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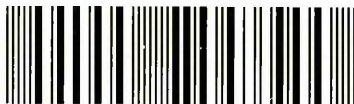
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**The Recruitment and Retention of Senior Legal Officers in  
District Councils in England and Wales**

Martyn Lowe

A thesis submitted in partial fulfilment of the requirements of  
Sheffield Hallam University, for the degree of Master of  
Philosophy

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### Abstract.

At the end of the 1980s the British economy was in a period of expansion which resulted in many district councils facing difficulties in recruiting certain categories of professional staff or retaining those they already employed. Recruiting and retaining senior legal officers was particularly difficult.

The reasons for this inability to recruit and retain lawyers was thought to reside in the greater attraction of the rewards offered by the private sector combined with the changing work environment of district councils. The internal changes in staffing, structure and ethos of districts caused by internal factors, external legislation and labour market pressures have contributed to the lawyer's career in district councils becoming less attractive to prospective candidates and existing staff compared with the rewards to be found in the private sector.

With the advent of the early 1990s recession this skills shortage ended due to an influx of legal professionals from the depressed private sector. With the return of economic growth the legal services labour market may well repeat the experience of the 1980s and local authorities find themselves once more facing a shortage of legal professionals.

The results of this study indicate that as a consequence of the changes facing district council's those work factors favoured by the local government lawyer are disappearing. Mechanisms such as commitment to the public service, job security, job content, status and recognition and the managerial-professional career-path which attracted lawyers to local government have ended. These factors also compensated the local government lawyer for not receiving the pay and benefits available in the private sector. These factors also mitigated the potential for conflict between the professional and his or her employing bureaucratic organisation.

As a consequence, to many lawyers in local government employment there now seems little difference between private and public sector law as a career. The perception of many local authority lawyers is that there is no longer a commitment to public service in local government, but a commitment to commercialisation. This change reflects the demise of the consensus between the public sector professions and the state and the loss of the community leadership role of local authorities to the centralising process of successive Conservative Governments.

Introduction - The Recruitment and Retention of Senior Local Government Legal Professionals.

Throughout the history of local government a legal professional, usually called the Clerk, has been present as the principal officer in all local authority organizations. As local authorities are themselves created by statute it is not surprising that the legal profession has become a vital part in each Council's operations charged with ensuring that the authority acts within the law in discharging its responsibilities. In the middle ages the role of local government was rooted in the administration of land and property and the collection of taxes and maintenance of law and order, a Clerk with legal training and skills was essential to ensure that the law was correctly implemented, that the authority was correctly represented in court and at Westminster, and that there was efficient administration and record-keeping. Throughout the eighteenth and nineteenth centuries, as the functions and role of local government changed and became more diverse the powerful and prestigious role of the legally trained clerk was itself subject to change and reform. The gradual introduction of an integrated local government system in the nineteenth century witnessed the Clerk more often becoming a full-time employee within a bureaucratic organization and subject to many of its restraints. The twentieth century expansion of the local government legal service, especially in the years after the Second World War stands in marked contrast to its sudden decline over

the past twenty years as the culture of local government changed.

In examining the effects of these changes on the recruitment and retention of the Senior Legal Officer, the concept of person-environment fit as used in the Rhodes and Doering model of turnover has helped facilitate the analysis of the changes occurring in the characteristics of local government professions and the organisations in which they work. Such an analysis could also utilise a Strategic Human Resource Management model which addresses similar recruitment and retention issues. However, such models do not place emphasis on the changing concepts of professionalism within public sector organisational structures which are the focal point of this study. In the following chapter the reasons for the growth, establishment and decline of the local government legal professional will be explained in relation to the recruitment and retention of legal professionals.



## Chapter One.

### The Origins, Development, Bureaucratisation and Decline of the Legal Profession in Local Government.

The development of the legal profession in England and Wales is interwoven with the development of the early structure of local government itself. The system of shires familiar to today's local government had already appeared before the tenth century unification of England under one King. Each shire was originally in the charge of a Sheriff empowered with great autonomy of action whose duties combined administrative, financial, military and legal functions. In order to prevent local Barons monopolising these positions and disturbing the delicate balance between them and the Crown, the Kings of the twelfth century and after appointed "lesser men", legally trained officers, to these jobs who were charged with performing administrative duties under the supervision of itinerant justices loyal to the King<sup>1</sup>. This was the beginning of an overlapping relationship between the legal profession and the state which brought status, security, and wealth to members of the profession employed in local government.

### The Early Pattern of Local Government.

The manor and borough system of local justice and administration was based originally on the manor court controlled by the lord's bailiff. Often ancient towns or cities would receive a degree of autonomy and self government from the Crown Charters of Incorporation which



effectively incorporated the Mayor, Alderman and Burgesses of a municipal borough<sup>2</sup>. This system of law and administration attracted legally trained individuals who were recruited to the post of the Town or Common Clerk who received payment drawn from the revenues of the borough's corporate property<sup>3</sup>. The smallest unit of local government, the Parish, only came into being as an administrative unit, in addition to its clerical role, in Elizabethan times. The role of the Parish as administrator of the Poor Law proved a lucrative source of influence, income and security for the legally qualified Parish Clerk<sup>4</sup>. County administration was the responsibility of the Justice of the Peace<sup>5</sup>, an office created in the 13th century formed from amongst a ruling class elite of landed gentry of which lawyers were a part, albeit a lower part. As the duties of the Justice increased under the rule of the Tudor's and after, these postholders and their Clerk became the main agents of royal power and government administration in the counties, under the control of the senior justice, the Lord Lieutenant. By the Elizabethan period, the Lord Lieutenant appointed magistrates who were socially acceptable to the county squires and who, after 1732 fulfilled the land qualification laid down by Parliament<sup>6</sup>. Association with the centres of local government power ensured the lawyer a great deal of autonomy which allowed the development of the profession and provided a lucrative and secure, if not always honest, income for the legally trained Clerk.

The power of the Justices and their Clerk lay in the General or Quarter Sessions of the county which, although primarily a court of law, also carried out the administration for the whole range of activities covered by the officers of the parish and county. These were the administration of justice, maintenance of roads and bridges, enforcement of the poor law, the Statute of Artificers and the regulation of wages and prices. Through his tenure, the Clerk represented consistency within local government at all its levels.

#### The Social Status of the Clerk.

The legally trained clerks employed in local government were often drawn from families of attorneys who formed a lesser aristocracy<sup>7</sup> in their local towns enjoying both rank and status from their public office and duties but not always job satisfaction<sup>8</sup>. Their professional autonomy was restricted by their work in the public service, as the following quote shows,

His fine patrimony, And a Profession wherein he  
excelled, Gave him Independency, And every  
Enjoyment that could make life agreeable: But  
alas! his accepting the Office of Town Clerk  
subjected him to a Servility, And to every  
Disappointment That could make Death desirable.

The solicitor employed as a Clerk used the immense patronage gained from his close association with the local gentry and centre's of local power to employ their relatives from the public purse<sup>9</sup>. Clerks also sought to gain lucrative and secure employment for themselves with other public bodies through the contacts they made by

working for the local council<sup>10</sup>. Some Town Clerks also used their position to promote the interests of private individuals by influencing the decisions made by the Council in their favour. Despite the widely known abuses of their position there was no regulation of the conduct of the Clerk even though every local authority body of the eighteenth and nineteenth century possessed such a role. Acts of Parliament, such as the Public Health Act of 1848 which set up local boards of health, helped increase the available opportunities for the employment of legally trained staff by stipulating that each board should have a Clerk. By 1830, local administration for the county was almost entirely in the hands of the Justices<sup>11</sup> and the Clerk of the Peace<sup>12</sup> who, together with the County Surveyor and a variety of appointed officials, received a secure livelihood from local government service and who sought to perpetuate their employment for their own profit.

#### The Need for Reform - The Changing Requirements for Local Administration.

The system of local government described above proved adequate to meet the administrative needs of the pre-industrial and rural nature of English and Welsh society at that time. However, between 1750 and 1820, this stable environment was to face continual and unprecedented social and economic change. The population of England and Wales doubled and considerable migration from the rural south to the coalfields and iron, cotton and woollen

industries of the north took place. From being small provincial towns, Liverpool, Manchester, Birmingham and Leeds became commercial and industrial centres. Many ad-hoc authorities appeared in these centres of population as a result of the failure of the existing corporations to meet the new challenges. This failure was attributed to the borough's self-electing and self-perpetuating oligarchies often being corrupt, incompetent and a

...snug oasis of privilege...indifferent to the provision of such urban necessities as competent police, firemen, or clean water and lighted streets....<sup>13</sup>

The Town Clerks were seen as being,

participants in all the wrongs inflicted upon the people and [it was stated] their continuance in office would destroy the utility of the [reform] bill<sup>14</sup>.

The Clerk became a symbol of the nepotism, inefficiency and corruption of the municipal boroughs and, as a result of the Reform Act of 1834, came to hold his office "during the pleasure" of the Council, and not as before permanently. This was a deliberate measure to reduce the Clerk's power and influence. Yet the Clerk's job was protected to some extent to prevent his removal for political reasons, although most Clerks relied on their income from their other Clerking posts and private practice to preserve their job security and autonomy. By this means the Clerks were able to maintain professional standards and control of their work as the following quote states,

...as professional men they tended to regard the councils as clients<sup>15</sup> rather than as employers and to regard themselves as bound by their professional ethics and conventions rather than by the orders of the local authority<sup>16</sup>.

It was the combination of a good income, through secure full-time employment and the development of ethical considerations, through the professionalisation of the legally trained Clerk, which Chadwick and others identified as the basis for an efficient local government service devoid of corruption<sup>17</sup>.

#### The Bureaucratisation's of Local Government Lawyers.

By the mid nineteenth century the period which saw the Town Clerk as a full-time employed official was just beginning. Joseph Chamberlain, as Mayor of Birmingham, established an organisational structural pattern with the characteristics of a bureaucracy. His objective was to shape the council's administrative organisation to improve the efficiency and co-ordination of the Corporation's activities at a time of rapidly expanding local government employment [Figure 1]. At the centre of the organisation the Town Clerk's Department and its administrative sub-structure of legal professionals co-ordinated the activities of the service departments<sup>18</sup>. The methods of recruitment to local authorities based on merit, originally suggested by Chadwick, were adopted<sup>19</sup> in tandem with the professionalisation of the legal profession and the local government service. As Chadwick said,

witnesses of the most extensive practical experience lay the greatest stress on the necessity of lifting these important branches of administration out of the influence of petty and sinister interests, and of doing so by securing the appointment of officers of superior scientific attainments.<sup>20</sup>

Using merit as a basis for recruitment was also seen as beneficial to offset, what Kingsley<sup>21</sup> depicted as, "the constant dissatisfaction of the commercial classes with the functioning of those branches of the government most immediately touching their interests", to remove the patronage wielded by Clerk and Councillor alike and to provide formal processes of selection to regularise career positions.

#### A Unified System of Local Government.

The Local Government Act, 1871<sup>22</sup>, together with the Local Government Acts of 1894 and 1899 produced the first relative order from the chaos that had gone before. A central department of state, with responsibility for the general supervision of local government affairs and charged with producing uniformity, rationality and representation in the system, emerged as did a unified system of local authorities. The Justice of the Peace was forced to drop the dual role of administrator and judge<sup>23</sup>, despite the centuries of efficiency attributed to this form of administration.<sup>24</sup> The urban and rural sanitary authorities, with their legally trained Clerk, were reconstructed as urban and district councils, elected under the same universal suffrage as the parish councils<sup>25</sup>. The Boards of Guardians<sup>26</sup>, which had

effectively replaced the Vestry in Poor Law administration after 1835 and were populated to a great extent by members of the legal profession, were not initially incorporated into rural district councils but came under the same universal suffrage. Authorities no longer overlapped territorially and each came within the boundaries of the next above it in the hierarchy of local government. Following the abolition of school boards in 1902, a complete system of multi-purpose authorities came into existence<sup>27</sup> for the first time in England and Wales.

Criticism of the Legal Profession as a Management-Profession during the Period of Growth of Local Government.

With the administration of the law and government now separate, the appropriateness of legal qualifications for the management of local authorities came into question<sup>28</sup>. The Royal Commission which reported in 1929<sup>29</sup> on both the office organisation of local councils<sup>30</sup> and the requirement for a head of service and administration<sup>31</sup>, concluded that there was a need for better co-ordination, uniformity and continuity in their management<sup>32</sup>. A point with which the Hadow Committee of 1934<sup>33</sup> agreed when it concluded that administrative skills, training and abilities were more important than legal skills and training<sup>34</sup>. This conclusion was echoed in the report on the organisation<sup>35</sup> of Coventry City Council<sup>36</sup> produced by the Treasury's Organisation and Methods Division in 1952/3, which concluded that the new title of Town



Clerk/Chief Administrative Officer should be adopted. This title should reflect a new role with the emphasis on administration and securing economy in the Council's operations<sup>37</sup>. It was clear that the appropriateness of legal expertise and training as preparation for management in local government was once more in question. Despite this gloomy prediction, serving articles during this period as a salaried employee of the local government service offered many "aspiring solicitors who lack connections and upper class backgrounds"<sup>38</sup> the money to finance their articles and qualify as a solicitor<sup>39</sup> and the chance of a senior administrative or managerial post in local government. [Figure 2]

Replacing the Lawyer as a Corporate Manager - The Maud and Mallaby Reports.

The problem of attracting qualified senior managers to local government<sup>40</sup> resulted in a Royal Commission under Sir John Maud<sup>41</sup> being established to examine the management of local government and to find ways and means of attracting more able staff<sup>42</sup>. Lord Mallaby<sup>43</sup> ran a parallel enquiry into local government training methods. The conclusion of Lord Mallaby was that,

...the Town Clerk should be rather a manager than a lawyer, and that he should be head of the council's paid service, with a general authority over all the chief officers.

In the 1960's, Newcastle-upon-Tyne Council followed this conclusion by introducing a new City Manager based on the model developed in American cities to introduce private



enterprise management techniques to the Council<sup>44</sup>. This appointment heralded a period of rapid development in the services provided by the City to the public. Already the private sector style executive management was deemed to be the appropriate response to meeting the increased demand for services in the 1960s and the dissatisfaction voiced with local authority services<sup>45</sup>. The Mallaby Committee attempted to break the disabling growth of professionalism in local government which meant that,

only the lawyers could hope for higher status...(than Chief Officer in their own profession)..by becoming an authority's Clerk<sup>46</sup>.

The dominance of this career path by the legal profession effectively prevented those professionals or lay administrators with managerial attributes from becoming the Clerk or Chief Executive. Mallaby sought to meet the need for executive management by non-legal officers by recommending that the position of the establishment (personnel) officer, amongst others, should not,

become a new specialism in which officers make a career divorced from other duties,

but should remain firmly within the province of the lay administrative officer and be seen as a non-specialist, non-professional administrative role<sup>47</sup>.

#### The Local Government Legal Profession in Decline.

This issue was reaffirmed in the Bains Report which, through the mechanics of the 1974 reorganisation of local government, sought to establish corporate management in place of the rule of the Clerk. The establishment of

policy committees<sup>48</sup> and a chief executive and management team would, it was believed, control the power of the professional groups and strengthen the corporate management of the authority<sup>49</sup>. Despite this, the elected members long conditioned into the traditional model of departmental structures<sup>50</sup>, believed that the Clerk was still the nearest thing to a Chief Executive that they knew. The result was that when the members short-listed candidates for the chief executive and chief officer jobs in the new authorities, the former post-holders with legally based training were seen as the obvious contenders. As such, Clerks were drawn into the new role of chief executive and accordingly the opportunity to recruit new managerial talent into local government was lost<sup>51</sup>. The new chief executives found, however, that legal skills were no longer an essential skill requirement of their job [Figure 3]. Those authorities which followed the Bains recommendations, and separated their legal unit from the Chief Executive and from the committee administration unit (often referred to as the borough or district secretary's department) [Figure 4], found that the influence of the legally qualified Clerk or Chief Executive was tempered to an extent by the collective of the corporate management team. Murray, Dingwall and Eekelar<sup>52</sup> believe corporate management resulted in

the lawyers [having] lost some of their position as guardians of the authority's interest to the collective of chief officers and some of their

managerial functions to the chief executive's department....

Despite this statement, some sixty percent of district councils operate today with a mix of Chief Executive, Secretary and legal services departments or Secretary and legal services combined<sup>53</sup>; which suggests that the involvement of legal professionals in the work of committee administration is still strong in the majority of second-tier councils [Figure 5].

#### Summary.

The key issues raised in the above text have been:-

- \* The question of the suitability of legal knowledge, experience and qualification as the training ground for corporate managers in local government.
- \* The exchange by lawyers in local government of professional autonomy for managerial discretion, job security and a bureaucratic career.
- \* The close relationship of the law and the state, the characteristics of the legal profession and the bureaucratic organisation.

While the structural and managerial changes described above had some effect on the legal professional's status and position in local authorities, other forces were to impinge upon, not just the role of the legal professional, but also the fundamental characteristics of local government professionalism itself.

### Conflict Between the Role of the Legal Professional and the Role of the Elected Member in the Management of the Council.

Increased party political activity in the 1960s and 1970s and the development of vocal local interest groups produced a core of committed members in local authorities seeking a greater say in the management of their Council and the services it provided<sup>54</sup>. These committed members, more often leading councillors, committee chairs and vice-chairs have formed a "joint elite"<sup>55</sup> with chief officers and their deputies, within which policy goals and management issues<sup>56</sup> are discussed often in an atmosphere of conflict<sup>57</sup>. Case studies of local authorities during the 1960s and 1970s illustrate those occasions when councillors, both Labour and Conservative, rejected their officers advice or warnings (Ambrose and Colenutt<sup>58</sup>; Dennis<sup>59</sup>) when pursuing policy goals. Confronted by a more assertive breed of elected member, the confidence of professional officers has lessened and their job insecurity has grown as the political goals and priorities of councillors became more clearly defined and clash with the style of traditional local government managerialism and, professionalism.

### The Various Roles of the Chief Legal Officer<sup>60</sup> in Local Government - The Professional Adviser Role.

First and foremost the chief officer is a professional adviser. Professionalism per se, still remains the source of most chief officer values, but the substance of this

professionalism has changed to a more defensive posture. One officer's comments sum up the contemporary attitude of local government professionals,

Things are obviously a bit more rugged now, one can't hide behind a professional position in quite the same way<sup>61</sup>.

A professional can no longer stand on professional dignity and the competence of supposed superior knowledge. The advice they have to give must be tempered by their knowledge of the member's aspirations and objectives. The growing assertiveness of elected members, coupled with the rise in local party politics and member's loss of confidence in the local government legal professionals' ability to manage, have created many changes in the role of the chief legal officer. In some authorities, officers and members work well together, in others, relationships may well have completely broken down with resistance, defensiveness and obstruction from the officers in the face of aggressive determination by members to put the officers in their "rightful" place.

#### The Departmental Management Role of the Chief Legal Officer.

The chief officer faces not only the mediation required of him, especially in smaller districts, between members and his staff, but also managing the reduced motivation and morale caused by increasing job insecurity. In recent years this insecurity has been caused by increasing financial restrictions on the funding of local

authorities. Chief officers have also been criticised for lack of commitment and delay in implementing changes in the organisational structure and work roles of their departments required by members policies,<sup>62</sup> or accused of shaping these changes to enhance their own status and rewards. Examples of such organisational changes are Labour Council's policies on decentralisation and Conservative policies on privatisation. Chief officers also face challenge from their own staff; a younger generation, in the main better educated, better motivated, more assertive and less concerned about forming direct links with elected members. The suitability of a legal training for the senior legal officer, of chief officer or deputy chief officer grade has also been attacked due to the requirement for new skills related to the changing environment of local authorities, these new skill requirements are discussed below.

#### The Chief Legal Officer as a Corporate Manager.

In many authorities the chief officer group has become a shelter and a source of support for chief officers who often feel beleaguered in the face of the invasion of elected members into their professional department. Another problem is the desire of elected members to influence chief officer appointments and seek those candidates who are politically desirable and will represent member interests on the management team. The possibility of existing chief officers being removed due



to their failure to assimilate member's political goals has threatened officer's career paths and job security. On occasions, the management team infringes upon the chief officer's commitment to his or her department and the staff who expect him or her to protect their interests. Often the chief officer will focus entirely upon departmental interests, especially those in service departments with their more dynamic interface with public and elected members. Chief officers have been undergoing a crisis of adjustment since the 1970s as the local government work environment has changed. The older chief officers, especially those who resist change, seem less able to tolerate the increasing ambiguity of their role in relation to their shifting professional boundaries and their relationship with staff and members. The changes that the role of chief officer has been experiencing have been brought about in part by a radical programme of legislation and cost-reduction and an unprecedented politicisation of local government; all of which has occurred in the last twenty years. The next sections seek to explain these changes.

#### The Changing Culture and Structure of Local Government in The Last Twenty Years.

The changes which effectively ended the security and stability which hall-marked local government employment for the legal professional, started in the period 1974-79. The then Labour Government, at the insistence of the International Monetary Fund, began a trend of cuts in

expenditure and the imposition of financial controls on the public sector designed as austerity measures to assist a national economic recovery. The announcement by Anthony Crosland, Minister for Local Government, in 1975, that the "party was over" for local government, was the prelude to his proposals to local authorities for them to contribute to cuts in public expenditure through reductions in their capital spending programmes. The Labour Government used the existing and established machinery for joint decision making with local authorities, the county, district and metropolitan councils representative bodies, to negotiate on this proposal. This consensus was an early victim of the coming to power of the Conservative Party in 1979. As Young states, consensus was replaced by,

ministerial determination of policy [which] has come to supersede the deliberations of policy communities dominated by civil servants and professionals<sup>63</sup>

and has in turn, transformed the traditional state-professional relationship of determining the how, why, and where of service delivery.

#### The End of Consensus and the Assault on Local Government Professionalism.

Local Government is the home of what Lipsky called, "the street level bureaucrat"<sup>64</sup>. The professional judgement, expertise and values of staff who have direct contact with the consumers of local government services are affected and shaped by the experience of that contact. As



such, their professional objectives and values are often different from those of professional groups in local government who do not have this direct contact.

The established professions of the law and finance, however, still retained control of the culture and orientation to service of local government. As Cochrane<sup>65</sup> comments:

the professional prestige still remained with those departments which stressed the eternal verities of legal and financial rectitude, rather than those which were oriented towards the management of welfare state services.

Over the last twenty years, the growing concern of central government and of elected members has been that these established professions in local government have, as their true objective, the acquisition of power for self-serving ends. Pirie identified these professionals as self interested and being dominant over weak management and those in political control in local government and further accused them of ignoring consumer preferences and over-supplying inadequate services<sup>66</sup>,

which are...low quality, unresponsive to any need or demand and yet more expensive than their private sector equivalents.<sup>67</sup>

The Public Choice theorists have identified such professional-bureaucrats as budget maximisers, seeking new ways of increasing their budgets, their numbers, promotion prospects, opportunities for discretionary patronage and "organisational slack and improved job security".<sup>68</sup> This practice is commonly known as "empire building" through staff or budgetary maximisation.

Professional employees within bureaucratic organisations also have been challenged by elected members who have found their chief officer professional adviser's knowledge as being restrictive and incapacitating and not open and enabling the implementation and development of fresh approaches to thinking on policy. The professional-bureaucrats have also been seen as resistant to and distant from the policy priorities of elected members and not engaged in using those policies as the framework for service delivery. As managers, chief officers have been criticised for not finding new ways of optimising scarce or limited resources or innovative means of managing staff performance. The changes required of the legal profession, amongst others, in local government is shown below<sup>69</sup>.

Table 1.0.

Old Style Professionalism	New Style Professionalism
professionalism with a large P	professionalism with a small p
the restrictive professional	the enabling professional
the distant professional	the engaged professional

---

The inefficiency and self-seeking attitude of professional employees in local government is supposedly at the heart of the recent demise of the consensus which existed between central and local government. Within three weeks of the 1979 general election, Micheal Heseltine, Secretary of State for the Environment, called

for a review of local authority manpower requirements and a freeze on all local authority staff recruitment.<sup>70</sup> Reducing staffing levels and curbing local government expenditure was desirable to the Conservatives in its own right, as an integral part of their aim to reduce State bureaucracy. The attainment of this aim would also result in fulfilment of their pledge to reduce taxes and restore incentives in a more entrepreneurial economy. The Conservative Government's concerns regarding the growth of local authority employment, is epitomised in a speech made by Margaret Thatcher in 1975. In that speech, she stated that,

...the private sector creates the goods and services we need to export, to pay for our imports and the revenue to finance public services. So one must not overload it. Every man switched away from industry and into government will reduce the productive sector and increase the burden on it at the same time.<sup>71</sup>

Here, in its most basic form, is the idea behind Compulsory Competitive Tendering (C.C.T) and the intent to convert the bulk of local authority administrative, professional technical and clerical (A.P.T&C) staff into market sector labour. The result of this action would be to reduce the number of local authority workers directly employed by the State to a core by converting the majority into a form of market sector contractor. This core would consist of a professional and managerial group as the client/purchaser side; offering a career path, wider management opportunities, opportunities for self-growth, good pay and relative job security. The

contractor/provider side, would consist of a comparatively semi-skilled periphery open to work intensification, routinisation of work, poor pay and reduced job security. As Cousins<sup>72</sup> noted,

...in this respect then, the impact of contracting out ...is in line with the increased polarisation and separation of the labour force more generally,

although the bureaucratic control of resources, and the monopoly conditions of the protected market in which local government professionals worked, represented "the New Right's basic target".<sup>73</sup>

#### The Introduction of Commercial Managerialism and Budgetary Control.

The Conservative Government strengthened managerialism in local government through the use of financial pressure which effectively converted professionals into contract managers. As Murray<sup>74</sup> discusses, strategic financial control of authorities is centralised on service professionals<sup>75</sup> with devolved responsibility for day-to-day financial management of the service they provide<sup>76</sup>. They are accountable for the quality and cost of the services they are required to provide. As Paul Hoggett states,

The development of forms of cost centre budgeting was to prove an important means of asserting management control.<sup>77</sup>

The Local Government Management Board (LGMB) has stated that,

...local authority patterns of organisation are changing rapidly, notably with attempts to decentralise services and develop cost centre management.<sup>78</sup>

This devolution of budgets to managers affects both the organisational structure of the authority and the job content of the individual responsible for managing the budget. The Legal Services Manager in charge of a budget, can only meet increased costs through efficiency savings or additional income generation, causing a marked change in the skills he requires in his job. The traditional area of control of the legal profession, the District Secretary's Department or as it's often called the Central Services Department of the District Council has been most affected by cost-centre management. The new commercial culture and values are different from those which have previously existed<sup>79</sup> and are

...more contractual than collegiate, more competitive than co-operative....<sup>80</sup>

Legal services staff have seen the effects of the Poll Tax and the capping of authorities which overspend, resulting in previously unknown financial hardship and the threat of redundancy. Threats on their job security from other sources, such as the loss of the Housing Department due to its emergence as an independent housing association, could also reduce the need for legal staff. The effects of the loss of certain areas of work on the legal department were shown in a survey of local authorities carried out by the consultancy firm Coopers and Lybrand<sup>81</sup> [Figure 6]. Compulsory Competitive

Tendering has affected the organisational structure and service provision of local authorities as well. The Coopers and Lybrand Survey also records the concerns of local authorities as to whether the in-house legal unit will be big enough to provide,

...an effective, strategic, corporate and client function, [and] also to ensure the protection/continuation of the legal profession within local government.

The contracting out of much of the functional work and departmental advice would result in a situation where:-

a). the residual work would be unattractive or uneconomic for qualified lawyers; b). the skills and knowledge to undertake the strategic and corporate advisory function would be lost to local government for the long term; and, c). the legal profession in local government would not be able to offer a recruitment vehicle or training ground for future corporate managers.

The Report by Coopers and Lybrand stated that local councils should not,

expect to be the sole training ground or recruitment agency for local government lawyers.

This recommendation appears to recognize the change in the market for legal services in local authorities, with different skills required in the legal function, both as a result of greater competition and the new skills necessitated by the in-house client role.

## The Recruitment and Retention Crisis of Local Government Lawyers.

The Local Authority Conditions of Service Advisory Board (LACSAB<sup>82</sup>) Research Division reported in 1989 to local authorities that the,

...recruitment and retention of lawyers...is at present a significant problem for many local authorities. Private and commercial sector competition is strong not least because of the more attractive salaries offered by those sectors<sup>83</sup>.

The Report found that there was a 13.5 per cent<sup>84</sup> vacancy rate for lawyers throughout local government, with shire districts having a vacancy rate of 10.7 per cent; a level which was described as indicative of, "serious recruitment difficulties<sup>85</sup>." The small size of shire district legal departments makes the problems involved with covering the duties of vacant posts especially difficult. Many authorities had adopted measures to alleviate their recruitment problems. These measures were,

- \* the enhancement of pay, benefits and relocation packages.
- \* increasing training support for lawyers.
- \* restructuring jobs, deprofessionalising work and upgrading the skills of support staff so that they can be used instead of qualified lawyers.
- \* encouraging the employment of female lawyers, especially women returners, to the legal profession after career breaks to bring up families etc.



Retention issues were also highlighted in the Report and certain facets of the local government legal services workforce were used to explain why local authorities may face difficulties in retaining staff.

- \* only three percent of all professional posts offered the option of part-time working.

- \* there was evidence of slow salary progression.

- \* low proportions of women occupy top jobs. [Figure 7].

The various recruitment and retention measures used by local authorities in the period 1988-91 had variable rates of success. The use of enhanced salary packages designed to compete with private sector salaries, using increased grades of posts, market rate supplements or recruitment bonuses, were found not to be the long term solution to the recruitment problem. The skill shortages apparent in the local government legal services labour market, were the result overall of an inadequate supply of suitable staff. The only effective long term solution being the increase in the numbers trained and a reduction in the obstacles to entry to the profession to permit a greater number of entrants. Both of these solutions being to a great extent outside the direct control of local government. The recession in the early 1990s, coupled with the increased pressure on local authority spending, was to produce a similar effect to an increase in the number of lawyers, with surpluses caused by redundancies in the private and commercial sectors. These redundancies released large numbers of legal staff, of all levels from



assistant solicitor to partner level and from all specialisms, into the labour market.

Prior to this shift in the legal services labour market, the use of enhanced salary packages and benefits seemed initially to be the answer to individual employer's recruitment problems. However, these measures could not increase the numbers of lawyers available. The effect was to create a situation where individuals moved between authorities which were competing amongst themselves to offer ever superior remuneration packages; with dire inflationary consequences for all sizes of authority. Local authorities began to examine the reasons why legal and other professionals applied for jobs in local government in order to identify means of attracting staff other than purely through pay and benefits. It was found that what was needed to attract high calibre candidates was good career prospects in terms of salary, job satisfaction, personal and career development. The image of local government also needed to be examined to make the work of local authorities more attractive. The use of more flexible working methods and conditions of employment were also identified as beneficial to recruiting and retaining female legal staff who needed to combine family and career commitments. The influence of managers was also identified as crucial for,

...one of the main reasons for staff dissatisfaction can be their perception of management.(86)

The LACSAB Report identifies that staff feel the need to know that their opinions on work issues have been considered by managers. Better communication and better ways of involving staff in decision-making were identified as just some of the ways managers can improve job satisfaction and employees retention.

The in-house lawyers in a local authority have always constituted a resource for the provision to the council of a general legal service covering, conveyancing and litigation as their major legal roles. Figure 8 shows the distribution of work throughout the hierarchy of a local authority legal department. The senior legal officers, who are the subject of this study, are represented by the Manager (A) category<sup>87</sup>. This category is defined by the LGMB as generally being Chief Officers (Solicitor) or deputies who decide or advise on policy matters. Such personnel are also concerned with the management and administration of the legal department, division or section; depending on the size of the district authority. In many Authorities, this role is in effect the Client of the legal services of the council. In those authorities depicted in Figure 9 as having officers other than lawyers fulfilling the function of the monitoring officer, the qualified senior legal officer may play either the client agent or lead the contractor unit of the council legal services. The senior legal officers' workload, as shown in the chart, is spent more on, "management, committee work, or other legal work", compared with the workload of their colleagues. The role

of monitoring officer is seen to merge into the corporate role, for it is a major task of local government lawyers to keep abreast of changes in the law, and potential changes, briefing the management team and elected members in order that efficient and appropriate choices can be made.

There are several reasons why the legal services sections of district councils have developed a practice of buying-in or tendering some of their services<sup>88</sup> [Figure 10]. Audience and specialist requirements are to a great extent represented in the legal service's budget expenditure of all authorities irrespective of resources or size. However, policy and economy are factors which often go hand-in-hand in district authorities where the cost of an in-house unit may prove expensive, especially in times of skill shortage when the salary of senior qualified lawyers may appear prohibitive. Similarly, these same skill shortages may mean that the market price is too high for district councils and they find themselves unable to offer the enticements required to attract such professional staff and must seek other means of receiving legal advice.

#### Local Government Review.

During 1996 many of the new unitary authorities and reorganised districts, boroughs and county councils will come into existence. The personnel implications of local government reorganisation, which have special reference to the chief/senior legal officer population in

authorities which are terminating, is the open competition for senior posts in the new structures; unlike the experience of ring-fencing posts during the 1974 restructuring. The LGMB Pay in Local Government survey<sup>89</sup> states that

...staff will probably be more preoccupied with job security than with improving remuneration packages...at the same time, employers and managers will have a major challenge in maintaining morale and commitment in a period of upheaval.

The effects of the review may well be mirrored in the results of this study.

### Conclusions.

The key considerations from this chapter carried through to the next are:-

- \* The close relationship between the legal profession and local government, a creation of statute itself, due to the unique position of the legal profession as an extension of the state and due to the profession's close connections with members of the legislature.

- \* The high degree of social mobility enjoyed by members of the profession as a result of their local authority employment with little loss to their professional autonomy while employed by several public bodies.

- \* The loss of autonomy by these legal professionals, as they became employees within local government, in exchange for dominance of the career path to senior management, managerial discretion, job security, status,

patronage, control of the local government legal professional market and collegiate work relationships.

\* The close congruence with bureaucratic organisational structures created by a common objectives in stability, proceduralisation of processes and rational management within which potential conflict was accommodated by the exchange relationship.

\* With the post-war expansion of local government, it was recognized that new skills were required by local authority managers and that legal expertise was no longer relevant to the role of a corporate chief executive.

\* The extension of party politics and the rise of local interest groups in local authorities less inclined to accept the negative, dysfunctional aspects of local government professionalism.

## Chapter Two.

### Theoretical Perspectives Derived from the Sociology of the Professions, Bureaucratisation and Professionalism.

#### Introduction.

The previous chapter has sought to show the development of the legal profession working in local government as an integral part of the development of local government itself. From the seventeenth century onwards the role of the senior or chief legal officer to a borough or county council, the Clerk, was occupied by an independent, more often self-employed legal professional who possessed many, if not all, of the characteristics of the "ideal-type" professional model discussed below. This chapter examines the role of the legal professional in local government both before and after its bureaucratisation into its own distinct segment of the overall legal profession. Those facets of the legal professionals' work and bureaucratic work environment are examined in this chapter to provide an analysis of whether there is conflict or congruence between the legal professional and the bureaucracy in which he works and how any conflict between the two is accommodated.

