnover rate of approximately 13 per cent.
- Seventy-two per cent of respondents said the main reason for employees leaving the service was for more money. This was more common in single-tier and county councils (87 per cent) than district councils (58 per cent).

- Twenty-one per cent of respondents reported that permanent staff had left to take up temporary work. This was more common in single-tier and county councils (43 per cent) than district councils (16 per cent).
- The most common reason permanent staff have left to take up temporary work was for the pay (34 per cent).
- Slightly under 1,500 FTE agency staff were estimated to have been employed by local authority legal teams on 1 October 2023.
- Sixty-four per cent of respondents said they used agency staff because recruitment exercises did not generate enough candidates. This was more common in single-tier and county councils (81 per cent) than district councils (46 per cent).
- English councils spent an estimated £94 million on legal agency staff in the 2022/23 financial year. This is an average of £298,000 per council.
- English councils are predicted to spend £81,213,000 on legal agency staff in the 2023/24 financial year. This is on average £256,000 per council and average of £55,000 per agency staff member.
- Fifty-seven per cent of respondents reported it was very or fairly difficult to recruit agency staff that were solicitors.
- Sixty-three per cent of respondents were not very or not at all confident that they will have enough solicitors to maintain the legal service adequately.

## Introduction

As part of the drive to improve workforce information, the LGA has collected quantitative and qualitative workforce data across different council service areas, including legal service. This is in addition to Heads of Legal Services having highlighted challenges in recruiting, developing, and retaining staff across all legal disciplines, as well as increasing pressures facing legal teams. Accordingly, the LGA has conducted a survey of English local councils in order to collect key workforce data. This report will present the data from the LGA's local government workforce survey, specifically about their legal services.

Principal legal officers (or equivalent position) in all English councils (317 in total) were asked to complete an online survey between October and December 2023. The final overall response rate was 36 per cent (115 councils). By council type, the response rate was highest from county councils (48 per cent) and lowest from metropolitan district councils (25 per cent).

## Methodology

The survey was conducted by the LGA's Research and Information Team using an online questionnaire. An email containing a unique link was sent to principal legal officers (or equivalent position) in all English councils (317 in total).

The survey was available to complete online between October 2023 and January 2024. The final overall response rate was 36 per cent (115 councils).

Data has been weighted to make it representative of all councils in England on the basis of type and region. The number provided for the base for the tables below refers to the **unweighted** number of respondents who answered each question.

## Response rate

Table 1 shows, by council type, the response rate was highest from county councils (48 per cent) and lowest from metropolitan districts (25 per cent).

Regionally, as shown in Table 2, response was highest from the South East (47 per cent) and lowest from councils in London and Yorkshire and the Humber (both 27 per cent).

**Table 1: Response rate by type of authority**

Type of authority	Total number	Number of responses	Response rate %
District	164	65	40
County	21	10	48
London borough	33	9	27
Metropolitan district	36	9	25
Unitary authority	63	22	35

**Table 2: Response rate by region**

Region	Total number	Number of responses	Response rate %
East	48	15	31
East Midlands	37	15	40
Greater London	33	9	27
North East	12	4	33
North West	36	10	28
South East	70	33	47
South West	29	12	41
West Midlands	32	13	41
Yorkshire and the Humber	15	4	27

## Notes

Where tables and figures report the base, the description refers to the group of people who were asked the question and the number in brackets refers to the number of respondents who answered. Please note that bases vary throughout the survey, as not all respondents answered all questions.

Where the response base is less than 50, care should be taken when interpreting percentages, as small differences can seem magnified. Therefore, where this is the case in this report, the non-percentage values are reported, in brackets, alongside the percentage values.

The results are often broken down into two groups, with shire districts as one group and single-tier and county councils combining to form the second group. This is because district councils are usually much smaller than both single-tier and county councils. Presenting the results in this way means they can be viewed in the context of organisation size.

Throughout the report, percentages in figures and tables may add to more than 100 per cent due to rounding.

Throughout the report where average is provided it refers to mean.

## Local government capacity survey – legal services

This section contains analysis of the full results from the survey.

### Outsourced and shared services

Respondents were asked whether their legal team was outsourced. In total, 6 per cent reported that their council had an outsourced legal service and 94 per cent did not. Seven per cent of district councils reported their legal team was outsourced in comparison with 5 per cent of single-tier and county councils.

**Table 3: Is your legal team outsourced?**

	Districts %	Single-tier and counties %	All councils %
Yes	7	5	6
No	93	95	94

Unweighted base: all respondents who answered this question (112) - District councils (63), Single-tier and county councils (49)

Eighteen per cent of respondents reported their legal team was shared with one or more other councils. District councils (28 per cent) were significantly more likely to share their legal team when compared with the percentage of single-tier and county councils (7 per cent).

**Table 4: Is any part of your legal team a shared service between more than one authority?**

	Districts %	Single-tier and counties %	All councils %
Yes	28	7	18
No	72	93	82

Unweighted base: all respondents who answered this question (107) - District councils (61), Single-tier and county councils (46)



## Staff numbers and status

### Staff budgeted for at 1 April 2023

Respondents were asked to provide the number of full-time equivalent (FTE) posts, for which their council had budgeted, as of 1 April 2023. The information provided by respondents was used to estimate an overall total number of FTE legal staff budgeted for across England, as well as an average number of legal staff per council, by authority type and overall.

As Table 5 shows, councils across England were estimated to have budgeted for 8,660 FTE legal staff for the 2023/24 financial year. This equated to an average of 27 legal staff per council. This figure was considerably higher among single-tier and county councils (44 per council) compared with district councils (11 per council). Across all councils, solicitors were the most common role (16 per council). However, this was much more common in single-tier and county councils (27 per council) than in district councils (six per council). The second most common role were paralegals, with an average of six per council. This was followed by 'other' legal team staff (four per council). Given legal executives were not included as a specific job role in this survey, it is assumed that at least some, but possibly a high proportion, of the 'other' legal team employees have this job role. As expected, given it is a statutory post, there was an average of one Head of Legal Services or Monitoring Officer per council. This was followed by an average of less than one barrister per council.

**Table 5: In total, how many FTE posts were budgeted for within the legal team on 1 April 2023? England total and average (mean) per council.**

	Estimated England total	Districts	Single-tier and counties	All councils
<b>Total</b>	<b>8,660</b>	<b>11</b>	<b>44</b>	<b>27</b>
Head of Legal Services / Monitoring Officer	370	1	1	1
Solicitors	5,130	6	27	16
Barristers	130	<1	1	<1
Paralegals	1,830	2	10	6
Other legal team staff – excluding admin staff	1,200	2	6	4

Unweighted base: all respondents who answered this question (109) - District councils (61), Single-tier and county councils (48). Note: estimated budgeted staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total. Averages were rounded to the nearest whole number.

## Legal staffing numbers

Respondents were asked to report the number of legal posts at their council as of 1 October 2023, both in terms of headcount and FTE. This included both filled and vacant posts. Their responses were used to estimate overall levels of local council legal staff across England at that point, as well as averages overall and by council type. Staffing levels for councils which did not respond to the survey, or to these questions, were estimated based on the average levels reported by respondents of the same region and authority type, weighted according to their resident population.

As shown in Table 6, as of 1 October 2023, there were around 8,500 FTE staff. The average council employed approximately 27 FTE legal professionals. Single-tier and county councils tended to have significantly higher numbers of FTE staff on average (44 per council) than district councils (11 per council). The most common FTE staff were solicitors, with an average of 16 per council. Single-tier and county councils tended to have a higher number of FTE solicitors (26 per council) than district councils (six per council). Councils had, on average, six FTE paralegals, four FTE 'other' legal professionals, one FTE Head of Legal Services or Monitoring Officer, and less than one FTE barrister.

**Table 6: Total legal staff FTE at 1 October 2023. England total and average (mean) per council.**

	Estimated England total	Districts	Single-tier and counties	All councils
<b>Total</b>	<b>8,510</b>	<b>11</b>	<b>44</b>	<b>27</b>
Head of Legal Services / Monitoring Officer	370	1	1	1
Solicitors	4,990	6	26	16
Barristers	90	<1	1	<1
Paralegals	1,850	2	10	6
Other legal team staff – excluding admin staff	1,170	2	6	4

Unweighted base: all respondents who answered this question (109) - District councils (61), Single-tier and county councils (48). Note: estimated budgeted staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total. Averages were rounded to the nearest whole number.

As shown on Table 7, as of 1 October 2023, there was an approximate total headcount of 9,500 legal professionals working in local councils. The average council employed approximately 30 legal professionals. Single-tier and county councils tended to have more legal staff on average (45 per council) than district councils (16 per council). The most common legal roles were solicitors, with an average of 18 per council. Single-tier and county councils tended have a higher number of solicitors (27 per council) than district councils (nine per council). Councils

had on average six paralegal roles, four ‘other’ roles, one Head of Legal Services or Monitoring Officer, and less than one barrister.

**Table 7: Total legal staff headcount at 1 October 2023. England total and average (mean) per council.**

	Estimated England total	Districts	Single-tier and counties	All councils
<b>Total</b>	<b>9,490</b>	<b>16</b>	<b>45</b>	<b>30</b>
Head of Legal Services / Monitoring Officer	370	1	1	1
Solicitors	4,990	9	27	18
Barristers	110	<1	<1	<1
Paralegals	2,020	3	10	6
Other legal team staff - excluding admin staff	1,280	2	6	4

Unweighted base: all respondents who answered this question (71) - District councils (39), Single-tier and county councils (32). Note: estimated budgeted staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total. Note: estimated total staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total. Averages were rounded to the nearest whole number.

### Presence and absence of postholders

Respondents were asked to provide a breakdown of their FTE legal posts, according to whether staff were present in the post (including those on annual leave, or short-term parental leave or sick leave), vacant, long-term absent, or of another status. The data in Tables 8, 9, 10, and 11 has been adjusted so that it is proportional to the data in Table 6.

Tables 8 shows that there were approximately 6,060 legal staff estimated to be present in their posts across local councils in England, at an average of 19 per council. Single-tier and county councils had an average of 32 FTE legal posts present, while district councils had an average of 7 FTE posts present. Meanwhile, Table 9 shows that there were around 1,940 vacant FTE posts, at an average of six per council. There was an average of nine vacant FTE posts in single-tier and county councils and three FTE vacant posts in district councils.

**Table 8: How many (in FTE) were filled posts where the staff member is present (this includes those on annual leave and short-term parental leave or sick leave) on 1 October 2023? England total and average (mean) per council.**

	Estimated England total	Districts	Single-tier and counties	All councils
<b>Total</b>	<b>6,060</b>	<b>7</b>	<b>32</b>	<b>19</b>
Head of Legal Services / Monitoring Officer	320	1	1	1
Solicitors	3,390	3	19	11
Barristers	60	<1	<1	<1
Paralegals	1,460	2	8	5
Other legal team staff - excluding admin staff	830	1	4	3

Unweighted base: all respondents who answered this question (102) - District councils (56), Single-tier and county councils (46). Note: estimated budgeted staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total. Averages were rounded to the nearest whole number.

