

Our ref: 717,729

Your ref:

Via email:

Highways Agency
Bridge House
1 Walnut Tree Close
Guildford
Surrey
GU1 4GA

26 March 2015

Dear Mr

FREEDOM OF INFORMATION REQUEST

Thank you for your e-mail Freedom of Information request regarding spend on external legal advice. The information you request, in addition to your original questions, is contained below:

1. *What does your organisation spend on legal fees e.g. external legal advice and what is the breakdown of fees and expenses?*

Legal Spend from 1 April 2013 to 31 March 2014

Type of Spend	Amount Spent
Professional Fees	£2,957,630.96
Acquisition	£1,688,037.33
Prop Man Resource	£162,460.12
Blight & discretionary	£48,463.93
Part 1 Claims	£20,010.37
Grand Total	£4,876,602.71

Legal Spend from 1 April 2014 to 28 February 2015

Type of Spend	Amount Spent
Professional Fees	£3,891,602.10
Acquisition	£1,412,892.65
Prop Man Resource	£89,259.17
Blight & discretionary	£2,897.54
Grand Total	£5,396,651.46

2. *What is the breakdown of spend e.g. what percentage of work is completed on an hourly rate basis, capped fee, fixed fee etc?*

All fees for external legal advice are at pre-agreed hourly rates.

3. *Who in your organisation is responsible for managing external legal spend?*

Management of external legal spend is devolved to the operational directors responsible for the issues in question, supported by Treasury Solicitor Department lawyers. Aggregate data on spend (see above) is held by Finance department.

4. *What controls do you have in place to manage external legal counsel spend?*

External legal counsel spend is facilitated/managed in conjunction with Treasury Solicitor Department lawyers, with charge rates agreed in advance. Within Highways Agency (soon to become Highways England), detailed analyses and checks are undertaken periodically as well as part of the monthly billing procedures.

5. *Do you use any of the eBilling (also known as Enterprise Legal Management or Legal Spend Management) tools (e.g. Serengetti, Mitratech, CT Tymetrix, Datacert etc.) available in the market to manage your legal spend – if yes what are you currently paying for this system and does the vendor charge your firms to use the same?*

No legal spend management tools such as e-billing are used to manage legal spend. However, detailed checks are carried out on receipt of itemised invoices for external legal services as well as on a periodic basis as cases evolve.

6. *Do you use a matter management system and if yes how much do you pay for the system?*

No "matter management system" is used. But as outlined above, detailed procedural and financial reviews are undertaken on a periodic basis.

7. *How do you decide if work is completed internally or by external counsel?*

Work is allocated to external counsel on recommendation of instructing solicitors, usually the Treasury Solicitors Department

8. *What performance management do you complete with your external legal counsel to ensure you are receiving value for money?*

External legal counsel use charge out rates agreed with instructing solicitors, again usually the Treasury Solicitors Department. Our instructing solicitors ensure work

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undertaken by counsel is proportionate, reasonable and to the required quality standards.

9. *What is the breakdown of spend e.g. % of time billed by partner, by senior associate, junior associate, trainee and paralegals etc.?*

This information varies on a case by case basis and aggregate data is not held.

10. *What is the breakdown of your legal spend by location e.g. how much work is performed in London, Manchester, Birmingham, Edinburgh, Glasgow, Cardiff, Belfast etc?*

Breakdown of legal spend is not recorded on a location by location basis. However, most litigation work is London based, although regional legal service providers are used for other legal requirements.

11. *How do you measure what value added services law firms provide to you (e.g. free advice, free training, free secondees etc.)?*

Value added services provided by external legal service providers include seminars, training courses and informal ad hoc advice. This is managed by Treasury Solicitors Department

12. *Do you use external consultants to advice on how to manage your legal spend more effectively. If yes, who and what have you spent with them in the last 12 months?*

External consultants are not used by the Highways Agency to manage legal spend. However, Treasury Solicitors Department do use external constants to manage legal spend, with any issues arising being passed on to the Highways Agency.

In keeping with the spirit and effect of the legislation, all information is assumed to be releasable to the public unless exempt. We may therefore be publishing the information you requested, together with any related information that will provide a key to its wider context, via our website: <http://www.highways.gov.uk/>

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at <http://www.highways.gov.uk/foiresponses/FOIresponses/8024.aspx>

If you require a print copy, please phone the Highways Agency Information Line on 0300 123 5000; or e-mail ha_info@highways.gsi.gov.uk . You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

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Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely



Highways Agency