#### Concepts and Theories of the Professions.

This section discusses the various theories with direct relevance to the subject of the recruitment and retention of senior legal officers in local government. The traditional definition of a professional is best represented by the independent qualified specialist

selling his or her services to a range of clients within the context of a professionally controlled market. While at one time the sole-practioner, partnership or family firm dominated the professional market, the industrial age has created the need for greater numbers of professionals and different concepts of professionalism. The clerk to the municipal borough or quarter sessions was often a self-employed lawyer retained by the justice of the peace or the municipal corporation. This lawyer would often work alone, or in a small partnership, which operated as a private practice seeking work and income from individual clients but also trying to gain a secure and permanent income by appointment to the function of clerk for a range of public bodies. As discussed earlier, securing such positions was important in gaining a secure source of income, status and the power of patronage. It seems that members of the early legal profession, especially during the industrial revolution, organised themselves and their work in a way which was designed to produce certain rewards and protection for themselves which they sought as members of an occupational group proclaiming their service to the public interest. The growth of professionalism and the increasing numbers and types of profession, have come to be regarded by social scientists as a major factor in the development of industrial societies<sup>90</sup> and brought about the detailed study of occupational groups seeking to become professions. This led many theorists to try to identify the core characteristics, or traits, of the "ideal-type"



profession which had organised itself to achieve these rewards<sup>91</sup>. Millerson<sup>92</sup>, in reviewing the extensive literature on the professions, professionalization and professionals, identified twenty-three attributes of professions cited by twenty-one authors. To a greater or lesser extent, all of these authors have contributed to a list of characteristics indicative of a professional "ideal-type"; of which the law and medicine are the "classical" cases. Wilensky<sup>93</sup> found that lawyers in private practice displayed a considerably strong professional orientation and fitted all the main seven characteristics of a profession as identified by, Johnson<sup>94</sup>, Pavalko<sup>95</sup>, and Hall<sup>96</sup>. The "ideal-type" profession they described consisted of characteristics such as, formal educational/entry requirements to the profession common to all, a monopoly over a body of knowledge and task skills, professional autonomy, collegial authority, an enforceable code of conduct and rules (self regulation<sup>97</sup>), commitment to a service ideal and socialisation into the professional community. Theorists who examined the functionalist approach to the professions concentrated on examining the importance of some of these traits, essentially those which are socially functional concerning the collective-orientation, altruism, ethical and service orientation, as a necessity in occupations such as the law which holds a vital role in determining the central values of society. The functionalist approach to the study of the professions examined their special role as ethical and

consensual bodies which, in the face of the fragmenting division of labour, represented moral authority, stability and community in modern industrial society<sup>98</sup>. The professions were said to subjugate individual self-interest to those of personal service and create an altruistic orientation in the professional who seeks to serve the needs of the community<sup>99</sup>. How these key traits are affected by the changing nature of local government professionalism is central to the motivation behind the attraction of local authority employment for lawyers and influences their recruitment and retention.

Of all the characteristics of the "ideal-type" profession, Lewis and Maude stressed independent practice as the essential element of professionalism<sup>100</sup>. More recently, it is the two elements of independence and market control which have featured in analyses of the development of the professions. Friedson<sup>101</sup>, amongst others, has examined the central role of autonomy as a characteristic of the profession, the right to control its own work and seek a privileged position in society with the agreement of the state gained through winning the support of an elite group in society<sup>102</sup>. The use of this autonomy, or power, by a profession to exercise dominance over other professional/occupational groups and restrict interference from outside is also examined by these writers and is pertinent to the local government legal profession as it reflects its role in monopolising and controlling the career path to local authority corporate management throughout the last five centuries.

The historical context and the market control element of the development of the professions is emphasised in Larson's concept of the professional project as is the possession of scientific knowledge in collective social mobility. The relationship between the profession and powerful elites in society which can bring about advancement for members of the profession is also stressed by Larson. Larson also sees the professional project as a situation whereby possessors of an abstract body of knowledge with practical application in a market can enter into a "regulative bargain"<sup>103</sup> with the state allowing the body to standardize and restrict access to that knowledge and thereby control the market and access to the profession<sup>104</sup>. How control of access to the professions affects women and other groups is the subject of the next section.

#### Women, Equality, Patriarchy and the Professions.

Brown in his study found that there is a much lower proportion of women than men in professional, managerial and skilled manual jobs<sup>105</sup>. The dominance of white men over women is explained by the development of strategies such as the technique of hierarchical organisation and control within the labour market. Whilst a detailed explanation is beyond the scope of this chapter, the role of patriarchy in any discussion of equality and labour markets must be mentioned. Hartmann<sup>106</sup> uses the concept of patriarchy to explain the domination of women by men in the labour market. She discusses how a set of

patriarchal relationships existed before capitalism was fully developed<sup>107</sup> and, as this development continued, these old relationships gave way to strategies adopted by men to retain the hierarchical relations which gave them power. This analysis shows the existence of a basic conflict between men and women within the workforce. How then is the labour market and occupations structured by white men to deny certain groups, in particular women, access to the primary sector's superior work benefits such as pay, status, careers and security? Of the many processes that occur within the organisation three, in particular may result in segmentation:

- \* deliberate policies to exclude racial groups, the disabled or men or women. Preference in terms of the organisation's perception that certain groups perform certain levels or sorts of work tasks better than others (employment patterns).

- \* Recruitment practices may be such that certain segments are excluded from knowledge of, or access to, opportunities for employment.

- \* Employment needs and available rewards may differentially affect recruitment from even the same segment so that "cheaper" individuals, in salary terms those who would work for less money, are selected rather than individuals for whom there is competition.

Several theories exist to explain the disadvantaged role of women and minorities within this changing labour market, especially with respect to their involvement in the increasing amount of part-time/peripheral work<sup>108</sup>.

Structuralist (segmented labour market) approaches focus on the ways the capitalist or patriarchal market structures constrain women's and minorities' access to the full range of occupations<sup>109</sup>. One structuralist approach, dual labour market theory, argues that there has been an historical trend toward the division of the labour market into core(primary) and peripheral(secondary) sectors<sup>110</sup>. While these terms have been used here to link factors regarding the internal structure of organisations and aspects of the labour market, notice should be taken of their separate and distinctive theoretical basis. Segmented labour market theories explain, in the main, the general distribution of men, women and minorities across different occupations, but not the distribution of tasks in the same occupation but different organisations<sup>111</sup>. The theories identify how the differences at organisational level, in the terms of employment, compensation, work arrangements and recruitment practices, influence the very real difference in career prospects for women and minority group members, compared with white men, in the same occupation<sup>112</sup>, and indeed between themselves. Alternatively, human capital (status attainment) theorists seek to explain occupational status in a formally open market through emphasizing personal characteristics, individual achievements and career decisions<sup>113</sup>. The status attainment theorists<sup>114</sup> explain the differences in pay and activities between the jobs white men and women occupy in terms of segmentation<sup>115</sup>,

sex role socialisation and cultural beliefs about gender, family and work which by their nature determine career choices, aspirations and attitudes to work<sup>116</sup>. Barron and Norris<sup>117</sup>, while not disregarding the effect of the family on the structure of the labour market, argue that the sexual division of labour within the family is of lesser importance in explaining sexual divisions in the labour market than are the strategies adopted by employers in the labour market. Human capital theories are unable to explain the relationship between individual attainment and the various structures of occupations, industries and the labour markets. This is due to their emphasis on pre-labour force characteristics (e.g. qualifications) and their effects on occupational standing and earnings and the influence of the linkages between jobs, career lines within the labour market are not, as such, addressed. The theories' prediction of decline in occupational segregation through womens and minority groups increased possession of qualifications (human capital) has not occurred<sup>118</sup>. As this thesis will show, credentials do not guarantee mobility, strategies of occupational closure can and do operate which exclude certain groups from certain occupations and in others ensure they are restricted to certain levels and/or undesirable work tasks<sup>119</sup>. These barriers are in part caused by the difference between specifically men's and women's qualifications; men's are career oriented whereas women's are suited to movement in and out of the labour market. Women will also have few professional skills

which require learning within the context of the organisation but be more inclined to educational skills and qualifications<sup>120</sup>. The occupational structure and individual attainment are mediated in organisation through the processes of recruitment and selection; matching people with jobs. Similarly training, salary payment, mobility and stratification all occur within organisations. Only through a understanding of employment strategies will race, gender and disability segmentation be changed.

In the next section the nature of bureaucratic work environments is examined with regard to the effect they have on the characteristics of the "ideal-type" profession. In particular, the effect on the autonomy of the professional and the threat to the professional's abstract body of knowledge from bureaucratic systemisation, proceduralisation and rationalisation will be considered. This process has the effect of removing discretion in decision making and replacing it with set criteria for judgements based on standard procedures.

The threats to professional power, prestige and autonomy which are said to lie within the bureaucratic system of organization are examined below as are those mechanisms which allow their accommodation by the bureaucratic-professional form.



Bureaucratisation of the Legal Profession in Local Government.

As Weber<sup>121</sup> states,

The ideal type...is both abstract and general. It does not describe a concrete course of action, but a normatively ideal course, assuming certain ends and modes of normative orientation as "binding" on the actors.

No real-life bureaucracy, such as that described below, meets all of Weber's requirements for the ideal. The local government departmental bureaucratic model is, however, comparable with the "ideal-type" bureaucracy to a great extent<sup>122</sup>, (see table 2, 2.1 and 2.2 below) which explains any conflict<sup>123</sup> between the organisation's expectations of its employees behaviour and the behaviour associated with membership of a profession.

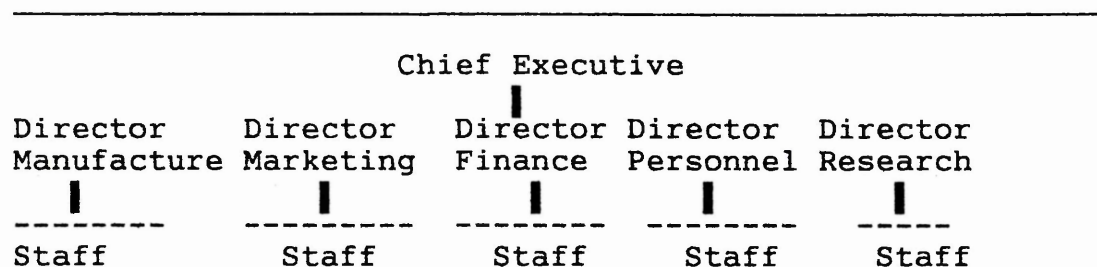
As the pioneers of nineteenth century local government in Britain found, and as Weber states,

...the decisive reason for the advance of bureaucratic organisation has always been its purely technical superiority over any other form of organisation. The fully developed bureaucratic mechanism compares with other organisations exactly as does the machine with non-mechanical modes of organisation. Precision, speed, unambiguous, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs - these are raised to the optimum in the strictly bureaucratic organisation.<sup>124</sup>

Table 2.0. Source - Max Weber:Essays in Sociology<sup>125</sup>

"Ideal-Type"	Local Government.
* A hierarchy of supervision and control.	* tiers of administrative hierarchy and rigid lines of communications.
* Power and authority are centralised.	* Centralised coordination and control.
* A continuous organisation with a specified function, its operations guided by rules.	* Organisations created by Central Government Statute
* Continuity and consistency written rules/decisions etc.	* Emphasis upon standardization of authority etc.
* The staff (employees) are separated from ownership of the means of administration.	* Professional staff are controlled by lay politicians.
* Staff are appointed on the basis of impersonal qualifications.	* Staff are appointed on professional qualifications/skills.
* Promotion by merit or seniority as judged by superiors in a career pattern.	* Professional career structure judged by chief officer.
* Staff have fixed salaries and security of tenure.	* National pay scales and job security.

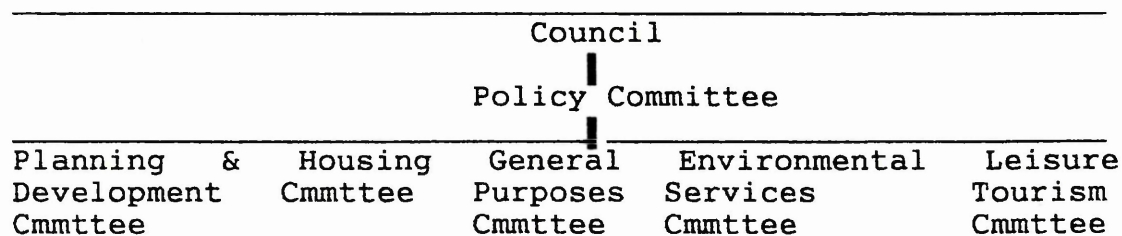
Table 2.1.



Bureaucratic organisational structure from Torrington, D. and Hall, L. "Personnel Management: A New Approach", Prentice Hall, 1991, p.95.

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Table 2.2.



Vale of White Horse Committee Structure The district serves an area of 225 square miles and 114,000 people.

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As described in the text, the structures shown in tables 2.1 and 2.2 resemble each other in so far as authority is centralised at the top of a hierarchy of senior staff. These structures illustrate some aspects of the Dunleavy notions concerning the preferences of senior bureaucratic officials, who "...have strong preferences about the kind of work they want to do, and the kind of agency they want to work in". For example this hierarchy offers the senior bureaucrat a small-sized work unit with a restricted hierarchy and a predominance of elite personnel, all preferred aspects of the senior bureaucrats work environment. (see table 2.3).

Merton<sup>126</sup> initiated several studies by himself and others into the "trained incapacity" of groups including the professions, employed in bureaucracies<sup>127</sup>. The reasons for this incapacity lie in the emphasis on rationality and control which are hallmarks of mechanistic organisational structures where work is carried out on a fully rationalised base of divided and de-skilled labour. Gramsci<sup>128</sup> refers to the bureaucratic organisational model as being based on "Fordism"<sup>129</sup> involving the use of methods of "production of standardised intermediate components for the manufacture of these means of consumption". The model also included a Taylorist approach to the de-skilling/re-skilling of labour to fit a straight forward linear flow of work, with workers fixed to jobs whose parameters for action were determined by the "machine" system under which individual workers lost control over their work rhythm. Child<sup>130</sup> says that the,

The bureaucratic approach is intended to provide organisational control through ensuring a high degree of predictability in people's behaviour...through the application of general rules and procedures...the problem is that these rules are inflexible instruments of administration which enshrine experience of past rather than present conditions, which cannot be readily adapted to suit individual needs.

The close control of individual behaviour and ways of working to ensure conformity to the organisation's rules is required to achieve the bureaucracy's narrowly specified goals. The control of professional staff extends to the mechanisms used by the bureaucracy to

recruit, promote, retain and allocate resources to different staff groups.

The deskilling and deprofessionalisation of work produced by the bureaucratic organisation has consequences for its professional employees<sup>131</sup>. Some theorists<sup>132</sup> have indicated that members of bureaucratic-professions have learnt how to work within bureaucratic structures and achieve objectives which are to their personal advantage, despite the supposed threats to their professional characteristics.

The Preferred Work Environments Characteristics of the Senior Legal Officer in Local Government.

Marx<sup>133</sup> stated that,

...As far as the individual bureaucrat is concerned, the goals of the state become his private goals: a hunting for higher jobs and the making of a career...

The bureaucratic-professionals in the chief officer policy-making ranks of an authority are, as Dunleavy<sup>134</sup> states,

... primarily concerned to improve their welfare by providing themselves with congenial work and a valued work environment for two main reasons. First,...senior managers put less stress than lower-ranking bureau members on the pecuniary or near-pecuniary components of their...function (such as income, job security, or perks)....[but]...place more emphasis upon ...status, prestige, patronage and influence, and most especially the interest and importance of their work tasks.

The second reason for this behaviour is due to the fact that in local government bureaucracies, "Salaries are

constrained within restrictive and standardised upper salary ceilings".

The pro and anti values of the kind of agency that these senior bureaucrats seek are listed below<sup>135</sup>. Table 2.3.

Positively Valued	Negatively Valued.
1. Staff functions	Line functions
individually innovative work	- routine work
longer-time horizons	- short-time horizons
broad scope of concerns	- narrow scope of concerns
developmental rhythm	- repetitive rhythm
high level of managerial discretion	- low level of managerial discretion
low level of public visibility	- high level of grass roots public visibility
2. Collegial atmosphere	Corporate atmosphere
small-sized work unit	- large-sized work unit
restricted hierarchy and predominance of elite personnel	- extended hierarchy and predominance of non-elite personnel
co-operative work patterns	- coercive and resistant work patterns.
congenial personal relations	- conflictual relationships
3. Central location	Peripheral location
proximate to the political power centres	- remote from political contacts
metropolitan (capital city location)	- provincial location
conferring high-status contacts	- remote from high status contacts

It appears that on an individual basis, bureaucratic officials will pursue, "career or promotion paths" that will bring them into an organisational culture that possesses these characteristics. In the next section the characteristics of the local government legal profession will be examined with the objective of identifying how those characteristics are accommodated within those of

bureaucratic organisation. While the nature of bureaucratic-professions may suggest that conflict between the organisation and professional is limited there still seems to exist in local government bureaucracies conflict between professional groups for dominance in order to maximise their own benefits,

...each profession is anxious both to extend and consolidate its own territory in order to justify its existence.<sup>136</sup>

This struggle for supremacy may alternate according to the value placed on the skills of the profession by the authority.

#### The Characteristics of Bureaucratic-Professions.

If senior legal officers are seeking congruence with their bureaucratic work environments how do their bureaucratic-professional characteristics match the characteristics of a local authority organisation? However, the characteristics of the bureaucratic-professional<sup>137</sup>, when compared with those of the "ideal type" profession and those identified as representing a separate segment of the legal profession<sup>138</sup>, illustrate how the characteristics of the local government legal bureaucratic-profession are modified into a new form which enables it to be congruent with the bureaucratic work environment.



Table 2.4. (Author).

Comparative Analysis of Professional Characteristics.

"Ideal Type"	Segment of the Legal Profession.	Bureaucratic- Profession.
Formal Education/Entry Requirements to the Profession. Common to all.		
A monopoly over a body of knowledge and associated skill	Work activities are different between the professions segments <sup>139</sup>	An organisat- ally diverse knowledge base and task repertoire <sup>140</sup>
Professional Autonomy	Management Control <sup>141</sup>	A relatively high degree of organis- ational independence - contextual or external constraints on discretion <sup>142</sup>
Collegial Authority	Employment Contract? Managerial Hierarchy?	Internal funct- ional differen- tiation and hierarchical stratification <sup>143</sup>
An enforceable code of conduct (self regulation <sup>145</sup> )	Spurious Unity and Public Relations <sup>146</sup>	Organisational Rules <sup>144</sup>
Commitment to a service ideal	A sense of mission based on a unique contribution to the community <sup>147</sup>	Organisational commitment?
Socialisation into the professions, professional community.	Colleagueships in segments will be based on their work settings.	Socialisation into the organisation?

The characteristics which identify a segmented profession augment and complement those which identify the bureaucratic-profession. The characteristics of thebureaucratished profession can be said to be,

...facilitating the institutional and ideological preconditions in which such organisational professions can become more securely founded and protected<sup>148</sup>.

This quotation recognises the bureaucratic-profession's adoption of characteristics which prevent conflict with their bureaucratic environment in exchange for the security and protection that environment offers. Weber recognises this exchange relationship when he writes of bureaucratic behaviour as a vocation. Weber explains this sense of vocation as,

...acceptance of a specific duty of fealty to the purpose of the office in return for the grant of a secure existence...<sup>149</sup>

Weber reasoned that this notion of service, duty and voluntary acceptance of the organisation's rules in return for rewards, represented a special type of social control, namely authority.

Those areas in Table 2.4 which have entries followed by question marks are not addressed by Reed and Anthony<sup>150</sup>. However, characteristics of the segmented profession fill the gaps in the bureaucratic-profession's characteristics and indicate how the legal professional in local government differs from the ideal profession. Simply put, those characteristics of the professional which should conflict with those of a bureaucratic organisation are weakened in the bureaucratic/segmented profession.

The fundamental differences between the segmented, bureaucratic and Ideal Type professional characteristics lie in specific areas. These areas are those where conflict between the two systems of bureaucracy and professionalism are centred.

These areas are;

- \* the different type of knowledge base and task repertoire which effect the intrinsic aspects of the job itself.

- \* The differences in the degree of independence, autonomy and managerial discretion.

- \* The different strategies of control and management of the professionals work.

- \* The use of the organisation's control and power in governing the way performance is judged through the employment relationship in place of the professional body and wider professional community.

- \* The requirement of the professional to be committed to organisational values and to be socialised into those values.

Wilensky links all these areas of when discussing the threat posed to the professions by employment in an organisation. He states that,

Organisations develop their own controls; bosses, not colleagues, rule...the salaried professional often has neither exclusive nor final responsibility for his work; he must accept the ultimate authority of non-professionals in the assessment of both process and product<sup>151</sup>.

Of these characteristics autonomy and loyalty to an external referent are those items most often interpreted as resistance to management control, the rule of the

bureaucracy and commitment to the objectives of the organisation. Hall acknowledges that,

...autonomy....is most strongly inversely related to bureaucratisation. The other [professional] variables are not as inversely related<sup>152</sup>.

It is this loss of autonomy to the hierarchical control of the bureaucracy which is suggested by many writers to be at the centre of bureaucratic and professional conflict<sup>153</sup>. In the next section the professional's job satisfaction overall, with work and job autonomy and with other related job and work features is investigated.

#### The Importance of Location for the Legal Profession Within the Organisational Structure in Determining Congruence.

The centralised control and power structure of a local council and the importance of the central co-ordinating role of the chief/senior legal officer within the organisational structure is a critical factor in determining the authority's culture, ethos and objectives; factors which will, in turn, influence the degree of congruence between the legal professional and his work environment. According to Laski, bureaucracy,

...is the term usually applied to a system of government the control of which is... completely in the hands of the officials...The characteristics of such a regime are a passion for routine in administration, and sacrifice of flexibility to rule, delay in the making of decisions and a refusal to embark upon experiment...the members of a bureaucracy may become a hereditary caste manipulating government to their own advantage<sup>154</sup>.

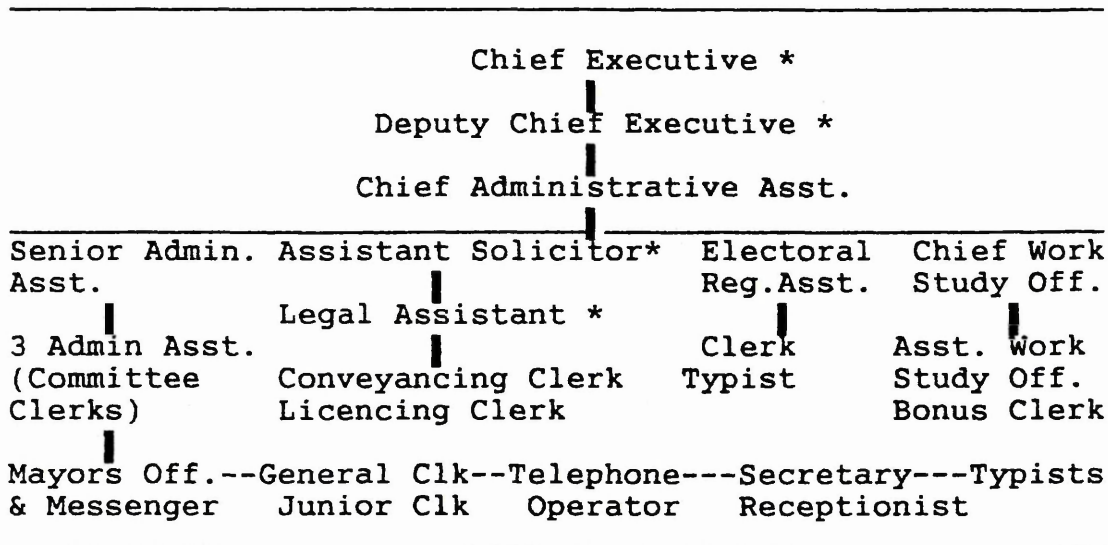
The hereditary caste referred to by Laski, in terms of local government bureaucracies, could be the legal profession occupying and colonising the administrative centre of power shaping the culture and structure of the organisation too maximize it's members welfare and to gain organisational congruence and job satisfaction (see table 2.5 below). With the on-set of the compulsory competitive tendering split in local government structures this position is changing (see table 2.6 below).

#### Summary.

The sections above have discussed;

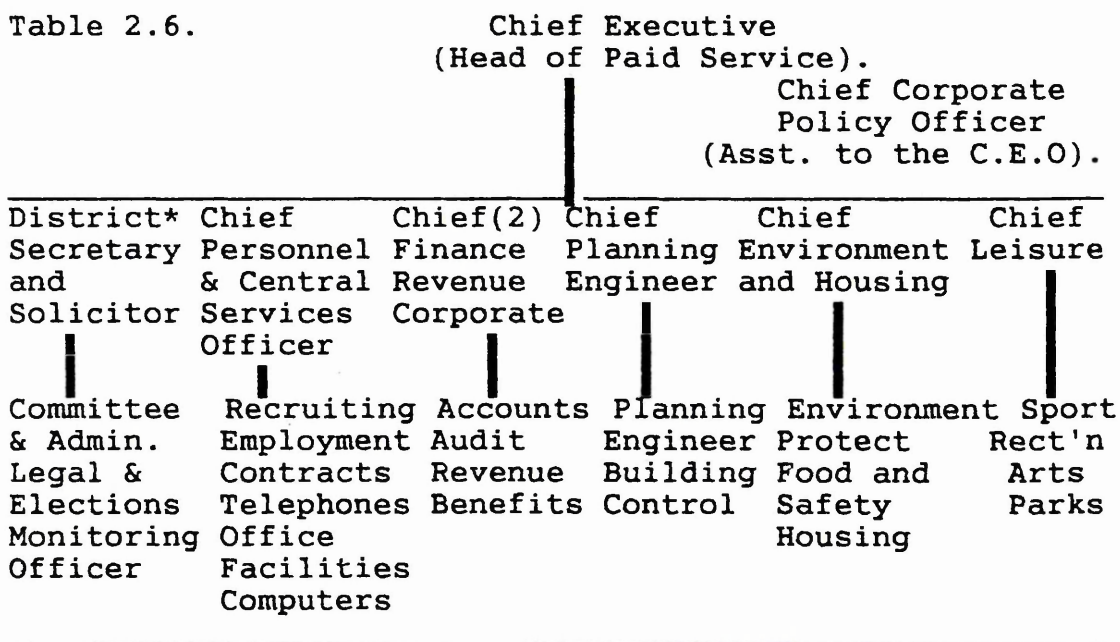
- \* The "Ideal-Type" and the Bureaucratic-Profession in their historical context.
- \* The relevance of professional and bureaucratic characteristics to person-organization fit.
- \* The legal profession in local government as a managerial profession.
- \* Fordism and Taylorism and the de-professionalisation of the lawyer's work.
- \* How accommodations are achieved between the bureaucracy and the profession.
- \* Other factors which effect this fit or congruence, particularly gender issues.
- \* Senior bureaucrats work environment preferences.
- \* Importance of the professions position within the organisational structure in terms of its power to influence bureaucratic-professional conflict.

Table 2.5.



The above organization chart reflects the structure of the Clerk/Chief Executive's Department of a borough council between 1965 and 1994. All legal professionals, those with legal qualifications and admission to the Profession recognised by the Law Society are marked thus \*. The colonisation of this department by legally trained professionals is clearly shown.

Table 2.6.



Vale of White Horse District Council, April, 1995. One of five district councils in Oxfordshire it has 51 elected members and 300 employees involved in its operations. In January 1995 it transferred its housing stock voluntarily to the newly formed Vale Housing Association, with a subsequent transfer of staff.

Person - Organisation Correspondence - Factors that Influence the Decision to Turnover.

The legal professionals' position of dominance in local government caused the Audit Commission<sup>155</sup> to identify them as, "the original local government officer". This position has now changed and their almost unchallenged role as provider of recruits for the senior managerial posts in local authorities has ended. In 1962, over 82 per cent of local authorities serving populations over 5000 had a solicitor as a clerk. This dominance diminished in the 1960s as local government more frequently hired clerks with business backgrounds. In 1977, the local government legal profession still supplied 80 per cent of local authorities with Chief Executives; by 1991, this figure had shrunk to 42 per cent<sup>156</sup>. Table 2.7 below shows the amount of occurrences of each relationship where a non-legal professional manager now controls the activities of a legal professional; a trend which is increasing throughout local authorities. More often these days the organisational position of the senior legal officer is as a chief officer, as shown below, reporting to a non/other-professional or legal professional chief executive. Overall some 40 per cent of local authorities have planned and/or implemented a CCT split in their organization, the most commonly found structures are for a legal chief officer reporting to the Chief Executive, who may or may not be a lawyer, or to have a legal



officer (perhaps at second tier) reporting to a "non-legal" officer<sup>157</sup>.

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Table 2.7. Source Audit Commission<sup>158</sup>.

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Client Officer.				
Reporting Line.	Service Chief Off.	Chief Exec.	"Legal" Officer	"Non-Legal" Officer
1). Council or Board.	5%	2%	8%	8%
2). Chief Executive.	-	2%	43%	9%
3). "Legal" Officer	-	-	8%	-
4). "Non-Legal" Officer	-	-	15%	-

---

The changes that local government is under-going with increased management of professional functions by non-professional, the changing internal labour market of the CCT split and local government review, have changed the organisational congruence of the legal managerial-bureaucratic-professional that once existed. Hagan, Huxter and Parker operationalised a working class of legal professionals as,

...employees who have no managerial or supervisory responsibilities, beyond the work they pass on to secretaries, and who design few or no important aspects of their work<sup>159</sup>.

These lawyers are so "subordinate and subject to management authority" that they have almost no autonomy in their work. This process of proletarianisation may be occurring as lawyers in local government lose chief officer/head of department managerial status to become

contract workers within the new CCT environment. This proletarianisation is being caused by a variety of fundamental cultural and structural changes to local government work settings which are fundamentally changing the person-environment congruence that lawyers once enjoyed. These changes manifest themselves in the factors which influence an individual to leave one organisation for another. Dissatisfaction with these internal organisational factors increase the individuals' predisposition to leave. Those who cannot adapt will search for another organisation which offers a culture and structure which reflects those bureaucratic-professional characteristics which offer congruence or fit and which values professional expertise and supports professional cultures. A search for the causes of turnover must begin with a close examination of those factors which influence the person-organisation fit and which cause satisfaction or dissatisfaction with the job.

### Rhodes and Doering - The Framework for Analysis.

The Rhodes and Doering<sup>160</sup>, model of job/career change has been used in this study as the framework for examining the causes of turnover amongst senior legal officers in second tier authorities. As such, this is a review of job satisfaction literature which reflects the essential factors affecting the sample group in the workplace and the influence the main factors have on the individual. The model suggests that there are several dimensions included in the decision to change job or career which include organisational, environmental and personal factors. The model is built around a central relationship, that between job satisfaction and the career/job change withdrawal process<sup>161</sup>. (see diagram and notes). Job satisfaction as a global attitude to work is measured among the participants of this study. Each individual's satisfaction with different aspects of his or her job and work environment are also measured. While the factors discussed below are identified in the model, the work of various theorists is used to explain the effects of each factor on the individuals decision to turnover.

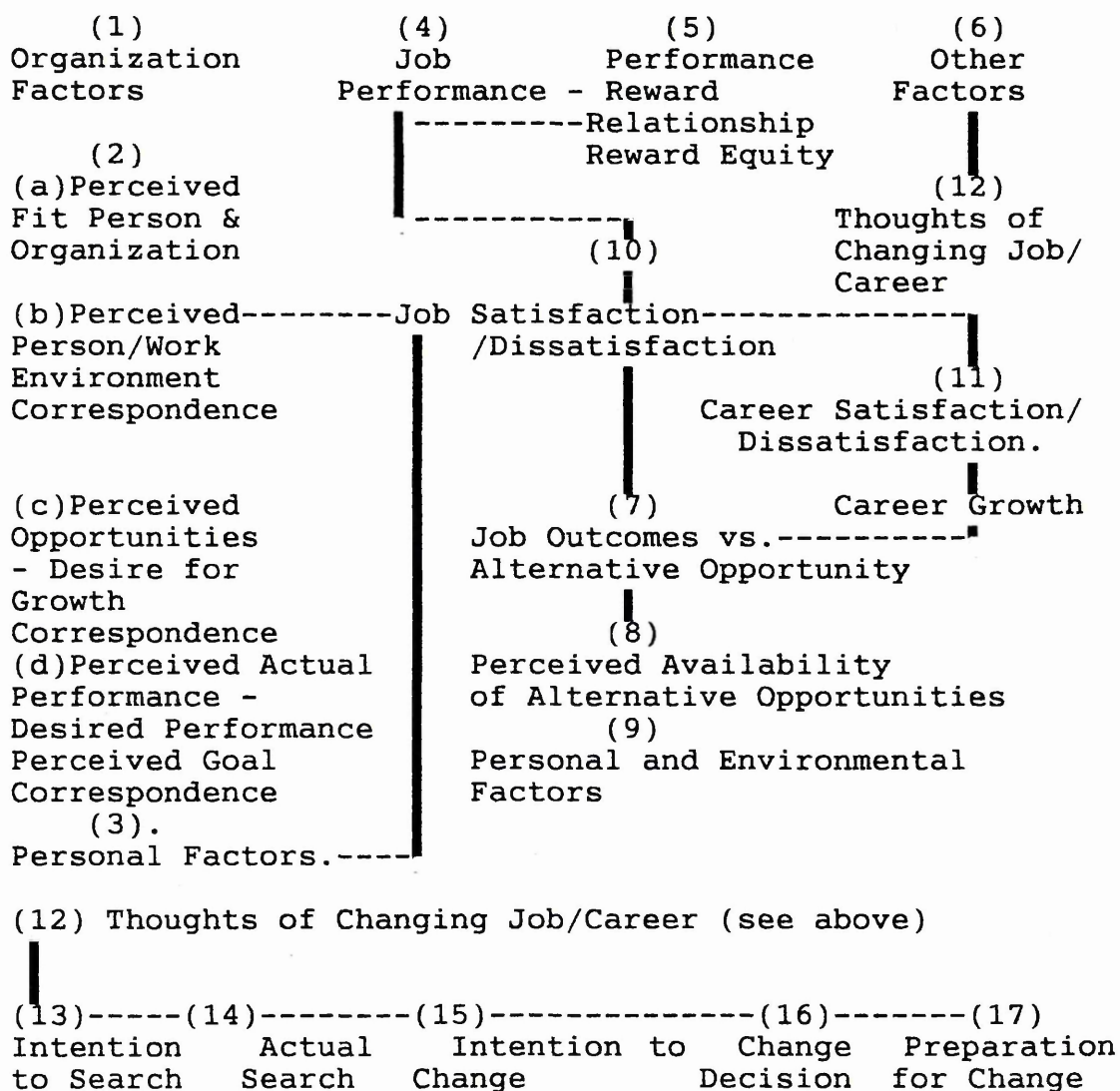
Table 2.8.

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The Integrated Job/Career Change Model.

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Block Numbers in Brackets( ).Main Relationships Shown.




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From Rhodes, S.R, and Doering, M.M. (1983). An integrated model of job/career change<sup>162</sup>.

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### Job Satisfaction as a Concept.

Job satisfaction, broadly speaking, is recognised to be an attitude of an individual which reflects the degree to which his important needs are satisfied by his job.

Locke<sup>163</sup> defines the concept in this way,

Job satisfaction is the pleasurable emotional state resulting from the appraisal of one's job as achieving or facilitating the achievement of one's job.

Similarly Vroom<sup>164</sup> defines job satisfaction as,

...the positive orientation of an individual towards the work role which he is presently occupying.

Both definitions while substantially unarguable, are vague and reveal nothing about the components of job satisfaction. Any such definition of job satisfaction should include, even if not explicitly, an equity-type consideration, either as part of the definition or as a separate dimension of the definition<sup>165</sup>. Even if an individual's job satisfaction needs are met by his job, he will not express his satisfaction if he perceives some comparable job as satisfying his needs better, or requiring less effort by him for the same level of satisfaction. Mobley, Griffeth, Hand and Meglino<sup>166</sup> found that,

...the satisfaction-turnover relationship, although consistent, usually accounts for less than 16 per cent of the variance in turnover.

Many studies have examined job satisfaction and have found that a negative relationship exists between satisfaction and individuals leaving their jobs<sup>167</sup>. Job

satisfaction has, however, been found to be related to both the intention to leave a job/career and to the intention to stay<sup>168</sup>. The withdrawal process can also be started by other factors, even though the individual is satisfied with the job/career. For example these may originate in personal or domestic reasons.

#### Determinants of Job Satisfaction - Organisational Factors.

In order to better understand the individual's decision to change job or career, the dimensions related to the decision to leave an organisation need to be examined. Other organisational factors relevant to the job/career change process are such work environment based factors as, for example, pay, integration (congruence), routinization of work (reduced status) and upward mobility (promotion). These factors have been identified as determinants of job satisfaction by Martin<sup>169</sup>, and Price<sup>170</sup>, amongst others. These are factors which influence job satisfaction through the degree of person-organisation fit, congruence or correspondence. Such correspondence is measured in this study through the participant's own perception of how their needs are met by their local authority work environment. Certain aspects of the legal professional's job and work environment may give special satisfaction and produce a positive attitude to work which will prevent the individual considering leaving the organisation.

### Person-Environment Congruence.

The theory of career motivation developed by London identified career motivation as a set of individual characteristics and associated career decisions and behaviours. London<sup>171</sup> states that,

The congruence or match between the individual and the (organisational) situation is likely to affect what career decisions and behaviours will occur and their potential value to the individual and organization.

He goes on to say,

... consider an organisational environment low in encouragement of autonomy, discretion over career outcomes, opportunities for achievement, feedback on performance, and positive reinforcement for good performance...the resilient individual is likely to tolerate the situation for a while and, if it does not improve, look for alternatives elsewhere.