**Table 9: How many (in FTE) were vacant (even if covered by agency staff) on 1 October 2023? England total and average (mean) per council.**

	Estimated England total	Districts	Single-tier and counties	All councils
<b>Total</b>	<b>1,940</b>	<b>3</b>	<b>9</b>	<b>6</b>
Head of Legal Services / Monitoring Officer	40	<1	<1	<1
Solicitors	1,380	2	7	4
Barristers	20	<1	<1	<1
Paralegals	320	<1	2	1
Other legal team staff - excluding admin staff	200	<1	1	1

Unweighted base: all respondents who answered this question (78) - District councils (35), Single-tier and county councils (43). Note: estimated budgeted staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total. Averages were rounded to the nearest whole number.

Smaller numbers of posts either had an incumbent who was long-term absent, or an 'other' status applied. Table 10 shows there were an estimated 340 FTE legal posts where staff were long-term absent, either through parental leave or sickness. Table 11 shows that 130 FTE posts had an 'other' status. Because of the small numbers

reported, it was not possible to calculate averages by type of council for these categories.

**Table 10: How many (in FTE) were posts where the staff member is absent though long-term parental leave or long-term sickness on 1 October 2023?**

Estimated England total	
<b>Total</b>	<b>340</b>
Head of Legal Services / Monitoring Officer	10
Solicitors	180
Barristers	10
Paralegals	70
Other legal team staff - excluding admin staff	70

Unweighted base: all respondents who answered this question (52) - District councils (20), Single-tier and county councils (32). Note: estimated budgeted staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total.

**Table 11: How many (in FTE) were posts with another status on 1 October 2023?**

Estimated England total	
<b>Total</b>	<b>130</b>
Head of Legal Services / Monitoring Officer	0
Solicitors	30
Barristers	10
Paralegals	0
Other legal team staff - excluding admin staff	70

Unweighted base: all respondents who answered this question (12) - District councils (6), Single-tier and county councils (6). Note: estimated budgeted staff numbers for England have been rounded to the nearest ten. This may cause the figures not to add up precisely to the total.

## Vacancy rates

Dividing the reported numbers of posts vacant by the total number of FTE posts provided vacancy rates for each type of position for each council.

Table 12 shows the average vacancy rates for legal staff posts, overall and by council type and role type. This demonstrates that approximately 23 per cent of FTE legal roles were vacant on 1 October 2023. This rate was 26 per cent among district councils and 22 per cent among single-tier and county councils. By type of role, the vacancy rate was highest with solicitors (28 per cent). The average vacancy rate was 20 per cent among barristers, 17 per cent among 'other' legal staff, and 17 per cent with paralegals. The average vacancy rate was lowest among Heads of Legal Services or Monitoring Officers (11 per cent).

**Table 12: Legal staff post vacancy rates at 1 October 2023**

	Average (mean) vacancy rate %
<b>Total</b>	<b>23</b>
Head of Legal Services / Monitoring Officer	11
Solicitors	28
Barristers	20
Paralegals	17
Other legal team staff - Excluding admin staff	17
<b>Single-tier and county councils</b>	<b>22</b>
<b>District councils</b>	<b>26</b>

Unweighted base: all respondents who answered this question (78-109) - District councils (35-61), Single-tier and county councils (43-48). Note: Averages were rounded to the nearest whole number.

## Characteristics of vacancies

Respondents were asked, over the previous three years, for which groups of staff they most often had vacancies. By far, the most common response was solicitors (93 per cent), with 88 per cent of district councils and 97 per cent of single-tier and county councils having reported this. Paralegals were the second most common group of staff for which councils most often had vacancies (23 per cent). Seven per cent of councils reported that their Head of Legal Services or Monitoring Officer were the members of staff for which they most often had vacancies (7 per cent).

**Table 13: Over the last three years, for which groups of staff do you most often have vacancies?**

	Districts %	Single-tier and counties %	All councils %
Solicitors	88	97	93
Paralegals	17	30	23
Head of Legal Services / Monitoring Officer	12	3	7
Barristers	0	4	2
Other	20	20	20
No vacancies are difficult to fill	4	0	0

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Twenty per cent of respondents stated an 'other' group of staff most often had vacancies over the previous three years. Below is a list of the most common 'other' responses that were given by respondents:

- Lawyers
- Legal assistants
- Legal executives

Following on from the previous question, respondents were asked which single vacancy their council found most difficult to fill over the previous three years. Similar to the responses in the question above, solicitors' roles were the most difficult to fill (77 per cent). Seventy-one per cent of district councils and 84 per cent of single-tier and county councils reported that solicitors were the single vacancy most difficult to fill.

**Table 14: Over the last three years, what is the single vacancy you found/ are finding most difficult to fill?**

	Districts %	Single-tier and counties %	All councils %
Solicitors	71	84	77
Head of Legal Services / Monitoring Officer	0	2	1
Paralegals	2	0	1
Barristers	0	0	0
Other	14	14	14
No vacancies	4	0	2
No vacancies are difficult to fill	9	0	4

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Fourteen per cent of respondents said that an ‘other’ vacancy was the single most difficult to fill over the last three years. Below is a list of the most common ‘other’ responses that were given by respondents:

- Lawyers
- Legal assistants
- Legal executives

Respondents were asked for how long they had had their single most difficult to fill vacancy, which they had selected in the previous question. Nine per cent of councils reported that it was for less than six months, and 23 per cent stated it was for six months or more but less than a year. However, in total, 62 per cent of councils reported their single most difficult to fill vacancy was for one year or more. The data indicates that single-tier and county councils were significantly more likely to have their most difficult vacancy for one year or more (74 per cent) compared to district councils (49 per cent).



**Table 15: For how long did you have / have you had this vacancy?**

	Districts %	Single-tier and counties %	All councils %
<b>Less than one year</b>	<b>38</b>	<b>21</b>	<b>32</b>
<b>One year or more</b>	<b>49</b>	<b>74</b>	<b>62</b>
Less than six months	13	5	9
Six months or more but less than a year	25	21	23
A year or more but less than three years	39	57	48
Three years or more but less than five years	5	12	9
Five years or more	5	6	5
Don't know/not applicable	13	0	7

Unweighted base: all respondents who answered this question (107) - District councils (59), Single-tier and county councils (48)

Respondents were asked for the main reasons they had these vacancies for the amount of time they had reported in the previous question. The most common reason given was difficulties recruiting staff of the right skills or experience (95 per cent). This was followed by a pending restructure (9 per cent), new appointments unable to start quickly (6 per cent), and an overall council recruitment freeze or managed vacancy policy (5 per cent).

**Table 16: What are the main reasons why you had / have had the vacancies for this long?**

	Districts %	Single-tier and counties %	All councils %
Difficulties recruiting staff of the right skills/experience	100	91	95
Pending a restructure	11	9	9
New appointments unable to start quickly	0	10	6
Overall council recruitment freeze / managed vacancy policy	4	5	5
Cost of recruitment has delayed it	0	0	0
Other	25	32	29
Don't know	0	0	0

Unweighted base: all councils with their most difficult vacancy being six months or more (89) - District councils (44), Single-tier and county councils (45)

Twenty-nine per cent of respondents stated an 'other' reason why it had taken as long as it did to fill their single most difficult to fill vacancy. The most common 'other' responses that were given by respondents described the reasons why they had difficulties recruiting staff:

- Lack of applicants
- Salary which the council is able to offer
- Salary when compared with agency staff or the private sector

Respondents were asked whether or not, in the last three years, they had made use of consultants in order to undertake projects that would previously have been undertaken by in-house staff. Sixty-five per cent of councils stated that they had done this, compared with 31 per cent which had not.

**Table 17: In the last three years, have you made use of consultancy or not in order to undertake projects that would previously have been undertaken by in-house staff?**

	Districts %	Single-tier and counties %	All councils %
Yes	66	65	65
No	30	31	31
Don't know	4	4	4

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Respondents whose councils had made use of consultancy to undertake projects which would previously have been undertaken by in-house staff were asked what kind of consultancy work was undertaken. Seventy-one councils responded to this question, which are broken down into the themes below:

- **Planning and/or property:** 32 respondents reported the kind of consultancy work undertaken was related to residential housing and commercial properties which included conveyancing, dispute resolution, and section 106.
- **General legal work:** 18 respondents stated that the consultancy work undertaken was every day legal work. This was the result of a lack of capacity to keep up with the day-to-day workload.
- **External advice for specialist areas or areas not covered by the legal team:** 14 respondents reported that they had made use of consultants to cover areas of expertise not available in the legal team.
- **Contract law:** nine respondents said that the kind of consultancy work undertaken was related to contract law and the drawing up of contracts.
- **Litigation:** eight respondents reported that litigation was the kind of consultancy work undertaken.
- **Special Educational Needs and Disabilities (SEND), education, and children:** six respondents reported that the kind of consultancy work undertaken was related to SEND, education and children.
- **Regeneration:** five respondents reported that work relating to regeneration was the kind consultancy work undertaken.

## Recruitment and retention of staff

### Recruiting permanent staff

Respondents were asked how easy or difficult their council found it to recruit permanent staff for different roles in the legal team over the previous three years. By a significant margin, the type of legal staff roles which were most difficult to recruit for were solicitors (88 per cent). A similar percentage of respondents stated that it was very or fairly difficult to recruit barristers (17 per cent), a Head of Legal Services or Monitoring Officer (16 per cent), or paralegals (15 per cent). Twenty-six per cent of respondents reported that an 'other' type of legal worker was very or fairly difficult to recruit permanently, although respondents were not asked to specify that role.

**Table 18: Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the following roles in the legal team? (All councils)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff – excluding admin staff %
<b>Very or fairly difficult</b>	<b>16</b>	<b>88</b>	<b>17</b>	<b>15</b>	<b>26</b>
<b>Not very or not difficult at all</b>	<b>27</b>	<b>8</b>	<b>2</b>	<b>54</b>	<b>42</b>
Very difficult	3	65	12	7	11
Fairly difficult	13	22	5	8	16
Not very difficult	15	8	1	34	25
Not difficult at all	13	0	1	20	16
Don't know / not recruited	57	5	82	31	31

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Table 19 breaks down the data for single-tier and county councils. Nearly all single-tier and county councils (97 per cent) reported that solicitor positions were very or fairly difficult to fill permanently. Councils were much less likely to report that all other roles were very or fairly difficult to recruit for.

