



NALC Direct Access Scheme

**Guidance, Protocols &
Purpose Document**

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Foreword

On behalf of the National Association of Local Councils (NALC) it is my pleasure to welcome you to our Direct Access Scheme for larger local (parish and town) councils.

This document sets out in detail how the scheme works and how it can be used to complement existing support from county associations.

NALC is the only national body representing the interests of county associations of local councils (CALCs) and local councils or meetings.

One of our unique strengths is our size, which is why your membership through your CALC and access to NALC enhanced by the Direct Access Scheme is important to us.

Our representational role includes articulating your views to the government, the media and other national organisations, campaigning and lobbying for changes to legislation identified by you and which help you to better serve your communities.

But our other important purpose is providing advice and guidance on a whole host of issues, giving you the information and help you need to make a difference in your area.

A significant but not the only benefit of the scheme is our legal advice through our highly skilled and experienced legal team. The first port of call for councils with legal queries should always be county associations and reference to our other sources of advice such as Legal Briefings and Topic Notes.

We will continue to rely on your good judgement and use of the scheme for advice which could not ordinarily be received from your county association, usually down to its technical nature and complexity.

Working together, councils, CALCs, and NALC can ensure local councils are the voice of local communities listened to by local and national decision makers; with a reputation for good governance and getting things done for their communities.

It is in this spirit that I welcome you to the Direct Access Scheme.

Jonathan Owen, Chief Executive, NALC

1 What is the Direct Access Scheme (DAS)?

- The DAS was introduced in 2001 to complement support from county associations and existing guidance and speed up requests for advice usually of a technical nature and requiring assistance from NALC.
- DAS is delivered in partnership with participating county associations and is aimed at larger councils in membership with either an electorate of over 6,000 or annual budgeted income / spend over £250,000,
- The Scheme was subject to a fundamental review in 2015, overseen by the Larger Councils Committee, leading to the number of councils on the Scheme increasing.
- Written requests for advice must also be copied to the County Association, so that all relevant parties are kept updated.

2 What are the benefits of the Direct Access Scheme?

The Scheme has gone from strength to strength over the last 15 years and everyone (NALC, County Associations and Direct Access councils) benefits for the following reasons;

- Councils receive faster advice and guidance from NALC;
- Councils receive direct access to NALC's staff in the Legal, Policy & Communications teams on a wide range of subjects;
- Councils also directly receive NALC Briefings, weekly NALC e-newsletter, fortnightly DIS Extra, Legal Topic Notes, weekly Chief Executive Bulletins, Training, Development updates and other bulletins of significance which are issued on a whole range of issues including Legal, Policy, Training, Development and Communications;
- Direct Access applies in relation to ALL services provided at national level by NALC (with the exception of publications, which should still be accessed via your relevant CALC);
- Direct and quick access to the members' area of the NALC website with unique and individual log-in details. This will allow a council easy and timely access to a wealth of information, advice, guidance and toolkits which will help it in its essential day-to-day service delivery and community representation work; and
- County Associations benefit as they are not always resourced to deal with complex legal, policy, development and communications queries.

3 Who is eligible to join the Direct Access scheme?

Most CALCs will enable their eligible councils to join the scheme. All County Associations which have larger councils in membership satisfying the relevant membership criteria for the Scheme can nominate (individually or *en masse*) their larger councils to the Scheme at any time – providing they qualify.

Councils eligible to use the DAS are defined as a council with either an electorate of over 6,000 or annual budgeted income / spend over £250,000 and a member of their CALC and NALC.

Where other councils as nominated by their CALC such as newly created larger councils, larger councils which have just re-joined membership or larger councils just missing out on either qualification criterion – to the Scheme - the National Association will flexibly accommodate such requests.

4 How to use the Scheme - Overview

Direct Access Councils are required to keep CALCs advised of any approach to NALC by sending a copy of their original enquiry to the CALC office. NALC will send any substantial advice given to member councils in the Scheme to the relevant CALC.

Please ensure that any enquiries under the DAS clearly state that you are a DAS Council. *NALC aims to respond to advice requests within 15 working days.*

5 How to use Legal Services

Legal queries which can be answered by County Associations and reference to Legal Topic Notes and Briefings should be dealt with by County Associations in the first instance, please.