Holland<sup>172</sup> in his theory of careers says that persons will move toward work environments more congruent with their personality type, and that persons working in environments highly congruent with their personality will be more satisfied than those whose personality-environment congruence is low. As he states,

people search for environments that will let them exercise their skills and abilities, express their attitudes and values, and take on agreeable problems.

Holland states that a high personality-environment congruence leads to,

...a number of desirable outcomes, such as work satisfaction, achievement, and vocational stability<sup>173</sup>.



Holland and Gottfredson<sup>174</sup> speculated that a mid-life career population may not have,

...clearly defined and consistent personality patterns, so that no environment is clearly congruent with the individual's personality type.

Perhaps the fact that all of this study's survey population are legal professionals will suggest differently. Argyris<sup>175</sup> discusses psychological withdrawal as a reaction to incongruencies between individual needs and formal organisational requirements.

#### Age, Tenure and Personal Factors in the Turnover Decision Process.

Raelin identified age and tenure as two interrelated individual factors that directly affect the professionals response and adaption to the organisational environment and culture. The age and length of tenure of the professional are factors which condition and influence the bureaucratic orientation and positive responses to the organisational environment and increased job satisfaction. Other factors influence this orientation as well. Older workers develop strong work values which cause an appreciation of the realities and benefits of bureaucratic life<sup>176</sup>. This appreciation is not always shared with those younger members of the profession. Raelin also identified that older workers were less inclined to absence and turnover and identified themselves more with management and its policies. Mangione<sup>177</sup> amongst others found tenure to be a reliable

predictor of turnover and one of the single best indicators. The employees with the lowest tenure in the organisation are those most likely to leave, a fact related to their professional career stage needs and organisational socialisation. Those senior legal officers in mid-life, forty years of age or over, are of particular interest as the majority of this study's survey respondents fall within what Schein defined as the middle career band. He stated this as that,

...broad band, lasting as long as twenty years or more, between being reviewed for tenure and being considered...or considering early retirement<sup>178</sup>.

This period can be one of turmoil and crisis in terms of self development and organisational issues. Katz<sup>179</sup>, sees some employees at this stage seeking to establish an organisational identity, through a process where the individual reviews his or her job role and title. If these are unclear, he or she will focus their energy elsewhere than upon the confused role they are forced to play<sup>180</sup>. Often this process can lead to dissatisfaction with achievements<sup>181</sup>, and career or job turnover, or the individual concentrating his commitment to family, social life, or other outside work interests<sup>182</sup>. Giving up the prestige and security of established careers for general management or administration has involved complex motivations which have caused various researchers some degree of explanatory difficulty. Thomas<sup>183</sup> found that only 11 per cent of his sample group considered salary an important factor; only 13 per cent were looking for

greater security, 26 per cent wanted more time with their families, 23 per cent wanted more leisure time and 20 per cent wanted to move to a new location. The closest this study came to a common means for career or job change was in the area of intrinsic work motivation. A near majority of 48 per cent wanted a "better fit of values and work," 21 per cent more thought it was of some importance, 53 per cent wanted "more meaningful work". The overall result of Thomas's work was that motives varied as much as the number of people involved.

#### Career Progression, Job Promotion and the Career Plateau.

Career progression and promotion opportunities or the lack of them play an important role in the Rhodes and Doering model in explaining job satisfaction in the job/career change process. Older workers may also realise a sense of being plateaued in terms of their upward mobility caused by the restricted opportunities in their own organisations hierarchy and by limited opportunities in other larger local authorities as a result of their age and other factors<sup>184</sup>. The professional in this situation may adjust their aspirations to a point where they gain a balance between their aspirations and available opportunities, greater organisational integration and achieve a degree of satisfaction with their "lot"<sup>185</sup>. This adjustment is aided by a lack of desire and possibly ability, to physically relocate due to deteriorating work skills and gradually increasing

sedentary habits, although these features are by no means destined to happen.

#### Alternative Opportunities as a Contributory Factor in the Turnover Process.

The buoyancy or otherwise of the economy and the local government and general labour market will be a strong influence. The greater the number of attractive alternative jobs, the more demanding each individual may be when evaluating his or her current job or job offer. The assessment of the training required to obtain a new position, the actual attainment and success in the new job as well as achieving the expected outcomes (eg. interesting work, job challenge, career growth, equitable pay) are all factors which effect job satisfaction and the turnover decision. If alternatives are attractive compared to the current job, and obtainable then this may initiate dissatisfaction with the current job and the intention to leave it<sup>186</sup>.

#### Job Security and Job Insecurity.

In surveys of local government employees work attitudes, job security, or the relative perceived absence of job insecurity has been and is one of the prime benefits of public service employment. It is the perception of individual employees of the organisation which are the sources of job insecurity. Few members of an organisation will be unaware if it is in decline or under threat. Local or national newspapers and television will report

the problems of organisations such as district councils, either collectively or singularly, who have both a high public profile and are also major employers in their local area. The threat of reduced central government financial support, the capping of increases in council tax, impending CCT for professional services and Local Government Review, and continual internal restructurings, all suggest a decline and thus a shrinkage which could result in unwanted changes in the work situation and possibly unemployment. The effect of job insecurity will result in diminished work effort by those who perceive themselves under threat. This reduced effort arises from the incapacitating effects of the high anxiety levels produced by the threat. The employee will also only produce the amount of effort which prevents further risk to their job while exhibiting less commitment to the organisation. With the reduced level of commitment to the organisation comes an increased propensity to leave. Working-class employees or those that possess working-class values will have lower levels of aspiration for self-actualisation and primarily desire money, job security and benefits. Goldthorpe<sup>187</sup> discusses the bureaucratic orientation to work as service for an organisation in return for steadily increasing income, social status and long-term security. The expectations that employees have of the mechanism the organisation will use to shrink the workforce will influence their personal experience of job insecurity. The fairness of the councillors and managers procedures

for workforce reduction and the individual's ability to predict and assess the future effects of such reductions on their own situation may also trigger the intention to leave. Equity theory once again contributes to our understanding of attitude formation during a period of job insecurity. The senior legal officer with long tenure and those who perceive their work performance to be good will feel they deserve job security in return for their service. Those who feel that their manager or councillors will not treat them fairly will feel heightened job insecurity and may choose to leave.

Job Content, Intrinsic Work Fulfillment, Job Challenge and the Causes of Turnover.

Of all the job characteristics attributes, autonomy, as we have seen and the freedom to examine work problems using the skills and methods favoured by the individual professional, seems to be the most important. Autonomy is synonymous with the concept of professionalism and all the major job characteristics and as such runs throughout the individual professionals role in the organisation. Hackman and Lawler and Hackman and Oldham<sup>188</sup> have proposed that factors such as autonomy, variety, feedback, seeing the job completed and performing significance work should be strongly correlated with job satisfaction and intrinsic work satisfaction, especially for professionals with strong needs for intrinsic fulfillment. There is no doubt that job content factors are significantly related to turnover. Satisfaction with



work itself exhibits a uniform negative co-relation with turnover.

#### The Role of Pay, Benefits and Performance in the Turnover Decision Process.

Thomas<sup>189</sup> in his study of the motivation for career change in mid-life found that only 11 per cent of his sample group found salary considerations important in their career decision. Pay is an extrinsic reward generally more highly valued by employees whose jobs offer few opportunities for intrinsic rewards. Pay has usually been shown in studies as amongst the top three sources of job satisfaction<sup>190</sup>. More often this has actually been presented as dissatisfaction, contentment with pay has been shown to be a reasonably good predictor of overall contentment. When rewards are recieved at an equitable or appropriate level to performance job satisfaction will result, when the same level of performance produces low rewards, a feeling of inequity occurs and subsequently job dissatisfaction. Professionals have a good idea of what they feel they should be paid in comparison with others, and in relation to their skill, experience, etc. The promotion and reward system and structure of the employing organisation has a strong influence on commitment to a technical speciality.

#### Organisational Commitment.

Whyte<sup>191</sup> described the individual he called an "organisation man", as someone willing to trade



commitment to the organisation, "for a high standard of living and the promise of life-long security". The traditional benefits of job security, high income and career progression were, however, insufficient in some cases to offset the commitment to the organisation required in return. Each individual professional within the organisation may develop role behaviour, from a variety of orientations which will permit him to find a suitable balance between the distinct directives of bureaucracy and professionalism. In this process the individual professional will be helped to reach an accommodation if the organisation is, "infused with professionalism" and, "the services of the professionals are scarce". The organisation in this situation is more willing to accept a more professional orientation and "interpenetration of various "bureaucratic" and "professional" cultures" with individual role orientations which are appropriate to the culture of the organisation.

#### The Job Satisfaction of the Senior Legal Officer as a Manager.

Porter<sup>192</sup> found that satisfaction levels for self-actualisation, autonomy and esteem increased at each level of management. In the area of autonomy participation and contribution in setting goals and determining methods and procedures were of prime importance as was the sense of feeling valued for that contribution. Rosen<sup>193</sup> in his exploration of career and

work commitment discovered four major areas of satisfaction or dissatisfaction amongst managers, relations with superiors, relations with the organisation, relations with peers and involvement in or contribution to decision-making. Morse<sup>194</sup> however comments that these feelings of dissatisfaction do not always affect work commitment since,

The employee with many years service is usually doing sufficiently varied and skilled work to be quite satisfied... in addition security has...become an important need...job content and job security are probably sufficiently important to take precedence over feelings of dissatisfaction at not receiving a higher salary and a higher job status....<sup>195</sup>

The work factors mentioned in this quotation are examined in the next two chapters. Job security and work content, particularly in terms of the meaningfulness of work and the public service ethos, are discussed in detail in chapter four.

#### Summary.

The second part of this chapter has discussed;

- \* The elements identified by the Rhodes and Doering model as enhanced by London's theory which are the main reasons why individuals change job and/or career.
- \* The relationship between job satisfaction and the career/job change withdrawal process.
- \* The relationship between the individual's decision to turnover and other facets or features of the work environment or job.
- \* The paramount emphasis on the person-work environment fit or congruence in recruitment and retention.

\* The influence on the person-work environment fit of personal factors, particularly the age of the individual, his or her sex and race, the stage in his or her career and the length of tenure with the organisation. \* Individuals relationship with the power and managerial culture of the organisation in the turnover decision.

\* The effect of changes in the local government lawyers prestige, authority, status and place as a member of a managerial-profession in the accommodation each legal professional achieves with the restrictions he or she encounters at work.

In the next two chapters how the local government lawyer reacts as these accommodations becomes less stable and less secure as his or her organisational position and professional status changes are discussed. How the respondents in this study regard the relationship and accommodations they have with their employing organisation, their person-work environment fit or congruence, is the subject of the following discussion.

### Chapter Three.

#### The Legal Professional in Local Government, Congruence with the Bureaucratic Work Environment.

##### Introduction.

This chapter will discuss those features of the work environment of local government bureaucratic structures which serve to attract and to facilitate the retention of legal professionals. The approach taken in the previous chapters has been to show that the legal profession in local government has developed particular characteristics congruent with those of bureaucratic organisations. In so doing the legal profession has been aided by its dominant historical role in the development of local government and its identification as the managerial-profession supplying the corporate managers for local authorities. The role of the professions in both the industrialisation process and the development of local government cannot be under-rated, as Sidney and Beatrice Webb stated,

...without effective vocational organisation they (the professions in local government) were still without either tradition or training, and wholly unprovided with the code of professional ethics on which, as we now know, the highest administrative efficiency so much depends.<sup>196</sup>

The administration of the local legal system, land, property and the poor law, amongst the other responsibilities, created a requirement for the skills of a legally trained Clerk. The importance of the local authorities' involvement with property required the local government lawyer to have in particular, conveyancing skills<sup>197</sup>. This need has restricted the number of

barristers in local government to a handfull and ensured the solicitors' hold over the legal professionals employed in local government. The need for legally trained clerks, ensured that the early legal profession gained both autonomy over itself and a relationship with the state which has ensured that its independence has survived over many centuries. The profession's right to self-regulation, controlling entry to the profession, educational requirements, training and licensing was secured and has seldom been challenged by the state. The most concerted effort to maintain control over the legal profession being the 1825 Solicitors Act which set up the Law Society as a regulating body.

In many respects this degree of professional autonomy, coupled with the exclusivity of the rights of access to courts held by solicitors and barristers, would suggest that members of the profession must have a high degree of autonomy. This high degree of autonomy must also extend to their freedom to choose their personal working methods, regardless of their work environment. However, as the characteristics of the bureaucratic-profession have shown, the degree of personal work autonomy is weakened within the bureaucratic structure. From the time of the bureaucratisation of the lawyer's role in local government and the advent of full-time employment for one local authority employer, this professional autonomy was under threat. It was the dominant location of the legal professional within the organisational structure of early local government bureaucracies, coupled with the reliance

of those organisations on rules and regulations founded in legal principles, which ensured that there existed minimal conflict between the professional characteristics of the lawyer and the organisational characteristics of the bureaucracy. This is made obvious by the importance of the structural position of the Clerk in the organisational design produced by Chamberlain for Birmingham City Council. The power drawn from the organisational status of the Clerk and his legal staff ensured that their dominant position in local government organisations mitigated the restriction in their professional autonomy brought about by serving one client; their employing authority. The results of this study show that a strong congruence between bureaucratic local authorities and the local government lawyer still exists. This congruence creates what is even now a strong person-work environment fit for lawyers in district councils. The congruence between many of the job and work characteristics thought important by local government lawyers and their experience of those characteristics within local authorities, reflects the high degree of harmony these employed professionals enjoy with their bureaucratic work environment. As Hackman and Oldham and Hackman and Lawler have described, the congruence of job characteristics is related to the high degree of job satisfaction experienced by these lawyers regardless of whether they are leaving or staying in the organisation<sup>198</sup>. The results of the study indicate that this congruence increases overall with the age and length

of tenure of those staying with their employing authority. This increase in satisfaction covers most of the work and job features tested<sup>199</sup>. In the following sections, this study will examine features of the bureaucratic work environment with regard to the effect they have on job satisfaction, turnover and the attitude to work of senior legal professionals in local government.

#### Composition of the Local Government Legal Profession and those Employed in District Councils.

These legal professionals who represent only a relatively small proportion of the entire legal profession in England and Wales (4 per cent) controlled the career path leading to the senior post, the Clerk, in local government for some five centuries. The central characteristic of this distinct and separate segment of the legal profession is the identification of legal training and skills<sup>200</sup> as being the appropriate qualifications for the most senior managerial role in local government. Traditionally, lawyers entering local government seem, therefore, to be a small group who enter local government deliberately. This group has the ultimate objective of a career in public service management within local government, which is a culture supportative of their professional objectives, rather than a career as a legal adviser alone [Figure 11]. The statistics describing the local government legal profession seem to support this notion. The local



government legal service as a whole consists of lawyers of whom some 57 per cent take articles and continue exclusively in local government employment throughout their careers. A further 27 per cent move into local government from the private sector immediately, or just after, their admission<sup>201</sup> to the profession and are retained in local government. In total, 84 per cent of the entire local government legal profession serve out their careers entirely within local government<sup>202</sup>. This profile of the local government profession suggests that access is restricted and mobility into other areas of legal practise is limited.

Table 3.0.

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Composition of the Senior Legal Officer Survey Respondents.

Men 207 (79.3%) Women 54(20.7%)			
<hr/>			
Stayers	Men	170 (65.13%)	Leavers Men 37 (14.17%)
	Women	47 (18%)	Women 7 (2.7%)
<hr/>			
N=261	Total	217 (83.14%)	44 (16.86%)
<hr/>			

However, this does not seem to be the case with district councils, where it is interesting to note that this study found that 19 out of the 44 lawyers intending to leave their employing authority (43 per cent) and 109 of the 217 choosing to stay in post (50.2 per cent) came into their local government employment with private sector experience and/or training; a different profile than that

of the overall local government legal profession. Of immediate interest is the low proportion of women at chief or deputy chief legal officer grade in district councils.

It would appear that one explanation for the variance between the structure of the legal profession in district councils and that of the local government legal profession at county, metropolitan and London borough level lies in the attractiveness of district council employment to senior lawyers. It appears that district authorities, which cannot offer career paths due to their restricted hierarchical structure, recruit their senior legal staff from either those moving on a career path between local authorities, or those moving out of the private sector. The benefit of this restricted hierarchy could be a greater degree of managerial autonomy and discretion and a wider range and variety of general managerial and legal work tasks. This study has found that movement out of the private sector often seems to be due to redundancy, a desire to move to a pleasant area, a desire for less pressure at work or a move due to restricted career opportunities in the private sector. Most explanations given at interview suggest that job security is a high priority in the choice of local government employment.

It seems that 50 per cent of the district council senior legal officers are career local government managers who are aware that they belong to part of a separate and

distinctive segment of the legal profession with a very strong sense of self identity and service to the community. These individuals have been trained and have worked throughout their careers entirely in local government and have developed professional characteristics congruent with their work environment. These characteristics consist of a distinct and separate sense of mission, methodology, client base and collegueship. These characteristics ensure that any incongruence or conflict that might exist between the professional values of members of the group and their bureaucratic work environment are mitigated.

These professional characteristics must be closely identified with the characteristics of the bureaucratic work environment for this group to have achieved the degree of tenure which they exhibit. This high degree of congruence also explains why the legal profession has held its dominant position in local government organisations for so long. Such close identification should lead, as the theories of London and Holland<sup>203</sup> quoted earlier indicate, to high levels of congruence between individual and organisational needs, which should, in turn, produce high levels of satisfaction for individual employees. This must mean that the members of this group see little or no conflict between their professional values and the objectives of their employing organisations [Figure 12].

The Characteristics of Bureaucratic Organisation and those of the Legal Profession.

Many theorists have identified characteristics of the legal profession which closely reflect those characteristics usually related to British bureaucratic organisations and behaviour.

Of those interviewed many agreed with the observation of one chief officer that,

Since local authorities are created by statute and regulated by parliament, it is obvious that the lawyer in local government today and the structure of local authorities should reflect the bureaucratic framework in which they are required to work, the rule of ultra-vires has been the main concern of local government lawyers for centuries.

This quotation reflects the view of some legal professionals that the role within traditional local government of the Clerk or lawyer is a conservative one of ensuring adherence to the rules laid down by the Authority. Friedmann<sup>204</sup> concluded that the conservatism shown by legal professionals was illustrated by their reluctance to address, "the wider social, economic and political implications of a problem". These remarks were preceded by Laski<sup>205</sup> who saw lawyers as, "more definitely the servants of tradition than any other class in the community", showing a predisposition towards the rule-bound attitude of a bureaucratic orientation. One of the effects this conservatism has is to make their orientation, "predominantly towards middle-class clients and their problems". How this may manifest itself in the local government lawyer is perhaps in his or her

perception of, and commitment to, the objectives of the local authority and in his or her interpretation of the meaning of public service.

The lack of innovation reported in the legal character is also a trait of the bureaucratic orientation,

When Lawyers encounter ideas from outside the law, as they do from time to time, they tend to absorb a smattering of these ideas which may then remain with them, handed down from generation to generation, until they emerge from their narrow professional interests to look at the same problem perhaps fifty or a hundred years later<sup>206</sup>.

This statement about the lack of innovation of the legal profession is echoed by Headrick. In his opinion, a legal training is not conducive to a career as a successful administrator. Headrick states that,

...it is difficult to avoid the conclusion that learning law as a collection of factual information, statutes which exist and points of law which have been decided, is not productive of a creative imagination; the kind of imagination which, it is often said, is required of a successful administrator<sup>207</sup>.

The comments of one chief officer reflect this view,

At one time the lawyer checked every committee report, selected the committee agenda and advised members on all committees, now it is not seen as necessary in many authorities, time has passed by legal knowledge as the determinant of policy, the commercial ethos [in local government] means finance, business knowledge and man management skills are now important.

The Webbs<sup>208</sup> noted the "arrested development" of the English Lawyer and his seeming lack of interest and dedication to updating his training and education; an opinion reflected in this study by the low priority

placed on either professional or managerial training by senior legal officers. Headrick states that,

...it is difficult to avoid the conclusion that learning law as a collection of factual information, statutes which exist and points of law which have been decided, is not productive of a creative imagination; the kind of imagination which, it is often said, is required of a successful administrator<sup>209</sup>.

One solicitor confirmed this view of "thinking like a lawyer" in saying,

I suppose that legal training does direct you to examine problems from a straight forward rather than lateral perspective, precedent is important since this shows that whatever you want to do has been tried before and found to be within the local authorities powers.

Solicitors interviewed themselves raised the importance in their jobs of precedent shaping advice,

Legal research is the answer to almost all the problems that occur in law, the answer to many cases is found in precedent and the decisions reached by the courts at previous hearings...as such all solutions or cases depend on interpretation of the law established perhaps in a previous century...the law in this respect is not innovative.

As another chief officer stated,

Most law is based on simple protocols, rules and procedures which you follow, often laid down by the centralised bureaucracies of the courts or central government departments, administration and administrative law is bureaucratic and has to be.

There appears no doubt that the increased legislation from central government over the past twenty years has kept local government lawyers busy but may also have exposed their rigidity,



Local government is a creation of central government statute, some 144 Acts of parliament have been introduced between 1979 and 1992 which directly affect local government...laws are rules, which are by their very nature bureaucratic.

There is a belief amongst some of the group surveyed that they still can exert considerable power,

...the basis of the lawyers strength in local government, advising members on ultra-vires, is as strong today as in the 19th century, administrative procedures ensure that local authorities stay within their legitimate powers and I suppose by that reasoning lawyers who advise on the authorities powers within administrative procedures are bureaucrats.

The conservative characteristics of the legal professional and its lack of innovation may lead elected members in local authorities to perceive that local government lawyers are,

preoccupied.. [with]...keeping the council and its chairman in line with the law and the authority's standing orders<sup>210</sup>.

This may be seen by members as obstruction to their policy decisions and to their effective management of the Authority. As with most professions the stable environment of local government over recent years has encouraged the lawyers to retain this conservative and rule-bound outlook and resist change because, as Rueschmeyer states,

...the profession's vested interest in a given legal order renders its service irrelevant to those groups in the society who seek radical change.<sup>211</sup>.



So resistance or inaction in the face of the changes overtaking local government in the last twenty years has exposed the legal professions predicament of being as Sampson<sup>212</sup> described them,

...trapped in [their] own conservatism and mystique.

a view concurred with by Johnstone and Hopson<sup>213</sup> who stated that,

...it [the legal profession] is a complacent profession, more concerned with maintaining its present position than expanding it,...and very cautious about even trivial changes in professional structure or requirements.

This description of complacency is matched by Poole<sup>214</sup> who talks about,

...the Clerks of former years...had been blinkered and diffident lawyers concerned chiefly with drafting agenda's and minutes, and advising committees against breach of the ultra vires rule.

Such strict observance of regulations is no longer seen as the main priority of local authorities business and it may be that members see the lawyer's obsession with the rule of law,

...as essentially protective of [the lawyers] established interests<sup>215</sup>.

which causes elected members to see local government lawyers as essentially protecting his or her organisational status, position and power by influencing the policie's, processes and procedures of the council wherever possible to maintain the status quo. Such a view is supported by the following quote,

...an administrative system in which policies are enshrined in laws, and implementers can be brought to account...for the disregard of those laws, (this) represents a lawyer's view of the way the policy-implementation distinction ought to work in a democratic society.<sup>216</sup>

The lawyer in local government has sought to resist change through raising the member's concerns over the political agenda they wish to take through fear that they will be in breach of the law. As one chief officer stated,

I can still use my role as solicitor when I need to in order to make members listen and to make them concerned at the outcome of a particular course they wish to take.

It is this disabling form of professionalism, which was discussed in the previous chapter, which is leading local authority members to seek a different approach and commitment from their legal advisors. Instead of negative advice and caution they want advice which will enable them to circumvent the strictures of central government and enable them to deal with the problems of the new commercialism and cost reduction which threatens local government services. The poor relationship between councillors and local government legal professionals, which has developed in recent years, may be in part because of the lawyers' inability to adopt this new brand of professionalism and to remain hidden behind their professional mystique whenever challenged. This ability of the lawyer to insulate the knowledge base of the legal profession from the understanding of laymen has been very successful in protecting the profession's privileges and

status in local government throughout the twentieth century. Only in recent years, when the lawyer has assumed a managerial role, has the cautious and consensual approach to resource management produced by legal training caused the legal profession to become identified as a "disabling profession". The use of legally based administrative processes and procedures by the legal profession in management helped create the monopoly situation for the profession in providing the career path for senior management roles in local authorities. Legal skills, therefore, were the foundation on which the legal profession colonised the key roles and positions in local authorities and thereby ensured the legal profession became regarded as the principal management-profession in local government. It would appear, therefore, that there exists a strong congruence between the local government legal profession and local government bureaucracy due to their similar characteristics based on the observance of rules and procedures built on legitimacy of authority, stability, tradition, impartiality and predicability of behaviour. This close congruence of characteristics is discussed below in relation to the job satisfaction of the senior legal officer in district councils.

The Congruence and Job Satisfaction of the Local Government Legal Professional and Bureaucratic Organisation.

The table shown below shows the six measures used to examine the congruence or degree of correspondence of the senior legal officers with his or her work environment. Where the correspondence was significant this is shown in the table by a star. Across these measures congruence between need and experience is superior for those intending to stay. Specifically in two important areas; the need to feel valued and the need to work in a friendly environment. The results do illustrate the high degree of job satisfaction sought by the senior legal officer and that this need is met for both those intending to leave and those intending to stay with their employing authority. Job satisfaction, as shown later, is also the single highest job feature selected by the respondents to this study regardless of whether their intention is to stay with or leave their employing organisation.

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Table 3.1.

Work Congruence Factors.	Leavers	Stayers
Good Job Security.	0.32*4	0.47*
Good Opportunities for Promotion.	0.40*2	0.34*4
Having Job Satisfaction.	0.60*	0.56*
Feeling Valued by the Authority.	0.22	0.49*
Working in a Friendly Atmosphere.	0.24	0.59*
Having High Status.	0.44*2	0.51*

The symbol \* followed by a number indicates a lesser degree of significance as fully illustrated in the results section of this study.

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This job satisfaction is also reflected in the high degree of congruence with the work environment felt by the senior legal officer and is shown by the fact that of the male senior legal officers intending to stay with their current local authority, 61.2 per cent of them have served over five years. Often though interview notes quote senior lawyers as having an organisational tenure of twenty or thirty years with the same authority; suggesting that senior legal professionals in district councils find their work environment highly congruent with their needs. The stability and long tenure of this population is also shown by the fact that only 38.8 per cent have a tenure of less than five years and of these only 12.3 per cent have been with their present authority less than 2 years. These figures reflect a relatively stable working population throughout English and Welsh district councils.

The table below supports the view that long tenure with an organisation does have a positive effect on job satisfaction measured through perceived congruence of job characteristic needs and the degree to which it is perceived that they are met. The results also suggest that job satisfaction based on the person-organisation fit increases with both age and tenure, but especially with tenure. This finding is true for both those intending to stay with their authority and for those intending to leave, but more so for the former. This finding agrees with those of Mobley et al., Waters et al., Price, Porter and Steers<sup>217</sup> discussed in the earlier

chapter. For the purposes of illustrating these findings the survey population has been split into four groups by age and length of tenure.

Congruence Out of 22 Features.	Leavers	Stayers.
> 40 years of age > 5 years tenure.	8	16
> 40 years of age < 5 years tenure.	1	13
< 40 years of age > 5 years tenure.	5	14
< 40 years of age < 5 years tenure.	7	9

The "leavers" column depicting, those intending to leave the organisation within the next year, shows less congruence with the twenty-two job features listed on the particular page of the questionnaire used in this exercise. These figures also reflect the finding that the greater than forty years of age, less than five years tenure, group only identifies one characteristic with which it is in congruence. This suggests that this age group with low tenure is facing a high degree of potential conflict between the professional and bureaucratic objectives of its work environment. This may be explained by the more recently appointed senior legal officers coming into their authority from outside local government. It may also be that assimilation and socialisation into a new work culture is more difficult for this age group. The possibility of such conflict existing was tested by asking all respondents which standards they applied to their work, professional or organizational or whether they were one and the same. The response illustrated above suggests that there must be a large proportion of local authorities with cultures which are supportive of the legal professional's career and

work needs. The group which nominated professional standards, as distinct from organisational standards, as being its work objective far outnumbered those identified as intending to leave who recorded a comparatively low degree of congruence with job features. This may suggest that the culture of almost all district councils is supportive of the professional objectives of legal officers which would help to explain the high proportion of those intending to stay with their employing organisation. This fact must also explain why senior legal officers in district councils today are experiencing a high degree of global job satisfaction. This job satisfaction is felt regardless of whether the senior legal officer is intending to leave or intending to stay with his or her current authority. This indication of a high level of job satisfaction may well change though if the bureaucratic work environment changes to one which values more commercial work processes. As the work environment rejects bureaucratic values and ways of working the degree of congruence between the lawyer and his work environment must be lost. Recently published figures which indicate that the number of senior managers choosing to leave local government<sup>218</sup> for other careers has increased dramatically. This may indicate that more senior staff are experiencing a reduction in the congruence between their bureaucratic-professional needs and their work environment. Those choosing to leave their job in local



government for a career change is currently running at 31 per cent of all senior staff leaving.

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Table 3.2.

Global Job Satisfaction.	Age Tenure	Leavers	Stayers
Overall Job Satisfaction.		0.60*	0.56*
1. Having Job Satisfaction.(>40yrs>5yrs)		0.73*	0.58*
2. Having Job Satisfaction.(>40yrs<5yrs)		0.79*	0.65*
3. Having Job Satisfaction.(<40yrs>5yrs)		0.57	0.49
4. Having Job Satisfaction.(<40yrs<5yrs)		0.79*	0.50*
*indicates correlation significant at .005 one-tailed test.			

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Those with the longest tenure in their organisation show a high degree of satisfaction with their employment suggesting that the entrenched older workers understand and accept the constraints of bureaucratic life and consequently adopt a bureaucratic orientation to the work environment mitigating any aspects of conflict. Those who intend to leave their organisation may not have been able to so readily adopt this orientation, or perhaps can only do so for a specific period or to a specific degree. The perceived absence of job security, along with factors such as opportunities to use initiative, personal independence, getting feedback on work performance, performing challenging work, using professional skills fully, and lack of responsibility all figure heavily in their decision to leave. The absence of these features explains their low commitment to the organisation as measured through the contribution to the organisation and feeling needed score. The need the leavers group

indicated for a professional referent group within its employing organisation may suggest that its members would seek further employment within local government but essentially are inclined towards higher needs for autonomy than many of those staying who do not require attachment to an external referent.

Despite this and other differences, global job satisfaction is identified as the single most important work feature for both those intending to leave and those intending to stay. The need for self-development and training shown by those intending to leave their employing organisation appears on the most important work features list suggesting that they are interested in maintaining their professional skills and will seek appointments where these skills can be used. This result suggests that these short tenure leavers do exhibit a cosmopolitan orientation at least in this respect. Both stayers and leavers see the contribution to their organisation, and the community they serve, as the most important and desirable work feature; suggesting a commitment to local government and its objectives which transcends the conflict both groups have with some work environment features.

An example is the lack of congruence with the work environment for those less than 40 years of age who have long tenure. There is a lack of congruence for their three most important job features, Job security, challenging work and good pay but a high need to contribute. Those with shorter tenure, despite the high

job satisfaction score, have a low congruence overall with job factors; but the same desire to contribute.

The core job content characteristics section below, shows a high satisfaction with work content feature, with only "use full skills" and "feedback" failing to be congruent for the leavers. The former may be due to the comparatively limited range of work available to the new starter, the latter by poor management, no appraisal system or no mentoring by the chief executive or member responsible for giving personal performance reviews. Clearly though the work of the local government lawyer at senior level is still seen as attractive [Figure 13]. Despite the high levels of job satisfaction many senior legal officers have reported, they also state that the changes that they have experienced in the structure and management of local authorities have caused a reduction in their overall satisfaction, for example 56.1 per cent of those intending to stay do not believe that local government offers better prospects in career and income terms than the private sector [Figure 13]. Those in this group attracted to local government by the thought of better prospects formed only 42 per cent of the total number of those staying amongst whom the largest single group, 42.4 per cent, are those over 40 years of age who have been with their current employer more than five years. This dissatisfaction is expressed by one leaver as,

My job satisfaction has significantly reduced the opportunities for promotion because there are now

no traditional Town Clerks. Legal departments are now often part of much bigger departments run by other professionals such as finance or managers ours came from GEC, professionals in local government are being reduced to second rank.

In the following sections the areas of conflict the district council lawyer faces will be examined to see how his or her organisational congruence is affected, what influence change in local government has had on job satisfaction and consequently what effect this change has had on senior legal staff's decision to stay with their employing organisation or leave. The common interest in working in congruence with the work environment, job security and the intellectual challenge of the job is shown by the importance placed on it by the entire survey group whether intending to leave or not in the table below.

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Table. 3.3.

Most Important Work Factors to the Senior Legal Officer.

Those Intending to Leave.		Those Intending to Stay.	
(C)	Job Satisfaction. Job Security. Challenging Work.	(C)	Job Satisfaction. Job Security. Challenging Work.
(D)	Contribution. No Problems at Work. Appropriate Rewards.	(D)	Contribution. Appropriate Reward. No Staff Problems.

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From 261 responses to sheet (c) and sheet (d) of the questionnaire issued for this study the three most important factors from each sheet are listed here.

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Job Satisfaction taken as congruence with the job from the definitions provided earlier, job security and challenging work are discussed below in the context of

the reason for the bureaucratic orientation of local government lawyers. The importance for the lawyers of their contribution to the local authority is discussed below in terms of the importance to them of service to the local community and the public service ethos.

The Relationship between the Second-Tier Senior Legal Officer and The Non-Legal Chief Officer.

As discussed in both the first chapter on the Local Government Management Board Report on the Recruitment Crisis and in the work of Rosen the relationship between subordinate and superior can be a major determinant in any decision to leave an organisation<sup>219</sup>. The senior legal officers in district councils have overall indicated their satisfaction with the relationship with their chief executive or non-legal chief officer. The trend towards the management of legal professional by non-legal professionals is increasing as the table in chapter two denotes, and this fact coupled with the restrictive aspects of cost-centre management may cause tensions in this relationship.

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Table 3.4.

<u>Relationship with Manager and Peers.</u>	Leavers Stayers	
Good Relationship with Boss.	0.54*	0.60*
Good Senior Management Team.	0.67*	0.45*2
Developing professional friendships in the workplace through your job.	0.46*2	0.64*

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The symbol \* indicates the degree of significance and is more fully illustrated in the results section of this study.

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As the compulsory competitive tendering (CCT) split in local authorities and the contract culture becomes more commonplace, the conflict between the non-legally qualified manager and the legal professional over work and job task autonomy may arise more often. As the table 3.5 below clearly shows, for those intending to leave their current employment, the lack of congruence in the need for independence as they perceive it is a factor in their decision to leave even if they have control over the organisation of their work and the respect of fellow senior officers.

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Table 3.5.

<u>Work Autonomy and Management Discretion.</u>	Leavers	Stayers
Having Independence.	0.30	0.62*
That you have the freedom to organise your own work.	0.65*	0.51*
That other senior staff respect your independence.	0.52*	0.62*

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Although judging from these results no significant reduction in the work autonomy of the senior legal officer is perceived to have occurred, as yet, obviously those who have chosen to leave their current job have encountered some restrictions. Examples of what happens when the senior legal officers independence is infringed by the bureaucratic authority of the client manager are readily available, as one respondent stated,

I was the Council's chief legal officer but was within the Department of Professional Services headed by a finance chief, the role of legal officer was neither understood or appreciated.

This situation is explained by Thompson when he identifies the,

...growing gap between the right to decide, which is authority, and the power to do, which is specialized ability...this situation causes produces tensions and strains the willingness to co-operate...in short, the most symptomatic characteristic of modern bureaucracy is the growing imbalance between ability and authority  
220.

District council lawyers at Chief Officer or second tier in this study who intend to stay in their current jobs are that they are in the main content with their relationship with their managers,

I have worked with this Chief Officer team for eighteen years and have a good relationship with members who know and trust us, to an extent, the majority of members have not changed in this authority for years...