**Table 19: Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the following roles in the legal team? (Single tier/counties)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff – excluding admin staff %
<b>Very or fairly difficult</b>	<b>16</b>	<b>97</b>	<b>23</b>	<b>13</b>	<b>28</b>
<b>Not very or not at all difficult</b>	<b>34</b>	<b>3</b>	<b>4</b>	<b>74</b>	<b>54</b>
Very difficult	2	73	14	3	13
Fairly difficult	14	24	9	9	15
Not very difficult	17	3	2	45	35
Not difficult at all	17	0	2	28	20
Don't know / not recruited	50	0	73	14	18

Unweighted base: all respondents who answered this question - Single-tier and county councils (48)

Table 20 provides the data for district councils. Nearly four-fifths (79 per cent) of district councils reported that solicitor positions were very or fairly difficult to fill. Similar to the previous question, local councils were much less likely to report that all other roles were very or fairly difficult to retain staff for.

**Table 20: Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the following roles in the legal team? (Districts)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff – excluding admin staff %
<b>Very or fairly difficult</b>	<b>16</b>	<b>79</b>	<b>8</b>	<b>18</b>	<b>26</b>
<b>Not very or not at all difficult</b>	<b>21</b>	<b>12</b>	<b>0</b>	<b>33</b>	<b>27</b>
Very difficult	5	58	8	11	9
Fairly difficult	11	21	0	7	17
Not very difficult	13	12	0	21	14
Not difficult at all	8	0	0	11	13
Don't know / not recruited	63	9	92	50	47

Unweighted base: all respondents who answered this question - Districts councils (60)

Respondents were asked, over the last three years, how easy or difficult their council found it to recruit permanent staff for different legal service areas. The legal service area respondents were most likely to find very or fairly difficult to recruit permanent staff for was commercial (70 per cent). This was closely followed by regeneration and property (67 per cent), and planning (65 per cent).

**Table 21: Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the legal service areas in the legal team? (All councils)**

	Commercial %	Regeneration and property %	Planning %	Procurement %	Enforcement and Litigation %	Adult social care %	Childcare %	Governance %	Employment %	Other %
<b>Very or fairly difficult</b>	<b>70</b>	<b>67</b>	<b>65</b>	<b>57</b>	<b>57</b>	<b>42</b>	<b>40</b>	<b>24</b>	<b>21</b>	<b>41</b>
<b>Not very or not all difficult</b>	<b>18</b>	<b>7</b>	<b>13</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>5</b>
Very difficult	45	41	47	41	30	29	27	9	9	30
Fairly difficult	25	26	17	17	27	13	14	15	12	11
Not very difficult	7	12	7	6	9	2	4	14	4	3
Not difficult at all	1	1	0	0	1	0	2	3	0	3
Don't know / not recruited	22	20	28	75	33	56	54	58	75	53

Unweighted base: all respondents who answered this question (107) - District councils (59), Single-tier and county councils (48)

Forty-one per cent of respondents stated an 'other' legal service area was very or fairly difficult to recruit permanent staff for. The most common 'other' responses given by respondents were:

- Advocates
- Contracts
- Housing
- Special educational needs

Table 22 provides the data for single-tier and county councils. The most common legal service area for which single-tier and county councils found it difficult to recruit for was commercial (83 per cent). The second most common was adult social care (78 per cent), with slightly fewer reporting childcare (73 per cent).

**Table 22: Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the legal service areas in the legal team? (Single tier/counties)**

	Commercial %	Adult social care %	Regeneration and property %	Childcare %	Planning %	Procurement %	Enforcement and Litigation %	Employment %	Governance %	Other %
<b>Very or fairly difficult</b>	<b>83</b>	<b>78</b>	<b>75</b>	<b>73</b>	<b>71</b>	<b>66</b>	<b>62</b>	<b>35</b>	<b>29</b>	<b>59</b>
<b>Not very or not at all difficult</b>	<b>21</b>	<b>8</b>	<b>11</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>9</b>	<b>12</b>	<b>5</b>	<b>7</b>
Very difficult	53	53	39	47	48	52	33	16	10	47
Fairly difficult	30	25	35	26	23	13	29	19	19	13
Not very difficult	5	5	11	8	8	6	9	5	16	7
Not difficult at all	0	0	0	4	0	0	0	0	5	0
Don't know / not recruited	12	17	14	16	21	28	29	61	50	34

Unweighted base: all respondents who answered this question - Single-tier and county councils (48)

Table 23 provides the data for district councils. The legal service area for which district councils found it most difficult to recruit was regeneration and property (59 per cent). This was closely followed by planning (58 per cent) and commercial (57 per cent). Few councils reported difficulties recruiting for adult social care and childcare (both 3 per cent). This was because adult social care and children's services are not services provided by district councils and, therefore, outside of a few specific circumstances, district councils would be unlikely to need a legal specialist in these areas.



**Table 23: Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the legal service areas in the legal team? (Districts)**

	Regeneration and property %	Planning %	Commercial %	Enforcement and Litigation %	Procurement %	Governance %	Employment %	Childcare %	Adult social care %	Other %
<b>Very or fairly difficult</b>	<b>59</b>	<b>58</b>	<b>57</b>	<b>51</b>	<b>49</b>	<b>19</b>	<b>6</b>	<b>3</b>	<b>3</b>	<b>30</b>
<b>Not very or not at all difficult</b>	<b>14</b>	<b>7</b>	<b>15</b>	<b>10</b>	<b>6</b>	<b>4</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>5</b>
Very difficult	42	46	36	27	29	9	2	3	3	19
Fairly difficult	17	12	21	24	20	10	4	0	0	11
Not very difficult	13	7	9	9	6	13	4	0	0	0
Not difficult at all	1	0	2	2	0	2	0	0	0	5
Don't know / not recruited	26	35	33	37	45	67	91	97	97	65

Unweighted base: all respondents who answered this question - Districts councils (59)

### Retaining permanent staff

Respondents were asked, over the last three years, how easy or difficult their council has found it to retain permanent legal staff across different roles. Respondents were most likely to report that it was very or fairly difficult to retain solicitors (62 per cent). Twenty-four per cent of respondents reported that paralegals were very or fairly difficult to retain permanently, and 16 per cent reported this about a Head of Legal Services or Monitoring Officer. Seven per cent reported that barristers were very difficult or fairly difficult to retain. Twenty per cent of respondents highlighted that an 'other' position was very or fairly difficult to retain, the detail of which position was not collected.

**Table 24: Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the following roles in the legal team? (All councils)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff - excluding admin staff %
<b>Very or fairly difficult</b>	<b>16</b>	<b>62</b>	<b>7</b>	<b>24</b>	<b>20</b>
<b>Not very or not at all difficult</b>	<b>68</b>	<b>37</b>	<b>10</b>	<b>52</b>	<b>52</b>
Very difficult	4	20	4	5	6
Fairly difficult	12	42	4	19	15
Not very difficult	24	25	4	34	34
Not difficult at all	43	11	6	17	18
Don't know	17	2	83	24	28

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Table 25 and Table 26 provide the data by council type. More single-tier and county councils than districts reported that staff were difficult to retain, for all roles. For example, 68 per cent reported that solicitors were very or fairly difficult to retain permanently, compared to 55 per cent of district councils. Single tier and county councils were also more likely to have stated that barristers were difficult to retain (11 per cent) compared to districts (two per cent). Twenty-four per cent of single-tier and county reported that an 'other' type of legal worker was very or fairly difficult to retain permanently, compared to 15 per cent of districts, but respondents were not asked to specify that role.

**Table 25: Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the following roles in legal? (Single tier and counties)**

	<b>Head of Legal Services / Monitoring Officer %</b>	<b>Solicitors %</b>	<b>Barristers %</b>	<b>Paralegals %</b>	<b>Other legal team staff - excluding admin staff %</b>
<b>Very or fairly difficult</b>	<b>16</b>	<b>68</b>	<b>11</b>	<b>25</b>	<b>24</b>
<b>Not very or not at all difficult</b>	<b>69</b>	<b>32</b>	<b>10</b>	<b>64</b>	<b>51</b>
Very difficult	4	20	5	2	8
Fairly difficult	13	48	6	24	16
Not very difficult	31	30	4	51	43
Not difficult at all	38	2	6	13	8
Don't know	15	0	79	11	25

Unweighted base: all respondents who answered this question - Single-tier and county councils (48)

**Table 26: Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the following roles in legal? (Districts)**

	<b>Head of Legal Services / Monitoring Officer %</b>	<b>Solicitors %</b>	<b>Barristers %</b>	<b>Paralegals %</b>	<b>Other legal team staff - excluding admin staff %</b>
<b>Very or fairly difficult</b>	<b>15</b>	<b>55</b>	<b>2</b>	<b>23</b>	<b>15</b>
<b>Not at all or not very difficult</b>	<b>66</b>	<b>42</b>	<b>10</b>	<b>36</b>	<b>53</b>
Very difficult	3	19	2	8	2
Fairly difficult	12	36	0	15	13
Not very difficult	18	21	5	14	24
Not difficult at all	49	21	5	22	30
Don't know	18	4	88	41	31

Unweighted base: all respondents who answered this question - Districts councils (60)

Respondents were asked how easy or difficult their council had found it to retain permanent staff across different legal service areas in the legal team over the previous three years. The legal service area which was most likely to be very or fairly difficult to retain permanent staff for was commercial (56 per cent). Fifty-four per cent reported that regeneration and property was a very or fairly difficult legal service area to retain permanent staff for. This was closely followed by the percentage who reported this for planning (50 per cent).

**Table 27: Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the legal service areas in the legal team? (All councils)**

	Commercial %	Regeneration and property %	Planning %	Procurement %	Enforcement / Litigation %	Childcare %	Adult social care %	Governance %	Employment %	Other %
<b>Very or fairly difficult</b>	<b>56</b>	<b>54</b>	<b>50</b>	<b>44</b>	<b>41</b>	<b>34</b>	<b>25</b>	<b>20</b>	<b>16</b>	<b>34</b>
<b>Not very or not at all difficult</b>	<b>31</b>	<b>35</b>	<b>37</b>	<b>31</b>	<b>47</b>	<b>19</b>	<b>23</b>	<b>50</b>	<b>30</b>	<b>13</b>
Very difficult	20	23	26	16	17	17	13	9	6	29
Fairly difficult	36	30	24	27	24	17	12	11	10	5
Not very difficult	19	20	19	20	34	11	17	21	19	2
Not difficult at all	13	15	18	11	13	8	5	29	11	11
Don't know / not recruited	13	12	13	25	12	47	52	30	54	53

Unweighted base: all respondents who answered this question (107) - District councils (59), Single-tier and county councils (48)

Thirty-four per cent of respondents stated an 'other' legal service area was very or fairly difficult to retain permanent staff for. The most common 'other' responses given by respondents were:

- Advocates
- Contracts
- Housing
- Special educational needs

Table 28 provides the data for single-tier and county councils. The legal service areas which were most likely to be very or fairly difficult to retain permanent staff for were commercial and childcare (both 63 per cent). Fifty-one per cent reported that regeneration and property, and planning were very or fairly difficult legal services areas to retain permanent staff for. Forty-seven per cent reported that adult social care and procurement were very or fairly difficult service areas to retain legal staff in.