Legal enquiries should be submitted to NALC using the separate Requests for Legal Advice form.

If you wish to submit a request for Legal Advice you must fully complete the [Request for Legal Advice Form](#) which is available from the NALC Website.

Before referring a request for advice, please first check if it can be answered by reading relevant [Legal Topic Notes](#) (LTNs); [Legal Briefings](#); [Employment Briefings](#); [‘Local Councils Explained, ‘Governance and Accountability for Local Councils – A Practitioners’ Guide’](#) and or other relevant documents/ web links in the legal pages of our website. Such guidance aims to answer frequently asked questions.

Requests for legal (and financial) advice must be sent to legal@nalc.gov.uk . Otherwise all other enquires should be directed to nalc@nalc.gov.uk .

If your instructions are incomplete, we may not accept your request for advice unless further information or documentation is provided. Incomplete information may result in a delay in responding and in some cases we may at best only be able to give very general or provisional advice.

5.1 What to include in requests for Legal advice

Please provide clear instructions, background information and copy documents at the outset. Please see [“What to include in requests for advice”](#) in the legal pages of our website.

All requests for Legal advice **must**:

- provide all the facts, or a summary of the relevant facts;
- include a chronology of events if appropriate;
- enclose important and relevant copy documentation; and
- identify the position / role of a person to refer instructions or supporting documents to if this is not obvious.

A council threatened with or served with a legal claim, should not seek advice from NALC if they have access to legal advice and representation for defending legal claims available within the legal expenses cover of its insurance policy. Insurers may withdraw legal expenses cover if a council fails, in accordance with its policy, to notify the insurer of a threatened or actual legal action against it.

If a council has solicitors acting for it already, it must provide evidence that the solicitors consent to NALC providing a second legal opinion.

5.2 Requests relating to Finance, Accounts and Audit and Accounting Practices

All requests for advice which relate to finance (e.g. borrowing, VAT), accounts (e.g. annual accounts and audit and accounting practices (financial regulations, internal financial controls, risk management) should only be sent to the Head of Legal Services, NALC, 109 Great Russell Street, London, WC1B 3LD or emailed to legal@nalc.gov.uk.

Requests for advice, which are sent directly to Derek Kemp (NALC Audit & Accounts Advisor), will not be accepted.

5.3 General Matters

If advice is needed about the procedural validity and / or lawfulness of a council decision or activity, please confirm the exact decision that was made (i.e. the wording of the resolution), when and by whom (e.g. a committee or sub-committee decision or a full council decision following on from an advisory committee's recommendation and how (e.g. after consultation, upon receipt of expert advice, in closed session etc.).

When relevant, please send copies of agendas and minutes of meetings, terms of reference for committees, standing orders, byelaws, or any written policies adopted by the Council (e.g. equal opportunities, complaints handling).

5.4 Property

Please confirm who owns the premises and, when appropriate, provide evidence of ownership. Where ownership of land is not known, this must be stated.

If title is registered, we need to see office copy entries of HM Land Registry's register and plan (**colour**). If title is unregistered, we need to see a copy of the title deeds with **colour** plan.

Please confirm if occupation of premises is by way of freehold or leasehold title (including assignment, sub-lease or tenancy) or licence (written or unwritten).

If the query concerns a lease or licence term or easement, it is appropriate to send us a copy of the whole lease, sub-lease, tenancy or licence agreement or deed for grant of easement with **colour** plan.

Additional hand drawn / **colour** plans or photographs can assist us in boundary or access disputes.

Instructions should accurately describe land (and any buildings or structures on it) and confirm how the premises are used (e.g. children's play area, car park, sports facilities etc.).

If the query relates to common land or a village green, in addition to confirming ownership and use, please provide a copy of the entries and plan in the register of common land / village greens. If advice is sought about allotments, tell us what type of allotments (e.g. allotment gardens) and send us any rules or regulations which the allotment tenant are subject to in addition to the allotment tenancy.

If advice is sought in relation to a council's decision to sell or purchase premises, or to grant a lease or easement or licence, please provide a copy of the minutes which document all the related resolutions. (see above guidance re **general matters**).

5.5 Employment

Please send a copy of the written statement of the main terms of the employment contract and the employment contract. Where there is no written statement of the main terms or no employment contract, please confirm this.