Certainly the length of tenure and age of the legal professional is a significant factor in the successful relationship with elected members, peers and managers. Those intending to leave their authorities who have short tenure are not so happy with the relationship with their manager; with the exception of the oldest and longest serving group which seems to have established acceptable working arrangements with its manager. The increase in legal officers reporting to non-legal professional managers seems to be a concern for many lawyers for the future in a fully contract based market environment because of what they see as the imbalance between authority and ability; a feature of decentralised structures. As one chief legal officer stated,



The senior management of this authority is now largely made up of non-professionals, some of whom seem to have no affinity with local government/democracy. I suspect that this is a change that can be seen elsewhere in local government and this reduction of the value of the professional...will inevitably result in poorer quality professionals. I have no doubt that if it were necessary for this authority to replace me, it would not be on a Chief Officer grade.

The different roles of line managers, who possess formal authority compared to the professional's role of giving specialised and technical advice to the appropriate line officials in the organisational hierarchy, are expected to be emphasised in a devolved contract based structure. The lawyer in future may face the threat of managers who can buy advice from external sources with the blessing of elected members if the latter perceive the service provided by in-house legal staff is not as they wish; although in the main the respect for legal experts advice is rarely ignored when asked for. As one respondent said,

The problem is that when you give a straight no answer to a chief officer or member who wants a yes they will wish to seek a second opinion, the idea is to give problem-solving answers wherever possible...

Many non-legal professional managers feel that they do not require a formal legal training to enable them to judge the quality of legal advice from either an internal or external source. As one Director of Administration and Law stated,

I have a law degree and have been advising Members on legal matters...working with Whitehall officials and senior civil servants...shaping policy...I can pick up the telephone and get advice from any number of sources, Local

Government Management Board (LGMB), Provincial Council, Association of District Secretaries (ADS) or the Association of District Councils (ADA) or any private firm, I don't need to be a lawyer!

His second tier contract manager, a Solicitor, disagreed strongly,

He is not qualified, he cannot give advice to Members without external help which may not be available or even relevant...the only person who can give advice is a qualified Solicitor who understands the problem and can bring his knowledge and experience to bare.

This example of a failure to understand the professional roles and abilities of a professional manager and a legal professional seems to be repeated throughout many authorities and often appears to create conflict and almost inevitably the desire to leave the organisation. As more than one respondent stated,

I left my last post because I found that the amount and quality of work did not tax me. After a few months I also found that my Chief Executive (an accountant) was a complete arse.

Thompson saw the hierarchical structure of bureaucracies as preserving and providing security for the authority of line managers who are unnecessary links in an organisation where the specialist is most important<sup>221</sup>. The conflict produced by this situation results in line managers using a variety of devices to protect their status, authority and power against the attacks of their professional advisors. Often these devices have the effect of undermining the effective use of specialists. One such tactic is to deprive the professional of

information required to enable him to work effectively;  
as more than one respondent confirmed,

As a lawyer I am being kept out of management decisions...increasingly the lawyer is like the advert for the bank manager. Kept in the cupboard.

a view echoed by another second tier officer,

Management in local government here appears to be more concerned about systems than service. I as you will have noted feel that the new management in local government feels the need to put professionals in their place.

As Raelin states,

...the inherent conflict between managers and professionals results basically from a clash of cultures, the corporate culture, which captures the commitment of managers, and the professional culture, which socialises professionals<sup>222</sup>.

Other factors contribute to this dilemma in that both these cultures are sustained by the social and work culture in which they function. Anleu states that,

...the importation of professional structure to the bureaucracy is conceived to produce serious disruptions to the proper and normal administrative process. Granting independence... [to the professional] ... does not assure that he will contribute...to the fulfillment of organisational objectives<sup>223</sup>.

Granting control to professional groups violates unity of command principles and thus creates "parallel... competitive lines of authority". The co-ordination of bureaucratic and professional components<sup>224</sup> of an organisation will result in conflict and, eventually, individual psychological dysfunction and job dissatisfaction since the loyalties of the professional

employee are to his profession before his organisation<sup>225</sup>.\_\_ The effects of the social and work setting may influence a change in this orientation depending upon the professional's organisational setting or the style of management under which he operates. It seems even possible that many legal professionals can balance these two orientations while their bureaucratic orientation is congruent with the organisational culture of their local authority employer. The conflict over organisational integration is the professional employee's supposed greatest fear, the loss of his autonomy to the control of a non-professional manager or administrator; a type of deprofessionalisation. Hughes confirms this belief that,

...professions base their claim to autonomy and monopoly on the dictum that professional work is non-routine, solving complex, sometimes critical problems, using extraordinary expertise...,

which can only be judged by a fellow professional<sup>226</sup>. The non-professional manager is forced to allow the legal professional he manages a great deal of operational discretion, but for all that the legal professional may resent such restrictions and only find that other beneficial work features prevent his or her decline into dissatisfaction with the job. Other types of conflict may also play a part in the job satisfaction of the lawyer.

Conflict between the Senior Legal Officer, the Elected Members of the Council and other Professional Groups.

Ideally, the local government system today works on the belief that politicians can and do exercise control over their professional staff. The growing assertiveness of elected members over recent years, coupled with the rise in local party politics and the loss of confidence in local government professionals, has created many changes in the role of chief officers. In some authorities officers and members work well together, in others relationships may well have completely broken down with resistance, defensiveness and obstruction from the officers in the face of aggressive determination by members to put the officers in their "rightful" place. This conflict means that chief officers now "find it difficult to avoid being drawn into the political process"<sup>227</sup>. As various deals and compromises are struck between political parties, officers come under pressure to provide information or support in favour of one side or another which creates an atmosphere of tension and stress. The role of chief officers, therefore, has changed from that of a, "neutral professional or technocrat to more that of a bureaucratic politician",<sup>228</sup> a situation which has exposed the weakness of the lawyers trait of,

...always seeking a compromise solution and the middle road...

This characteristic of the legal profession has been identified before as the following quote shows,

...when it is shown....that policy issues are best settled by bargaining during the implementation process...this has particularly worried lawyers committed to the concept of the rule of law.<sup>229</sup>

Certainly the dynamics of each local authority's internal politics has a direct effect on each lawyer's intention or ability to stay in the employment of his or her council. An indication of this is given by Roger Payne who, as Chief Executive and Town Clerk of Northampton, stated,

I don't want to put myself in a position where members are asked to make a choice between me and their party loyalty, because I will lose<sup>230</sup>.

For the legal professional who prizes job security above almost all else, the threat of dismissal or being forced out through conflict with elected members may cause great dissatisfaction. While this fear may exist in some authorities at district level it seems more to be a question of a clash of personalities rather than an ideological conflict. The long tenure of the senior legal officers strengthens the links with elected members in district authorities where a "joint elite" of active members exists in comparative harmony with the chief officers. These elected members are rarely politicised to the same extent as their counterparts in larger urban authorities and a degree of respect, although cautiously applied, of the professional values of the local government officer reduces the degree of conflict. The local government lawyer has changed as well towards the member's desire for a more facilitating professional. The



traditional conservative characteristics of the legal professional and its preoccupation with,

...keeping the council and its chairman in line with the law and the authority's standing orders"<sup>231</sup>,

which may have been seen by elected members as obstruction to their policy decisions and resistance to their effective management of the authority, has given way to a more politically aware professionalism. Where such a change has not occurred, or where personality clashes occur, resistance is not to be tolerated by powerful councillors or party groups as illustrated by the following quotes,

I was Borough Secretary and Solicitor/Monitoring Officer in my last job. On a change of administration (political) I and the head of the Council did not see eye to eye over professional matters and there were difficulties over my being asked to offer advice, so I left.

This experience is by no means rare as the next quote confirms,

I have only worked in two Local Authorities...my reason for leaving...was the impact the political situation in the Council was having on the morale and quality of the Legal Unit. Following a re-warding the political complexion of the Council became "hung" and relationships became extremely embittered... Labour Members believed there was too close a working relationship between the Officers and the Conservative Members who had previously been the majority party...there was mistrust between Members...and the Council's Officers. Public vilification of named Council Officers in Council meetings was not unusual and several key, highly motivated and high calibre Legal Officers left the Authority for this reason and because of a total lack of political direction which resulted in frustration at the inability of Members to progress schemes...



Sometimes professional officers who are openly and publicly criticised by members have resorted to legal means to protect their reputations<sup>232</sup>. One possible explanation for this conflict is that the organisation's administrative framework, and the authority's corporate officers, are in conflict with the chief officers and committee members of service departments over the provision of the services they were designed to provide<sup>233</sup>. This conflict is the result of the continuing self interest of the corporate professionals who seek to retain their dominance over management and political control in local government,<sup>234</sup> in defence of their "established interests",<sup>235</sup> at the expense of the needs of their client,<sup>236</sup> the Council. Even where policies have been agreed for implementation by the elected councillors, if they threaten the status, security and power of the dominant professional group, they may be frustrated. The professional expertise and competence of the senior legal officer in local government, based on his management skills, policy and legal advice to members, has been gradually eroded in the view of elected members partly because of this dysfunctional and disabling attempt made by legal professionals to retain their power and status.

#### Inter-Departmental Conflict in Local Government.

The newer professional groupings which have claimed the rights and responsibilities of professional status should be differentiated from the established professions. The

new professions have come about as a result of welfare state provisions and, as such, are licenced by the state (eg. environmental health, housing etc). Their aims and values differ from those pre-welfare state professions with strong qualifying associations (e.g. the Law Society). The legal professional, at chief officer level, is now working in a management team as a corporate officer facing the demands of the service department chief officers. As one interviewee put it,

...they still look at their own departments role, not corporately...(the interviewee put both hands either side of his face to denote blinkers)...they only see straight ahead at their own interests...

The legal professional involved in these relationships with other professions and non-professional employees is exposed to the wide variety of their expectations, interests and values which may obstruct legal professionals in their pursuit of their professional objectives or threaten their dominance of access to resources, power and patronage. The fight for patronage, power and resources by the new professions is illustrated in the following quote,

The personal aspirations of the management team have grown as those from other professions have on the still rare occasion reached chief executive grade. The reason more don't is their fixation on departmental matters, staff, public and the relationship with their chairperson and the game-playing for resources which sets them in confrontation with the corporate finance and policy setting role.

Local government lawyer's traditional dominance of the administrative and committee, policy-making machinery was

based on assuming this corporate overview and marginalising the objectives of individual departments.

These...provided the key career line for ambitious local authority lawyers. Here, their self-interest led them to play down the work, discourage marginal cases and generally limit their involvement with the client department<sup>237</sup>.

As the following quote shows, although the legal profession's grip on this control machinery has slipped in recent years, the disunity created by departmental interests allows the legal profession's dominance, where it remains, to be almost unchallenged.

I still have control of the committee section and general administration although the Solicitor that occupied the senior administrator role left and was replaced by an experienced administrator from the private sector some time ago. She has seen the job from a new perspective and questioned the role of legal in the committee reporting process. I still insist that all reports submitted to committee, before briefing, are checked out by legal both to ensure propriety, save member's time if it contains inaccuracies and because it is part of my role as monitoring officer.

The incompatibility of other profession's expectations with the legal professionals as potential sources of conflict are summed up by Johnson,

...practioners identify with the special conditions of a local government organisation, but divergent and sometimes opposed interests are generated between those in managerial and non-managerial positions....and between the "centre" and the "periphery", that is the administration and the field workers within a given service<sup>238</sup>.

This view is reflected in the following quote.

There is no doubt that the corporate officers, the secretary and treasurer, essentially, are best placed to see the over-view of the

authorities activities...I still attend committee, planning when invited by that chair, where my professional expertise lies...as a corporate officer I see all of the attending members socially every week... I see members in committee brief for corporate committees on each cycle, for personnel committee, policy and finance always, for direct services sometimes.

The quotations from those interviewed do show a realisation by them of the pressure on corporate officers to shift power more towards service departments,

...disaggregation of the budget will put more power into service departments hands when the internal market allows external purchase, however, many of the employees of the district are also the members electorate as are their friends and relatives. Opening up the authority to competition will affect staff members they may well have known socially for years or even are related too...they keep strict control of the rules of competition...relationships prove stronger than party loyalty...it may well not be a problem faced by the largest districts, although in my experience it is only the degree which will change...

The weakening power of legal professionals, within the hierarchy of local government organisations, would appear to have a strong bearing on their attitude to their work and their ability to appreciate the needs of the managers of service departments. Certainly, the negative perceptions of lawyers regarding their job security and other work features reflect their concerns over their future in local government.

#### Pay and Rewards in Local Government.

For those senior legal officers intending to leave their employing authorities their current level of pay is identified as a factor in their decision to turnover. It does appear that pay is a major factor which contributes

to the decision to turnover; although it is not the only factor in the decision. Certainly, those employed in local government, or seeking employment in local government, cannot be unaware of local authorities' long struggle to compete with private sector salary scales in their efforts to recruit quality staff. The chart below also indicates the comparative satisfaction of the "stayers" with their salary package and the other benefits received in recent years since the late 1980s recruitment crisis.

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Table 3.6.

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<u>Remuneration.</u>	Leavers Stayers	
Good Pay.	0.45	0.48*
Good Staff Benefits.	0.40	0.65*

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The poor level of pay in the public sector, and especially in local government, has been a major factor throughout the periods of economic growth and has been used to explain the poor quality of recruits to the service and the inability of local authorities to retain trained and experienced managerial staff. Certainly the mid/late 1980s legal skills shortage and recruitment crisis saw those local authority lawyers who had transferable skills seek the higher salaries offered by the commercial or private sector and leave local authority employment [Figure 15]. The Maud and Mallaby Reports<sup>239</sup> as earlier discussed, suggested means by which generalist administrative staff, similar to the civil

service, could be recruited to ensure that a corps of trained managers, appropriate to local government's needs, was created. This corps would replace the legal profession as the provider of senior managerial staff. In the 1960s the salaries of the lawyers employed by the then London County Council (L.C.C) were so low that new initiatives had to be found to retain staff<sup>240</sup>. The L.C.C., the largest solicitor's firm in the country in the early 1960s, had to allow its solicitors to maintain outside practices; which enabled them to increase their income and also enjoy the security of an assured income through employment with the authority. Concerns over the inability to recruit legal staff also caused the L.C.C. to pioneer substantial salaries for articled clerks in local government, some £800 to £1,000 per annum in 1960 when most clerks in the private, commercial and public service sectors were still themselves paying premiums for articles and receiving little or no salary. While senior commercial managers could be attracted to the public sector during economic recession or by the provision of salary supplements, recruiting a number of trained managers to operate throughout a local authority's structure was beyond an authority's means. Only the early 1980s recession eased the recruitment problems when many displaced private sector lawyers came into local government. Pay in local government during the mid-late 1980s was some way behind comparative salaries in the private sector, and continued to be so as the skills shortages of professional legal staff increased. The Law

Society, recognising this steady drain of local authority lawyers, introduced a local government diploma course for lawyers with two year's service with local authorities as an incentive for them to remain<sup>241</sup>. With the pay offered by the private sector to attract qualified staff high again, it was found to be difficult to recruit lawyers into local government. The chart described above (Tables 14 and 15) shows the increasing gap between private and public sector pay which accompanied the skill's shortage during the 1980s economic boom. Local authorities responded to the problems of recruiting from the dwindling pool of legal professionals, and of retaining their existing staff, by introducing several pay related measures. The recruitment and retention incentives used by local authorities taken up by the senior legal officers in total is as Figure 16.

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Of these incentives stayers preferred;

Lease Cars (40.9 per cent);

Performance Related Pay (12.9 per cent);

Health/Life Insurance (13.9 per cent);

Additional Annual Leave (18.3 per cent);

Market Related Enhanced Pay (7.3 per cent).

The leavers chose;

a lease car (40.9 per cent) as their favourite perk with additional annual leave as second favourite (18.3 per cent).

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These measures were introduced at a time of increasing pay settlements for local government staff, although these were less than those enjoyed by private sector employees. This trend continued up until the late 1980s recession began to bite [Figure 17]. Pay and benefits in local government for the legal professional are now at a comparative level with those offered by many private sector firms and commercial enterprises; mostly through the use of enhanced salary packages applied locally rather than through national pay bargaining. Those older senior legal professionals with longer tenure were found not to be satisfied with their pay, even though they indicated that they rate pay and other benefits less highly than other work features. Those leaving their current organisation expressed satisfaction with their current rate of pay which suggests that they feel they receive an equitable amount of pay for their current job. Leavers also suggest that they feel that it is important to receive an appropriate level of pay for their work. This indicates that there is a rationalisation process once the decision to leave is taken whereby a higher level of pay is sought in the new job. Pay for those leaving their authority is the second most important feature of their work lives which suggests that future pay is an important factor once the decision to leave has been made. It is interesting to note that lease cars and additional leave are the most popular "perks"; which suggests that this group has a need for time for leisure and family activities, and for the status symbol of a

lease vehicle. The discontent with pay and benefits recorded may be in part due to the decreasing status within local authorities of the legal professional and the reduction in the rewards offered for its professional skills, especially in small districts. Many senior legal officers, who prefer a comparatively secure position without too taxing a workload, may have exchanged a lower than wished for income in return for the fulfilment of their need for security without conflict.

The Work of the Senior Legal Officer - Legal Professionals Congruence with the Management Role as Opposed to the Professional Role.

Senior legal officers are still more often than not chief or deputy chief officers and, therefore, senior managers in their organisations. As such they experience a mixture of both legal and managerial work in their work roles as the chart below indicates. A total of 89.4 per cent of the stayers believe that the work of the local authority is better than in the private sector mostly because of the variety afforded to them by this mix of policy, management and selected legal work which they find interesting. When questioned about the degree of congruence experienced from their work as measured by those features of their job shown in Table 3.7, those intending to stay with their employing authority showed a high degree of satisfaction with the core job characteristics and as such appear to find their work content acceptable.

Table 3.7.

<u>Job Characteristics and Job Autonomy.</u>	Leavers	Stayers
Good Opportunities to use Initiative.	0.49*	0.56*
Doing Challenging Work.	0.42*	0.49*
Using Your Skills Fully.	0.49*	0.53*
Varied Work.	0.56*	0.61*
Having Control Over Your Work.	0.49*	0.50*
That feedback on your performance is received.	0.15	0.49*
Seeing the Results of Your Work.	0.64*	0.59*
Having Responsibility.	0.56*	0.58*
That you can see work or projects through to their conclusion.	0.54*	0.45

Both those intending to turnover and those not, seem to indicate that they do experience satisfactory levels of the characteristics which support high levels of job satisfaction; with the exception of feedback on work performance for those intending to leave. This feature is significant in the decision to turnover since the absence of effective evaluation of work performance has been shown to cause dissatisfaction for the individual<sup>242</sup>. Those senior chief legal officers with longer tenure seem to indicate a higher level of satisfaction related to the managerial role they occupy. This role, however, is that most called into question by those who have suggested that the management skills of the legal professional are lacking and that legal training and qualification are insufficient technical requirements for a managerial role in local government. As the following quotation reveals,

It is still the case that the professions are dominant in local government and that the great majority of senior local government managers still arrive in those senior positions through

the practice of their profession and in recognition of professional competence<sup>243</sup>.

This quotation has become more representative of the senior legal officer's position since the 1974 re-organisation of local government. The re-organisation created larger authorities consisting of departments containing several related disciplines. As many senior legal officers have stated, the traditional legal training competences seemed less relevant as time progressed to the requirements for organisational leadership and general management skills increased. Senior legal officers have identified the wide diversity of services in the Secretary's or Central Services Department of district councils as causing this problem to be particularly noticeable. Gradual change towards content-free, non-professional or non-specialist general management skills has taken place as internal restructuring or the retirement of senior legal officers in the Secretary's role has taken place. Invariably as this has happened, the legal posts in the department have been subordinated. As this process has been occurring, those legally trained and who still lead such departments, have found it less possible to rely on their professional skills and knowledge in managing the multiple functions for which they are responsible. The increasing importance of general management skills over legal training is a cause of great concern to many interviewed; the complexity and difficulty of the management problems they now face has highlighted for them their neglect in pursuing management competences in

their training. There does exist a measure of disagreement between some legal officers as to whether their knowledge-based professionalism contributes to management skills or not, and whether or not the legal profession in local government can truly still be called a managerial-profession. Many senior legal officers retain select items of legal work amongst their managerial work, picking those areas which offer the most intrinsic satisfaction and which complement their management role. As one chief officer stated,

...the Members offered me the Acting Chief Executive role because I was District Secretary and had a corporate, central view of things...the Head of Finance has a similar view over corporate matters but they did not offer it to him...the District Secretary is still seen as the next in line...the idea that I can Manage because I am a Solicitor is a local government disease.

The popular view of professional qualifications and status as proof of management ability is also confirmed by other interviewees,

Members believe and assume that because you have a professional qualification that you can manage, in fact I have had only a few one day courses in management technique, personal experience helps me manage the unit.

Other local government lawyers take the view that,

...legal skills in local government as management qualifications have had their day, only the absence of any other recognised management profession kept legal skills as the automatic choice. Now financial skills are more important even though an accountant isn't a manager either.

The legal professional, trying to choose between a professional or management role with its administrative

and staff supervision responsibilities<sup>244</sup>, can find him or herself concerned as to which is the most secure path for both now and in the future. As one chief officer stated.

I have moved away from legal practice to general management although I retain my interest in planning and administrative law, at my age (50+) with thirty years service this does not concern me as much as if I were young and required the security of up-to-date professional skills and training.

For some, the loss of the professional base, although seemingly a requirement in their advancement and often a major reason in the choice to join local government, caused great concern, especially in a period of job insecurity. As one second tier lawyer noted,

The Chief Executive is a Lawyer, but he has moved away from that base to become more of a P.R. man, I do not intend to take that kind of risk, I do not want to be a manager, although I lead the legal section here, I am a Solicitor and will hang on to that.

As another second tier officer stated,

The role of the Chief Executive these days seems to be some kind of pseudo-politician or Mr Fixit, ...to break from your professional skills, your career "power-base" and undertake that unclear and changing role you must be either very self confident, very ambitious or so out of touch with those skills it no longer matters...I am glad in an odd sort of way that the Law Society Continuing Professional Development (C.P.D.) programme has caught up with me and I now have to up-date my qualifications...its the only thing that would have made me do it...

This choice, as Gross<sup>245</sup> states, creates an inner conflict where;



The administrator may feel that he is being torn to pieces. Many years of training, his professional loyalties and ambitions, his intellectual predilections, all push him towards a continuation of the professional career which he has so arduously built up in his younger years. Yet in most cases this can only be done at the cost of sacrificing leisure, health, family life or administrative performance.

Often this choice occurs at the individual's mid-life, mid-career, point. The senior legal officer might be able to alleviate this conflict by closer identification of his professional work needs with those of the bureaucracy. Alternatively, he may also determine that such procedures and objectives are at odds with the principles and methods of his professional practice and choose to pursue career aspirations through his profession rather than the organisation's administrative or managerial hierarchy<sup>246</sup> by seeking a suitable professional position in a larger authority, or outside local government. To this extent, an awareness existed amongst many lawyers, particularly those with a private sector backgrounds, of the importance of maintaining technical skills. As one chief officer stated,

Wherever I am working my skills as a lawyer should be transferable between private and public sectors, my job security, as you put it, lies in updating and marketing my skills.

The nature of local government work in district authorities can conspire against the legal officers need to specialise in marketable skill areas suitable to the private sector, as the following two quotes show,

...due to lack of resources the workload...[of the district lawyer]...is accordingly wide and presents a worthwhile challenge...currently the



largest proportion of the Solicitor's time is spent on planning matters.

As another chief officer stated,

...most of the staff in the Legal Section deal also with administrative matters, in fact it is difficult in the work they do to readily identify the difference between administration and legal work on occasions...

It may be that the 50 per cent of the senior legal officers involved in this study, and who originate from outside local government, find it more difficult to identify their professional skills with the bureaucratic character of local authorities. Or as one lawyer who has left local government stated,

I did not intend to join a local authority but I was made redundant from a private firm in London, I read an article in The Lawyer of alternative opportunities in local government and applied for some jobs...I was eventually successful...I left and set up on my own...the inability of the Members and Officers to understand sound advice and the routine low level nature of the work were too much...

Due to the legal professional's attempts to accommodate and fit himself into the bureaucratic structure, there may be variations in the role of these professional-managers. These variations will occur as they seek to adopt the managerial culture and shape their job and work environment towards a compromise between their professional role and that of manager or administrator<sup>247</sup>. If successfully accomplished this reworking of their work role will assist their chances of promotion within the bureaucracy's hierarchy<sup>248</sup>. As one chief officer found,

I am a Solicitor first and manager second, I have four section heads who do the every day management of staff and I keep my hand in at legal work, both directly and by arguing or interfering, as I am sure they would call it, in the work of the Heads of the Legal and Committee sections I control.

This work environment shaping has ramifications for the budget of the legal department, especially amongst the growing number of authorities where the cost of the legal unit is passed onto service departments. The cost for the district council in terms of the resources needed to maintain lawyers skills, especially regarding the new continuing professional development programme (CPD), are not easy for authorities to bare; a factor of some concern to lawyers in small districts,

- Lawyers have become so expensive that there is a tendency amongst departments to use them as little as possible when using a trading account regardless of devolved managers resenting having to ask for advice. There is little investment now in my department in any form of legal training nor in any other small authority.

It would appear that the concerns over the lawyer's qualifications and capability as managers, together with the lawyer's own role conflict on the subject, would discourage lawyers from seeking to stay in local government in order to become senior managers or chief executives. In the next section the lawyer's views on this subject are examined.

#### The Senior Legal Officer and Promotion.

Those professionals who do choose to seek promotion within the bureaucratic hierarchy and profess loyalty to the organisation's objectives, rather than to those of

the profession have been labelled as "locals"<sup>249</sup>. Should the professional prefer to seek advancement outside the organisation he or she would be termed a "cosmopolitan" and have a stronger attachment to the professional group than to the employing organisation. This definition is too simplistic, although since it seems apparent that professional employees can be both "cosmopolitans" and "locals" at different stages of their careers as the following interview quotes may illustrate,

After being selected at...city council for legal training I stayed there through four promotions, only leaving when I could go no further, the next one up in the chain was going nowhere, it seemed sensible to bring the family to my home area, a beautiful place...

As a second interviewee stated, the reorganisation of the structure of the employing authority may mean that the local is subject to competition from external recruits for promotion posts. In the current local government review, for example, most chief officer posts are open to competition,

Abolition of the Council, likely on re-organisation of local government in the South-West in 1995, the reduction of direct service provision likely due to housing management, opting out from education authorities, CCT for white collar services all are gradually reducing the role for local government together with the fragmentation of what is left, inevitably leads one to question whether a career in local government is worth pursuing.

In the light of the effects of local government review and those of CCT it was anticipated that the results of any measure of perceived promotional opportunities in contemporary local government may reflect the senior

legal officers' concerns over promotion. Only 39 per cent of those intending to stay and 40 per cent of those intending to leave joined for career advancement purposes, so this lack of interest by those staying should not be a surprise. Also the interest in promotion shown by those leaving may be a result of the decision to leave having been made for other reasons; individuals voluntarily leaving their employment will usually leave for promotion opportunities.

The lack of importance attached to promotion shown by the senior legal officers may suggest that their immediate concern is their security and not promotion; which is no longer a required feature of the individual's career. Those leaving perceive a discrepancy between the importance and experience of opportunities for promotion to exist and rate promotion 6th in the most important work feature list, whilst those staying with their employer do not list promotion at all. The reason why those leaving are searching for alternatives is perhaps to avoid being managed by non-legal professionals and their own role being subordinated, or their post being deleted to be replaced by a manager with wider expertise than that offered by legal training. The general feeling of job insecurity, discussed elsewhere in this thesis, underlines the fear amongst lawyers, at chief officer level and below, of possible redundancy. Positions managed by professionals, or those unaffected by CCT and local government review will offer, Thomas thinks, "a better fit of values and work"<sup>250</sup> for the senior legal

professional. Even for the younger, shorter tenure lawyers, who number the highest percentage of officers on less than chief officer grade (stayers 46.3 per cent, leavers 46.2 per cent), promotion does not appear amongst the first 13 most important work features for either those intending to stay or at all for those wishing to leave. Again, this may be attributable to the fact that more chief officer posts formerly occupied by lawyers are now becoming more managerial in terms of the skills, training and experienced required of the postholder. All of these younger, shorter tenure lawyers list job satisfaction, job security and a good boss as the most important work features; not promotion. The perception held by many of the senior legal officers of reduced opportunities for promotion seems to be a popular one amongst senior legal officers. As one leaver states,

There seems to be more bureaucracy, less room for new ideas. There are now less prospects for new recruits, less certainty for career and less opportunity for promotion.

A further reason for this reaction, by 70.6 per cent of those intending to leave who are on chief officer grade or above and the 81.5 per cent of those staying who are on chief officer grade or above, is the belief that they are,

...too senior to move into an area of opportunity.

or that,

Legal training is no longer a requirement of senior management posts where responsibility for

several specialist areas means that a more generalist management background is appropriate.

Perhaps the reason for promotion being, apparently, such a poor tool for the retention of senior legal officers is as simple as the fact that they have no further to go, in career terms, and for younger aspiring lawyers the fact is that their training is no longer deemed to qualify them in terms of the law being a recognised management-profession in local government.

In the next chapter the reason why the bureaucratic orientation, and the congruence of lawyers working within local government with their bureaucratic organisations, is so strong, is examined.

#### Travel to Work Times, Geographical Location and Career Planning.

Significantly perhaps the interviews with senior legal officers produced a common interest mentioned by all; their geographical location. Each interviewee gave either domestic or aesthetic reasons for moving into the work area. Not just the location of relatives or partners but also natural beauty, facilities, good schools, leisure pursuits, place of birth, having been there on holiday and liked it; all where given as reasons for moving almost always after the initial decision to leave had been taken.

Since we moved from London to this part of the world to increase the quality of our lives and the educational prospects of the children I have had three successive and unexpectedly lucrative moves between the local district councils here...

The group interviewed denied ever having planned its careers and in fact pointed out the absence of career advice as a factor which it felt has held it back and caused its members in their middle years, to look outside work for other interests. Even so, if a compromise between location and improvement of income, such as that quoted above, can be reached all those interviewed said they would move once they were sure they knew what the prospective employer was like. A network of local government solicitors, meeting in their county or area legal officer groups, provided such information so that members considering alternatives could legitimately visit the council and informally discover if they would fit into the organisation in terms of its culture and values.

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Percentage of Staff in Each Travel to Work Time Group.

78.3 per cent live within 30 minutes of their home.

17.1 per cent live over 30 minutes travel.

4.6 per cent live over an hours travelling time away.

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Only marginally less leavers proportionately 75 per cent live within 30 minutes of work compared with 78.3 per cent of the stayers. As such, these figures do not show a large proportion of the leavers living a great distance from their work and who, therefore, travel to work time does not appear to be a consideration amongst the leavers group. The desire to stay within a particular area, once social relationships had been established, including



partner's job, children's friends and school arrangements and house purchase was evidently very strong.

#### Professional Status.

At one time the local government legal professional consisted of independent professionals receiving a salary, often from a number of private and public sector clients together with fees for specific items of work. The public office the lawyer occupied and the status this gave him, advertised his expertise to potential new clients and gave him access to those in power in his local authority and others who could help him secure other public offices, income and a respected place in the local community. Before the inception of bureaucratic mechanisms for recruitment on merit, families of lawyers passed the Office of Clerk from father to son, often over several generations. Nepotism was the most common means of securing public office and the patronage of local council members and the Clerk was eagerly sought by those wishing to secure an income. Such nepotism and patronage was reciprocal as the lawyer as Clerk exercised his ability to appoint others to public office in return for income or favours. The introduction of reforms, both to the municipal boroughs and the legal profession, was inspired by individuals, such as Chadwick, who placed great emphasis on the bureaucratisation of the professional into the full-time employment of the local

authority. The professional's full-time employment would ensure him a salary, and a secure job and a career which would place him above the temptation of bribery offered by those seeking political favours or office. Also, the ethical standards associated with the new professionalism of Victorian Britain would ensure a high level of qualification, expertise and honesty. This process of full-time employment took a considerable period of time to become commonplace and it was not until the early twentieth century that the concept of the local government lawyer as a member of a "bureaucratic profession" emerged and was recognised as a separate and identifiable segment of the legal profession. This professional segment created its own identity and congruence with bureaucratic structures and began to identify itself with the local government service rather than the legal profession; forming its own expertise in administrative and planning law, its own managerial career path, and its own public service ethos. In more recent years, with the reduction in status of the legal professional, the separate identity of the legal profession, committed to local government first, has weakened. For those intending to leave their authority, status does not seem to be experienced to the degree required; a matter raised by several senior legal officer whose role has been subordinated, or will be if they left the authority. Interviews with lawyers in this study show, from their different perceptions, the importance to them as to whether they are considered primarily as local

government officers or primarily as legal professionals.

The answers varied, for example,

If I am asked "what do you do for a living?" I can answer either Solicitor or Local Government Officer, depending upon the context of the enquiry. If non-specific I say Local Government Officer or Chief Officer in...Borough Council which often carries more weight and prestige in the circles I travel in.

Another stated that,

A few years ago I would have said local government officer straight away but the prestige associated with public service is now so low I would probably say that I was a Solicitor in local government.

Many still draw personal benefit from their local government status, however, and are aware of the loss of status in the local community in more recent times;

As I work in local government and all my work is carried out amongst local government people it seems to them more important, I'm sure, if I say that I am the Solicitor for...Borough, that puts you above just another Solicitor and gives them and you a better identification.

As another stated,

Now status is drawn more from the authorities need for legal skills rather than the status gained by the lawyer as an administrator.

These comments by solicitors who work in local government are representative of those of many of their colleagues who identify themselves as local government legal professionals, as distinct from solely legal professionals, but who recognise that the once dominant management role of the lawyer in local government has now gone.

#### Summary and Link to Chapter Four.

In this chapter the most important work features which attract and retain senior legal officers in local government have been discussed. This chapter has shown that there are two specific factors which have featured as those which these lawyers require most from their work in local government. The deprofessionalisation and subordination of the senior legal officer as a result of the compulsory competitive tendering split in district councils, policies to put-out legal services, and the need for commercial management skills in senior management positions is clearly shown.

In the next chapter these features will be examined within the context of change as described below;

- \* The two main work factors identified, job security and commitment to the employing local authority organisation and the community it serves, will be discussed in depth;

- \* Why these features are important to district council lawyers, and what affect they have on the recruitment and retention of senior legal officers will be discussed;

- \* How these features may be affected by the changes in local authority culture and structure is also examined;

- \* The experience of women senior legal officers in local authorities will be discussed.

- \* How these changes occurring in both the structure and culture of local authorities at district level will affect the local government legal profession in general will also be considered.

## Chapter Four.

### The Legal Professional at Work, Congruence and the Accommodation Factors that Influence the Decision to Turnover.

#### Introduction.

The earlier sections of this study discussed how the traditional local authority Clerks sought protection of tenure whenever possible, both to secure their income from the Corporation that employed them and the prestige and social status they received. At one time the Clerk's tenure was protected by statute, in more recent years the profession's colonisation of the local authorities' centre of power has ensured job security and congruence with the work environment for its members and restricted conflict with other professional groupings. The power of the local government legal profession to shape the culture and values of their employing bureaucracy to ensure organisational-occupational congruence has guaranteed job security for its members. This congruence has ensured that many of the characteristics members of the local government legal profession assume through training and experience are closely aligned with those identified with bureaucratic personalities. Membership of the bureaucracy and congruence with its values also provides the occupant with an expectation of life long tenure,

...in the absence of disturbing factors which may decrease the size of the organisation<sup>251</sup>.

Bureaucracy maximises vocational security and as Cahen-Salvador suggested it is likely that the employees working in bureaucracies value job security above all else<sup>252</sup>. If this statement is true then a major sense of dissatisfaction amongst senior legal staff is their perceived lack of job security. Studies carried out into job security as a feature of job satisfaction have produced varied results according to country and historical period. Viteles<sup>253</sup> identified that during the economic depression of the 1930s, the presence of job security was perceived to be the most important source of job satisfaction. Similarly in more recent times, during the early 1980s and 1990s recession's, the importance of job security can be expected to have increased and the comparative security of a job in local government become more attractive. As earlier discussed, the challenge of CCT, Local Government Review and continued financial restraints on local authorities, will add to individuals' fears regarding their job security. It can be expected that the importance of job security to the senior legal officer found in this survey, together with the perceived absence of job security in their present jobs, will in time cause them to feel dissatisfaction with other aspects of their jobs. The concern voiced by lawyers of the unfairness of compulsory competitive tendering (CCT) is certainly a major factor in the current feelings of job insecurity as the following quotes suggest,

Expecting a local authority to behave in the same manner as a private contractor (e.g. a company)

whilst also requiring councils to remain subject to the constraints local authorities currently operate under, for example cumbersome decision-making processes is unrealistic and unworkable.

or, as another senior legal officer stated,

The pressure for increasing efficiency and more of a commercial outlook has been welcomed by some on the quiet. CCT could be lived with by many more if it was fairer and local authority teams could take on work from outside sources.