**Table 28: Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the legal service areas in the legal team? (Single tier and counties)**

	Childcare %	Commercial %	Planning %	Regeneration and property %	Adult social care %	Procurement %	Enforcement and Litigation %	Employment %	Governance %	Other %
<b>Very or fairly difficult</b>	<b>63</b>	<b>63</b>	<b>51</b>	<b>51</b>	<b>47</b>	<b>47</b>	<b>42</b>	<b>26</b>	<b>22</b>	<b>71</b>
<b>Not very or not at all difficult</b>	<b>33</b>	<b>31</b>	<b>38</b>	<b>32</b>	<b>38</b>	<b>38</b>	<b>51</b>	<b>43</b>	<b>39</b>	<b>6</b>
Very difficult	30	17	28	21	26	14	15	8	14	58
Fairly difficult	33	46	23	30	21	34	28	17	8	13
Not very difficult	21	20	21	28	34	28	43	31	23	6
Not difficult at all	9	12	10	9	4	10	8	12	16	0
Don't know / not recruited	4	7	11	18	15	15	7	31	39	22

Unweighted base: all respondents who answered this question - Single-tier and county councils (48)

Table 29 provides the data for district councils. The legal service areas which were most likely to be very or fairly difficult to permanently retain staff for were regeneration and property (56 per cent). Second most common was planning (50 per cent). Forty-eight per cent of district councils reported that commercial was very or fairly difficult to permanently retain legal staff for. Less than five per cent of district councils reported that employment, childcare, and adult social care were difficult areas to permanently retain legal staff in, although, as they are not social care authorities, they are unlikely to need legal staff for the latter two routinely. But the vast majority said they did not know. Eleven per cent of districts reported that an 'other' legal service area was difficult to retain staff permanently.

**Table 29: Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the legal service areas in the legal team? (Districts)**

	Regeneration and property %	Planning %	Commercial %	Enforcement and Litigation %	Procurement %	Governance %	Employment %	Childcare %	Adult social care %	Other %
<b>Very or fairly difficult</b>	<b>56</b>	<b>50</b>	<b>48</b>	<b>40</b>	<b>40</b>	<b>19</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>11</b>
<b>Not very or not at all difficult</b>	<b>32</b>	<b>41</b>	<b>30</b>	<b>44</b>	<b>24</b>	<b>62</b>	<b>16</b>	<b>6</b>	<b>6</b>	<b>17</b>
Very difficult	25	25	24	20	19	4	3	3	0	11
Fairly difficult	31	25	25	20	21	15	2	0	2	0
Not very difficult	12	17	17	25	12	20	6	0	0	0
Not difficult at all	20	24	13	18	12	42	10	6	6	17
Don't know / not recruited	12	9	22	17	36	20	80	90	92	71

Unweighted base: all respondents who answered this question - Districts councils (59)

### Turnover rate

Respondents were asked what their legal team's current turnover rate was. This was based on employees who left the authority voluntarily or involuntarily in the 12 months prior to 1 October 2023. Table 30 shows the average turnover rate per council, both overall and by council type. This demonstrates that, on average, local council legal teams had a turnover of approximately 13 per cent. This was 14 per cent among district councils and 12 per cent among single-tier and county councils.

**Table 30: Current legal team turnover rate**

	Average turnover rate %
Average per council – overall	13
Average per council – single-tier and county	12
Average per council – district	14

Unweighted base: all respondents who answered this question (98) - District councils (57), Single-tier and county councils (41)

Respondents were asked whether their turnover rate had changed in the last three years. Thirty-three per cent of respondents reported that this rate had increased and a similar percentage (35 per cent) stated that it had stayed the same. Fifteen per cent said that their turnover rate had decreased over the last three years. Single-tier and county councils were more likely to report that turnover rate had increased (41 per cent) than decreased (11 per cent). Among district councils, the difference in the percentage which had an increased turnover rate (25 per cent) in comparison with those where it had decreased (19 per cent) was small when compared with single-tier and county councils.

**Table 31: Has your turnover rate changed or not over the last three years?**

	Districts %	Single-tier and counties %	All councils %
Increased	25	41	33
Stayed the same	41	30	35
Decreased	19	11	15
Don't know	15	18	16

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

### Reasons for staff leaving

Respondents were asked to report the main reasons they had been given by their legal service employees for leaving. The most common reason given for leaving was for more money (72 per cent). This was the most common reason in district councils (58 per cent) and by a significantly higher margin in single-tier and county councils (87 per cent). The second most common reason for employees to leave was for better career opportunities (51 per cent). This was the second most common reason among district councils (39 per cent) and, once more, by a significantly higher margin in single-tier county councils (64 per cent).



**Table 32: What have been the main reasons given by employees for leaving the service?**

	Districts %	Single-tier and counties %	All councils %
For more money	58	87	72
Better career opportunities	39	64	51
Retirement	30	38	34
To work in a different sector (private or other parts of the public sector)	28	31	29
Workload	18	33	25
For career change	13	17	15
More flexibility e.g. more home working; less rigid working patterns	10	18	14
Travel	8	7	8
Relationship with line manager / leadership	3	12	7
Personal commitments e.g. caring responsibilities	2	8	5
Member-officer relations	5	2	3
Other	21	12	16
Don't know	8	0	4

Unweighted base: all respondents who answered this question (106) - District councils (59), Single-tier and county councils (47)

Sixteen per cent of respondents stated an 'other' main reason given by employees as to why they have left the service. Below is a list of the most common 'other' responses that were given by respondents:

- Restructuring of the legal team
- To become an agency worker
- The role was not a good fit for the employee

Respondents were asked whether, in the 2022/23 financial year, any of their permanent staff left to take up temporary work. Twenty-nine per cent reported that staff left to take up temporary work. In contrast, 62 per cent reported that none of their legal staff had done this. Legal staff leaving to take temporary work was significantly more likely in single-tier and county councils (43 per cent) than in district councils (16 per cent).

**Table 33: In 2022/23, did any of your permanent staff leave to take up temporary work?**

	Districts %	Single-tier and counties %	All councils %
Yes	16	43	29
No	74	49	62
Don't know	10	7	9

Unweighted base: all respondents who answered this question (107) - District councils (60), Single-tier and county councils (47)

Respondents who reported that employees had left to take up temporary work were asked what reasons were given by staff for this. By far the most common reason was that pay was higher for agency work (85 per cent). Twenty-eight per cent reported that employees left for temporary work because they did not want a permanent role. Nineteen per cent reported that employees left to take up temporary work to have greater flexibility. Seven per cent of respondents reported that agency work involves less administration, and 4 per cent stated that the workload is lower.

**Table 34: What reasons, if any, did those staff give for preferring temporary work?**

	Districts %	Single-tier and counties %	All councils %
Pay is higher for agency work	90	83	85
Didn't want a permanent role	29	28	28
Greater flexibility of work	22	17	19
Less administration for agency work	13	5	7
Workload is lower for agency work	13	0	4
Better career progression	0	0	0
Less professional risk	0	0	0
Other	0	6	4
Don't know	0	0	0

Unweighted base: all councils which reported employees had left for temporary work (30) - District councils (10), Single-tier and county councils (20)

## **Tackling recruitment and retention issues**

Respondents were asked what actions their councils had taken in order to help with recruitment and retention issues in their team. Seventy-two per cent of councils had offered staff flexible working. This is followed by 61 per cent which had made use of agency staff. However, this was significantly more common in single-tier and county councils (78 per cent) than in district councils (44 per cent). The third most common action councils had taken was to offer apprenticeships (48 per cent). This action was much more common in single-tier and county councils (67 per cent) than in district councils (30 per cent). Forty-seven per cent of respondents offered market supplements or other pay augmentation. Again, this action was more common among single-tier and county councils (59 per cent) when compared with district councils (34 per cent). Forty per cent of councils provided career frameworks or grades, followed by 36 per cent which conducted targeted recruitment campaigns within the sector. District councils (16 per cent) were significantly less likely to conduct targeted recruitment campaigns within the sector when compared to single-tier and county councils (57 per cent). Thirty-five per cent of councils conducted an organisational redesign, followed by 31 per cent providing personal development offers, and 29 per cent offering job redesigns. All other actions had been utilised by less than 20 per cent of respondents.

**Table 35: What actions, if any, have you taken or are you taking to help with recruitment and retention issues generally in your legal team?**

	Districts %	Single-tier and counties %	All councils %
Flexible working	64	79	72
Agency staff	44	78	61
Apprenticeships	30	67	48
Market supplements or other pay augmentation	34	59	47
Career frameworks/career grades	33	47	40
Targeted recruitment campaigns within the sector	16	57	36
Organisational redesign	28	41	35
Personal development offers	27	35	31
Job redesign	36	23	29
Graduate programme	17	16	17
Secondments	7	15	11
Targeted recruitment campaigns outside the sector	9	12	10
Relocation packages	7	11	9
“Golden hellos”	5	11	8
Creating a specific recruitment pipeline through education partnerships	4	8	6
Retention payments	3	9	6
‘Refer a friend’ scheme	5	6	5
Government training schemes	1	3	2
T-levels	0	0	0
Other	6	8	7
None of the above	4	0	0
Don’t know	0	0	0

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Seven per cent of respondents stated an ‘other’ method used to combat issues with recruitment and retention in their legal team. Below is a list of the most common ‘other’ responses that were given by respondents:

- ‘Grow your own’ programme
- Work experience

Respondents were asked which forms, if any, of collaboration with other councils their legal team undertook to help address recruitment challenges. The most common form of collaboration was pooling specialist knowledge with other councils (17 per cent), followed by sharing services (14 per cent). This practice was more common among district councils (22 per cent) when compared with single-tier and county councils (6 per cent). Less than five per cent of councils shared posts (four per cent) or shared the use of agency staff (2 per cent) with other councils. Councils were most likely to report that they had not used any methods of collaboration with other councils (65 per cent), with single-tier and county councils (76 per cent) being more likely to have stated this than district councils (54 per cent).

**Table 36: Which, if any, of the following forms of collaboration with other councils does your legal team undertake to help address recruitment challenges?**

	Districts %	Single-tier and counties %	All councils %
Pooling specialist knowledge	20	14	17
Shared services	22	6	14
Shared posts	6	2	4
Shared use of agency staff	5	0	2
Other	8	6	7
None of these	54	76	65

Unweighted base: Districts (59), Single-tier and county councils (46), All respondents who answered this question (105)

Seven per cent of respondents stated an ‘other’ method of collaboration with other councils to help address their recruitment challenges. Below is a list of the most common ‘other’ responses that were given by respondents:

- Legal information sharing
- Recruitment information sharing
- Sharing agency staff

## Agency staff

Respondents were asked how often, over the previous three years, their council had made use of agency staff in their legal team. Seventy-two per cent of respondents reported that their council made use of agency staff very or fairly often. This was particularly high in single-tier and county councils, with 90 per cent having used agency staff very or fairly often. This was significantly higher than the percentage for district councils (54 per cent). Moreover, district councils (21 per cent) were more likely than single-tier and county councils (5 per cent) to have reported never using agency staff.

