

Title of report	Procurement of external legal services
Public/confidential	Public
Action	For decision
Date of publication	After meeting
Summary/purpose of report	This report seeks authority to proceed with the procurement of external legal services.
Recommendations	The Committee is asked to grant authority to commence procurement of external legal services for the period from November 2019 to November 2022.
Link to Strategic Plan	The information in this report links to: Outcome 4 priority 6: High standards of governance
Link to the Risk Register	The information in this report links to Risk 1 Failure in our registration or fitness to practise processes lead to public protection failure. Risk 6 The SSSC experiences disruption or loss or reputation damage from a failure in its ICT systems, physical security or information governance arrangements.
Author	Chris Weir Head of Legal and Corporate Governance Tel: 01382 346456
Responsible Officer	Laura Shepherd Director of Strategy and Performance Tel: 01382 317842
Documents attached	None

1. BACKGROUND

- 1.1 Anderson Strathern (AS) has been providing legal services to the SSSC since 2003, following open selection. AS's most recent appointment was in December 2016. The work was advertised on the Public Contracts Scotland advertising portal in accordance with Procurement Policy. The period of service provision is 1 December 2016 until 30 November 2019.
- 1.2 We have used AS for advice on complex points of law, conducting appeals and Administration of Justice Act proceedings at the Sheriff Court and conducting Fitness to Practise Panel Hearings of a particularly complex or challenging nature. They have also provided advice to HR on complex employment matters.
- 1.3 Resources Committee gave authority to procure external presenter services in November 2018. Since that date, the Scottish Government have introduced a new legal services framework which means that we have to procure general legal services separate to those required to meet our regulatory functions.

2. PROCUREMENT OF LEGAL SERVICES 2019 – 2022

- 2.1 The need for these services has not changed. We are seeking authority to commence a procurement exercise in order that a contract with a supplier is in place by the time the contract with the current supplier expires in November 2019.
- 2.2 The September meeting of the Resources Committee is the last meeting before the expiry of our previous contract with the supplier. Waiting until the next meeting of the Resources Committee leaves the organisation with a gap in legal services. We will therefore bring a report to Council in October 2019 with the responses to the invitation to tender and a recommendation on the appointment of the successful bidder. We will not enter any commitment before Council's decision on the tender responses.

3. RESOURCE IMPLICATIONS

- 3.1 The costs of legal services are provided for within the SSSC's grant in aid for the period to 31 March 2019. Thereafter the costs of the proposed contract for presenter services for the periods 2019 – 2022 will be funded from future grant in aid. No commitments will be made till the funding is available.

4. EQUALITY IMPACT ASSESSMENT

- 4.1 An Equality Impact Assessment has not been carried out.
- 4.2 I confirm that this policy will have no negative impact on people with one or more protected characteristics and a full Equality Impact Assessment is not required.

5. LEGAL IMPLICATIONS

- 5.1 We will follow advice from the Procurement Team to ensure the tender process is compliant with procurement legislation.

6. STAKEHOLDER ENGAGEMENT

- 6.1 None

7. IMPACT ON USERS AND CARERS

- 7.1 The absence of specialist advice may compromise our ability to take appropriate action, or defend action we have taken, relating to workers who pose a risk to people who use services.

8. CONCLUSION

- 8.1 The Committee is asked to agree to the proposals for the provision of external presenter services.

9. BACKGROUND PAPERS

- 9.1 None.