Even those experiencing the restructuring of their authority are aware that CCT is only delayed by the changes,

...we are not yet operating on an internal trading account basis, nor have we been required to market our services in advance of compulsory competitive tendering. No doubt you are aware that authorities in the first phase of the local government review will not be required to comply with the CCT regime from the date of the statutory instrument giving effect to the structural change to a time eighteen months after the commencement of the new authority. We have two hurdles to go through.

Also those lawyers in small authorities, who might feel they are safe from CCT, can find that the policy of the elected members to pursue Voluntary Competitive Tendering (V.C.T) results in their job security being affected regardless,

We intend to have a trading account but it is not yet functional. CCT will not apply to the present authority as it is de minimus, however with local government review and the Chief Executive and Members keen on voluntary competitive tendering (VCT) who knows what the future holds.

As one lawyer put it,

The authority is indeed de-minimus, however, this has not stopped the Chief Executive exploring VCT along the lines of Rutland, reducing the authority to three Chief Officers and an



assortment of car parking attendants and the mace bearer...

During the contemporary times of change, however, the job insecurity of the legally trained chief officer will increase if he shows too great an empathy with the bureaucratic organisation which employs him. With many of the organisational restructurings in local government led by elected members, a policy of "replacement strategies"<sup>254</sup> has become familiar; whereby the chief executive or members will "squeeze out" those senior or middle managers, often through early retirement, who are perceived as being averse to new, more commercially oriented values. As the following quotation illustrates, the pressure is on senior legal officers to accept the new roles and skills of client officers as the traditional legal services role of the district solicitor declines,

The legal division is now quite small, three Solicitors in fact and one legal assistant. This is mainly because all housing stock was transferred to a new housing association at the end of 1988 and one year later placed their work elsewhere. As a result of this and my growing client role the continuing trend since 1972 has been that my direct involvement with legal work has reduced.

The picture presented here of local government organisations in decline and being increasingly fragmented, puts in jeopardy for many the strongest recruitment and retention work feature which local authorities possess. The next section studies the senior legal officers perception of their current job security.

Mosher explains that the professional employees values and attitude towards his employing organisation are determined to some extent by external sources. He states that,

Each profession brings to an organisation its own particularized view of the world and of the agency's role and mission in it. The perspective and motivation of each professional are shaped at least to some extent by the lens provided for him by his professional education, by his prior professional experience, and by his professional colleagues<sup>255</sup>.

In the results shown in appendix four it is apparent that job security along with the prospect of being able to fully use their skills on a varied workload are the most favoured reasons given in the weighted analysis by senior legal officers. These are followed by a desire for good pay, a good career move, and additional experience in a friendly workplace. Social life and help with examinations are not seen of great importance. Whilst the number of personal reasons given defies meaningful categorisation, these reasons parallel, at least, in importance, the options given to the group from which to make its selection.

#### The Senior Legal Officer in Local Government Educational Career and Social Background.

This section examines the Senior Legal Officer's motivation for joining the local government legal profession as opposed to him or her seeking the higher financial rewards of the private or commercial service. The suggestion is that many local government lawyers joined this particular segment of the legal profession

specifically because they sought job security or higher status as a result of their pursuing workplace objectives derived from their social class origins. King and Raynor<sup>256</sup> discuss the establishment of what they term, a "new middle-class" of top managers and professionals. It may be that their social background did not influence their choice of local government law as a career to the same extent as those seeking work in private practice. McDonald<sup>257</sup> found that the class origins of law students were heavily biased towards the top end of the social scale and that their family background was a determining factor in their choice of the law as a career. Many of the local government lawyers who were interviewed seem to come from humbler origins, or have joined the profession for reasons of family background, as the following quote suggests:-

I followed in my father's footsteps...I joined local government for no higher motive than simply a matter of a job being available at the time I was looking for a situation.

Sheer and Webb<sup>258</sup> note that those who were trained in the private sector and who qualified through the University route, may well be more inclined to retain the attitudes and motivations that brought them into the private sector profession. If such attitudes are retained when employed in local government, there is the possibility that these men and women may not adjust to the public sector culture as readily as those trained within local authorities even if they were obliged to

join the public service due to lack of opportunities in the private sector,

Due to uncertainties and vagaries in private practice which were at the time beginning to emerge I decided on a change of career and chose local government as the most suitable alternative which again offered variety of work in an entirely new environment.

Or as another solicitor stated,

We had to move to the...due to domestic reasons...I could only get a temporary job in a small local firm doing conveyancing, probate and wills. One of the partners told me to try local government, it was 1974 and they were taking anyone they could get their hands on. I was employed at twice what I was earning and got three promotions in quick succession.

Obviously, the need for work provoked this individual to seek employment with an authority, but the possibility of promotion was the major incentive for remaining in local government employment; an option rarely available to today's local government lawyers. The basic need for work has motivated many others to join and stay in local government, as has the failure by some to perform in the private sector,

I came in [to local government] partly by accident and partly because my early experience in private practice jaundiced me a little to the world of the small legal firm,

or to survive recession in the private sector, especially for those older lawyers in private practice,

I was made redundant and needed a job, I knew that at my time of life I could not get into a firm as a partner and I decided I was too old to take orders, my private practice experience got me this job and it will see me through to retirement.

Many of the solicitors in local government who were interviewed did believe that in their experience working-class characteristics applied to the occupants of the service; especially since so many had not come from a family background of other legal professionals,

...the legal profession in local government is a working class profession...it's members have traditional working class core values ... primarily to get a job and be secure...

Aspects of this claim were reinforced by other lawyers, one of whom said,

I came into the local government legal profession for one reason only, to have job security.

Although the number of private sector experienced and trained recruits to district authorities is high it is obvious that the senior legal officers in district councils fall into two distinct groups. One group consists of career local government officers professing the bureaucratic-professional characteristics and the other group consists of those trained in the private sector who may lean more towards the "ideal-type" expectations, but who, through necessity, must come to terms with their employment in local government.

There are as many personal reasons within these two groups as there are occupants for the selection of the law as a career; although as Warkov and Zelan<sup>259</sup> found, social class, previous academic performance and gender are all significant factors in the choice of the law as a career. Bridgstock<sup>260</sup> similarly found that age, country of birth and qualifications amongst other factors from

the professionals' social background introduced differentiation into the professional situation which were found to relate, for example, to the size and status of the practice they joined or whether private or public sector was chosen. As one interviewee who was, as he put it, a "refugee" from the private sector stated,

I took a law degree at university because I thought it would be a good degree to have. Once I had the degree a career in the legal profession seemed to be the next logical step...it wasn't a conscious decision at first, I applied for articles in several places, private and public, the opportunity to go into the private sector firm came first...I had friends in several firms who could tell me what it was like, which was an advantage.

For many, practical aspects of their personal background directly influenced their decision to join and stay in the local government legal profession; either because of financial considerations or simply because local government was where they were already working. As one solicitor stated,

I chose to work in local government because [district] were prepared to offer articles to a mature candidate.

This statement was echoed by others, for example,

I was already working in local government when I got the opportunity to become qualified and knowing nothing else decided to stay.

The flexible benefits offered by local authorities were also a major consideration to many solicitors, especially women returners from extended child-care breaks whose domestic circumstances required a more flexible working day. As one said,

After my career break of six years the only local job with the flexibility to get me back into the law and offer advancement was...district council, the two Assistant Solicitors here are women and both work part-time on a job-share basis to fit in with domestic arrangements.

The proportion of the senior legal officer population who are women shows the family friendly policies of many local authorities do not seem to have tackled the basic inequalities of patriarchal bureaucracies. While the inequalities of the gender issue are explained elsewhere, the explanation for the suggestion that the local government legal profession is "working-class" is based on fact. When the number of recruits to the legal profession increased in the 1960s and 1970s many of the current generation of senior legal officers in local government were starting their careers. At this time many of the barriers which had previously prevented entry to the legal profession by those without private means or personal contacts were removed<sup>261</sup>. The stamp duties and premiums which previously needed to be paid were also removed and for the first time, a salary was paid during local government articles. These initiatives permitted entry to the profession by, "aspiring solicitors who lack connections and upper class backgrounds".<sup>262</sup> Many of the older members of the survey respondents fell into this category and confirmed this view,

In the early 1960's it was often the case that Articled Clerks had to pay a premium to obtain Articles in private practice. An opportunity arose for me to join the service of the Local Authority (not as an Articled Clerk), and I took



this, hoping to work my way up and obtain Articles.

Often the inability of mature students to pay for legal qualifications while taking care of a family was mentioned,

I joined local government because I couldn't afford to do articles without money and they paid a salary...but I was one of those lucky people who found the job they wanted to do straight off; I found local government satisfying from the start.<sup>263</sup>

This question of financial support was frequently raised in the interviews, as were the sacrifices made to become a lawyer. As one solicitor said,

...I qualified in my mid-thirties by spare time study, local government articles were among the few which paid enough to support wife/children even if it was at half my previous pay.

This early investment in the training of these solicitors is often quoted as a powerful retention measure,

I did not actually plan to go into local government...I took the opportunity which came up at the time I was seeking Articles...it offered a living wage while training which I could not find anywhere else...having had an interesting and varied period of training, I chose to stay in local government.

Many who made personal sacrifices to pay for their law degrees eventually benefited from the use of their qualification in local government. This was revealed by one chief legal officer,

I left school at sixteen and worked in my local authority as a committee clerk, the head of the section was a Solicitor and he told me that if I wanted to get on I needed a law degree...I left at twenty-one and used my returned pension money to help pay for a law degree at university, my

parents could not help me,...I returned to local government...

Very often those who did seek a career in the law in local government had been employees of local authorities for some time in another capacity,

...I joined the Authority as a trainee and have progressed my career entirely with the assistance of the Authority. When qualified a situation became vacant within the Authority for which I was asked to compete with outside applicants...

and in another case,

I was working as a bonus clerk in management services and went to my chief officer who was a Solicitor to ask him if I was suitable to apply for a vacancy that had been advertised in the legal section for trainee Solicitor. I told him that I had done my degree by self study. While he said that I wasn't he took me on as first a clerk then as a trainee in the legal section.

All of these quotations could be said to support the theory of the local government legal profession being "working-class" in terms of the origins of many of its occupants. In part, the legal profession working within local government is serving a similar purpose to that it did in the eighteenth and nineteenth centuries, that is, being a source of social mobility. Glass<sup>264</sup> in his study of intergenerational mobility in the mid 1950s found some 30 per cent mobility from blue to white-collar jobs; similar results to those found by Goldthorpe et al.<sup>265</sup> in 1972 when they found that 30 per cent of professionals and managers were of working-class origin,

My father was a railwayman and...at...Council, his father was in engineering, the dirty kind, all the local district Solicitor's come from the same background except one. When we have one of our regular meetings you can tell he just doesn't

fit in, he may well be a good solicitor, but he does not fit in...

This point was also repeated by many of those interviewed,

I had been working in local government nearly five years before I became interested in how I could become Town Clerk, it seemed that the only route was through the Committee or Legal Sections and so I took advice on how to become a Solicitor. I was the first one in our family, my father worked in the Council in what is now the Direct Works Department.

Or, as another solicitor mentioned,

My father told me that the law was a secure job, he worked as a Clerk in a local bank...he told me that people who worked in local government were respected, secure and that it was steady and certain work.

If this notion of part of the local government legal profession being of a "working-class" orientation it could supply some idea of the great importance placed on job security and organisational congruence by these lawyers. It has been pointed out by those interviewed that their educational qualifications, on entry to local government, were minimal and that many had to seek sponsorship from their employing authority in order to gain first degrees which would allow them to study as lawyers. It has also been pointed out that such generous investment in training as described here would be impossible with today's restricted budgets. One solicitor reflects the ability of authorities to invest in training during the 1970s,

After a short period of clerical work in the Borough Engineer's Department...the council sent me on the four year [degree] sandwich course on

full pay and expenses... everyone in the Engineer's Department had effectively forgotten about me and I had no job to go back to. The only vacancy anywhere in the Council was for a trainee Solicitor...so I was promptly despatched to the College of Law...

The explanation put forward for this generosity was that the authority was responding to its need for lawyers at a period of skill shortage. This investment was deemed to be in line with the growing interest created by the Mallaby and Maud Reports on staff training. The opportunity to gain professional qualifications was also provided in order to recruit and retain home-grown solicitors at a time when legal skills were in short supply<sup>266</sup>.

In those days, the early 1970s, the borough was very keen on sponsoring graduates and I was fortunate to come under the wing of a very enthusiastic Chief Officer who saw me through my degree and articles despite my age and limited experience in the Secretaries Department.

These comments were confirmed by others,

After eighteen months as a clerk in an engineering firm I joined, aged nineteen a Borough Engineer's Department moving to the Town Clerk's twelve months later...because of success in taking the Local Government Board Clerical Examination and Diploma in Municipal Administration I realised that to become a Town Clerk I needed to qualify as a lawyer. The Council was persuaded to help...

Often, as a result of their own wish for a career in the law,

...while working as a scale 1 filing clerk in the committee section I went to the departmental head, the deputy chief executive and asked him what I could do to get on in the borough. I had a classics degree and being somewhat out in the wilds there were few other job opportunities locally. He spoke to me about a career in the law

and after a few frank discussions started me as a trainee in the legal section...

Or, as another Solicitor stated,

At the time I decided to join the legal profession I was an administrative officer in a local authority legal department and it seemed to be the best way to advance my career in local government.

It appears from these last few quotations, and from many of the interviews with senior legal officers, that they are in part the product of concerted efforts to develop those already employed in individual local authorities. This attempt to meet the shortages of legally trained staff, which occurred after the 1974 restructuring of local government, has resulted in ensuring that fifty percent of the existing chief or deputy chief legal officer population in district councils have been retained in local authority employment throughout their careers.

For those who entered local government after private sector training or experience, the reason for their retention in local authority employment may be as a result of an inability, or unwillingness, to meet the demands of the private sector,

Take it from me I have worked in both the private and local authority legal environment and they are not the same, the people are not the same, the attitude, the work or what people expect...here it is security, a quite life and home at five in private practice its no security, socialising all night every night for work and early burnout of you and your family, who needs that?

It might be difficult these days though to convince a local government lawyer that this is a true reflection of

work in one of today's local authorities. It may appear that this view was accurate until a few years ago, as one chief officer stated,

It was only about five years ago that if you had finished your work by lunch time you could go home in the afternoon, now that has all changed with the advent of redundancies and a decrease in the number of legal staff employed.

It would appear that these comments reveal that at one time the public choice theorists' notion of bureaucrats delivering inferior, over-priced services to the public, while maximising their own welfare, could have been true, at least at this basic level. It also suggests that with these times supposedly gone, some senior legal officers' perception that the public and private sectors are moving closer together may be true; although for many the gap still seems unbridgable. As one local government solicitor, with private sector experience, stated,

It's the in-thing to say that private and public legal jobs are interchangeable, perhaps because with CCT coming on many would like to believe it. It's not true, some big firms take on specialists in "ready-market" child-care, environmental or planning law from the County Council's because they need those skills. Sometimes district people are taken on by smaller local firms to handle contracted out stuff but these are few and far between. Once you are in local government you are institutionalised and untouchable.

Another solicitor, amongst many, confirmed this opinion,

I have just come back from sailing around the world on my own yacht...I went to my old practice where I was a partner but business was too slack...I came to the borough just to locum, the agency were honest with me as have been my friends...if I stay in local government more than six months I will never get a serious job back in

the private sector even from Chief Officer or second tier.

These opinions confirm that there are those amongst the current generation of senior legal officers who came into their careers through prior local government service or for sound personal and work-related reasons. Alternatively, there are those who came into district authorities from the private sector as a result of private circumstances; either personal or family circumstances, a move to a specific geographical area or due to redundancy or loss of work by other means.

Both groups seem to have limited opportunities to move between the private and public sector; although the skill shortage and recruitment crisis of the late 1980s early 1990s suggests that, in times when the legal labour market is seriously depleted, opportunities may occur which draw away from the public sector some local government lawyers. The inability to recruit or retain staff during this period, as earlier reviewed, was explained mostly by local government's failure to offer competitive pay rates; although other factors played their part. One of these other factors is discussed in the next section.

#### The Public Service Ethos in the Local Government Legal Profession.

The 1992 Mori Poll<sup>267</sup> of local government job satisfaction found that 36 per cent of the senior management group surveyed said that what they liked best about their job was delivering a good service to the



public. The ethical ideal that both public and private organisations should serve the community was promoted, by amongst others, Haldane between 1900 and 1939<sup>268</sup>. As the President of the Institute of Public Administration in the 1920s, he sought to gain acceptance for the role of the public administrator in providing continuity of administration and the ideal of service to the community. The following quote from Haldane reveals his idealistic image of public service whose,

...first and dominant common objective ought to be the service of the public in the most efficient form practicable. Virtue is its own reward here as elsewhere<sup>269</sup>.

Not only was this a cry for efficiency, altruism and collective commitment, it was also a recognition of the growing role of trades unions and professional associations in seeking better recognition and conditions for public servants amongst others. Haldane, therefore, required the public servant to place the ideal of service to the community before either the narrow interests of trades unions, professional attachments or managerialism and to achieve the set objective of the bureaucracy which was to serve the community. While Haldane was noble in wishing to develop an esprit de corps in the public service, the ideal of public service has always lacked definition; especially in stating whose standards which will determine what is in the community's interest. The Bains Report did identify the community integration and leadership role of local government, with an authority having,

...within its purview the overall economic, cultural, and physical well-being of that community...

The Report concluded that to effectively fulfill this role,

...the traditional departmental attitude within much of local government must give way to a wide-ranging corporate outlook<sup>270</sup>.

Naturally the dominant professions in local government and the state would both suggest that their standards reflect the service ideal. This was why the professions in local government were targetted for undermining by the New Right Conservatives on their return to power. As has been shown in previous chapters, the strengthening of the management ethos in local government, the removal of consensual state-mediation and the dismemberment of the welfare state by successive Conservative Governments during the past fifteen years have effectively undermined the existing public sector management practices which supposedly sought to serve the local community. Anthony recognises the espoused management values of elected members and the new chief executive/managers of local government concerned with efficient allocation of resources as being in conflict with the values and culture of professional staff; arguing the primacy of delivery of service to clients as defined by them. Anthony<sup>271</sup> states that,

...there is no doubt that the allegiance of the [professionals] to a common culture is reinforced by a tradition of moral concern...the internal values...are shared by the inhabitants who

influence the culture of their organisations because they regard its institutions as instrumental to their practices...

He further contends that in organisations run by professionals,

...the institution is secondary to the practice. In managed organisations the opposite is true: the institution comes first in time...

The respondents to this study did recognise the public service ethos in some respects, although interpretation of what this role entailed was very wide.

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	Leavers	Stayers
Being of Service to the Public.	0.66*	0.54*
Being of Service to the Public.	0.79	0.69*
Being of Service to the Public.	0.72*4	0.97*
Being of Service to the Public.	0.74*2	0.45

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This statement confirms the long believed view that one reason for professionals entering the employment of local government has been the wish to serve the community and common good. To this end, they would forgo professional or managerial attachments and seek consensus in providing a service to the community. Alan Fowler in discussing the different objectives of professions and managers, amongst other groups, in local government states that,

...this divergence can be reduced by recognition of the unifying theme of public service<sup>272</sup>.

It has been suggested that if this unifying theme were removed the relationship between the professions in local government and the state organisations that employ them would collapse. At the beginning of the 1990s, as the traditional consensual arrangements between central and

local government were virtually abandoned, John Smith, then, the Shadow Chancellor of the Exchequer, spoke out on behalf of the public service ethos. He said that,

It is my belief that the public sector serves, and unites, the community in which markets and enterprise flourish. Socially and economically, public services play a vital role within the modern mixed economy. Socially the public services enable fair provision of essential services for the whole community. And economically, they support our infrastructure, help to overcome market failures, and encourage efficiency and competition<sup>273</sup>.

The unifying theme of public service is illustrated by Waldman who states that,

I am not alone in my commitment to public services. Many other solicitors did their articles in local government out of choice and have stayed. Others like myself came into local government by different routes as it became in many areas more outgoing, innovative and responsive to local needs<sup>274</sup>.

This view is not shared by all of today's chief legal officers, many of whom produce cynical replies to questions about local democracy, community leadership, or the local authorities' role as a "lesser government",

I do not recognise a public service ethos although I have heard a lot about it, rarely from colleagues, it is only in the last five years that people have really been pushed at work, and not able to finish early, I suppose that the new customer care regime is the nearest thing I have seen to a customer responsive or if you like public or community service ethos.

This view is confirmed by the following quote,

My articles were completed in local government because they agreed to sponsor a mature student and pay a living wage, I do not understand how as a Solicitor I can serve the community, as you put

it, although as an officer of the court I can understand that role.

But others do agree with Waldemann,

The authority plays a central democratic, social and welfare role drawing together diverse parts of the community, this was represented during my time by contract compliance as regards equal opportunities and the spreading of social justice by this and other means....,

also

...the district supports through its grant aid projects many local groups from the scouts to local welfare groups, less now than it did, being part of an organisation that leads the community by example, as it were, is as worthwhile in its way as being employed by Oxfam...

The sense of mission<sup>275</sup> shown in these words should be reflected in the functions provided to the community by the local authority<sup>276</sup>. As Kingdom states,

...the state servants must own a responsibility for promoting civitas, a sense of community spirit, thereby facilitating and serving local democracy. The job must carry a sense of vocation and those lacking this need not apply<sup>277</sup>.

Those interviewed often interpreted this idea as meaning that professional judgement should replace political agendas in determining the when and how of service delivery. Many of those interviewed stated that they were well aware that the public service ethos or mission has been mortally ill during the years of financial restraint. They presumed that commercialism, through cost-centre management, CCT and the large authorities created by the local government review, would be the final straw in some areas. The current culture of

conflict in local authorities appears not to be conducive to the development of a public ethos or mission,

When I was very young and before my professional training I think I actually believed that the authority was serving the community, certainly the new Members today seem only to serve very vocal interest groups, or just themselves, the officers have a busy enough time keeping out of trouble.

Certainly, the view on the effects of commercialism and CCT is clear and one-way. Examples of such a view follow,

In my view the trading account proposals together with other reforms, such as local government review, dismantle the principle of public service,

also,

Public service as a career is finished with the fragmentation of local government, soon all pay and conditions will be localised and the internal market will mean introspective professionals acting as quasi-consultants interested only in profit, service to the community will have no relevance.

Whether or not this public service ideal is a genuine work ethic has been the subject of much debate. The importance of local government's role in promoting a sense of community and local democracy features strongly in the work of Kingdom. Local government officers are required to, "sense their ethical purpose", and Kingdom continues to state that, "Faith in the professions must also be restored". Often the service ideal has been promoted as a mitigating factor or accommodation by local government professionals to the inequity of public versus private sector pay and often as an excuse for the pursuit of their own welfare as gatekeepers of the public good.

The legal professionals' self-interest is apparent in their belief that their interpretation of the public interest is the only valid one<sup>278</sup>. As Gyford<sup>279</sup> states,

...experts of any sort, are always liable to exaggerate the importance of their own specialism, and to lose sight of wider perspectives<sup>280</sup>.

It has also been argued that professionalism concentrates more on the uniformities of accepted practice rather than on local choice; is more concerned with established expertise than with the pressures of political involvement; focuses more on particular functions than on the wide ranging needs of the community. Professionalism seen in this way could be said to challenge the key purpose, values and attributes of both the public service ideal and local government<sup>281</sup>. The public service ethos may be a reality for some professionals in local government, but there must be doubt whether it has acted as a unifying force for the professions and it has certainly failed as a means of providing democratic leadership, customer responsiveness and cost-effective services to their local communities.

#### The Changing Structure of Local Government Organisations.

In the traditional role of Clerk, or chief legal officer and direct manager of the professional specialist legal and committee services department<sup>282</sup>, the legal professional has had two sources of power to ensure his security and status within his or her local authority. Firstly, the bureaucratic facets of professional work in



local government provided some of the power used in dealings with elected members, colleagues, selected subordinates and the public. The second source of power stemmed from his or her position as an official, an officer, in the formal organisational system. These joint foundations of power have led to the senior legal officer owning a large degree of autonomy and discretion in personal workload, in determining how the work of the department is organised and structured, and in the way the authority is managed overall. Changing organisational patterns and the requirement for wider commercial managerial skills has resulted in the legal professional gradually losing access to chief officer posts. With this reduced opportunity for promotion, lawyers in local government are facing de-professionalisation as a managerial-profession. No longer can the legal profession claim that it has a general right to be considered as possessing the right skills for a role in local authority senior management. The gradual loss of control of the dominant positions in the organisational structure of local authorities has had, and will continue to have, a fundamental effect on the status, managerial power and discretion of senior legal officers and their ability to achieve congruence with their work environment. While this study has shown that the legal professional still currently has the power, through its organisational congruence, to reduce conflict between itself and the bureaucracy which employs it, the organisational-

professional culture which supports this congruence is changing.

#### Changing Work Methods.

Part of this process of change has involved the introduction of market disciplines to local government. The range of measures introduced to bring about change has included the removal of traditional bureaucratic production methods and the introduction of new post-fordist systems. Cash limitation and the capping of expenditure, the creation of hospital trusts, the introduction of self-governing schools, the initiation of compulsory competitive tendering and contracting-out are just some of the structural changes which have occurred through the introduction of market disciplines to the public sector since the 1979 Conservative Government came to power<sup>283</sup>. The once centralised, hierarchical and unresponsive bureaucracies which were characteristic of public sector organisations, with their coercive management control, fordist production line methods and Taylorist systems of work management, that restricted employee autonomy, commitment and performance, are changing in order to accommodate the new organisational and managerial forms required to deliver cost savings. A common feature of these new organisational forms is their,

...leaner and flatter managerial structures, decentralised "cost and innovation centres... enlarged and more generic [work] roles, team working, flexibility and informality...<sup>284</sup>

which is characteristic of post-Fordism. This new technological style is based on the use of information technology systems which have had a dramatic effect on trades union power; particularly in newspaper publishing where it was feared that the deskilling produced by such systems would result in a loss of jobs and/or a decline in the employees terms and conditions of employment<sup>285</sup>. The autonomy from centralised collective-bargaining required by employers to enable them to introduce flexible post-fordist working methods and terms and conditions of employment were produced by the government's policy of devolution within the organisational structures of local government. Changing local pay structures and terms and conditions to encourage flexible working and multi-skilling has proved an expensive exercise in many public sector bodies<sup>286</sup> and has been restrained, despite strong government resistance, by the Transfer of Undertakings Regulations (TUPE) and, more importantly, the Directive upon which it is based. TUPE has ensured the survival of nationally set terms and conditions of employment and collective bargaining arrangements or review body arrangements for determining pay for many existing employees at least for the near future. These changes have increased the concerns of senior legal professionals regarding their job security and ability to receive nationally agreed pay rises and terms and conditions agreements when all but de-minimus authorities are split into contractor and client units with their employing authority seeking to

introduce local pay and conditions of employment. The legal contractor unit will be the focus of attempts to introduce more flexible working agreements and localised pay deals. Besides this, there is little doubt that the residual work undertaken by a contractor unit will lack the variety and breadth of skill usage which is a requirement if the occupants are to follow a career path to becoming senior local government legal professionals. The routine nature of this work is both unattractive and uneconomic for qualified lawyers and does not reflect their high need, as shown in this study, for variety, full use of skills and significant work.

The shift away from more complex legal work and staff/corporate management in both the client and contractor role, will result in the skills and knowledge required to undertake the strategic and corporate advisory function being lost to local government for the long term. The CCT split will result in the legal profession in local government being unable to offer a recruitment vehicle or training ground for future corporate managers. This is due both to the split of legal and administration sections, and the loss of contact with the committee and administration/secretary's policy advisory role. The routinisation of work in the legal section will be dictated by the service level agreements between the contractor legal unit and customer departments and by the loss of complex policy and administrative work from the unit. In the client role, contract management and multi-disciplinary management

skills will be required; not those skills traditionally supplied by a legal education and training.

The decentralisation, or as Handy<sup>287</sup> calls it, the "federal /contractual organisation" that is appearing in local government in the form of small or independent units (cost-centres, profit-centres or business units) which contain business functions disaggregated from the centre of the structure, are supposed to leave it free to provide strategic direction,

...there is a need to move away from a professional base to our central management structure to a more strategic approach that brings the development of improved management practices to the fore whilst still recognising the important role that cost-effective professional support services have to play.

These professional support staff will operate in decentralised units which will,

- ...operate as a profit centre basis so that there is no unfair internal competition or wasteful external price cutting in competition with trading units.

This cost, or profit centre model, is where departments become seemingly autonomous entities<sup>288</sup> which must enter into commercial transactions with other departments within the organisational structure in the form of an internal market. The vertical bureaucratic structures are replaced by horizontal structures where "contractor" managers face each other across the internal market rather than occupying positions in the hierarchy. The effect on the work methods of staff of these changes was summed up by one chief officer who said that they,

...would have a significant impact on staff and in particular the traditional professional working patterns within the authority.

He further considered that,

...there will inevitably be some casualties from the changes in the authority's activities...

These casualties will occur during the implementation of the profit-centre model which is in effect an accounting exercise<sup>289</sup> which uses a mixture of penalties and incentives designed to force managers into adopting a more commercial private sector style of management,

We are breaking down the bureaucracy, hierarchy and professional barriers which have long characterised local government, no-one is happy simply to plod along anymore...budgets would be held by client departments and agreements aimed at the quality and quantity of work to be received and its cost.

Or, as a senior legal officer stated,

The effects of the gradual switch by the government of direct taxation to the Council Tax would result in restructuring, redundancies and more legal work being put out regardless of CCT.

And another,

The posts going now are full-time professionals, not the part-time, short-term contract or junior posts of a couple of years ago, no job seems secure, especially with one objective being to reduce the number of chief officers.

An example of the introduction of a business Client/Contractor Split to a typical borough council is shown below;

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Chief Executive and  
Director of Finance.

Revenue, Council Tax, Audit,  
Community Services, Accounts.

Director Admin and Legal	Director Commercial Services	Director Housing Services	Director Environmental Services	Director Economic Develop
3 Client Agents (see below)	None	2 Client Agents	5 Client Agents	2 Client Agents

Business units as below. Con	Highways DLO Housing DLO Grounds DLO Disposal DLO	Estates Rents Allocation	Food Hygiene Highways Health & Safety	Economic Planning Building Leisure
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The Compulsory Competitive Tendering split into Client/Client Agent Side (in bold) and Contractor cost-centre business units. The structure of one departments Client/Client Agent-Contractor Split is shown below.

Client Side	Director of Administration and Legal Services.
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Client Agents.

Legal Manager (Second Tier Post) * Qualified Lawyer	Personnel Officer (Second Tier Post)	Principal Assist. (Property & Customer-Care Second Tier).
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Administration and Legal Department - Separate Business Units below - Contractor Side

Electoral Registrat.	Legal Unit	Land Chgs	Personnel & Training	Committee Admin.	Central Srvcs.
Elect.Reg. Officer	Solic. Trainee	Two Admin.	Training Officer 2 Admin.	3 Clerks Mayors Off. Driver	1 Admin. Typists Cleaners

A Department of Administration and Legal Services after the Compulsory Competitive Tendering Client/Contractor side split of the Authority in 1993. It should be remembered that district councils despite their range of size in terms of employees and population served have only 3 qualified solicitors each on average.



## The Corporate Advisor Role of the Senior Legal Professional.

The client-legal manager in the model district council shown above reports to a non-legal professional. As such many of the duties which previously were performed by a legally qualified chief legal officer are now the responsibility of a general manager. As this chief officer shows he does not regard legal skills as necessary in his function,

I am used to wearing a number of hats in my job, committee administration, legal, personnel and monitoring officer, however, in a short time a contract manager will be able to buy in these services without requiring any legal skills...

Another non-legal manager states,

Whatever happens with CCT whether it goes or stays after the next election, the district cannot afford a specialist lawyer in this post, a multi-skilled general manager, preferably with commercial experience will be appointed when I retire.

Many legally qualified client managers have seen their role reduced and their status subordinated. The loss of status has caused some distress amongst several long tenure lawyers. As one says,

Local government lawyers whilst not held in terribly high esteem by the private sector were in local government itself. That has almost certainly gone at the higher level.

As the comments above have shown, lawyers in client or client agent roles are aware that their position is insecure as legal skills are not believed to be a requirement in a client role and that the only likely

role to remain, especially in smaller districts, is the contractor solicitor function. The death of the public service ethos, as many local government lawyers see it, is anticipated in the gradual move towards CCT as evidenced by the restructuring of their authorities and the implementation of the Client/Contractor split. For many solicitors in local government, the introduction of the internal market means that their jobs will become virtually undistinguishable from those of a private sector lawyer. As one such solicitor states,

There are now few differences for the local government lawyer from the private sector, after CCT there will be less. It seems to me that the opportunities for public service, my motivation, are being reduced to minimal levels for a range of reasons.

Another lawyer says,

The pay is better in the private sector the esteem certainly higher. There is little reason to join or stay in local government now in preference to the private sector.

In the earlier part of this study, the concern expressed by Coopers and Lybrand was that the loss through contracting out of all but a rump of the client function would result in the loss of a training ground for corporate managers and the long term loss of corporate and strategic advice. Seemingly neither of these areas cause concern to the generalist client managers who are not legally trained. Coopers and Lybrand's<sup>290</sup> expression that local councils cannot "...expect to be the sole training ground...for local government lawyers", seems to

suggest that even these rump client services are not required to be performed by an in-house lawyer.

#### The Legal Services (Contractor) Role.

While the client role for qualified lawyers is certainly in doubt, the contractor role, as the Audit Commission table 2.7, shown above reveals, is predominantly a "legal" officer; that is, a qualified solicitor as compared to a legal executive or other para-professional. In district councils, where on average only two qualified solicitors are employed, they need to have a wide variety of skills to deal with the various problems that come their way as all the departments served by the council solicitors have seen rapid growth in the amount and complexity of legislation in their area of responsibility. Often, in small authorities, the purchaser/provider or client/contractor split can be thought by the contractor to work against the best interests of legal services provision. As one district solicitor said,

There are two qualified solicitors in this authority and a lot of work but my colleague [Client] is not permitted to trade and does little legal work, I feel that he is waiting for CCT just to wipe me out and put the whole thing [legal services] out.

Where client legal officers wish to find reasons to retain legal work in-house to secure their own position, the collapse of the contractor unit may be desirable to them. Contractor solicitors have also had to acquaint themselves with the new fields of contract and commercial

law with regard to compulsory competitive tendering as it relates to each individual department's sphere of operations. This has resulted, through necessity, in the local government lawyer gaining a more detailed knowledge of the needs and objectives of all the service departments of the Authority and the client Authority itself; although some lawyers doubt that this internal customer knowledge is essential,

The contractor unit carries out the service departments legal work through service level agreements drawn up with them, much of the work could be carried out by a legal executive or simply be contracted out to a private firm. Once the proprietary role and corporate advice role have gone exclusively to the client-side there is nothing to prevent it being contracted out.

Much of the work content has changed to include those more routine areas of the senior legal officer's work, discussed above, such as conveyancing, operating the right to buy procedures and other basic tasks as predicted by the Coopers and Lybrand Report<sup>291</sup>. The contractor unit carries out very low level responsibilities of an operational nature with restricted variety and complexity. The question arises here as to whether expensive solicitors are cost-effective, or required at all, in providing such basic tasks as could be carried out by a legal secretary or legal executive.

#### The Experience of the Women Legal Professionals in District Councils.

The percentage of women qualified as solicitors is increasing, as the chart below shows, and qualifying with

higher class degrees than their male counterparts. This fact should mean that, in time, a higher number of women will be represented amongst the senior legal officers in district authorities in time. However, the drop out rate for women solicitors is 33 per cent after ten years practising compared to only 12 per cent of men<sup>292</sup>. The main reason for this drop out rate, as the earlier section discussed, is the woman's role in child care.

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Women Solicitors (percentages)

Solicitors	1970's	1980's	1987
Qualifying	9%	31%	54%
Practising	5%	14%	19%

Source: Hansard Society Commission (104) p.47.