**Table 37: Over the last three years, how often would you say you make use of agency staff in your legal team?**

	Districts %	Single-tier and counties %	All council %
<b>Very or fairly often</b>	<b>54</b>	<b>90</b>	<b>72</b>
<b>Not very often or never</b>	<b>46</b>	<b>10</b>	<b>28</b>
Very often	32	58	45
Fairly often	21	32	27
Not very often	25	5	15
Never	21	5	13

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Respondents were asked if their council's use of agency staff had increased or decreased over the last three years. Fifty per cent of councils reported that the use of agency staff has increased, and 17 per cent stated that it decreased. Thirty-one per cent of respondents reported that agency staff use had remained the same over the last three years. Single-tier and county councils (60 per cent) were more likely to report than district councils (40 per cent) that their use of agency staff had increased.

**Table 38: Has your use of agency staff changed or not over the last three years?**

	Districts %	Single-tier and counties %	All councils %
Increased	40	60	50
Stayed the same	37	24	31
Decreased	20	15	17
Don't know	4	0	2

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Respondents were asked to report the number of agency staff employed in a legal capacity by their local councils, both in terms of headcount and full-time equivalent. The agency staff figures reported by the respondents have been used to estimate an overall total for the number of legal agency staff across England, as well as an average per council, both overall and by authority type.

On the 1 October 2023, there was an estimated headcount of 1,650 agency staff working as legal professionals in local councils: this equates to 17 per cent of those working in legal teams in local councils. On average, there were five agency staff working in legal teams per council. Single-tier and county councils had an average of nine agency staff in their legal team and there was an average of two in district councils.

There were an estimated 1,470 FTE agency staff working in legal roles in local councils. Single-tier and county councils had an average of eight FTE agency staff in their legal team in comparison and there was an average of two in district councils.

**Table 39: How many agency staff did you have in place in your legal team on 1 October 2023? England total and averages per council.**

	Districts	Single-tier and counties	All councils
Headcount (No.)	330	1,320	1,650
Headcount (%)	12	19	17
Headcount (Average No. per council)	2	9	5
FTE (No.)	280	1,200	1,470
FTE (%)	15	18	17
FTE (Average No. per council)	2	8	5

Unweighted base: all respondents who answered this question (107) - District councils (60), Single-tier and county councils (47). Note: estimated total agency staff numbers for England have been rounded to the nearest ten. estimated average agency staff numbers per council for England have been rounded to the nearest whole number.

Respondents were asked what the reasons were that they used agency staff. The most common reasons among all councils were that their recruitment exercise did not generate enough candidates (64 per cent) and that it did not generate enough candidates with the required skills (61 per cent). A similar percentage of councils reported that they had used agency staff to cover long-term absence in the team (39 per cent), to meet unprecedented demand (37 per cent), and because of a lack of capacity to recruit immediately or to cover during recruitment exercise (36 per cent). Thirty-one per cent of councils used agency staff to cover short term absences on the team. All of the reasons mentioned above were more common in single-tier and county councils than in district councils by a statistically significant margin. Twenty-six per cent of respondents report that they had made use of agency staff to reduce their legal casework backlog and 25 per cent stated it was because specialist knowledge was not available in-house. Fourteen per cent reported they made use of agency staff to cover short-term work or a specific task only.



**Table 40: In general, for what reasons do you use agency staff?**

	Districts %	Single-tier and counties %	All council %
Recruitment exercise didn't generate enough candidates (number available for interview generally was low)	46	81	64
Recruitment exercise didn't generate enough candidates with the required skills (number appointable with required experience was low)	47	74	61
To cover long-term absence in the team	28	50	39
To meet unprecedented demand	19	54	37
Lack of capacity to recruit immediately/to cover during recruitment exercise	26	46	36
To cover short-term absence in the team	17	44	31
To reduce legal casework	19	33	26
Specialist knowledge was not available in-house	27	23	25
Post was to cover short-term work/specific task only	10	18	14
Other	20	7	14

Unweighted base: all respondents who answered this question (105) - District councils (57), Single-tier and county councils (48)

Fourteen per cent of respondents stated an 'other' reason why they had made use of agency staff. Below is a list of the most common 'other' responses that were given by respondents:

- Increasing demand
- To allow flexibility in areas where external work was undertaken
- While a restructure was implemented

Respondents were asked to add any more information they had about the issues that led them to use agency staff over the last three years. Forty-seven councils responded to this question, which are broken down into the themes below:

- **Difficulties with recruitment:** 25 respondents stated that issues with recruitment had led them to make use of agency staff. One of these was an

inability to attract suitable candidates. This was thought by respondents to be due to councils being uncompetitive on salary when compared with the private sector or agency work. There was also a lack of candidates for more specialist roles.

- **The cost of agency staff:** 20 respondents stated that agency staff were expensive which means they were having a negative impact on budgets. Councils also mentioned that agency staff do not always offer good value for money.
- **Workload:** ten respondents reported that their council had made use of agency staff for the legal team because their workload was too high.
- **Issues with agency staff:** six respondents reported issues with their agency staff. In particular, that they had a high turnover rate and were often of a lower quality than legal officers who were permanently employed.

Respondents were asked how successful their council's use of legal agency staff was over the last three years. Seventy-six per cent of councils reported that it was very or fairly successful. However, only 15 per cent stated that it was very successful. Single-tier and county councils (97 per cent) were far more likely to report the use of agency staff as successful when compared with district councils (55 per cent).

**Table 41: Generally, how successful or not was the result of using agency staff in the last three years, in your opinion?**

	Districts %	Single-tier and counties %	All council %
<b>Very or fairly successful</b>	<b>55</b>	<b>97</b>	<b>76</b>
<b>Not very or not successful at all</b>	<b>29</b>	<b>3</b>	<b>15</b>
Very successful	14	16	15
Fairly successful	41	80	61
Not very successful	22	1	11
Not successful at all	7	2	5
Don't know	16	0	8

Unweighted base: all respondents who answered this question (104) - District councils (57), Single-tier and county councils (47)

Respondents were asked what the impact has been of using agency staff on the delivery of the legal service or on outcomes. One hundred and one councils responded to this question, and the responses are broken down into the themes below:

- **Lack of continuity, turnover and commitment:** 42 respondents reported that there was a lack of commitment and accountability to the council from

agency staff. There was also a lack of continuity and stability given the high turnover of agency staff. Some reported this high level of turnover has led to a disjointed and inconsistent approach to projects and to the service as a whole.

- **The cost of agency staff:** 38 respondents stated that agency staff were very expensive which means they were having a negative impact on budgets. Councils also mentioned that agency staff do not offer good value for money.
- **Reliance upon agency staff:** 34 respondents had more of a positive opinion on the impact of agency staff. Some reported that without them their council's legal service would no longer be able to continue an adequate service. Agency staff in some cases had reduced the workload of staff or were reported to have had a positive impact on delivery.
- **Poor quality of agency staff:** 25 respondents reported that agency staff were often of a poorer quality when compared with permanent council legal professionals.
- **Negative impact on existing permanent staff:** 17 respondents stated that the pay disparity between permanently employed council staff and often better paid agency staff has resulted in a drop in morale. This tension has also made it more difficult to build a positive working environment.
- **Managing agency staff:** 13 respondents reported that it takes managers too much time to interview and manage agency staff. They were also more difficult to manage as some refuse to attend the office or hearings in person.

### **Cost of agency staff**

Respondents were asked how much their council spent on legal agency staff in the 2022/23 financial year. Councils spent slightly over £94 million on agency staff in the 2022/23 financial year. This means the average spend during this period per council was marginally under £300,000. The average spend for single-tier and county councils was £508,000, compared with £101,000 for district councils.

Respondents were also asked to give their expenditure on agency staff from 1 April to October 2023. This figure was then used to estimate an amount for the 2023/24 financial year. The estimated spend for all councils in England was slightly over £81 million. The estimated average spend on agency staff across all English councils was £256,000. The average spend for single-tier and county councils was £518,000 compared with £90,000 for district councils. It has been estimated that, in the 2023/24 financial year, councils will spend an average of approximately £55,000 per agency staff member. For district councils, approximate spend per agency staff member was £53,000. This figure was £56,000 for single-tier and county councils.

**Table 42: For the 2022/23 financial year, what was the expenditure on agency staff for the legal team? England total and average (mean) per council.**

	Estimated England total	Districts	Single-tier and counties	All councils
Expenditure on agency staff in 2022/23	£94,308,000	£101,000	£508,000	£298,000
Expenditure on agency staff in 1 April to 1 October 2023	£40,607,000	£45,000	£217,000	£128,000
Estimated expenditure on agency staff in the 2023/24 financial year	£81,213,000	£90,000	£435,000	£256,000
Estimated expenditure on agency staff in the 2023/24 financial year per member of agency staff	N/A	£53,000	£56,000	£55,000

Unweighted base: all respondents who answered this question (88) - District councils (49), Single-tier and county councils (39). Note: estimated budgeted staff numbers for England have been rounded to the nearest thousand. This may cause the figures to not add up precisely to the total.

### Recruiting agency staff

The survey asked respondents how easy or difficult their council had found it to recruit agency staff for each of the different roles in the legal team over the previous three years. Much as with permanent staff (see table 18), councils were most likely to say it was very or fairly difficult to recruit agency to fill the role of solicitor (57 per cent). Ten per cent of respondents reported it was very or fairly difficult to recruit paralegal agency staff. Four per cent of councils reported that recruiting agency barristers, or a Head of Legal Services or Monitoring Officer, was very or fairly difficult. Eleven per cent reported that an 'other' legal team role was very or fairly difficult to recruit agency staff for.

**Table 43: Over the last three years, how easy or difficult has your council found it to recruit agency staff for each of the following roles in the legal team? (All councils)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff - excluding admin staff %
<b>Very or fairly difficult</b>	<b>4</b>	<b>57</b>	<b>4</b>	<b>10</b>	<b>11</b>
<b>Not very or not at all difficult</b>	<b>16</b>	<b>32</b>	<b>6</b>	<b>26</b>	<b>14</b>
Very difficult	2	18	4	1	4
Fairly difficult	2	38	0	9	7
Not very difficult	10	23	1	16	7
Not difficult at all	6	9	5	10	7
Don't know	80	11	90	64	75

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Table 44 provides the data for single-tier and county councils. Seventy per cent of single-tier and county councils reported that it was very or fairly difficult to recruit agency staff to be solicitors, compared with 15 per cent for paralegal roles. Six per cent of councils reported that recruiting agency staff to be barristers was very or fairly difficult. A high percentage of respondents reported that they do not know across all job roles, except for solicitors (11 per cent). Eleven per cent of respondents reported that an 'other' type of agency legal worker was very or fairly difficult to recruit permanently, although respondents were not asked to specify that role.