When appropriate, please send a copy of relevant employment policies (for example relating to sickness absence, expenses claims, disciplinary and grievance) and relevant copy documentation evidencing concerns about the employee (e.g. reports by line managers, appraisals, FIT notes or medical reports).

Please always confirm when employment commenced, if the position is full or part time, temporary or permanent.

Please always confirm the name / position of the person or body (full council, committee or sub-committee) responsible for the management of a particular employee. Please provide the contact details of the Chairman of the council, committee or sub-committee).

5.6 Charity Law

If the query relates to a charitable property, please provide evidence of ownership (see above guidance re. **property**).

Please always confirm if the charity is registered with the Charity Commission and provide a copy of the charity's governing document.

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If the council is the sole or custodian trustee, please confirm if it is full council that discharges its charity trustee responsibilities or whether it has appointed a committee to discharge its responsibilities as charity trustee.

5.7 Other / Miscellaneous

If the query relates to a contractual dispute, please send us a copy of the contract and subsequent correspondence. If there is no written contract, please send us the tender, offer letter and related correspondence.

If the query relates to a request made under the Freedom of Information Act, 2000, we may need to see a copy of the request and the council's publication scheme.

5.8 How to Submit

Please send the completed form and the request for advice to:

By post: Head of Legal Services
NALC
109 Great Russell Street
London
WC1B 3LD

By email: legal@nalc.gov.uk

5.9 Tracking a Request for Legal Advice

If you do not receive an acknowledgement to your request for legal advice within 3 or 4 working days, it is likely that we have not received it. Please contact our Administration team to see if has been received and / or to confirm that you will re-submit it.

Once a case is allocated and you wish to ascertain its progress, please contact the person who is dealing with the matter and quote our full reference as confirmed in the legal acknowledgement (if a legal query).

6 How to use Policy and Development Services

There are three types of query which the Policy and Development team can best respond to on this Scheme;

- How to submit proposals to the Department of Communities and Local Government under the Sustainable Communities Act, 2007 (and its subsequent 2010 Amendment Act) – please e-mail chris.borg@nalc.gov.uk or call Chris on 020 7290 0741;
- How to submit motions for consideration by the NALC Policy Committee. (via and only through your County Association of Local Councils [CALC]) - please e-mail chris.borg@nalc.gov.uk or call Chris on 020 7290 0741; &
- Updates on lobbying by policy theme / Government Department – please e-mail Justin.Griggs@nalc.gov.uk or call Justin on 020 7290 0317.

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- Please contact Justin.Griggs@nalc.gov.uk or on 020 7290 0317 (NALC Head of Policy and Development) with any general queries regarding NALC's parliamentary lobbying, though please check the NALC web-site first where much of this information is readily available (<http://www.nalc.gov.uk/our-work>).

7 How to use Communications Services

Communications enquiries should be submitted via email to Alan Jones, NALC Head of Communications.

Alan can be contacted as follows: alan.jones@nalc.gov.uk or phone: 020 7290 0304 or post: Alan Jones, Head of Communications, NALC, 109 Great Russell Street, London WC1B 3LD.

The Communications team handles public relations, media relations, publications, reputation management, crisis communications, marketing, conferences and events, website and digital matters. The Communications team can provide desktop advice and guidance via email or the phone on the above matters.

7.1 Why Use Communications Services?

Many local (parish and town) councils appreciate that in order to be effective they must communicate well and engage effectively with the communities they serve. Research affirms that the reputation and effectiveness of local councils depends upon public awareness.

Good communications and community involvement is critical to earning and maintaining the goodwill of the communities that councils serve. NALC's Communications team can help councils improve their communications with the public, the media, other parts of the public sector as well as the private and third sectors.

8 Questions About the Direct Access Scheme (DAS)

If you have any questions or queries about the Scheme please contact Chris Borg, Policy and Development Manager either via e-mail at chris.borg@nalc.gov.uk or on Direct Line 020 7290 0741.

For administrative queries relating to the Scheme, to confirm if a larger council is on the Scheme or to confirm access to the Members' Area of the NALC web-site please contact Claire FitzGerald at Claire.FitzGerald@nalc.gov.uk or on 020 7290 0302.