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This factor explains why the survey group is composed of only 20.7 per cent of women; although this figure still compares favourably with the 1982 figure of only one per cent of all chief officers being women<sup>293</sup>. The greater percentage of women senior legal officers which exist now may be explained by the extraordinary efforts to attract women to local government; outlined in Chapter I's appraisal of the recruitment crisis measures taken by local authorities. These efforts concentrated on the deliberate increase in the use of part-time and other atypical forms of working, not used by the private sector at the time, to encourage women professionals to return after maternity or carers leave. This strategy seems to

have been particularly effective in attracting women who had previously worked in the private sector,

Little or no arrangements are available for child-care if you are employed by a private firm, or even by the commercial sector, both of which I have worked in... hours are long and flexibility in working hours restricted by the needs of the firm.

And as another female lawyer stated,

There is no part-time working in the private sector, you are expected to spend time away from home when needed and the "time is money" bottom line applies in small and large practices.

The effects of this strategy of concentrating on recruiting women returners are shown in the profile of the survey group; with a high proportion, 44.7 per cent, of those women intending to stay in their employing organization, being over forty years of age. This is a high figure compared with 69 per cent of the males intending to stay being over forty years of age. Just as the male population is proportionately older, it also has longer tenure than the women staff. The disparity in the length of tenure is not surprising; it reflects the career-break experience of women leaving work for child-birth and rearing or care of the families' elderly which traditionally has resulted in less women achieving higher career positions in organisations. It is obvious that many of these domestic care duties are not necessarily the responsibility of women, however, all too often, it is anticipated by male managers charged with recruiting staff, that women will undertake such duties,

I had only two years experience after qualifying with the council before I had my maternity leave, they have allowed me to return on a part-time basis to do the hours I wish... it seems though that women part-timers are not considered as being fully part of the organisation and I feel I miss out on training opportunities.

In district councils, in general, an effort has been made to tackle the domestic problems all too often faced by female staff. Such efforts do not, however, confront the inequalities present in labour market segmentation that may mean that during a time of shortage of skilled white male professionals in the labour market, women may not be seen as acceptable replacements for jobs with a skill requirement traditionally seen as male.

The macho culture of the male bureaucrat and male councillors still remains even though it is not considered correct to exercise or voice sexist opinions openly.

To this extent, male managers have traditionally stereotyped women into menial or inferior job roles with a lesser rank or grade than a male would expect. Such discrimination is often encountered,

It is still not uncommon to be asked what your career plans are when you apply for a job, careers are themselves male concepts, it seems that working for the local council because it is convenient for home, or offers child-care assistance is insufficient reason to apply.

Or, as another lawyer stated,

Many male managers seem unable to deal with the concept of part-time working because it inevitably means a woman worker, to them a full-time worker is a man, which is really what they want.

Another woman lawyer noted,

Women lawyers coming in from the private sector after having a baby are sought by local authorities who presume that they will be happy with flexi-time working and work as a contractor. After all these women aren't the main breadwinner, also see how many women legal professionals report to male, unqualified client-side managers, you'll find there are many.

Women friendly provisions may appear in the workplace as retention methods; for example, flexible working, creche facilities, career breaks, enhanced maternity provisions etc., either as a result of genuine recruitment and retention problems or as a result of political pressure from both the electorate and councillors to introduce effective equal opportunities policies. The Association of Solicitors' Personnel Managers in the private sector reported, during the recruitment crisis of the late 1980s early 1990s that,

...little appears to be done to accommodate working mothers by introducing flexible working...the lack of child care facilities...does not encourage mothers to return to work<sup>294</sup>.

With the conversion of the lawyer's role to that of a professional contractor, there are advantages to using atypical working patterns, part-time, temporary and homework and peripheral sector jobs, which are sought by women professionals and are disproportionately carried out by women professionals<sup>295</sup>.

The whole unit I am employed in consists of four women all returners who job-share... I think the fact that we live locally and are not seeking to move on in the near future gives stability to the unit.



Such work patterns offer employers lower salary costs, increased flexibility, reduced permanent staffing levels, and lower or no training costs.

The effect of these on equal opportunities in the area of recruitment and selection, caused the introduction of the client/contractor split; the effect of which may be to lessen the opportunities for women employees to gain senior management posts. The devolution of managerial practices to local managers of<sup>296</sup> cost-centres<sup>297</sup> and away from the centralised personnel associated with district councils bureaucratic structures, may serve to exacerbate many of the basic inequalities discussed in Chapter II. Many of these managers, faced the prospect of compulsory competitive tendering<sup>298</sup>, reduced numbers of staff in in-house departments, new employment terms and conditions and the use of part-time and temporary staff<sup>299</sup>. The contractor staff in their peripheral organisational role would also have inferior technical expertise than permanent staff<sup>300</sup>. The combination of managerial devolution and deformalisation of personnel procedures, added to the increased use of subjective acceptability criteria<sup>301</sup> by managers when recruiting and promoting staff, does not appear to assist the cause of equal opportunities.

#### Summary.

This chapter has considered the following;

- \* The local government legal profession in district councils offers job security as a prime recruitment and retention mechanism to those bureaucratic-professionals

who seek a life-long secure career in local government or those private sector legal professionals who seek work in local government during down-turns in the economy when their jobs are at risk.

\* Those local government bureaucratic-professionals seeking a career have been recruited from existing local government staff lacking legal qualifications or from those who join local government to gain such qualifications.

\* Neither of these groups has the financial resources or professional contacts to enable it to embark on such a career and as such may be drawn from different social and economic groups than those which traditionally supply the recruits to the private or commercial sector legal profession.

\* Commitment to local government and the public service ethos are high amongst both private sector recruits and those who are local government career professionals. Part of this commitment seems to be altruistic and part produced by self interest in maintaining the status quo and the congruence between organisational structure and culture and professional and personal needs, which is to the benefit of the senior legal officer.

\* The de-layering and flexible working initiatives of the post-fordist structures being introduced to local government, emphasise commercial skills and attitudes to the detriment of traditional professional skills, work attitudes and training.

\* Lawyers in such structures will be reduced in status and in the variety, significance, challenge and complexity of their work, to the detriment of their job satisfaction.

\* Contract managers who are non-legal professionals, will have different professional values and non-collegiate management styles. The need to be committed to the public service ethos will give way to the need to be committed to a quasi-commercial ethos, changing the nature of both the organisational objectives and the organisational commitment required of staff. Commitment to the organisation's public service objectives, one of the prime mechanisms which produces the congruence found in this study, and which is used to accommodate professional/bureaucratic differences, will be lost.

\* Women workers seem to be particularly attracted to the work of local authorities because of the flexible work patterns offered, but, due to the CCT split and retained patriarchal systems, they will be unable to obtain positions amongst the core staff and will be used as contractor/peripheral staff.

Conclusion to the Study on the Recruitment and Retention of Senior Legal Officers in Shire District (Second Tier) Local Authorities.

Introduction.

The preceding chapters have analysed the reasons why lawyers sought jobs in district councils and the factors that attracted them and retained them in their jobs. This concluding chapter examines the changing nature of local government employment for the legal professional and attempts to identify the future role of the legal professional.

Change in the Composition of the Local Government Labour Market and Organisational Structure and Culture.

In the chapters which precede this conclusion the principal theme which has developed is one of change, both structural and cultural, within local government. These changes are taking place at a time when there are fundamental alterations in the traditional framework of local government employment taking place. In recent years there has been a move away from full-time<sup>302</sup> work towards alternatives forms; notably short-term contracts, consultancy style self-employment<sup>303</sup> and part-time work<sup>304</sup>. By the 1970s, there were about four million part-time workers in total in Britain, one sixth of the total workforce. This number has continued to grow<sup>305</sup> reaching six point two million in 1988; almost one quarter of the total workforce<sup>306</sup>; an increase reflected in the composition of the local government labour force.

At the same time as these changes were happening to the composition of the labour force, the structure of local government organisations was also changing. It was recognised that, in order to achieve greater performance and reduce costs the bureaucratic organisational structures, coercive management control and fordist production methods that had restricted employee autonomy, commitment and performance for so long, had to be removed. Local government organisations have sought new techniques and approaches to managing their professional staff, and to this end, many have adopted an organisational structure which features devolved managerial responsibilities and a culture which encourages greater commitment, autonomy, responsibility and flexibility in their employees. New and developing methods of human resource planning<sup>307</sup> have assisted local authorities in this search for flexibility through the restructuring of the labour market<sup>308</sup> with the intention of producing, within employing organisations a mixture of core workers and peripheral workers<sup>309</sup>. Those who are core workers are full-time employees offered job security in return for functional flexibility. The peripheral workers, a disproportionate amount of whom are women, work in jobs where they are not offered long-term job security and may be employed on a fixed term or temporary contract, work part-time or on a casual or sub-contract basis. As a result of this new labour market structure, women legal professionals, and those few disabled and ethnic minority legal professionals in local government,

are more often found to be in the lower tiers of the organisational hierarchy; the contractor units<sup>310</sup>. They have very different occupational experiences<sup>311</sup> from white male legal professionals and female heads of legal services do not feature amongst the senior legal officers paid at chief officer grade to the same extent as their male colleagues. It seems that the concerted effort to recruit female staff to local government, after the late 1980s recruitment crisis, was accompanied by a reduction in the status and pay of the senior legal officer's post. In examining this picture of the changing culture and structure of local authorities, it is difficult to identify a future role for the legal profession in local government as a distinctive and separate segment of the legal profession in its own right. Half of the current generation of chief or deputy chief legal officers, seem to have entered the profession in local government for reasons related to the paid support available during articles, or they were already employed in local authorities before qualifying. It does not seem likely that local authorities at district level, or even the new unitary authorities that will succeed some of them, will have the resources available, particularly in a contractor unit, to pay for a trainee legal professional. Certainly, the objectives which motivated the current generation of senior legal officers to join the local government profession have disappeared. Those seeking a career in local government senior management now have little chance of succeeding merely because they are

legally qualified. Similarly, those seeking secure employment will think twice about working in a local authority while the threat of compulsory competitive tendering and further reductions in budgets exist. Those seeking an acceptable salary and benefits through working for their local authority will find the potential for the introduction of localised pay and conditions, short-term contracts and other atypical work patterns a threat to their long-term job security and career progression.

Those chief, or deputy chief, legal officers recruited from the private sector, may well have the business related skills required by today's local authorities and may find the salary scales and benefits of local authorities acceptable; especially if no alternative employment is available. Certainly, without the traditional benefits of job security, reasonable pay and the promise of gradual career progression, the long-term prospects for hard-working lawyers lie in the private sector; a fact recognised by many local government lawyers today. Transfer between the private and local government sectors of the legal skills market still seems to be restricted to a degree, but with the private sector lawyer's skills in contract and commercial management advice much prized in local authorities. For many lawyers the transition from private sector to local government is one-way with the generalist commercial, planning or administrative law skills required in district councils seemingly not being readily transferable back to the private sector. Many private law firms have developed

public sector departments in anticipation of more authorities placing work with them due to policy decisions, cost savings or CCT; these medium sized local law firms may, in the future, offer employment opportunities for local government lawyers.

#### Local Government Lawyers as Corporate Managers.

The close identification that senior legal officers have with their work environment has been achieved by balancing the two organisational roles they occupy. The first role is that of the specialist advisor to the policy making function performed by elected members. The second is that of direct manager of the professional specialist legal and committee services department. This balance has resulted in two sources of power being used by the senior legal professional within his or her local authority. Firstly, the bureaucratic facets of professional work in local government provide some of the power used in dealings with elected members, colleagues, selected subordinates and the public. The second source of power stems from the position as an official, an officer, in the formal organisational system. These joint foundations of power can lead to a large degree of discretion in personal workload and in determining how the work of the department is organised and structured. The large degree of management and policy input required of local government senior lawyers, discussed in Chapter II and III, suggests that legal skills are not directly relevant to the requirements of a central services or



district secretary's post in local government. Changing organisational patterns, and the requirement for wider commercial managerial skills, has resulted in the legal professional having less opportunity for promotion and for the lawyers de-professionalisation as a managerial-profession in local government. The outcome of this change, coupled with the senior legal officer's existing high grade, lack of opportunity for promotion and limited desire to move location, explains the apparent indifference displayed by the survey group in the possibility of promotion. The fact that the legal profession can no longer claim that it has a general right to be considered as possessing the right skills for local authority management, reinforces the seeming low importance of promotion. The gradual loss of control of the dominant positions in the organisational structure of local authorities has had, and will continue to have, a fundamental effect on the status, managerial power and discretion of future senior legal officers. Those members of the legal professional in local government at chief officer level still have the power, through their organisational position, to reduce conflict between themselves and the bureaucracy which employs them; even as the organisational-professional culture which supports their position is changing. Those managers or senior professional staff orchestrating the change process will base their strategies on their personal and professional values and needs; which will dictate the shape of the organisation, the tactics and strategies used in the

change process and, consequently, the structure and culture of the new organisational form. As Legge states,

...the paradoxes embedded in the intentions and implementation of cultural management render it self-defeating...if cultural control is regarded as a more effective substitute for rational bureaucratic control...the mechanisms by which messages of initiative, autonomy, innovation, risk-taking and personal responsibility are conveyed - e.g. organisation-wide cascaded briefings, training days, appraisal systems - are themselves highly bureaucratic<sup>312</sup>.

Fox<sup>313</sup> described the organisational hierarchy in terms of two variables: the discretion that attaches to senior managerial positions and the trust placed in such managers who are only held accountable in the long-term. Salaman says that,

... forms of control vary in their effects. Some are highly alienative; others encourage normative commitment. The reason for variation in the sorts of organisational control employed for various groups is not only that the sort of work is more or less amenable to this or that form of control, it is also because it would generally be regarded as inapplicable and dangerous to expose senior organisational members in the crucial decision-making jobs to alienative forms of control, because of the importance of their normative involvement<sup>314</sup>.

Whereas the less senior professional in a local government bureaucracy may find his work somewhat fragmented, the manager retains his specialisation and his work becomes "narrow in scope but founded on considerable depth of knowledge" increasing the managers powers of discretion<sup>315</sup>. Both these conclusions have implications for the senior legal officer as a manager and as someone managed in terms of the degree to which their conformity to the organisation's values is

enforced. The implications for the legal professional within local government are striking as they have not only traditionally controlled and monopolised the career path but also gained for themselves a superior degree of autonomy and security than that of other local authority professions. This autonomy and security has enabled the legal profession to influence and shape the culture and structure of the local authority organisations in which they work, to maximize their benefits, and create the kind of work environment described by Dunleavy. Those senior legal officers who have always worked in the local government legal profession have developed with a specific knowledge base, socialisation and education, social class of membership, sense of community, sense of mission, ideas on ethics and autonomy which have ensured that they have retained much of their autonomy and discretion. It is entirely possible, therefore, that in those authorities where the senior legal officer is at chief officer level, he or she may be able to shape their job or department in order to mitigate or avoid many of the effects of the current and recent changes in the internal structure of local authorities. These tactics are, however, only of benefit to the existing generation of senior legal officers.

#### The Future of the Legal Profession as Corporate Managers in Local Government.

The shift away from more complex legal work and staff/corporate management in the client role, and the

routinisation of legal work in the contractor role, will result in the skills and knowledge required to undertake the strategic and corporate advisory function being lost to local government for the long term. The CCT split will result in the legal profession in local government not being able to offer a recruitment vehicle or training ground for future corporate managers. This is due both to the split of legal and administration sections, and the loss of contact with the committee and administration/secretary's policy advisory role. The routinisation of work in the legal section will be dictated by the service level agreements between the contractor legal unit and customer departments and by the loss of complex policy and administrative work from the unit. In the client role, contract management and multi-disciplinary management skills will be required and not those skills traditionally supplied by a legal education and training. Some models of district councils without any trained and qualified legal staff already exist and this will be explored in the next section.

#### Districts with No Senior Legal Officer.

In some shire districts, the legal services department has already been disbanded or privatised. Derwentside District Council and Chester-Le-Street have both opted for no in-house legal unit. The absence of legal services within an authority is resolved through the use of a variety of external agencies. Private solicitors are most often called upon to handle corporate or committee level

legal advice or litigation. The arguments in support of private firms have been, in part based on their cost-effectiveness. The private solicitors are only paid when used and, in one Authority's estimation, cost the same per year as it would to employ one to one and a half legal professionals. By this arrangement, the district council has access to the skills, knowledge and expertise of senior partners, solicitors and other legal staff who have a range, breadth and depth of experience and specialisation, one employee could not hope to match. On the negative side, the private practice firm will have other clients than the council, and instant access to the practice is not always available, or at least not without additional costs in time and the expense of re-ordering the private firm's appointments.

#### Summary.

The legal profession in local government will become characterised by:-

- \* A continuing reduction in the number of legally qualified senior managers, even the largest district authorities, due to the need for such management posts to possess commercial and contract management skills.
- \* Smaller district councils, especially those unable to compete with the rewards offered by the external labour market in a post-recession climate may well not recruit a fully qualified legal professional in any role.
- \* Those authorities large enough to maintain contractor units may well employ legally trained staff on a part-time or limited contract basis to reduce costs. These

posts may well be made attractive to female staff with family responsibilities.

\* In authorities where the senior legal officer is at chief officer grade, the culture and structure may be more conducive to members of the legal profession.

\* The structure and culture of district councils in future will not provide either a training ground for corporate managers with legal qualifications or a future career path.

\* The quasi-commercial environment of the district council will mean that legal professionals' work performance will be judged by non-legal professional contract managers on the basis of organisational criteria.

\* Local authority terms and conditions of employment will become localised, probably to the detriment of legal professionals in contractor units.

\* It appears that there will be no separate local government legal profession based on managerial or administrative or secretarial skills.



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## Appendix 1.

### The Results of the Study and the Methodology Involved - Introduction to the Methodology.

This investigation into the recruitment and retention of professionals in bureaucratic organisations covers many aspects of occupational control, organisational culture and turnover theory. Simply put, the whole question is one of person-organisation fit. This fit may be perceived as the individual striking a balance between his professional and personal values and those of his employing organisation. Often such a relationship involves an exchange, for example, accepting less pay in return for greater job security.

Adam's<sup>316</sup> theory of equity works as an exchange theory on the basis of inputs and outcomes. An employee exchanging his or her services for pay will regard as inputs previous work experience, education, effort or work performance and training. Outcomes may be good supervisory treatment, prestige job assignments, benefits, status and job security. For the input and output to be effective it must be recognised by one or both parties to the exchange and the input or outcome must be considered relevant to the exchange (i.e. have some marginal utility). Whether the exchange is equitable or not depends on the individual's perceptions of the inputs and outcomes. If an individual perceives that his or her needs are not met by the organisation that employs him, he or she may experience job dissatisfaction, and begin to think about changing jobs or career<sup>317</sup>.

Individuals have the ability to achieve a relationship, balance or equity between factors, in the form of an exchange and how this is influenced by organisational tenure, age and managerial position. All these factors are directly relevant to the senior legal officers who are the objective of this study.

#### The Constitution of the Sample Group of Senior Legal Officers in District Councils.

The sample group is composed of the senior legal officers working in district councils in England and Wales. These officers are often chief officer or second tier officer grade in their employing council. The Audit Commissions Manager "A" category for senior legal officers reflects the duties of the chief/deputy chief officer grade postholders. These officers due to their grade and position in the structure of their employing authority they can exert a great deal of influence over the culture of the organisation they work within.

There are 296 English district councils and 37 Welsh district councils<sup>318</sup>. The total number of district councils covered by this survey is therefore 333. Included in this number are city councils which are non-metropolitan. Some 7 per cent of these councils have no legal staff of their own (eg Lichfield, Chester-Le-Street etc) and, therefore, no legally qualified officer to approach<sup>319</sup>. This fact was anticipated to reduce the survey population to 310 district councils as potential respondents. It was further anticipated that there would



be a further reduction in the number of potential respondents caused by some posts being vacant awaiting recruitment. Respondents were requested only to reply as voluntary resignation, if they were leaving the organization for a temporary period on, for example career break, secondment, maternity leave they were asked to signify themselves as not intending to leave the organisation. Similarly, early retirements, dismissals and ill-health retirement were also screened out of the figures.

Before the early 1990s recession, there was an average vacancy rate of approximately 14 per cent (1989), for shire district council lawyers. This vacancy rate fell during the early 1990s recession to 8.2 per cent (1991) but, with the recent increased recruitment in local government and throughout the economy, a figure of 10 per cent has been used in this survey. This reduction in the survey population, due to recruitment vacancies, lowers the number of potential respondents to 279. With so small a number of total population for senior legal officers in these district councils, the idea of using the whole of this population, rather than a small sample, has been adopted in this survey.

The total number of qualified professional lawyers in district councils number, 899 men and women<sup>320</sup>. The proportion who are senior legal officers (chief officers or deputies/manager "A") is some 33 per cent of men and 12 per cent of women. The total number of potential respondents being suggested by these figures is some 236

manager "A" category officers, a shortfall on the number of districts with senior legal officers of 43. The figure of 279 has been taken as the anticipated survey population, being 100 per cent of the senior legal officers in shire district councils. It was hoped that there would be a return of some 60 per cent of the postal questionnaires issued, some 167 questionnaires in all. This figure has been exceeded by the actual return received which is 261 in total.

#### The Questionnaire.

Of this survey population a sample group of ten senior legal officers were approached with a sample questionnaire which was based on a mixture of questions enquiring into the respondents' attitudes to work environment, job content, demographic details such as, age, sex, salary and other details. In discussion with these officers, the questionnaires' contents were amended and added to, in order to question the survey population on areas of its work/job environment which was thought by the sample group to be of particular concern to lawyers in local government.

The questionnaire for this study reflects this simple approach, and was influenced in the early stages of its design by perhaps the simplest conceptual approach to job satisfaction, known as fulfilment theory<sup>321</sup>. This theory suggests that job satisfaction is determined by finding out how much of each valued outcome an individual is receiving, and summing these, weighted for the importance



of each class of outcomes. In Locke's<sup>322</sup> work and the somewhat earlier work by Porter<sup>323</sup> on discrepancy theory, a model was offered (Porter's Need Satisfaction Questionnaire) for the formulation of the questions into a discrepancy style format where the respondent is asked about his perceived experience of job satisfaction in his workplace and job. The perception of discrepancy may also include the individual's comparison of his job with that of another introducing the notion of equity, inequity, exchange and dissatisfaction with the fulfilment of need through comparison with another (see below).

Porter's Need Satisfaction Questionnaire stresses the intrinsic features of a job, however, not extrinsic features. In order to measure these extrinsic features reference to the Job Descriptive Index questionnaire has been made. This will ensure that extrinsic features are included in the measurement of job satisfaction. Such features include, supervision, promotion, co-workers, pay and the work itself. The work itself aspects of the questionnaire relate directly to Hackman and Lawler's<sup>324</sup> work on high growth needs and job characteristics. All of the facets or features used on the questionnaire are important contributors to total job satisfaction/dissatisfaction; the central relationship in Rhodes and Doering's<sup>325</sup> consolidated model of the turnover process. These features also relate to the work environment of the legal professional in local government and the various theories of professional/bureaucratic conflict.

Discrepancy Theory favoured by, individually Porter, Locke and Katzell<sup>326</sup>, measures satisfaction in terms of, "how much is there now..." as one item, and "how much is there now..." as the other. The second part of the question depends on the perception of the individual in the job as to the amount of satisfaction or dissatisfaction he experiences. A satisfaction measure is derived from a sum of the discrepancies. The statistical measurement used was of correlation between the importance of need for each feature and the individuals perceived experience of that need being met within his or her workplace. High-low or low-high scores would not produce a correlation by Spearman's ranking method. A simple ranking of job/work feature's by importance for each respondent was also requested so that it could be compared against the correlation information.

#### Problems Encountered with the Methodology and Procedure of the Study.

##### Clearer Definitions.

The pilot group which viewed the questionnaire suggested clearer definitions to the questions and what they were asking which was provided on a separate sheet.

A larger group of legal officers than was intended, was interviewed on the construction and selection of the contents of the questionnaire to achieve the greatest possible qualitative information to support or reject this studies hypothesis.

#### Extent of Information Received.

The enormous amount of information received from the high number of questionnaire responses resulted in problems in the statistical analysis and evaluation of the responses. As a result of this, the results drawn from the questionnaires were reduced to those key factors identified as having the greatest influence on turnover. Those key factors have been the subject of the discussion set out in this study of the recruitment and retention of senior legal officers in district councils.

## Appendix 2.

This appendix contains the questionnaire for the postal survey and other information issued to the respondents, along with the questionnaire for the survey.

Please answer the following questions as fully as you are able. Your responses will be handled in the strictest confidence. Thank you for your cooperation.

Please give your full job title.....

A) BACKGROUND INFORMATION

- 1 Are you male? ☐ Female? ☐
- 2 Are you intending to stay in your current post for the next year? YES ☐ NO ☐
- 3 a) Have you worked in the private sector Legal Profession ?  
a) YES ☐  
a) NO ☐ b) Were you trained in the private sector ?  
b) YES ☐  
b) NO ☐
- 4 What attracted you to the public sector ?  
a) Better prospects than in the private sector ?  
a) YES ☐  
a) NO ☐ b) Is the work in the Authority more attractive ?  
b) YES ☐  
b) NO ☐
- 5 How long (on average) does it take you to travel to work each day?  
(Please tick one box)  
Less than 30 minutes..... ☐ More than 1 hour..... ☐  
Between 30 minutes and 1 hour.. ☐
- 6 Do you receive any of the following benefits from your Authority ?  
Lease/contract car hire ☐ Additional annual leave ☐  
Performance related pay ☐ Market related salary enhancement ☐  
Health/life assurance ☐ Other, (please specify).....  
7 What is your current job grade? (Please tick one box) (SCP= Spinal Column Point NJCC)  
1 Principal Officer up to SCP 43 ☐ Locally agreed salary 4 scales above SCP 51, not in Chief Officer range. ☐  
2 Principal Officer up to SCP 51 ☐ Other (please specify)..... ☐  
3 Chief Officer Range ☐
- 8 How long have you worked for the Authority ?  
Less than 6 months..... ☐ Between 2 and 5 years..... ☐  
Between 6 and 12 months..... ☐ More than 5 years..... ☐  
Between 12 and 24 months..... ☐
- 9 In which department are you currently employed? .....  
(Full title please.)

10. Please signify your age group by ticking the appropriate box.

- A. Twenty to Thirty Years. [ ]  
B. Thirty to Forty Years. [ ]  
C. Forty to Fifty Years. [ ]  
D. Fifty to Sixty Years. [ ]  
E. Sixty Years Plus. [ ]

Please Turn Over.

8) Joining the Authority

- 1 We are interested in how you became aware of the Authority as an employer at the time you joined. At that time, how important for you was each of the following as a source of information about the Authority? (Please tick one box per line)

Source of information	Importance			
	Very important	Of some importance	Of little importance	Not important/not relevant
National press e.g. Guardian				
Personal contact in the Authority				
University Careers Service				
Professional Magazine or publication				
Local Authority press e.g. Local Gov't Chronicle				
Other (please specify) .....				

- 2 Below are some features of working in the Authority. To what extent did you expect to experience each when you joined the Authority.? (Please tick one box per line)

Feature of work	Expectation			
	Considerable extent	Some extent	Little extent	Not at all/not relevant
Good career prospects				
Varied work				
Use your skills/qualifications				
Job security				
Good pay and benefits				
Friendly atmosphere				
Gain experience of the Authority				
Good social life and sports facilities				
Opportunity to take professional exams				
Other (please specify) .....				

	IMPORTANCE How important is this to you?				EXPERIENCE To what extent is this present in your experience of the Authority			
	Very important	Of some importance	Of little importance	Of no importance/NOT relevant	To considerable extent	To some extent	Of little importance	Of no importance
1 Good job security								
2 Good opportunities for promotion								
3 Good opportunities to use initiative								
4 Good pay								
5 Good staff benefits								
6 Varied work								
7 Having independence								
8 Good relationship with boss								
9 Doing challenging work								
10 Using your skills fully								
11 Having job satisfaction								
12 Feeling valued by the Authority								
13 Good senior management								
14 Promotion based on merit								
15 Good opportunities to take exams								
16 Good opportunity to use computers								
17 Working in a friendly atmosphere								
18 Having high status								
19 Having responsibility								
20 Having control over your work								
21 Seeing the results of your work								
22 Other (Please specify)								
23 Being of service to the public								

2 Of the above features, which are the three most important to you personally?  
(Please write their numbers below)

most important feature	
second most important	
third most important	

## JOB CHARACTERISTICS

D) How IMPORTANT IS IT TO YOU THAT  
THE FACTORS BELOW EXIST ? →

	IMPORTANCE How important is this to you?				EXPERIENCE To what extent is this present in your experience			
	Very important	Of some importance	Of little importance	Of no importance/NOT relevant	To considerable extent	To some extent	of little importance	of no importance
1 That your job is challenging								
2 That you inter-relate with others in the performance of your job								
3 That feedback on your performance is received								
4 That you inter-relate with others socially in the work place								
5 To develop professional friendships through your job								
6 That all your skills are tested by the job you do								
7 That you contribute effectively to the Authorities work								
8 That you work independantly of others in the work place								
9 That you have the freedom to organise your own work								
10 That the work that you do is not repetitive								
11 That you can see projects or work through to their conclusion								
12 That senior staff respect your independence								
13 That your job requires personal skills and qualifications								
14 That the status and importance of your job/work is realised								
15 That junior staff realise the significance of your job								
16 That seeing the results of your work gives you satisfaction								
17 That there are opportunities to have further training								
18 That further qualifications and self development are part of your work								
19 That the rewards you receive for your work are appropriate								
20 That inter-relationship problems do not delay the completion of your work								
21 That problems do not occur in the completion of your work								
22 Other (Please specify) .....								

2 Of the above features, which are the three most important to you personally?  
(Please write their numbers below)

most important feature	
second most important	
third most important	



Definition of the Questionnaire. SHEET C.

PLEASE HAVE THIS DEFINITION SHEET OPEN NEXT TO THE QUESTIONNAIRE WHEN COMPLETING IT FOR EASY REFERENCE - PLEASE TELEPHONE ME ON 0205 357400 EXT 250. SHOULD YOU HAVE ANY QUERIES.

1. Job Security - the importance of your job being secure in your perception and how secure your job is in your experience considering changes within your authority and the pressures on your authority from outside, e.g. CCT, budget restriction, members policies for putting legal work out, relationship with members etc.

2. Opportunities for promotion - importance of further promotion within your authority or within another authority compared with your experience of opportunities for promotion being available.

3. Initiative - how important to you is it that you can show your initiative by solving problems by using your professional expertise in a new or unorthodox manner if you judge appropriate, compared to your experience of feeling able to do this within your authority.

4. Good Pay - how important is it that you are well paid and do you feel that you are well paid in your current job.

5. Good Staff Benefits - how important is it that you receive good staff benefits and do you feel that you receive good staff benefits in your current job.

6. Varied Work - how important is it that your work contains a variety of different non-routine functions and do you feel that your work contains a variety of different non-routine functions.

7. Having Independence - do you feel that it is important that you have autonomy over your area of work and managerial discretion to perform work including that of the department or section you manage how you feel appropriate and do you feel you have experience of such autonomy and discretion in your current authority.

8. Good Relationship with Boss - the importance of a good relationship with your line manager or if a chief executive the leader of the council and your experience of its extent in your authority.

9. Doing Challenging Work - the importance of your work being intellectually challenging and your experience of its extent in your authority.

10. Using Your Skills Fully - the importance of being called upon to demonstrate your full range of skills and your experience of the extent to which you use your skills in your work for your authority.

11. Having Job Satisfaction - the importance of job satisfaction, a feeling of well-being about your job and work and the extent to which you experience it.

12. Feeling Valued by the Authority - the importance of feeling valued by your employer in the job and work you do and the extent to which you experience feeling valued.

13. Good Senior Management Team - the importance of feeling you are working as part of an efficient management team and the extent to which you experience feeling part of an efficient management team.

14. Promotion Based on Merit - the importance of feeling you can be promoted because of your high performance in the job and work you do and the extent to which you experience feeling you can be promoted because of your high performance.

15. Good Opportunities to Take Examinations - the importance of feeling you can increase your qualifications in the job and work you do and the extent to which you experience feeling you can increase your qualifications.

16. Good Opportunity to Use Computers - the importance of feeling you can learn to use computers in the job and work you do and the extent to which you experience feeling you can learn to use computers.

17. Working in a Friendly Atmosphere - the importance of feeling you work in a friendly environment in the job and work you do and the extent to which you experience feeling that you work in a friendly environment.

18. Having High Status - the importance of feeling you are of high status in the job and work you do and the extent to which you experience feeling of high status.

19. Having Responsibility - the importance of feeling responsible for the job and work you do and the extent to which you experience feeling responsible.

20. Having Control Over Your Work - the importance and experience of feeling in control of the job and work you do.

21. Seeing the Results of Your Work - the importance and experience of seeing the job and work you do through to its satisfactory conclusion.

22. Being of Service to the Public - the importance and experience of feeling that you and the authority are serving and leading the local community.

Definition of the Questionnaire. SHEET D.

PLEASE HAVE THIS DEFINITION SHEET OPEN NEXT TO THE QUESTIONNAIRE WHEN COMPLETING IT FOR EASY REFERENCE - PLEASE TELEPHONE ME ON 0205 357400 EXT 250. SHOULD YOU HAVE ANY QUERIES.

1. That you have no staff management problems.

This is a measure of conflict between the aspiring new generation of staff and their managers.

2. That you inter-relate well with others in the performance of your job.

This is also a measure of conflict between other professional groups in the workplace.

3. That feedback on your performance is received.

This is one of the job characteristic core components for measurement of intrinsic job satisfaction.

4. That you inter-relate with others socially in the workplace.

This is a measure of the degree to which your job and social life are inter-woven.

5. Developing professional friendships in the workplace through your job.

This is a measure of your need for a workplace as opposed to an outside professional referent group(i.e. the local law society), do you need a good relationship on professional matters with other lawyers in the authority or in other nearby authorities?.

6. That all your skills are tested by the job that you do.

This is a measure of your need for personal skills growth and involvement in new areas of work.

7. That you contribute effectively to the Authorities work.

This is a measure of the degree of commitment you have to your authority, its objectives, aims and values.

8. That you work independently of others in the workplace.

This is a measure of your organisational independence in terms of your managerial discretion (if appropriate) to recruit your own staff, change methods of work, re-structure with committee /management group approval, with minimal interference.

9. That you have the freedom to organise your own work.

This is a measure of your ability to reorganise your personal workload and prioritise without interference.

10. That the work you do is not repetitive.

This is a measure of the extent to which your work is routine and mechanical and repetitive.

11. That you can see work or projects through to their conclusion.

This is a measure different from that on sheet C in that it measures your discretion to manage whole areas of work rather than individual jobs, from start to finish, without interference.

12. That other senior staff respect your independence.

This is a measure of your managerial discretion and professional independence in relation to other senior managers, in respect of your freedom to manage your department without conflict with other departments professional staff managers.

13. That your job requires you to use personal skills and qualifications.

This is a measure of your satisfaction or otherwise with your opportunities to use personal social skills in say presentations at committee to elected members.

14. That the status and importance of your job/work are realised.

This is a measure of the significance of your job as you perceive others see it and its importance within the structure of the authority.

15. That junior staff realise the significance of your work.

This is a measure of your perception of your junior staff's expectations of you as a guide, leader, support and mentor.

16. That seeing the results of your work gives you satisfaction.

This is a measure of the importance of your contribution to the aims and objectives of the authority as you perceive them and your satisfaction that that contribution is worthwhile.

17. That there are opportunities to have further training.

Unlike the question on sheet C this question refers to management training rather than professional training, how great is your need and suitable opportunities.

18. That self-development is part of your work.

This is a measure of your need for personal growth and development within your job.

19. That the rewards you receive for your work are appropriate.

This is a measure of your pay and benefits satisfaction not just in terms of the work you do as in the questions on sheet C but in comparison with legal professionals outside local government.

20. That inter-personal relationship problems do not delay the completion of your work.

This is a further measure of conflict in terms of the degree to which you perceive resistance to change from your staff or other departments staff delays the completion of work tasks in the authority.

21. That problems do not occur in the completion of your work.

This is a measure of the extent to which you face problems in the workplace generated by member or other interference.

### Appendix 3.

#### Conducting the Interviews of the Senior Legal Officers.

Common themes had already been discovered in the analysis of the interviews and correspondence with the ten members of the sample group. These themes were noted and listed in order of priority to the group and frequency of their being raised.

The use of the sample questionnaire made these interviews semi-structured, although the sample group followed any line of interest they wished. Telephone follow-ups were used frequently both to gain more information and to seek clarification of the information supplied.

These common themes, those which became apparent in the free-hand responses to the postal questionnaire, and those picked up in the additional correspondence and telephone conversations with the survey population, formed the basis of the interviews with senior legal officers.