**Table 44: Over the last three years, how easy or difficult has your council found it to recruit agency staff for each of the following roles in the legal team? (Single tier and counties)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff - excluding admin staff %
<b>Very or fairly difficult</b>	<b>2</b>	<b>70</b>	<b>6</b>	<b>14</b>	<b>13</b>
<b>Not very or not difficult at all</b>	<b>19</b>	<b>29</b>	<b>4</b>	<b>37</b>	<b>17</b>
Very difficult	2	28	6	2	9
Fairly difficult	0	42	0	13	5
Not very difficult	13	23	2	23	11
Not difficult at all	6	7	3	14	6
Don't know	79	0	90	49	70

Unweighted base: all respondents who answered this question - Single-tier and county councils (48)

Table 45 provides the data by district councils. A smaller proportion of district councils reported difficulties recruiting agency staff across all job roles: for example, 43 per cent reported that it was very or fairly difficult to recruit agency staff for the role of solicitor, compared with 70 per cent of single-tier and county councils. A small proportion of districts reported difficulties for other posts: 6 per cent for paralegal positions, or for the Head of Legal Services or Monitoring Officer role.

**Table 45: Over the last three years, how easy or difficult has your council found it to recruit agency staff for each of the following roles in the legal team? (Districts)**

	<b>Head of Legal Services / Monitoring Officer %</b>	<b>Solicitors %</b>	<b>Barristers %</b>	<b>Paralegals %</b>	<b>Other legal team staff - excluding admin staff %</b>
<b>Very or fairly difficult</b>	<b>6</b>	<b>43</b>	<b>2</b>	<b>6</b>	<b>8</b>
<b>Not very or not difficult at all</b>	<b>13</b>	<b>34</b>	<b>7</b>	<b>15</b>	<b>12</b>
Very difficult	2	9	2	0	0
Fairly difficult	3	34	0	6	8
Not very difficult	6	23	0	9	3
Not difficult at all	7	11	7	6	9
Don't know	81	23	91	80	80

Unweighted base: all respondents who answered this question - Districts councils (60)

Respondents were asked how easy or difficult their council had found it to recruit agency staff for different legal service areas in the legal team over the previous three years. The most common legal service areas or specialisms councils found it very or fairly difficult to recruit agency staff for was commercial (50 per cent), followed by planning (46 per cent). This was followed by regeneration and property (42 per cent), procurement (41 per cent), and enforcement and litigation (39 per cent).

**Table 46: Over the last three years, how easy or difficult has your council found it to recruit agency staff for each of the following legal service areas in the legal team? (All councils)**

	Commercial %	Planning %	Regeneration and property %	Procurement %	Enforcement and Litigation %	Childcare %	Adult social care %	Governance %	Employment %	Other %
<b>Very or fairly difficult</b>	<b>50</b>	<b>46</b>	<b>42</b>	<b>41</b>	<b>39</b>	<b>31</b>	<b>28</b>	<b>19</b>	<b>12</b>	<b>27</b>
<b>Not very or not difficult at all</b>	<b>16</b>	<b>20</b>	<b>33</b>	<b>13</b>	<b>23</b>	<b>19</b>	<b>15</b>	<b>11</b>	<b>10</b>	<b>6</b>
Very difficult	21	25	23	16	14	14	17	8	6	23
Fairly difficult	29	21	19	24	25	17	11	11	6	4
Not very difficult	9	12	20	5	16	15	12	5	5	2
Not difficult at all	7	8	13	8	7	5	3	6	5	3
Don't know / not recruited	34	33	25	46	39	50	57	70	78	67

Unweighted base: all respondents who answered this question (105) - District councils (59), Single-tier and county councils (46)

Table 47 provides the data for single-tier and county councils. The most common legal service area single-tier and county councils found it very or fairly difficult to recruit agency staff for was commercial (61 per cent), followed by planning or childcare (both 53 per cent). This is followed by regeneration and property (51 per cent), adult social care (50 per cent), and procurement (48 per cent). Fifty-two per cent reported that an 'other' legal service area was difficult to recruit agency staff for.



**Table 47: Over the last three years, how easy or difficult has your council found it to recruit agency staff for each of the following legal service areas in the legal team? (Single tier and counties)**

	Commercial %	Planning %	Childcare %	Regeneration and property %	Adult social care %	Procurement %	Enforcement and Litigation %	Employment %	Governance %	Other %
<b>Very or fairly difficult</b>	<b>61</b>	<b>53</b>	<b>53</b>	<b>51</b>	<b>50</b>	<b>48</b>	<b>42</b>	<b>23</b>	<b>22</b>	<b>52</b>
<b>Not very or not difficult at all</b>	<b>20</b>	<b>30</b>	<b>34</b>	<b>36</b>	<b>27</b>	<b>18</b>	<b>28</b>	<b>14</b>	<b>10</b>	<b>7</b>
Very difficult	28	29	24	29	28	15	14	11	10	43
Fairly difficult	34	24	30	21	21	33	28	11	12	10
Not very difficult	13	21	27	22	22	9	23	10	8	0
Not difficult at all	7	10	7	14	5	9	5	4	2	7
Don't know / not recruited	18	17	13	13	24	34	31	64	68	41

Unweighted base: all respondents who answered this question - Single-tier and county councils (46)

Table 48 breaks down the data by district councils. A slightly smaller proportion of district councils reported difficulties recruiting for specialisms than single-tier and county councils. The two most common legal service areas district councils found it very or fairly difficult to recruit agency staff for was planning (40 per cent) and commercial (39 per cent). This is followed by procurement (35 per cent), regeneration and property (34 per cent), and enforcement and litigation (33 per cent). Four per cent of districts reported that it was very or fairly difficult to recruit agency legal staff for childcare and adult social care, but this is likely to be because district councils are not social care providing authorities and so will rarely need legal expertise in that service area. Seven per cent of reported that an 'other' legal service area was difficult to recruit agency staff for.

**Table 48: Over the last three years, how easy or difficult has your council found it to recruit agency staff for each of the following legal service areas in the legal team? (Districts)**

	Planning %	Commercial %	Enforcement and Litigation %	Regeneration and property %	Procurement %	Governance %	Adult social care %	Childcare %	Employment %	Other %
<b>Very or fairly difficult</b>	<b>40</b>	<b>39</b>	<b>35</b>	<b>34</b>	<b>33</b>	<b>17</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>7</b>
<b>Not very or not at all difficult</b>	<b>11</b>	<b>11</b>	<b>17</b>	<b>31</b>	<b>9</b>	<b>12</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>5</b>
Very difficult	21	14	14	17	17	6	4	2	0	7
Fairly difficult	19	24	22	17	16	11	0	2	0	0
Not very difficult	4	5	9	18	2	2	0	0	0	5
Not difficult at all	7	6	9	13	7	10	2	2	6	0
Don't know / not recruited	49	51	47	35	58	71	94	94	94	89

Unweighted base: all respondents who answered this question - Districts councils (59)

## Future plans

Respondents were asked if their council had a specific legal workforce plan. Thirty-two per cent reported that they had a workforce plan for legal staff, while 61 per cent stated their council did not.

**Table 49: Does your council have a specific legal workforce plan, or not?**

	Districts %	Single-tier and counties %	All councils %
Yes, we have a legal workforce plan	29	34	32
No, we do not currently have a legal workforce plan	65	56	61
Don't know	6	10	8

Unweighted base: all respondents who answered this question (109) - District councils (61), Single-tier and county councils (48)

Respondents were also asked what workforce actions their council were undertaking within the legal team during the 2023/24 financial year. Forty-five per cent of councils stated that they were reducing the use of consultants or agencies. This was more common among single-tier and county councils (58 per cent) when compared with district councils (32 per cent). The second most common response was that the council was making no substantive changes to staffing numbers (42 per cent); although another 35 per cent reported they were recruiting more staff overall. Single-tier and county councils (42 per cent) were more likely to report this when compared with district councils (28 per cent). Twenty-eight per cent of councils stated they were increasing the number of apprenticeships. This was significantly more common among single-tier and county councils (46 per cent) than among district councils (6 per cent).

**Table 50: Which, if any, of the following workforce actions are you undertaking within your legal team during 2023/24?**

	Districts %	Single-tier and counties %	All councils %
Reducing use of consultants or agencies	32	58	45
Making no substantive changes to staffing numbers	47	36	42
Recruiting more staff overall	28	42	35
Increasing apprenticeships	9	46	28
Recruiting more staff in specialist roles	24	25	25
Introducing apprenticeships	15	32	23
Introducing graduate entry	11	15	13
Recruitment freeze	7	14	11
Reviewing the agency service provider	4	17	11
Increasing use of agency staff	9	10	9
Increasing use of consultancy	6	10	8
Decreasing apprenticeships	1	4	3
Reducing staff numbers overall (through managing vacancies)	3	4	3
Making redundancies	0	2	1
Other (please specify)	15	10	13
Don't know	4	3	3

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Thirteen per cent of respondents stated an 'other' workforce action they had undertaken in the 2023/24 financial year. Below is a list of the most common 'other' responses that were given by respondents:

- Introducing a 'Grow your own' strategy
- Increasing the number of legal executives
- Outsourcing
- Restructuring the legal service
- Introducing or increasing trainee posts

Respondents were asked if they had undertaken any projections for the staffing numbers they would need in future years to meet anticipated demand for legal services. Twenty-nine per cent of councils reported that they had undertaken staffing projections while 65 per cent said that they had not.

**Table 51: Have you undertaken any projections of the staffing numbers you will need in future years to meet anticipated demand for legal services, or not?**

	Districts %	Single-tier and counties %	All councils %
Yes	33	24	29
No	67	63	65
Don't know	0	13	6

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Respondents were asked to specify the increase in the FTE of their legal team that they would need in future, in order to meet anticipated demand. Because only a small number of respondents were able to provide an answer to this question, there was insufficient data to estimate totals across England or averages by authority type. Instead, a simple average of the figures provided was calculated. It should be noted that these averages are not necessarily representative of councils overall, only of the subset of councils which were able to provide this information. Respondents anticipated needing an increase of approximate 2.3 FTE per council within the next one to two years. This decreased to an average of 1.0 per council in three to five years, and falling further still to 0.6 in six to ten years.

**Table 52: Please write in the estimated increase on 2023/24 FTE you will need in the following time periods to meet anticipated demand**

	All councils
1-2 years	2.3
3-5 years	1.0
6-10 years	0.6

Unweighted base: all respondents who answered this question (28)

## Capacity to deliver services

Respondents were asked how confident they were that their council would have enough of the right staff to maintain their legal services adequately over the next year. Respondents were most likely to have reported they were very or fairly confident about their head of legal services or monitoring officer positions (86 per cent). The job role councils were second most likely to be very or fairly confident about were paralegals (63 per cent). Councils were more likely to be very or fairly confident about their solicitors (36 per cent) than barristers (14 per cent). However, relatively few councils employ barristers, therefore 72 per cent of respondents say they do not know. Fifty-five per cent of respondents reported they were very and fairly confident that they had of an 'other' type of legal worker, although respondents were not asked by the survey to specify that role. Councils were far more likely to report they were not very confident (48 per cent) or not at all confident (15 per cent) that they would have enough solicitors when compared with other roles in their council's legal services team.

**Table 53: How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal service adequately? (All councils)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff - excluding admin staff %
<b>Very or fairly confident</b>	<b>86</b>	<b>36</b>	<b>14</b>	<b>63</b>	<b>55</b>
<b>Not very or not at all confident</b>	<b>6</b>	<b>63</b>	<b>14</b>	<b>17</b>	<b>19</b>
Very confident	40	3	2	14	14
Fairly confident	46	33	12	49	40
Not very confident	5	48	8	14	15
Not at all confident	1	15	6	3	4
Don't know	8	2	72	21	26

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Table 54 provides the data for single-tier and county councils. Single-tier and county councils were most likely to have reported they were very or fairly confident about

their Head of Legal Services or Monitoring Officer positions (89 per cent). This was closely followed by paralegals (80 per cent).

Two-thirds (67 per cent) reported that they were not very or not at all confident about having enough solicitors to run the legal service adequately.

**Table 54: How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal service adequately? (Single tier/counties)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff - excluding admin staff %
<b>Very or fairly confident</b>	<b>89</b>	<b>33</b>	<b>23</b>	<b>80</b>	<b>62</b>
<b>Not very or not at all confident</b>	<b>5</b>	<b>67</b>	<b>16</b>	<b>14</b>	<b>19</b>
Very confident	44	0	2	19	13
Fairly confident	45	33	21	61	49
Not very confident	5	51	9	14	19
Not at all confident	0	16	7	0	0
Don't know	6	0	62	7	19

Unweighted base: all respondents who answered this question - Single-tier and county councils (48)

Table 55 provides the data for district councils. District councils were most likely to report they were very or fairly confident about their Head of Legal Services or Monitoring Officer positions (84 per cent). Three-fifths (58 per cent) were not very confident or not at all confident about having enough solicitors to adequately run the legal service. This was closely followed by paralegals (45 per cent).

**Table 55: How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal service adequately? (Districts)**

	Head of Legal Services / Monitoring Officer %	Solicitors %	Barristers %	Paralegals %	Other legal team staff - excluding admin staff %
<b>Very or fairly confident</b>	<b>84</b>	<b>39</b>	<b>5</b>	<b>45</b>	<b>47</b>
<b>Not very or not at all confident</b>	<b>7</b>	<b>58</b>	<b>12</b>	<b>20</b>	<b>20</b>
Very confident	36	5	2	9	16
Fairly confident	48	33	3	36	31
Not very confident	5	44	8	14	11
Not at all confident	2	14	4	6	8
Don't know	10	3	83	35	34

Unweighted base: all respondents who answered this question - Districts councils (60)

Respondents were asked how confident they were that over the next year their council would have enough of the right staff to maintain their legal service adequately across different legal service areas. Respondents were most likely to have reported being very or fairly confident about having the right staff for governance (71 per cent). This was followed by enforcement and litigation (57 per cent). However, half or more councils were not very or not at all confident about having enough of the right staff for planning (50 per cent), and commercial (51 per cent).



**Table 56: How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal team adequately across the following legal services areas? (All councils)**

	Governance %	Enforcement and Litigation %	Planning %	Regeneration and property %	Commercial %	Employment %	Procurement %	Childcare %	Adult social care %	Other %
<b>Very or fairly confident</b>	<b>71</b>	<b>57</b>	<b>50</b>	<b>49</b>	<b>45</b>	<b>42</b>	<b>39</b>	<b>25</b>	<b>22</b>	<b>12</b>
<b>Not very or not at all confident</b>	<b>23</b>	<b>42</b>	<b>48</b>	<b>47</b>	<b>50</b>	<b>23</b>	<b>47</b>	<b>31</b>	<b>33</b>	<b>16</b>
Very confident	23	9	8	6	6	4	4	6	2	12
Fairly confident	47	47	42	43	40	38	35	18	20	0
Not very confident	17	30	35	33	36	12	30	16	18	6
Not at all confident	6	12	13	15	15	11	16	15	16	10
Don't know	7	2	2	4	4	35	14	45	45	72

Unweighted base: all respondents who answered this question (108) - District councils (60), Single-tier and county councils (48)

Table 57 provides the data for single-tier and county councils. Respondents from single-tier and county councils were most likely to report they were very or fairly confident about their having the right staff for governance (64 per cent), closely followed by employment (63 per cent). However, more than half were not very or not at all confident about having the right legal staffing for commercial (55 per cent) or for childcare (52 per cent) and adult social care (57 per cent).

**Table 57: How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal team adequately across the following legal services areas? (Single tier and counties)**

	Governance %	Employment %	Enforcement and Litigation %	Planning %	Regeneration and property %	Procurement %	Commercial %	Childcare %	Adult social care %	Other %
<b>Very or fairly confident</b>	<b>64</b>	<b>63</b>	<b>59</b>	<b>54</b>	<b>51</b>	<b>48</b>	<b>44</b>	<b>43</b>	<b>38</b>	<b>19</b>
<b>Not very or not at all confident</b>	<b>26</b>	<b>27</b>	<b>41</b>	<b>46</b>	<b>46</b>	<b>45</b>	<b>56</b>	<b>52</b>	<b>58</b>	<b>30</b>
Very confident	19	5	4	5	3	2	4	10	3	19
Fairly confident	46	58	55	49	48	46	40	33	36	0
Not very confident	18	12	25	31	25	24	35	27	30	0
Not at all confident	8	15	16	15	21	21	20	25	27	30
Don't know	9	10	0	0	4	7	0	6	4	51

Unweighted base: all respondents who answered this question - Single-tier and county councils (48)

Table 58 provides the data for district councils. Respondents from district councils were most likely to report they were very or fairly confident about their having the right staff for governance (78 per cent), followed by enforcement and litigation. However, around half were not very or not at all confident about having the right legal staff for planning (50 per cent), procurement (49 per cent) and regeneration/property (49 per cent).

**Table 58: How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal team adequately across the following legal services areas? (Districts)**

	Governance %	Enforcement and Litigation %	Regeneration and property %	Commercial %	Planning %	Procurement %	Employment %	Childcare %	Adult social care %	Other %
<b>Very or fairly confident</b>	<b>78</b>	<b>54</b>	<b>47</b>	<b>47</b>	<b>46</b>	<b>30</b>	<b>18</b>	<b>2</b>	<b>2</b>	<b>8</b>
<b>Not very or not at all confident</b>	<b>19</b>	<b>43</b>	<b>49</b>	<b>45</b>	<b>50</b>	<b>49</b>	<b>18</b>	<b>4</b>	<b>4</b>	<b>8</b>
Very confident	29	15	11	7	12	7	4	2	2	8
Fairly confident	49	39	37	40	34	23	14	0	0	0
Not very confident	15	35	41	36	38	37	11	2	2	8
Not at all confident	4	8	8	8	12	12	7	2	2	0
Don't know	4	3	4	8	4	21	64	94	94	83

Unweighted base: all respondents who answered this question - Districts councils (60)

All respondents were asked what their biggest workforce challenge at the moment was, including those that had responded that their legal service is outsourced or a shared service and were not asked the other questions. One hundred and five councils responded to this question, which could be broken down into the themes below:

- **Recruitment and retention difficulties:** 46 respondents said their biggest workforce challenge at the moment were issues related to recruiting permanent staff and retaining them.
- **Lack of expertise and experience:** 34 respondents mentioned that there was a lack of experience and expertise among job applicants. There was also a lack of applicants for specialised roles, meaning councils may be reliant on agency staff to fill these positions.
- **Competing salaries and pay structure:** 27 respondents stated that salary and pay structure were a workforce challenge. This is because, for many legal professionals, they can achieve higher wages in the similar roles in the private sector.

- **High workload:** 21 respondents reported that their current capacity within their legal team does not meet demand. This resulted in legal staff experiencing burnout.
- **Difficult current financial climate:** nine respondents reported that the current financial climate in local government makes it more difficult to fully staff their legal team.

All respondents were asked if there was anything else about workforce capacity and use of agency staff they would like to share. Fifty-eight councils responded to this question, which are broken down into the themes below:

- **Issues with agency staff:** 19 respondents said there were issues with using agency staff. These included the high cost of hiring them and agency work often being more lucrative for legal professionals than working directly for a council. There were also issues highlighted with the quality of agency staff. For example, many do not have the required expertise for the role they were filling. There is a long-term issue which arises when agency staff have become vital to the team functioning rather than a short-term fix for gap in the legal team.
- **Recruitment and retention challenges:** 11 respondents reported that there were issues regarding recruitment. One issue noted by a council was that, when law graduates want to join councils there are not always enough permanent lawyers in team to train them. There were problems in retaining legal staff. One example being that private sector firms can offer legal professionals better wages than councils.
- **Financial issues in the sector:** nine respondents referred to the general financial issues local councils currently find themselves in and how this has made recruitment more difficult.
- **High workload:** four councils reported that their current capacity within their legal team does not meet demand leading to an increased workload and higher levels of stress.
- **Chartered Legal Executives:** four respondents commented that Chartered Legal Executives should have been included in the survey alongside other legal positions, rather than been placed under 'other'; they noted that these legal professionals contribute a great amount to local councils.

## Annex A: Questionnaire

Thank you for taking the time to complete this survey. You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

If you stop before completing the return, you can come back to this page using the link supplied in the email and you will be able to continue where you left off. To ensure your answers have been saved, click on the 'next' button at the bottom of the page that you were working on before exiting.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our privacy statement. We are undertaking this survey to aid the legitimate interests of the LGA in supporting and representing authorities.

We are collecting information to understand the capacity within legal teams, to assist councils and for discussion with central government.

Several of the questions list groups of staff where councils have previously identified they have experienced issues with capacity. We would be grateful if you could provide information for each of these groups, where possible.

For councils with a shared legal team, a single return is sufficient. Please write in the councils with which you share the service at the start of the questionnaire.

By 'legal team' we mean the team of qualified solicitors and barristers who act on behalf of and give legal advice to council staff – whether or not they are located in a central team. It also includes Monitoring Officers who may or may not have a legal qualification.