These interviewees were selected at random, and formed the second phase of the survey. A simple free-hand questionnaire asking for supplementary information on the themes most often picked up by the survey group which were of relevance to the study was sent out prior to the interview.

These were completed and used as a basis for the interviews which were constrained by time. None of the respondents would accept the use of a tape recorder in the interviews, on the grounds of the comments they wished to make being sensitive.

In the interest of obtaining this information which proved both relevant and pertinent to the study, no tape recordings were taken by request. The interviewees answers were written down in headed columns titled with those features of job, work or career matters most often raised by them which were relevant to this study(see below).

#### Job Satisfaction

"Yes job satisfaction from varied and ever changing workload. Opportunity to work in teams covering areas beyond pure legal work".

#### Career Progression

"The opportunities for career progression are less now than they used to be".

Mr Martyn Lowe,  
42, Melbourne Close,

STONEHOUSE,

Glos, GL10 2PY.  
10/08/94.

Tel.(01453) 791364

Dear \_\_\_\_\_,

Last year you where very kind enough to help me in a project which I am undertaking as part of my degree course. I am a registered student with Sheffield (Hallam) University, Business School.

I have a few short questions I did not put on the original questionnaire, and I would be very grateful if you could make a brief response to each.

I would be additionally grateful for the return of the questionnaire, in the SAE enclosed, by the end of November 1994, if possible please, so that I can start work on the analysis. I imagine that you recieve many such requests, but your opinion is unique, and cannot be replaced by any other's.

The intention of this work is to add to the limited information available on the life of lawyers in Local Government. The practical aspect will be to learn from your experience, of the stress and conflict, as well as the benefits that can arise in the Lawyer in Local Governments role. This will help those students, yet to make a choice on which career to follow, make a more informed decision.

Please contact me, should you have any points to raise. I would welcome the opportunity to correspond with you or I can arrange to telephone you, should that be acceptable to you.

Yours Sincerely,

Please tick this box if you are available for a short interview [ ].

N.B. A stamped addressed envelope is enclosed for your response, thank you for considering my request.

Mrs \_\_\_\_\_ Deputy Borough Secretary and Solicitor,  
\_\_\_\_\_ Borough Council, Council Offices,  
\_\_\_\_\_, \_\_\_\_\_, Surrey, G\_\_\_\_\_.



IN STRICTEST CONFIDENCE

Please can you tell me why you chose to join the legal profession?.

Please can you tell me why you chose to practice in local government?.

Please can you give me your views on local government as a legal career? does it give you job satisfaction? opportunity for promotion?.

Now?

At the time you joined local government?

Please can you tell me where(in career terms) you want to be in, say, five years time?.

Please can you tell me how you feel your experience of working in local government has changed during your career?

Please can you tell me how many local authorities you have worked in?.

If you were asked the question, "what do you do for a living?" would you answer:-

1).A Lawyer  
(Solicitor)?\_\_\_\_\_

2). A Local Government  
Officer?\_\_\_\_\_

3).  
Other?\_\_\_\_\_

Please can you tell me what made you dissatisfied (if anything) with your last job in local government (if applicable) and caused you to leave?

I would be grateful if you could help me with these last two questions?

Do you enjoy your career today, as much as when you started in it?

Looking back over your career, what significant changes to your work or in your workplace, have occurred in the last ten years, which have caused you to alter your attitude to your work?

THANK YOU FOR COMPLETING THIS QUESTIONNAIRE IN STRICTEST CONFIDENCE.



# Appendix 4.

## Results of the Survey.

### 1). Details of the Survey Group.

Men	207 (79.3%)	Women	54 (20.7%)
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Stayers	Men	170 (65.13%)	Leavers	Men	37 (14.17%)
	Women	47 (18%)		Women	7 (2.7%)

N=261      Total      217 (83.14%)      44 (16.86%)

### Men Stayers - Age.

Men Stayers Tenure	<30yrs	30-40yrs	40-50yrs	>50yrs
6 mnths	2	1	2	0 (5) 2.9%
6-12 mnths	0	4	0	1 (5) 2.9%
< 2 yrs	0	5	6	0 (11) 6.5%
2 - 5 yrs	0	21	21	3 (45) 26.5%
> 5 yrs	0	20	67	17 (104) 61.2%
	2 (1.1%)	51 (30%)	96 (56.5%)	21 (12.4%) 170 (78.3%)

Of the male stayers almost 69 per cent are over 40 years of age with 61.2 per cent of them having served over five years, although the interview notes frequently quote respondents amongst the leavers as having an organisational tenure of twenty or thirty years. Only 31 per cent are below 40 years of age and only 38.8 per cent have a tenure of less than five years. Of them only 12.3 per cent have been with their present authority less than 2 years. Those few in the less than thirty group are senior legal officers at third tier in their district authority an example of which is shown in the main text. Those in their 30's and 40's, 86.5 per cent obviously provide the majority of the male stayers population leading this study towards examination of the mid-life, mid-career area of the career/life cycle in reaching its conclusions.

Women Stayers - Age.

Women Stayers Tenure	<30yrs	30-40yrs	40-50yrs	>50yrs
6 mnths	0	3	0	0 (3) 6.4%
6-12 mnths	0	2	0	0 (2) 4.2%
< 2 yrs	0	3	0	0 (3) 6.4%
2 - 5 yrs	1	5	8	0 (14) 29.8%
> 5 yrs	0	12	8	5 (25) 53.2%
	1 (2.1%)	25 (53.2%)	16 (34%)	5 47 (10.7%) (21.7%)

Of the women stayers 44.7 per cent are over 40 years of age compared with 69 per cent of the men showing a younger female population overall. Some 55.3 per cent of the women are under 40 years of age. Of this population 53.2 per cent have over five years service, compared with 61.2 per cent of the men and 46.8 per cent women have less than five years service with their current employing authority. The shorter tenure and lower age range is reflective of the career-break experience of women leaving work for child-birth and rearing or care of the families elderly. This break causes, amongst other factors, less women to achieve higher career positions in organisations.

Men Leavers - Age.

Men Leavers Tenure	<30yrs	30-40yrs	40-50yrs	>50yrs
6 mnths	0	0	0	0 (0) 0.0%
6-12 mnths	0	1	0	0 (1) 2.7%
< 2 yrs	0	1	0	0 (1) 2.7%
2 - 5 yrs	0	8	5	0 (13) 31.1%
> 5 yrs	0	6	15	1 (22) 59.5%
	0	16	20	1 37
	(0%)	(43.2%)	(54.1%)	(2.7%) (84.1%)

Of the men leavers, perhaps surprisingly, the majority 56.8 per cent are over 40 years of age, 2.7 per cent of this number being over 50 years of age. The remaining 43.2 per cent of male leavers are in the 30 to 40 years of age bracket. 59.5 per cent of the leavers have been with their employing authority over 5 years, only 5.4 per cent being employed with their organisation less than 2 years.

Women Leavers - Age.

Women Leavers Tenure	<30yrs	30-40yrs	40-50yrs	>50yrs
6 mnths	0	0	0	0 (0)
6-12 mnths	0	0	0	0 (0)
< 2 yrs	0	1	0	0 (1) 14%
2 - 5 yrs	1	2	0	0 (4) 57%
> 5 yrs	0	1	2	0 (2) 29%
<hr/>				
	1 (14%)	4 (57%)	2 (29%)	0 7

---

The women leavers reflect the balance of age and tenure of the stayers in that a larger proportion of them are less than 40 years of age 71 per cent. Also the tenure of the group is less overall, with 71 per cent having worked with their authority 5 years or less.

The respondents to the study have been broken down into the two categories of leavers and stayers, meaning those who have expressed their intention to leave the organization and those who have expressed their intention to stay. Due to the relatively small size of the female leavers group they have been combined for analysis with the male leavers group.

Basic information on male and female age groups and tenure in the organization <40yrs age and <5yrs tenure and >40yrs age and >5yrs tenure - Leavers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	12(27.3%)	6(13.6%)	(18)(40.1%)
> 5 years tenure	8(18.2%)	18(40.9%)	(26)(59.9%)
	20 (45.5%)	24 (54.5%)	44 Total Leavers

The majority of leavers 54.5 per cent are over forty years of age and 59.9 per cent have been with their current organisation over five years. The largest groups are the less than 40 years of age and less than 5 years and the over 40 years of age more than five years group.

Basic information on male and female age groups and tenure in the organization <40yrs age and <5yrs tenure and >40yrs age and >5yrs tenure - Stayers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	50(23.5%)	40(18.4%) (90)	41.5%
> 5 years tenure	29(13.4%)	97(44.7%) (126)	58.5%
	79 (36.4%)	138 (63.6%)	217 Total Stayers

58.5 per cent of the stayers have over 5 years tenure in their employing district council, 44.7 per cent of the entire group of stayers being over 40 years of age and with 5 years or longer. The results of interviews and correspondence suggests that the tenure of many of this group can be in excess of 20 or thirty years. Of those over 40 with less than 5 years tenure it should be remembered that this question asks for tenure only in their current organisation not their tenure in local government as a whole. The interview questionnaires show that the majority have previous service in other councils at an average of two previous authorities each, it must be concluded therefore that for this over 40 years of age less than 5 years tenure group 18.4 per cent of the stayers, their tenure within local government is far longer than 5 years. In all then it seems that the stayers once in local government move for promotion in their early years and then settle in one organisation for a long period of tenure.

### Private Sector Experience - Leavers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	9 (47.4%)	2 (10.6%)	(11) 58%
> 5 years tenure	4 (21%)	4 (21%)	(8) 42%
	13 (68%)	6 (32%)	19

The largest group of senior legal officers with private sector experience are those less than 40 years of age with less than 5 years tenure. This may suggest that in the period of the early 1990s as the recession began to reduce the number of private sector job opportunities the public sector became more acceptable as an employer. 68.4 per cent of these leavers are under 40 years of age, 47.4 per cent of these have less than 5 years tenure as well.

### Private Sector Training - Leavers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	5	4	(9) 36%
> 5 years tenure	3	13	(16) 64%
	8 (32%)	17 (68%)	25 (56.8%)

The largest group of leavers with private sector training are over 40 years of age and have over five years tenure within their organisations.

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Private Sector Experience - Stayers.      Age Profile.

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Tenure	< 40 years of age.	> 40 years of age.		
< 5 years tenure	31 (28.4%)	22 (20.2%)	(53)	48.6%
> 5 years tenure	16 (14.7%)	40 (36.7%)	(56)	51.4%
	47 (43.1%)	62 (56.9%)	109 (50%)	217

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Of the 109 stayers with private sector experience 56.9 per cent are over 40 years of age, with 51.4 per cent of the group having over 5 years tenure with their employing organisations. The two largest groups are those less than 40 years of age, less than 5 years tenure 28.4 per cent, and that group who are over 40 years of age with more than five years tenure 36.7 per cent.

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Private Sector Training Only - Stayers.      Age Profile.

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Tenure	< 40 years of age.	> 40 years of age.		
< 5 years tenure	23(26.4%)	16(18.4%)	(39)	44.8%
> 5 years tenure	15(17.2%)	33(38%)	(48)	55.2%
	38 (43.6%)	49 (56.4%)	87	

---

The stayers with private sector training once again reflect a profile where the largest group at 37 per cent of the group total is over 40 years of age and has more than 5 years tenure although the youngest and shortest tenure group represent 26.4 per cent of the total group.



What Attracted You to the Public Sector? - Better Prospects? - Those Saying Yes - Stayers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	26(28.3%)	17(18.5%)	(43) 46.7%
> 5 years tenure	10(10.9%)	39(42.4%)	(49) 53.3%
	36 (39%)	56 (61%)	92 (217) (42.4%)

Stayers attracted to local government by the thought of better prospects formed only 42 per cent of the total number of stayers. Once again the largest group of these stayers 42.4 per cent are over 40 years of age and have been with their current employer more than five years.

What Attracted You to the Public Sector? - Better Prospects? - Those Saying No - Stayers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	27 (21.6%)	24 (19.2%)	(51)
> 5 years tenure	16 (12.8%)	58 (46.4%)	(74)
	43 (34.4%)	82 (65.6%)	125 (57.6%)

57.6 per cent of the stayers do not believe that the public sector, in this case local government, offers better prospects in career and income terms, than the private sector.

What Attracted You to the Public Sector? - Better Prospects than in the private sector? - Those Saying Yes - Leavers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	7 (35%)	3 (15%)	(10) 50%
> 5 years tenure	2 (10%)	8 (40%)	(10) 50%
	9 (45%)	11 (55%)	20 (45.5%)

In this small group of leavers 40 per cent who have tenure of over 5 years and are over 40 years of age believe that they chose to work in local government in preference to the private sector because the prospects in local government were better. This entire group represents 45.5 per cent of the leavers, compared with 54.5 per cent (see below) who believe that prospects are not better in local government than they are in the private sector.

What Attracted You to the Public Sector? - Better Prospects than in the private sector? - Those Saying No - Leavers.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	7 (29.2%)	3 (12.5%)	(10) 41.6%
> 5 years tenure	5 (20.8%)	9 (37.5%)	(14) 58.4%
	12 (50%)	12 (50%)	24 (54.5%)

As shown above the majority of leavers do not believe that prospects are better in local government than they are in the private sector.

Distance from Home - Stayers.

Age and Tenure.				
	<40yrs		>40yrs	
	<5yrs	>5yrs	<5yrs	>5yrs
<30Mins	35(16.1%)	23(10.6%)	30(13.8%)	82(37.8%)
>30 <60	16(7.4%)	5(2.3%)	8(3.7%)	8(3.7%)
>60Mins	1(0.5%)	1(0.5%)	2(0.9%)	6(2.7%)
	52	29	40	96
	(24%)	(13.4%)	(18.4%)	(44.2%)
	217			

The largest group 78.3 per cent live within 30 minutes of their home suggesting that they live within easy travel to work time, 17.1 per cent live a little further away, over 30 minutes travel and only 4.6 per cent live over an hours travelling time away.

Distance from Home - Leavers.

Age and Tenure.				
	<40yrs		>40yrs	
	<5yrs	>5yrs	<5yrs	>5yrs
<30 Mins	6(13.6%)	7(15.9%)	6(13.6%)	14(31.9%)
>30 <60	5(11.4%)	1(2.3%)	2(4.5%)	3(6.8%)
>60Mins	0	0	0	0
	11(25%)	8(18.2%)	8(18.2%)	17(38.6%)
	44			

Only marginally less leavers proportionately 75 per cent live within 30 minutes of work compared with 78.3 per cent of the stayers. As such, these figures do not show a large proportion of the leavers living a great distance from their work, and therefore travel to work time does nor appear to be a consideration amongst the leavers group.

Do You Recieve Any of the Following Benefits from your Job? - Leavers.

Age and Tenure.				
	<40yrs		>40yrs	
	<5yrs	>5yrs	<5yrs	>5yrs
Lease Car 24(40%)	6		5	4
Performance 5(8.3%) Related Pay	-	1	1	3
Health/Life 9(15%) Insurance	4	1	1	3
Additional 14(23.5%) Annual Leave	3	3	2	6
Market Related 3(5.0%) Enhanced Pay	1	1	-	1
Other e.g. c ar loan - 10(16.6%) telephone allowance.	1	1	3	5
	14 (23.3%)	12 (20%)	9 (15%)	25 (41.7%)

A lease car seems to be the leavers favourite "perk" with additional annual leave as second especially amongst those over 40 years of age, although of course this is the largest overall group of leavers in this section claiming benefits 41.7 per cent.

Do You Recieve Any of the Following Benefits from your Job? - Stayers.

Age and Tenure.				
	<40yrs		>40yrs	
	<5yrs	>5yrs	<5yrs	>5yrs
Lease Car 152(40.9%)	40		20	30
Performance 48(12.9%) Related Pay	10		6	10
Health/Life 52(13.9%) Insurance	11		7	13
Additional 68(18.3%) Annual Leave	15		8	11
Market Related 27(7.3%) Enhanced Pay	5		4	8
Other e.g car loan 25(6.7%) BUPA, mortgage aid prof. fees paid etc.	3		2	8
	84 (22.6%)	47 (12.6%)	80 (21.5%)	161 (43.3%)

As for the leavers the stayers choose a lease car 40.9 per cent as their favourite perk with additional annual leave as second 18.3 per cent.

What is your current job pay grade and status? - Stayers.

Age and Tenure.					
	<40yrs		>40yrs		
	<5yrs	>5yrs	<5yrs	>5yrs	
Principal Officer up to SCP 43.	8	3	3	3	17(7.5%)
Principal Officer up to SCP 51.	11	3	-	10	24(11%)
Chief Officer Range.	16	12	21	61	110(50.7%)
Locally Agreed above SCP 51.	13	7	13	16	49(22.5%)
Other.	3	4	5	5	18(8.3%)
	51	29	42	95	217
	(23.5%)	(13.4%)	(19.4%)	(43.7%)	

81.5 per cent of the survey group are on chief officer grades relative and determined by the population band of their authority with a further 11 per cent at SCP 51 indicating a second tier officer grade in most authorities. SCP 43 may well indicate third tier officers which form 7.5 per cent of the group or second tier in the two lowest bands of authorities.

What is your current job pay grade and status? - Leavers.

Age and Tenure.					
	<40yrs		>40yrs		
	<5yrs	>5yrs	<5yrs	>5yrs	
Principal Officer up to SCP 43.	2	1	2	-	5(11.2%)
Principal Officer up to SCP 51.	4	3	1	-	8(18.2%)
Chief Officer Range.	4	1	4	13	22(50%)
Locally Agreed above SCP 51.	3	1	-	2	6(13.6%)
Other.	-	1	-	2	3(7%)
N=44	13(29.5%)	7(15.9%)	7(15.9%)	17(38.6%)	

70.6 per cent of the leavers are on chief officer or higher salary some 11 per cent less proportionally than the stayers with higher proportions 29.4 per cent on lower grades.

Is the work you do in the local authority better than that in the private or other sector legal profession?.  
- Leavers - No.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	3	1	(4)
> 5 years tenure	1	2	(3)
	4	3	7 (15.9%)

With the small numbers in this group, 15.9 per cent of the leavers, a more detailed analysis has not been carried out. The main group of those not believing that the work in their local authority is more attractive than the private sector is those under 40 years of age with less than 5 years tenure 42.9 per cent of the total group.

Is the work you do in the local authority better than that in the private or other sector legal profession?.  
- Leavers - Yes.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	11	5	(16) 43.3%
> 5 years tenure	6	15	(21) 56.7%
	17 (45.9%)	20 (54.1%)	37 (84.1%)

With over 84 per cent of the leavers preferring local authority work the notion of a local government segment is strengthened with the suggestion that these leavers will only seek appointments in other local authorities.



Is the work you do in the local authority better than that in the private sector?.

- Stayers - No.

Age.			
Tenure	< 40 years of age.	> 40 years of age.	
< 5 years tenure	5	7	(12)
> 5 years tenure	2	9	(11)
	7(30.4%)	16(69.6%)	23(10.6%)

This group who believe private sector work is less satisfactory than that in local government form only 10.6 per cent of the total stayers revealing a high proportion of stayers satisfied with their work environments overall. Almost 70 per cent of this group are over 40 years of age suggesting perhaps than some senior members amongst the stayers joined their local authority employer through necessity rather than choice and have not assimilated fully the local government culture.

Is the work you do in the local authority better than that in the private legal sector?.

- Stayers - Yes.

Age.				
Tenure	< 40 years of age.	> 40 years of age.		
< 5 years tenure	47	33	(80)	41.4%
> 5 years tenure	27	87	(114)	58.8%
	74 (38.1%)	120 (61.9%)	194 (89.4%)	

89.4 per cent of the stayers believe that the work of the local authority is better than in the private sector of whom 58.8 per cent have over 5 years tenure with their current local authority.

B). Joining the Authority - Stayers.

1. We are interested in how you became aware of the Authority as an employer at the time you joined. At that time, how important for you was each of the following as a source of information about the Authority?(Please tick one box per line)

Importance N=217				
Source of Information.	Very Important	Of some Importance	Of little Importance	Not Important
National Press.	4%	16%	24%	56%
Personal Contact.	15%	15%	12%	58%
University Careers	0%	0%	12.5%	87.5%
Professional Magazine.	40%	36%	8%	16%
Local Authority Press	44%	32%	4%	20%
Other. local relative, local press, municipal yearbook.				

A surprisingly large section of the stayers found their current job through advertisement in the local press as compared with the professional or local government publications although the local authority magazines once again as with the leavers proved to be the most popular method of finding jobs.

2. Below are some features of working in the Authority. To what extent did you expect to experience each when you joined the Authority? (Please tick one box per line) - Stayers.

Expectation				
Feature of work	Considerable Extent	Some Extent	Little Extent	No Extent
Good Career Prospects	39%	48%	13%	0%
Varied Work	66%	34%	0%	0%
Use Skills	70%	30%	0%	0%
Job Security	35%	48%	13%	0%
Good Pay and Benefits	35%	48%	13%	4%
Friendly Atmosphere	17%	65%	13%	5%
Gain Experience of the Authority	26%	61%	5%	8%
Good Social Life	4%	8%	43%	45%
Opportunity to take exams	13%	9%	9%	69%
Other. service to the public and geographical location.				

Using professional skills and varied workload seem to be the most popular reasons for seeking their current job. Career, security, pay and benefits in order of importance all come some way behind the stayers need for intrinsic fulfilment from their job content.

B). Joining the Authority - Leavers.

1. We are interested in how you became aware of the Authority as an employer at the time you joined. At that time, how important for you was each of the following as a source of information about the Authority?(Please tick one box per line)

Importance - N=44.				
Source of Information.	Very Important	Of some Importance	Of little Importance	Not Important
National Press.	30%	33%	33%	4%
Personal Contact.	31%	35%	30%	4%
University Careers	0%	0%	4%	96%
Professional Magazine.	65%	25%	10%	0%
Local Authority Press	67%	31%	2%	0%
Other(local press).	0%	25%	34%	41%

The local authority journals, the Local Government Chronicle and Municipal Journal, mostly the former, were named as the principal vehicles for the senior legal officer looking for alternative employment. A total of 98 per cent found this publication to be very or of some importance in finding their current post in local government. It is especially interesting but not surprising perhaps that those who joined local government with private sector experience or training used the Lawyer and other journals that advertised both private and public sector law posts.

2. Below are some features of working in the Authority. To what extent did you expect to experience each when you joined the Authority? (Please tick one box per line) - Leavers.

Expectation - N=44.

Feature of work	Considerable Extent	Some Extent	Little Extent	No Extent
Good Career Prospects	40%	40%	20%	0%
Varied Work	60%	40%	0%	0%
Use Skills	100%	0%	0%	0%
Job Security	60%	20%	20%	0%
Good Pay and Benefits	0%	80%	20%	0%
Friendly Atmosphere	40%	60%	0%	0%
Gain Experience of the Authority	40%	40%	20%	0%
Good Social Life	0%	0%	20%	80%
Opportunity to take exams	0%	0%	40%	60%
Other	0%	0%	0%	0%

As with the stayers varied and use skills were chosen as the most popular reasons for seeking their current position. Indeed in this small group there was a 100 per cent selection of use skills as the most popular reason. The larger group size and more diffuse selection of the stayers group does not hide the popularity of this reason amongst the stayers as well. Security and career prospects figure more prominently amongst the leavers.

Stayers N=217 r significant at  $\Rightarrow .478$  at .005 one-tailed  
test \* and .432 at .01\*2 and .364 at .025\*3 and .306 at  
.05.\*4

Attitude towards facets of the job and work environment,  
Correlation between the Importance score of the  
respondent and his/her perceived Experience of that facet  
in the workplace.

#### Leavers Stayers

##### Work Congruence Factors.

Good Job Security.	0.32*4	0.47*
Good Opportunities for Promotion.	0.40*2	0.34*4
Having Job Satisfaction.	0.60*	0.56*
Feeling Valued by the Authority.	0.22	0.49*
Working in a Friendly Atmosphere.	0.24	0.59*
Having High Status.	0.44*2	0.51*

##### Job Characteristics and Job Autonomy.

Good Opportunities to use Initiative.	0.49*	0.56*
Doing Challenging Work.	0.42*	0.49*
Using Your Skills Fully.	0.49*	0.53*
Varied Work.	0.56*	0.61*
Having Control Over Your Work.	0.49*	0.50*
That feedback on your performance is received.	0.15	0.49*
Seeing the Results of Your Work.	0.64*	0.59*
Having Responsibility.	0.56*	0.58*
That you can see work or projects through to their conclusion.	0.54*	0.45*2

##### Remuneration.

Good Pay.	0.45*2	0.48*
Good Staff Benefits.	0.40*2	0.65*

##### Autonomy at Work and Management Discretion.

Having Independence.	0.30	0.62*
That you have the freedom to organise your own work.	0.65*	0.51*
That other senior staff respect your independence.	0.52*	0.62*

##### Relationship with Manager and Peers.

Good Relationship with Boss.	0.54*	0.60*
Good Senior Management Team.	0.67*	0.45*2
Developing professional friendships in the workplace through your job.	0.46*2	0.64*

##### Commitment to Public Service.

Being of Service to the Public.	0.63*	0.56*
That you contribute effectively to the Authorities work.	0.34*4	0.67*

Leavers N=44 r significant at => .478 at .005 one-tailed  
test \* and .432 at .01\*2 and .364 at .025\*3 and .306 at  
.05.\*4



## Notes and References to Chapter One.

<sup>1</sup> Keith-Lucas, B. (1980) The Unreformed Local Government System. Croon Helm.

<sup>2</sup> "There was another official (other than the mayor) who, though less in the public view, was in some ways and in some towns more powerful - the town clerk. He was nearly always an attorney, generally practising as such in the town", see Keith-Lucas, B. (1980) Ibid. p.23.

<sup>3</sup> Hill, L. (1930) The Local Government Officer. London: University Press. p11. The Mayor of Nottingham appointed to his service a legally skilled clerk as early as 1354 to carry out duties devolved from the mayor, see Headrick, T.E. (1956) The Town Clerk in English Local Government. Simson Shand.

<sup>4</sup> Redlich, J. and Hirst, F.W. (1971) The History of Local Government in England. 2nd Edition (ed.) Keith-Lucas, B. Macmillan, pp.24-25.

<sup>5</sup> The Justices were defined in the reign of Edward the third as, "men holding land in the county nominated to that office by the King. A certain number of them must be learned in the law",- see Redlich, J. and Hirst, F.W. (1971) op. cit. pp.14-17.

<sup>6</sup> Webb, S. and Webb, B. (1908) English Local Government: The Manor and the Borough. London: Longmans, Green and Co.

<sup>7</sup> "...the common pattern was for the office (of Clerk) to be held by one of the leading attorneys of the town and, on his death or retirement, by his successor in the legal practice, who was often his son. Thus at Dover John Wellard (1705-18) was succeeded by his son Robert (1718-44), and then by his grandson, Alexander Wellard (1744-63). See also Keith-Lucas, B. (1980) Ibid. p.23.

<sup>8</sup> Epitaph written by William Brown printed in Richards, W. (1812) History of Lynn. Lynn, cited in Headrick, T.E. (1956) op. cit., p.915.

<sup>9</sup> Almost without exception the Clerk conducted their own private legal practice, William Redfern, Birmingham's first Town Clerk, resigned after a years service due to his private practice flourishing - see Gill, C. (1952) History of Birmingham: Manor and Borough to 1865. London cited in Headrick, T.E. (1956) op. cit., p.260, also see "In 1869 when E.J. Hayes replaced Thomas Stanbridge as Town Clerk, there was a tradition that the Town Clerk carried on his private business as a solicitor as well: in 1898 the Town Clerk's office included eight committee

clerks, a Deputy Town Clerk, a Chief Clerk and two Assistant Solicitors." Briggs. A. (1978) Victorian Cities. Odhams Press, p.241.

10 Podmore, D. (1980) Solicitors and the Wider Community. Heineman. Podmore says, "Solicitors seem to have been quite prominent in local politics since the reform of municipal government in the middle years of the 19th century. In Birmingham, for example, there were three solicitors on the council in 1852, 4.7% of all members and four 6.3% ten years later...and in Exeter as much as 17.4% between 1835 and 1847. In 1876 there were twelve solicitor-mayors..and in 1901 four mayors and eleven aldermen were solicitors in the London boroughs alone". p.62

11 In the Country Districts local government was in the hands of justices assembled in quarter sessions. They were the only men with both the knowledge and the skills to, "provide any sort of continuous administration of the policy decisions which the councils or quarter sessions might make". see Kirk, H. (1976) Portrait of a Profession. Oyez Press, p196.

12 The position of Clerk of the Peace had existed since the 14th century, and was without doubt the most important county official. The office was in the gift of the Lord Lieutenant of the county and, "it was common for him to appoint his family solicitor, who probably also looked after the family estate and acted as his political agent. Keith-Lucas, B. (1980) The Unreformed Local Government System. Croon Helm, p25.

13 Smellie, K.B. (1968) A History of Local Government. 4th edition, Longman.

14 Webb, S. and B. (1908) op. cit.

15 "The corporation was not so much his employer or master as one of his clients", Keith-Lucas, B. (1980) op. cit. p23.

16 Keith-Lucas, B. and Richards, P. (1978) A History of Local Government in the Twentieth Century. Allen and Unwin, p25.

17 Chadwick, E. (1965) Report on the Sanitary Conditions of the Labouring Population of Great Britain (1842) in Finn, M.W.(ed.) Edinburgh University Press.

18 See Haynes, R.J.(1980) Organisation Theory and Local Government. Allen and Unwin, p.170, who describes the Town Clerks department of Birmingham as having, "exercised a totally informal, co-ordinative function based on the exercise of persuasion rather than formal authority".

19 The middle part of the 19th century saw organised efforts to attract a better standard of candidate to seek

employment in the public service. The Superannuation Acts of 1834 and 1859 were equally important in providing later the basis for a career structure model for local government which attracted such employees. see Hill, M.J. (1972) The Sociology of Public Administration. Wiedenfeld and Nicolson, p.40.

20 Chadwick, E. (1965) op. cit.

21 Quoted in Best, G. (1985) Mid-Victorian Britain 1851-75. Fontana Press.

22 The 1871 act can be criticised for its retrogressive approach to local government professionalism, as Macdonagh says, "it tended to replace the specialist and expert type of executive officer by the "general practitioner". see Macdonagh, O. (1977) Early Victorian Government 1830-1870. Wiedenfeld and Nicolson, p.131.

23 The role of the Justice of the Peace as auditor of the accounts of parishes, boards of guardians, and boards of health ended when new charters were granted to form borough councils and when the new urban and rural councils came into being. Dyer, J. Stygall, F. and Dony, J. (1964) The Story of Luton. White Crescent Press, p.161.

24 Lord Coke, quoted in Redlich, J. and Hirst, F.W. (1971) The History of Local Government in England. Macmillan, p.208, "The whole Christian world hath not the like office, if duly executed".

25 "The new borough council took over the whole of the work of the old board of health, but it was a completely responsible body having no over-riding jurisdiction by the magistrates" Dyer, J. Stygall, F. and Dony, J. (1964) op. cit. p.159.

26 The new poor law district was administered by the Justices of the Peace sitting ex-officio with an establishment of paid officers, including a legally qualified Clerk.

27 The Education Act of 1902 raised the question of whether any administrative functions should be left with ad-hoc authorities.

28 He said, "in fact a legal training is definitely wrong. What our cities lack more than anything is vision and imagination, the long and courageous view. How can such ideals survive the cold criticism of a lawyer town clerk?", Simon, E.D. (1926) A City from Within. Macmillan, p.136.

29 Royal (Onslow) Commission on Local Government, Third Report, 1929, pp.18-19, 46, 111, 132.

30 Underwood, A. (1974) Home Rule for Ampthill. Charles Elphick Ltd, p.145.

31 "Mr Jarratt, on behalf of the Society of Town Clerks, expressed the view that it was almost essential for the Town Clerk of any Borough, whether large or small, to have legal qualifications. The Town Clerk was "in a peculiarly favourable position to act as the link, the consultant and the co-ordinator in respect of all." The National Association of Local Government Officers suggested that "successful local government administration can be attained only by complete co-ordination of the various departmental activities", and "we might find room for the qualified administrator of a type that you have in the Civil Service-an administrator as distinct from a lawyer..." from the Royal Commission on Local Government 1923-29 Final Report (November 1929), Cmd.3436, pp.115, 118-9, 125, and 130-4, 137.

32 The Onslow Commission examined issues in the 1929 Report that possibly had not been raised before, notably the reconciliation of national standards with local authority autonomy, recruitment of graduates to the service; and the need for an administrator of broad outlook as principal officer-with scepticism about the value of his holding legal qualifications.

33 Report by the Departmental Committee on the Qualifications, Recruitment, Training and Promotion of Local Government Officers (1934) pp31-33.

34 "The Hadow Report was received without enthusiasm by local authorities who, correctly, saw its proposals as curtailing their freedom of action in staffing matters". Poole, K.P. (1978) The Local Government Service. Allen & Unwin, p.19.

35 The Reports views on the departmental structure were that, "the outstanding feature of the Corporation's organisation structure, and indeed that of local authorities generally...is the large number of virtually self-contained departments each responsible through its controlling committee to the council". Treasury Department. Coventry and Organisation and Methods. Vol.32, Public Administration, 52, (1954).

36 Ibid.

37 The Town Clerk was to be responsible for a new administrative co-ordinating committee and no longer function in the role of legal adviser. The report further suggested that the legal duties should be carried out in a separate department. The Town Clerk for Coventry of the time rejected these latter two recommendations stating that legal knowledge was vital in the performance of the non-legal duties of the Clerks job.

38 Podmore,D. (1980) op. cit.



39 The Mallaby Report (at p.20) saw the increase in the number of local government legal professionals as not taking place at the expense of other areas of the profession which supports this view.

40 Thornhill, W.(ed) The Growth and Reform of English Local Government. Wiedenfeld and Nicolson, 1971, p.26, states that, "the 1950's and 1960's were a difficult time for the local government service; a dearth of suitable applicants for general administration and specialist posts; intense competition from other forms of employment; and changed public attitudes, especially on the part of younger people, which relegated public employment to a low place in their preference scale".

41 Committee on the Management of Local Government, H.M.S.O., 1967.

42 The Mallaby Report showed at pp.191-192 that only six professions in 1967 had smaller percentages of unfilled posts out of the twenty-four professions surveyed which suggested that there was no great shortage of qualified lawyers.

43 Redlich, J. and Hirst, F.W. in (ed) Keith-Lucas, B. (1971) The History of Local Government in England. Macmillan, p.262 - Committee on the Staffing of Local Government, H.M.S.O., 1967.

44 Harvey Cox, W. (1976) Cities: The Public Dimension. Penguin. p.136.

45 Bealey, F., Blondel, J. and McCann, W.P. (1965) Constituency Politics. Faber, p.245. Found that in Newcastle-under-Lyme, "24% of all respondents (to their survey) were dissatisfied with their council's services", see Hill, D.M. (1960) Participating in Local Affairs. Penguin. pp.53-54 and 68-69; Grundy, J. (1950) Non-voting in an Urban District. Manchester School of Economics and Social Studies, Vol. 18, pp.353-370. to name but a few.

46 The Mallaby Report - Committee on the Staffing of Local Government. H.M.S.O., 1967.

47 Ibid.

48 Greenwood, R. Walsh, K. Hinings, C.R. and Ranson, S. (1980) Patterns of Management in Local Government. Martin Robertson. p.50. (95 per cent of Councils developed a policy committee 98 per cent of authorities appointed chief executives and management teams after reorganisation).