**Please amend the details we have on record if necessary.**

- Name
- Authority
- Job title
- Email address

**Is your legal team outsourced?**

- Yes
- No

**If yes, please tell us which posts are outsourced with whom.**

**Is any part of your legal team a shared service between more than one authority?**

- Yes
- No

**If yes, please write in which parts and the names of the authorities that share the legal team with you.**

## **Staff numbers and status**

**In total, how many posts were budgeted for within the legal team on 1 April 2023?**

Please include all directly employed council staff (including partly qualified and trainee staff), whether the post is filled or not.

Please write in a full-time equivalent (FTE): for example, two posts in which both people work half-time counts as one post. Write '0' if there are no budgeted staff.

Where the same post conducts multiple job roles, or is a shared post between multiple councils, please use a rough estimate of the proportion allocated to each role.

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other legal team staff - Excluding admin staff

## **FTE posts**

**And how many (in FTE) were classified under each of the following categories on 1 October 2023?**

Please include all directly employed staff (including partly qualified and trainee staff).

Directly employed staff are all permanent, temporary and fixed-term staff, but exclude agency staff and any locums, interims or temporary staff if they have been employed through an agency.

The total on each column should match the totals in the first question.

Column headings:

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other legal team staff - Excluding admin staff

Row headings:

- FTE of filled posts where the staff member is present (this includes those on annual leave and short-term parental leave or sick leave)

- FTE of filled posts where the staff member is absent though long-term parental leave or long-term sickness (even if covered by agency staff)
- FTE of posts that are vacant (even if covered by agency staff)
- Other (please specify)
- Total FTE posts at 1 October 2023
- Total headcount at 1 October 2023 (please enter a whole number without a comma or decimal place)

**Please specify the other category of staff you identified which make up the total.**

**Over the last three years, for which groups of staff do you most often have vacancies?**

Please tick all that apply.

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other (please specify)
- No vacancies

**Over the last three years, what is the single vacancy you found/ are finding most difficult to fill?**

Please tick one box only.

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other legal team staff - Excluding admin staff
- No vacancies
- No vacancies are difficult to fill

**For how long did you have / have you had this vacancy?**

- Less than six months
- Six months or more but less than a year
- A year or more but less than three years
- Three years or more but less than five years
- Five years or more
- Don't know / not applicable



**What are the main reasons why you had / have had the vacancies for this long?**

- Overall council recruitment freeze / managed vacancy policy
- Pending a restructure
- New appointment unable to start quickly
- Cost of recruitment has delayed it
- Difficulties recruiting staff of the right skills/experience
- Other (please specify)
- Don't know

**In the last three years, have you made use of consultancy or not, in order to undertake projects that would previously have been undertaken by in-house staff?**

- Yes
- No
- Don't know

**What sort of consultancy work was undertaken?**

**Recruitment and retention of staff**

**Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the following roles in the legal team?**

Please tick one on each row

Column headings:

- Very difficult
- Fairly difficult
- Not very difficult
- Not at all difficult
- Don't know / not recruited

Row headings:

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other legal team staff - Excluding admin staff

**Over the last three years, how easy or difficult has your council found it to recruit permanent staff for each of the legal service areas in the legal team?**

Column headings:

- Very difficult
- Fairly difficult
- Not very difficult
- Not at all difficult
- Don't know / not recruited

Row headings:

- Governance
- Planning
- Regeneration and property
- Commercial
- Procurement
- Employment
- Enforcement / Litigation
- Childcare
- Adult social care
- Other

**Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the following roles in the legal team?**

Column headings:

- Very difficult
- Fairly difficult
- Not very difficult
- Not at all difficult
- Don't know / not recruited

Row headings:

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other legal team staff - Excluding admin staff

**Over the last three years, how easy or difficult has your council found it to retain permanent staff for each of the legal service areas in the legal team?**

Column headings:

- Very difficult
- Fairly difficult
- Not very difficult

- Not at all difficult
- Don't know / not recruited

Row headings:

- Governance
- Planning
- Regeneration and property
- Commercial
- Procurement
- Employment
- Enforcement / Litigation
- Childcare
- Adult social care
- Other

### **What is your legal team's current turnover rate?**

Please base this on employees who left the authority either voluntarily or involuntarily in the 12 months to 1 October 2023 (including retirements, resignations, dismissals or redundancies).

It should be calculated on headcount terms, not full-time equivalent terms. The sum is headcount of employees that have left, divided by the total number headcount, and then multiplied by 100.

### **Has your turnover rate changed or not over the last three years?**

- Increased
- Stayed the same
- Decreased
- Don't know

### **What have been the main reasons given by employees for leaving the service?**

- To work in a different sector (private or other parts of the public sector)
- For more pay
- Relationship with line manager/leadership
- Better career opportunities
- For career change
- More flexibility (e.g. more home working; less rigid working patterns)
- Retirement
- Personal commitments e.g. caring responsibilities
- Travel
- Workload
- Member-officer relations

- Other (please specify)
- Don't know

**In 2022/23, did any of your permanent staff leave to take up agency work?**

- Yes
- No
- Don't know

**What reasons, if any, did those staff give for preferring agency work?**

- Didn't want a permanent role
- Pay is higher for agency work
- Less professional risk
- Workload is lower for agency work
- Less administration for agency work
- Greater flexibility of work
- Better career progression
- Other (please specify)
- Don't know

**What actions, if any, have you taken or are you taking to help with recruitment and retention issues generally in your legal team?**

Please tick all that apply

- Market supplements or other pay augmentation
- Relocation packages
- Targeted recruitment campaigns within the sector
- Targeted recruitment campaigns outside the sector
- Career frameworks/career grades
- Personal development offers
- "Golden hellos"
- Job redesign
- Flexible working
- Retention payments
- Organisational redesign
- Secondments
- Apprenticeships
- T-levels
- Agency staff
- Government training schemes
- Creating a specific recruitment pipeline through education partnerships
- Graduate programme
- 'Refer a friend' scheme
- Other (please specify below)
- None of the above

- Don't know

**Which, if any, of the following forms of collaboration with other councils does your legal team undertake to help address recruitment challenges?**

Please tick all that apply.

- Shared posts
- Pooling service knowledge
- Shared services
- Shared use of agency staff
- Other (please specify)
- None of these

### **Agency staff**

We know that one of the ways of dealing with recruitment and retention issues is through the use of agency staff, and the following questions ask about this in more detail, for key areas of legal teams.

Over the last three years, how often would you say you make use of agency staff in your legal team?

- Very often - we are heavily reliant on them, and the service would run inadequately without them
- Fairly often - we regularly rely on them to ensure the continuous smooth-running of the service
- Not very often - we use them occasionally for specific tasks or at points of increased demand or low capacity
- Never

**Has your use of agency staff changed or not over the last three years?**

- Increased
- Stayed the same
- Decreased
- Don't know

**How many agency staff did you have in place in your legal team on 1 October 2023, in terms of:**

- Headcount of agency staff currently. Please enter a whole number without a comma or decimal place
- Full-time equivalent of agency staff currently

**In general, for what reasons do you use agency staff?**

Please tick all that apply.

- Recruitment exercise didn't generate enough candidates (number available for interview generally was low)
- Recruitment exercise didn't generate enough candidates with the required skills (number appointable with required experience was low)
- To cover short-term absence in the team
- To cover long-term absence in the team
- Post was to cover short-term work/specific task only
- To reduce legal casework backlog
- To meet unprecedented demand
- Lack of capacity to recruit immediately/to cover during recruitment exercise
- Specialist knowledge was not available in-house
- Other (please specify)
- Don't know

**Please add any more information you have about the issues that led you to use agency staff over the last three years.**

**Generally, how successful or not was the result of using agency staff in the last three years, in your opinion?**

- Very successful
- Fairly successful
- Not very successful
- Not at all successful
- Don't know

**What, in your opinion, has been the impact of using agency staff on the delivery of the legal service or on outcomes?**

**For the 2022/23 financial year, what was the expenditure on agency staff for the legal team?**

Please answer using whole pounds, for example 1000 rather than 1k

- Expenditure on agency staff in 2022/23
- Expenditure on agency staff from 1 April to 1 October 2023

**Over the last three years, how easy or difficult has your council found it to recruit agency staff for each of the following roles in legal?**

Column headings:

- Very difficult
- Fairly difficult

- Not very difficult
- Not at all difficult
- Don't know / not tried

Row headings:

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other legal team staff - Excluding admin staff

**Over the last three years, how easy or difficult has your council found it to recruit agency staff each of the legal service areas in the legal team?**

Column headings:

- Very difficult
- Fairly difficult
- Not very difficult
- Not at all difficult
- Don't know / not tried

Row headings:

- Planning
- Regeneration and property
- Commercial
- Procurement
- Employment
- Enforcement / Litigation
- Childcare
- Adult social care
- Other

## **Future plans**

**Does your council have a specific legal workforce plan, or not?**

- Yes, we have a legal workforce plan
- No, we do not currently have a legal workforce plan
- Don't know

**Which, if any, of the following workforce actions are you undertaking within your legal team during 2023/24?**

Please tick all that apply.

- Making no substantive changes to staffing numbers
- Recruiting more staff overall
- Making redundancies
- Reducing staff numbers overall (through managing vacancies)
- Recruitment freeze
- Recruiting more staff in specialist roles
- Increasing use of consultancy
- Increasing use of agency staff
- Reducing use of consultants or agencies
- Reviewing the agency service provider
- Introducing graduate entry
- Introducing apprenticeships
- Increasing apprenticeships
- Decreasing apprenticeships
- Other (please specify)
- Don't know

**Have you undertaken any projections of the staffing numbers you will need in future years to meet anticipated demand for legal services, or not?**

- Yes
- No
- Don't know

**Please write in the estimated increase on 2023/24 FTE you will need in the following time periods to meet anticipated demand.**

Please write in the additional number of FTE needed. Enter 'DK' if you do not know.

- 1-2 years
- 3-5 years
- 6-10 years

### **Capacity to deliver services**

**How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal service adequately?**

Column headings:

- Very confident
- Fairly confident
- Not very confident
- Not at all confident
- Don't know



Row headings:

- Head of Legal Services / Monitoring Officer
- Solicitors
- Barristers
- Paralegal
- Other legal team staff - Excluding admin staff

**How confident or not are you that, over the next year, your council will have enough of the right staff (in terms of numbers and skills) to maintain the legal team adequately across the following legal services areas?**

Column headings:

- Very confident
- Fairly confident
- Not very confident
- Not at all confident
- Don't know

Row headings:

- Planning
- Regeneration and property
- Commercial
- Procurement
- Employment
- Enforcement / Litigation
- Childcare
- Adult social care
- Other

**What is your biggest workforce challenge at the moment?**

**Is there anything else about workforce capacity and use of agency staff you would like to share with us?**



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