49 See Knowles, R.S.B. (1971) Modern Management in Local Government. Butterworth. p.25, see also Stanyer, J. (1967) County Government in England and Wales. Routledge and Kegan Paul, p.24. "Each Committee likes to have its

- own [chief] officer", and Marshall, A.H. (1965) Local Government in the Modern World. Athlone Press, U.O.L. p.17.
- 50 See Jones, G. and Norton, A. (eds.), (1978) Political Leadership in Local Authorities. INLOGOV.
- 51 See Thornhill, W. (ed) (1971) op. cit., p.10.
- 52 Murray, T., Dingwall, R. and Eekelar, J. (1983) Professionals in Bureaucracies: Solicitors in Private Practice and Local Government. In Dingwall, R. and Lewis, P. (eds.), The Sociology of the Professions, Macmillan.
- 53 See Poole, K.P. (1978) op. cit., p.130.
- 54 See Hampton, W. (1970) Democracy and Community. O.U.P. p.284 and Boaden, N.T. (1971) Urban Policy-Making. Cambridge University Press, pp.112-115.
- 55 See, Stoker, G. (1990) The Politics of Local Government. Macmillan. pp.86-88.
- 56 Collins, C.A. (1978) Considerations on the Social Background and Motivation of Councillors. Policy and Politics. 6, p.425.
- 57 Ibid., p.425.
- 58 Ambrose, P. and Colenutt, B. (1975) The Property Machine. Penguin. pp.109-12.
- 59 Dennis, N. (1972) Public Participation and Planners' Blight. Faber. p.239.
- 60 Stewart, J. and Clarke, M. (1988) Chief Officers: Roles, Dilemmas and Opportunities. Local Government Training Board.
- 61 Laffin, M. and Young, K. The Changing Roles and Responsibilities of Local Authority Chief Officers. Public Administration, Vol.63, Spring 1985, pp.41-59.
- 62 "The different departments of the council were jealously guarded by the "big barons", the chief officers whose control over their "fiefdoms" meant that members had little say in spending or standards of service. It was easy for the chief officers with their technical knowledge to say "no" to councillors and to their own staff". PA Consulting Group, Report entitled, Wansdyke District Council: A Case Study in Survival., published by Wansdyke District Council, 1989, P.6. See also Meikle, J.R.G. Cllr., Leader, Taunton Deane District Council. Changing the Role of a District Council. Local Government Policy Making, November, 1984, P.7.
- 63 Young, K. (1990) op. cit.

- 64 Lipsky, M. (1979) The Assault on Human Services: Street Level bureaucrats: accountability and the fiscal crisis., in Greer, S. et al.(eds).
- 65 Cochrane, A. (1985) The Attack on Local Government : What it is and What it isn't. Critical Social Policy, No. 12, pp. 46-62.
- 66 Elcock, H. (1991) Change and Decay? Public Administration in the 1990s. Longman. p.17.
- 67 Pirie, M. (1981) Economy and Local Government., in Butler, E. and Pirie, M. (eds) Economy and Local Government. London, Adam Smith Institute, p.13.
- 68 Stoker, G. (1990) op. cit., p.227.
- 69 Young, K. (1987) Politicians and Professionals - The Changing Management of Local Government. L.G.T.B., p.9.
- 70 Daily Telegraph 23rd May 1979 Coventry University Library newspaper archives.
- 71 Speech to the Institute of Socio-Economic Studies, N.Y. 15th September 1975. British Library archives of speeches and conferences.
- 72 Cousins, K. (1988) The Restructuring of Welfare Work :the introduction of general management and the contracting out of ancillary services in the NHS. Work and Employment (2), p.5.
- 73 Hoggett, P. (1990) Modernisation, Political Strategy and the Welfare State: An Organisational Perspective. S.A.U.S University of Bristol. p.22.
- 74 Murray, F. (1983) The Decentralisation of Production - The Decline of the Mass Collective Worker. Capital and Class, No.19.
- 75 The Coopers and Lybrand Report identifies client and contractor duties as:- Client - Management of the supply of legal services to the council. Legal advice to the council, council committees and councillors. This would include strategic and corporate advice, the monitoring officer role and responsibility for probity, and the monitoring and review of contracts for legal services provided by the contractor(s).
- 76 Contractor - The supply of advice to departments of the council. The supply of routine legal administrative services, e.g. conveyancing, litigation, right to buy matters etc. The contractor is predominantly a "legal" officer, that is a qualified solicitor. These solicitors have had to acquaint themselves with the new fields of contract and commercial law with regard to compulsory

competitive tendering as it relates to each individual departments sphere of operations.

77 Hoggett, P. (1990) op. cit. p.22.

78 L.G.M.B. Competing for Professional Services. January, 1994, Ref: H0083.

79 Some authorities already have some years experience of such change, at least in part, brought about for other reasons. In certain local authorities the "contracting-out" of services or parts of a service, had been introduced ahead of any central government initiatives.

80 Alexander, A. (1991) Managing Fragmentation - Democracy, Accountability and the Future of Local Government. Local Government Studies, Nov/Dec. p.70.

81 Coopers and Lybrand. Report on the Percentage of Legal Services to be Subjected to CCT. Department of the Environment, 1993.

82 In the late 1980's and early 1990's the organisation currently known as the Local Government Management Board (LGMB) was divided into two specialist functions. One of these functions was the Local Government Training Board (LGTB) responsible for providing and advising local authorities on training issues. The other function was the Local Authority Conditions of Service Advisory Board (LACSAB) which carried out local government personnel based research and advised local authorities on the correct interpretation of staff terms and conditions.

83 L.A.C.S.A.B. (1990) Legal Staff Survey, 1989 - Skills Shortages. Published March LGTB/LACSAB p.(i).

84 The Law Society survey of local government recruitment in 1988 found that only 52 per cent of posts were filled the first time advertised, of the 48 per cent not filled 27 per cent were readvertised, 5 per cent were filled with legal executives and down-skilled, 13 per cent of posts were abandoned with the work probably being contracted out and the remaining 3 per cent of posts were readvertised at a higher grade/pay scale.

85 Local government at this time prior to the 1990's recession was experiencing recruitment problems across a range of occupational groups. Although professional posts were worst effected, support and technical jobs were also remaining vacant. The general reasons to explain this situation include: the increasing economic activity of the time, rising demand for staff and a tighter labour market, restricted supplies of staff coming into the market caused by inadequate training provision in the past, and other factors such as house price inflation and unequal regional development causing difficulties with staff moving around the country. The demographic reduction in school leavers in the mid 1990's also has



ramifications on employees at all levels as the supply of new trainees is restricted.

86 L.A.C.S.A.B. (1990) op. cit. p41.

87 The Audit Commission Report (1990) Competitive Counsel. H.M.S.O. The Report found that the most common structure in district councils in England and Wales was of a legal Chief Officer reporting directly to the Chief Executive, or to have a legal Chief Officer, possibly at second tier, reporting to a "non-legal" Officer, more often a director responsible for administration and committee services.

88 Some local authorities have re-organised their legal services and shed staff in order to reduce costs or as a result of skill shortages or in anticipation of CCT. This is also true of some of those authorities who are de-minimus due to their running costs being too small to warrant any part of their service being market tested.

89 L.G.M.B. (1993) Pay in Local Government. Local Government Management Board. 1993, p.82.

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- 95 Pavalko, R.M. (1974) Sociology of Occupations and Professions. Peacock, p.16., states, "The very idea of a continuum implies that the differences on which we are focusing are differences of degree and not differences of kind...to what extent is a particular work activity a profession?...to refer to an individual as a professional is to accord him a high degree of prestige and respect".
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112 Ibid., p.737.

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- 140 A limited degree of monopoly control over that knowledge base and the partial strategies of occupational closure and control which makes this available. A knowledge base and task repertoire that are organisationally diverse and resist complete codification of a highly formal kind, but are also dependent on an appreciation of complex relationships and the practice of craft skills embedded in systematic, reflective understanding.
- 141 Clients for each segment are also radically different, the family lawyer will have many individual clients, the corporate lawyer a few, the employed legal professional will have just one, the Council.
- 142 Significant contextual or external constraints and internal limitations upon the exercise of discretion and autonomy concerning the context and performance of work tasks.
- 143 Internal functional differentiation and hierarchical stratification within the occupational group that militates against the emergence and maintenance of a strong and cohesive occupational identity and culture firmly resistant to the challenge of competitor groups.
- 144 A relatively high degree of work-related and occupationally-related heterogeneity.
- 145 The right of a professional to be subject to the standards, rules and discipline of his professional peers is jealously guarded, while local government bureaucracies have their own disciplinary and capability procedures, only the professional body can prevent the professional from practising.
- 146 The Local Government Group and Conference of the Law Society plus the existence of the lawyers dominated Association of District Secretaries illustrates this

point. Interests and associations across the legal profession are not the same and there must be some doubt whether the law society represents all the different segments points of view (see above).

147 In local government this mission ethos is said to be a specific reason which has caused many individuals to join who wish to serve the community.

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Bureau of Business Research. Donnell observed that in-house counsel deal with considerable role ambiguity and tension stemming from incompatible professional ethics and business objectives. See also Derber, C. (1983) Managing Professionals: Ideological Proletarianization and Post-industrial Labor. Theory and Society, 12, pp.309-341. Derber states that control over legal skills and knowledge is unaffected by bureaucratic employment while professional ideals, ethics, service to the public for example may be compromised. Bureaucratization affects different segments of the legal profession in different ways but there is "scant evidence that autonomy or monopoly over legal skills is jeopardized by employment in a bureaucratic organisation".

224 Weber (1947) op. cit., Weber did not, perhaps, address the implications of expertise within the bureaucratic structure. Parsons introduced to the theory the distinction between administrative and professional personnel and Wilensky demonstrated the bureaux difficulty in operating without such specialist knowledge even though it appears to counteract the bureaucracies tendency towards centralisation and homogeneity. These writers beliefs indicate an inherent conflict between the professionals monopoly of expert knowledge and the administrative/managerial staffs rule authority. See also Wildavsky, A. (1972) The Self-Evaluating Organisation. Public Administration Review. 42, pp.509-520.

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226 Hughes, E.C. (1958) op. cit. Hughes states that the professional believes he has the right, to extend the meaning of the service ideal, "to telling society what is good and right for the individual and for society at large in some aspect of life".

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pertains, and a greater predisposition to accept the guidance of officers. Since then...in many authorities, politicians of all major parties have become clearer about their political goals and priorities and more determined to ensure that these are implemented". On page 125 the Widdicombe researchers reported that, "...it is almost inevitable that frictions between...members and officers will be created".

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230 This quote actually begins with Mr Payne suggesting district solicitors should "give in" to capricious members over minor disagreements in order to keep their jobs, - this was reported in "Solicitors warned to avoid test of wills with members", Local Government Chronicle, 23rd November 1992 p.5.

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232 See Bedfordshire on Sunday for example Sunday March 7, 1993, "Senior council employee to take legal action against outspoken Conservative politician?".

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(b) All pupils on appointment become employees of the authority and no premiums shall be required from pupils articulated to officers.(c) No existing contract of service shall be adversely affected by this provision".National Joint Council for Local Authorities, APT&C Scheme of Conditions of Service,LGMB,1983.

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Economics, pub. no. 36-452.

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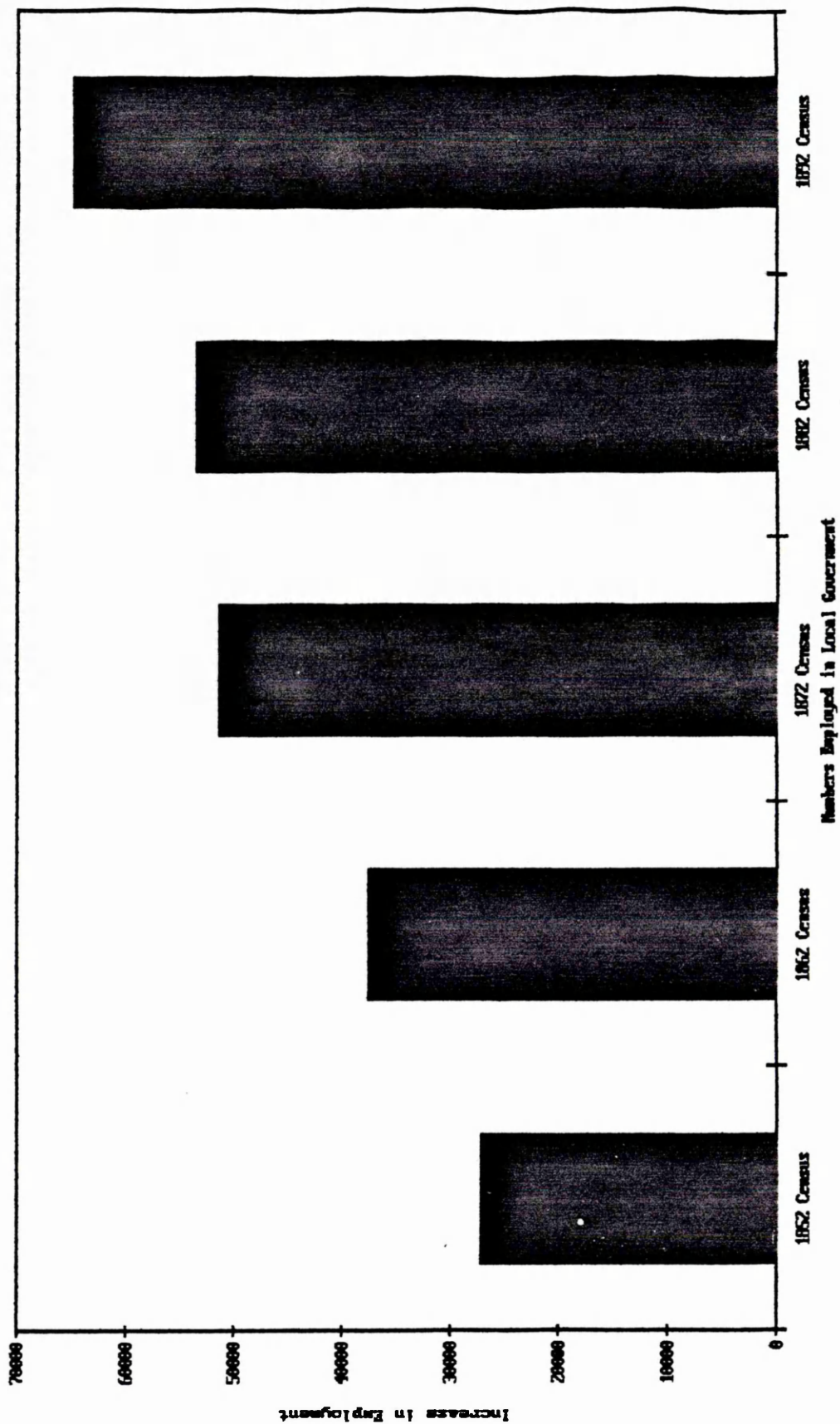
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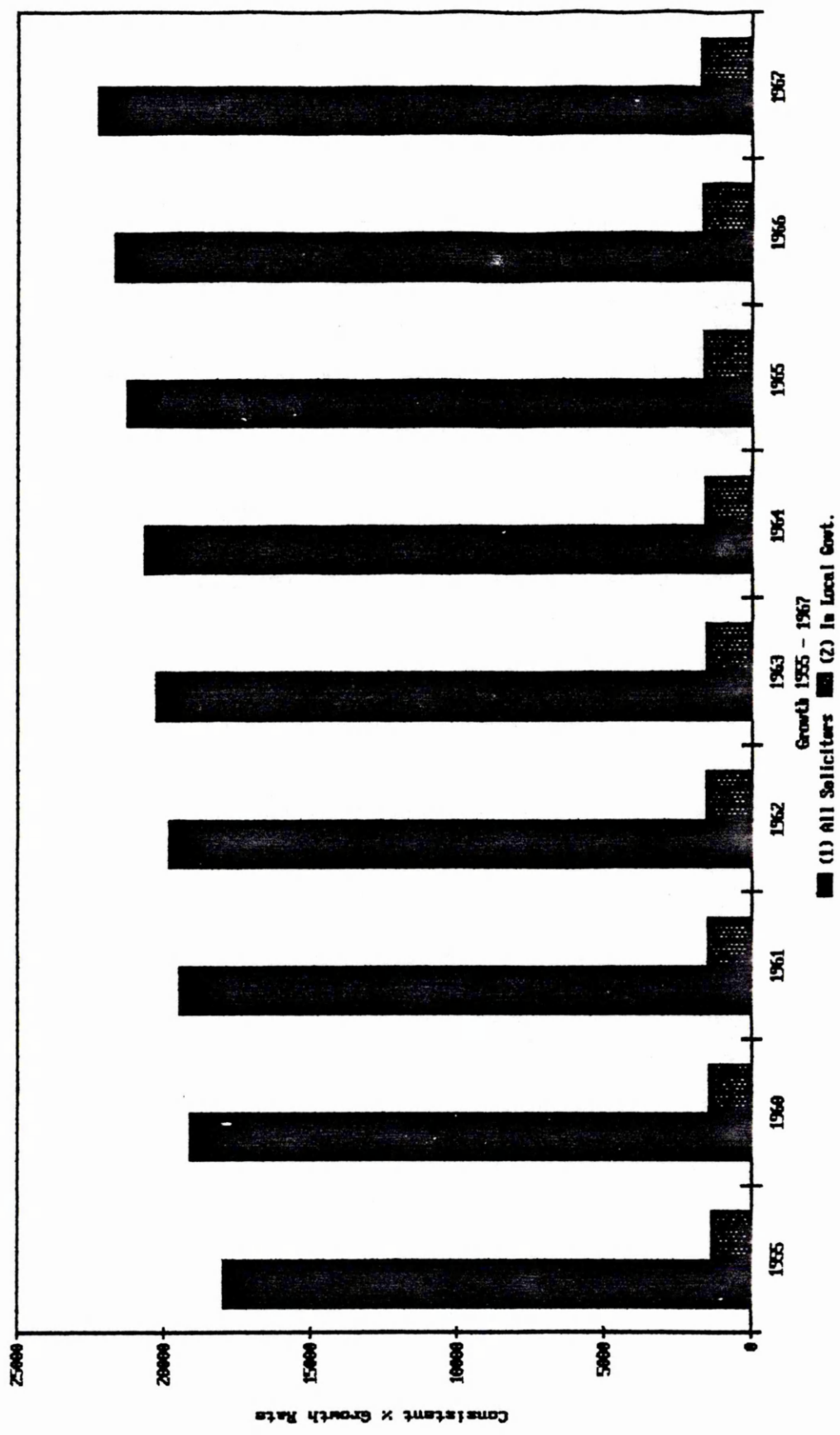
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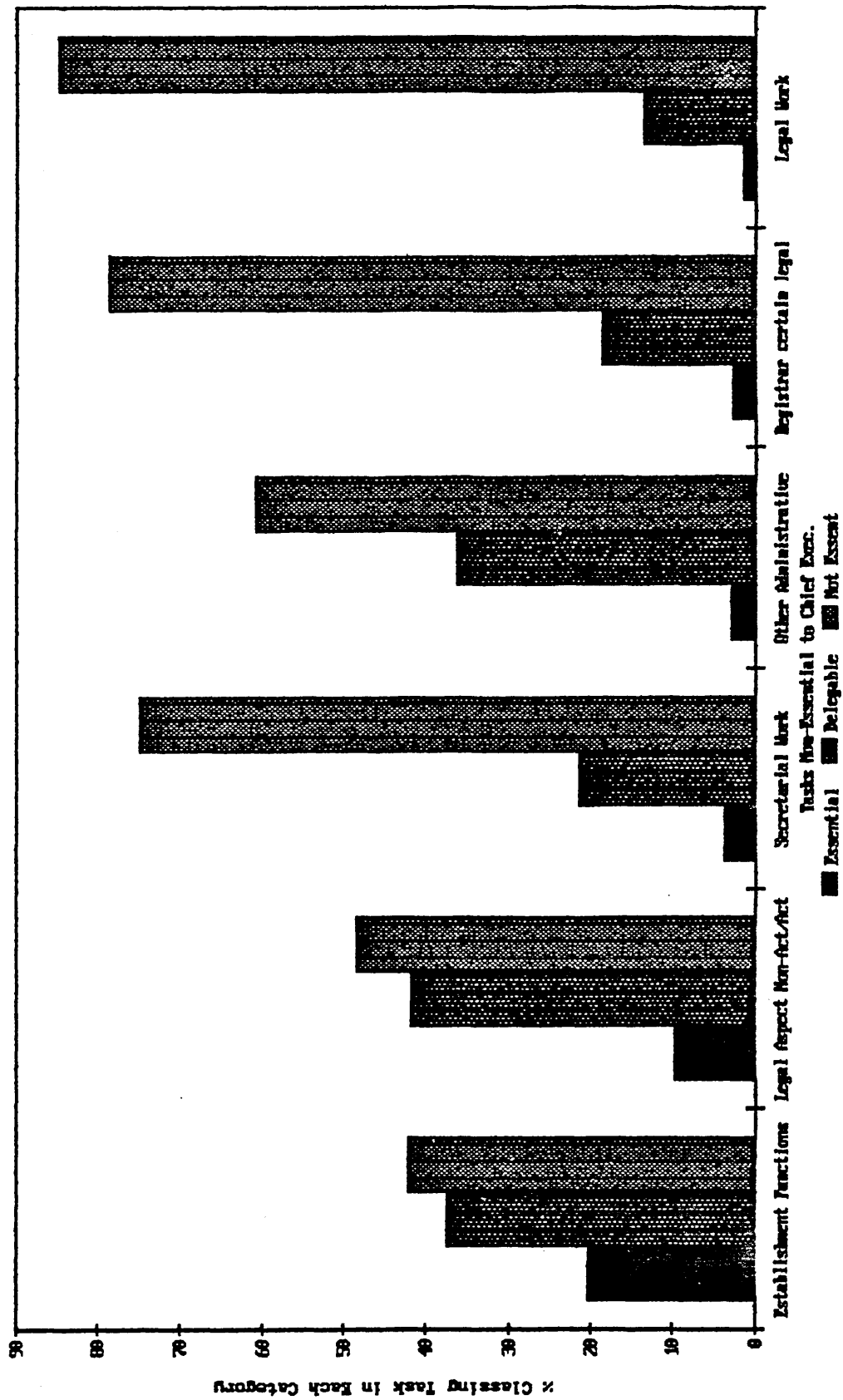
Local Government Employment  
Census Reports 1851-1892



Legal Profession Growth - Table 1  
Comparative Private/Local Govt.

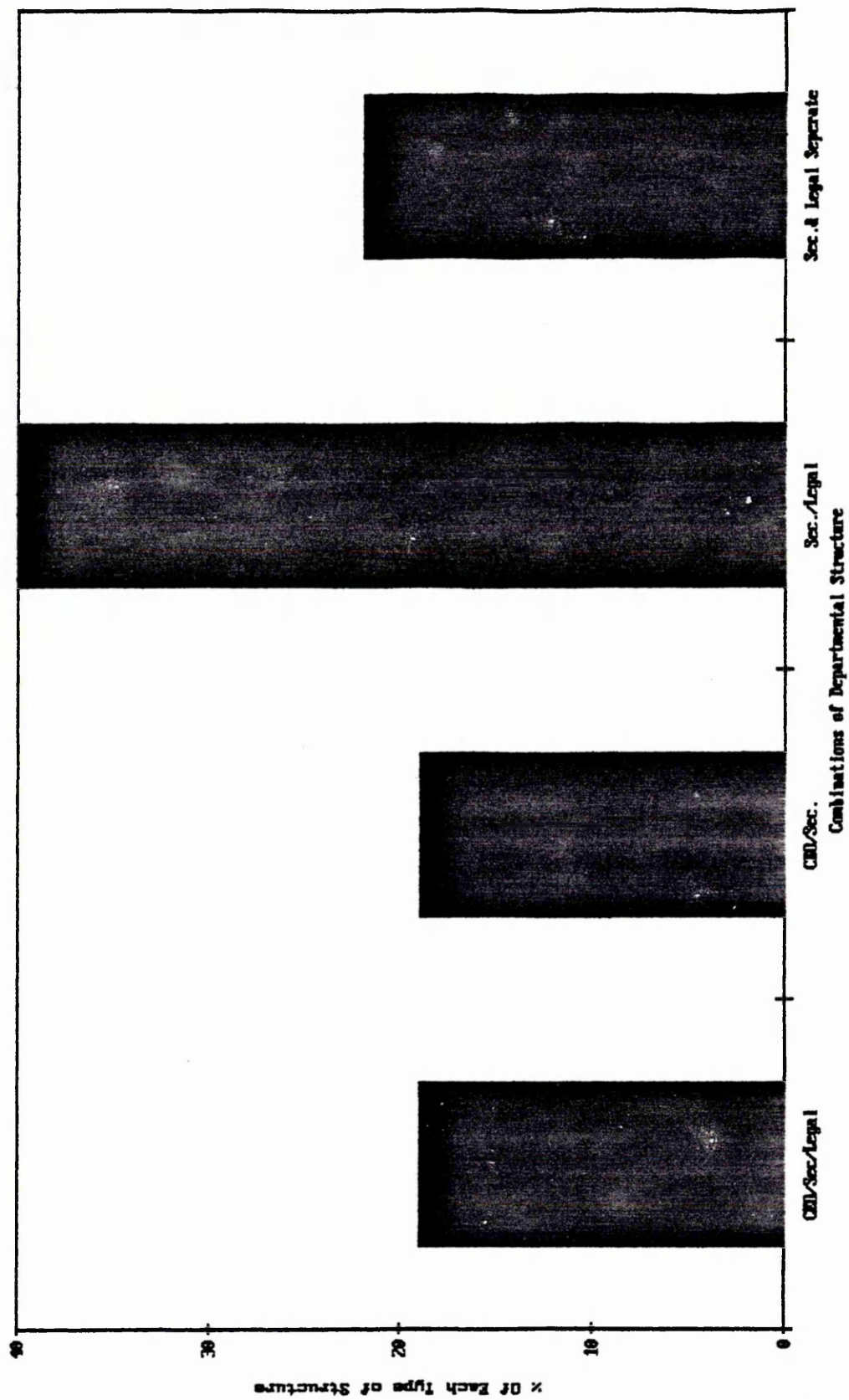


**Role of the Chief Executive  
Job Functions Considered Non-Essential**

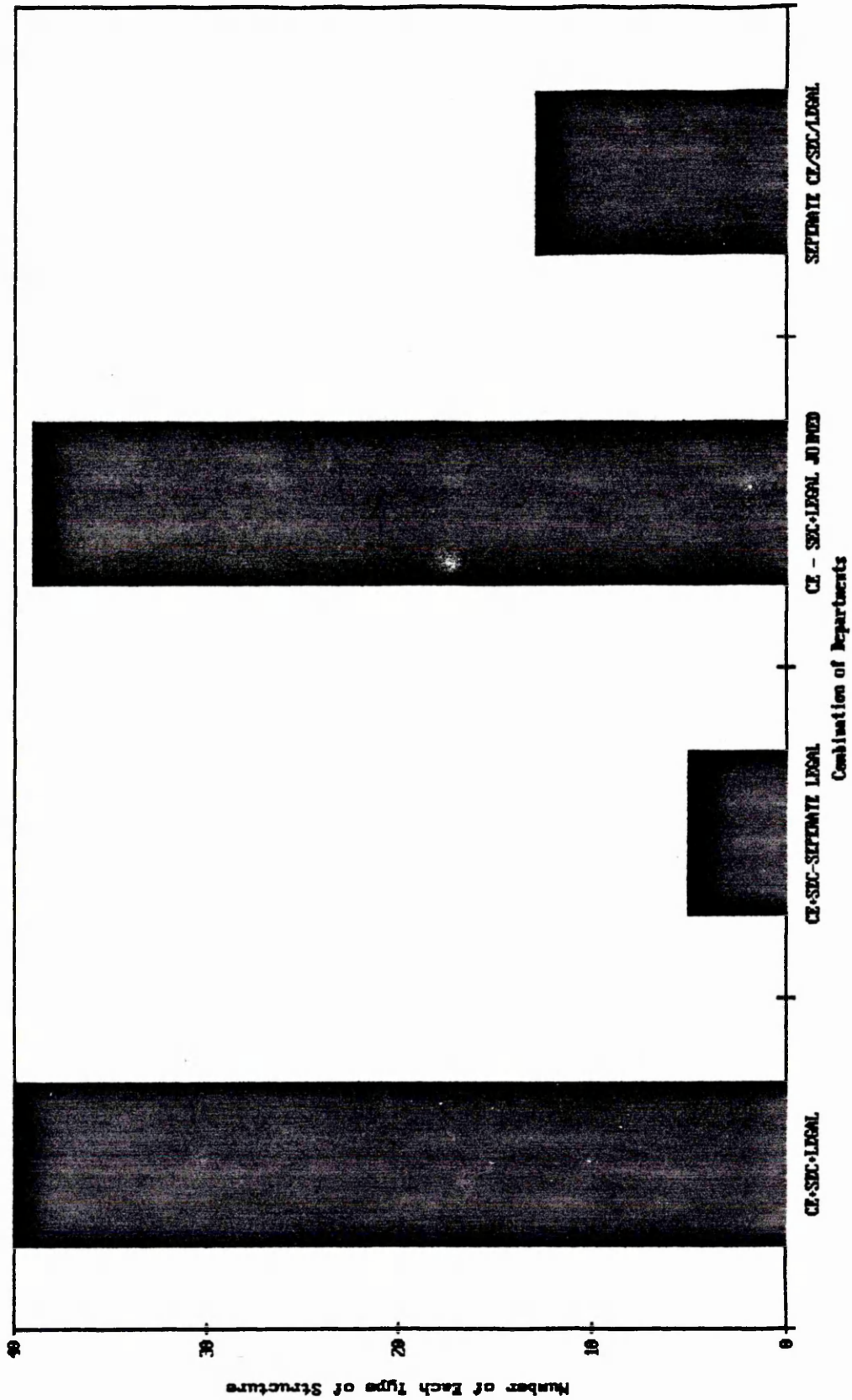




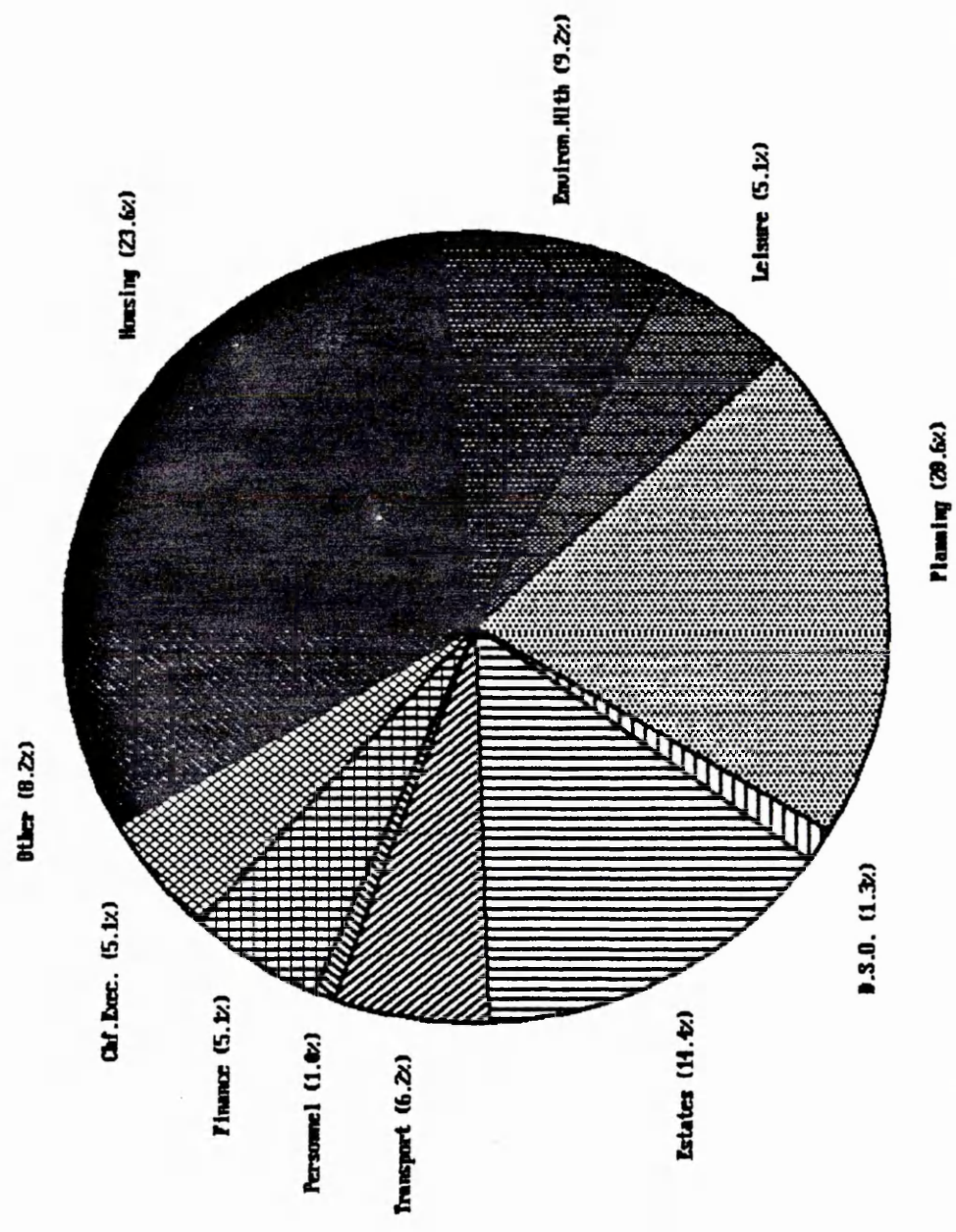
Shire Districts Structure  
Layers Position in the Organisation



Audit Commission "Quality Exchange"  
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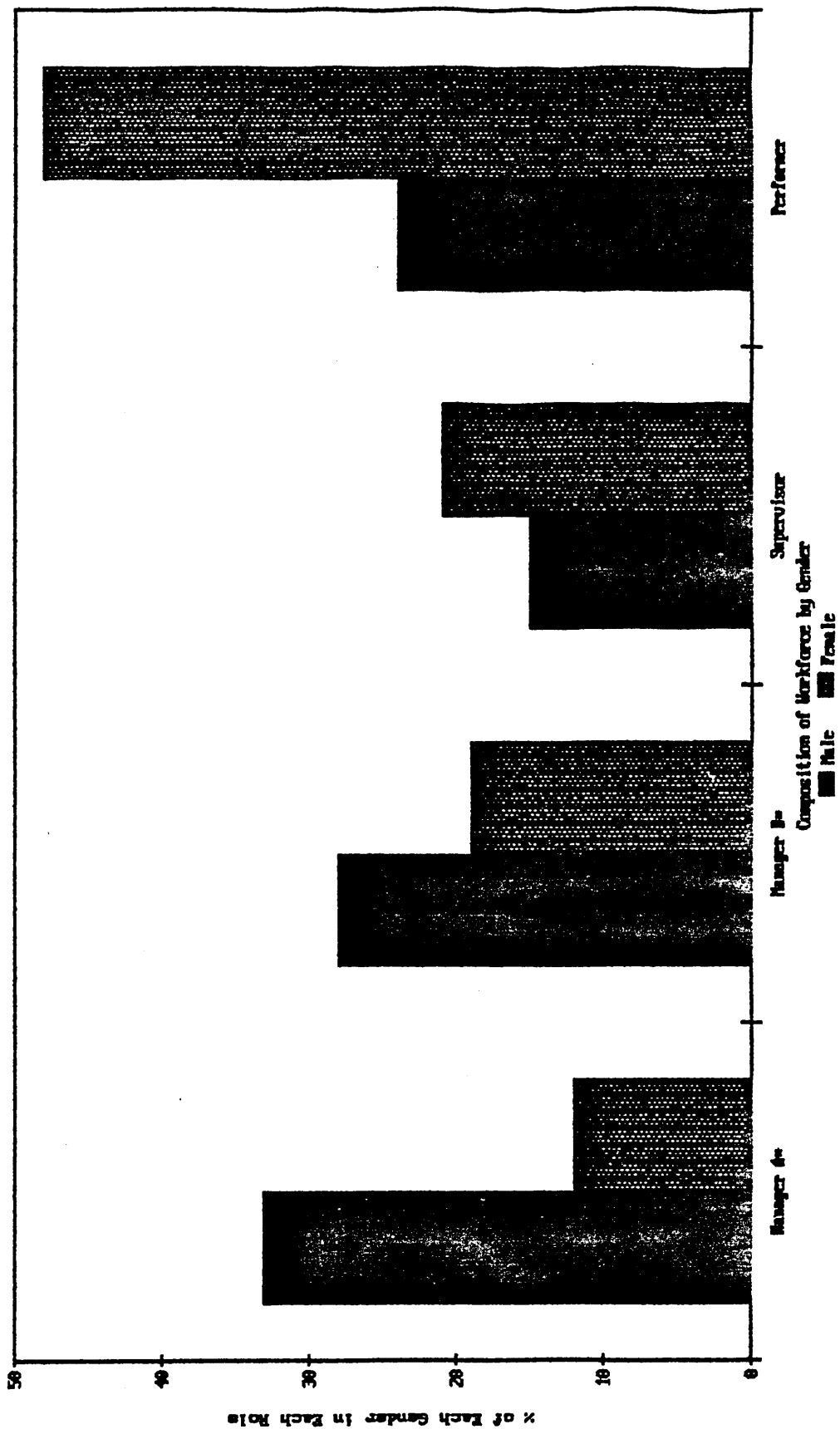


Audit Commission 1992  
% Allocation Legal Services Budget

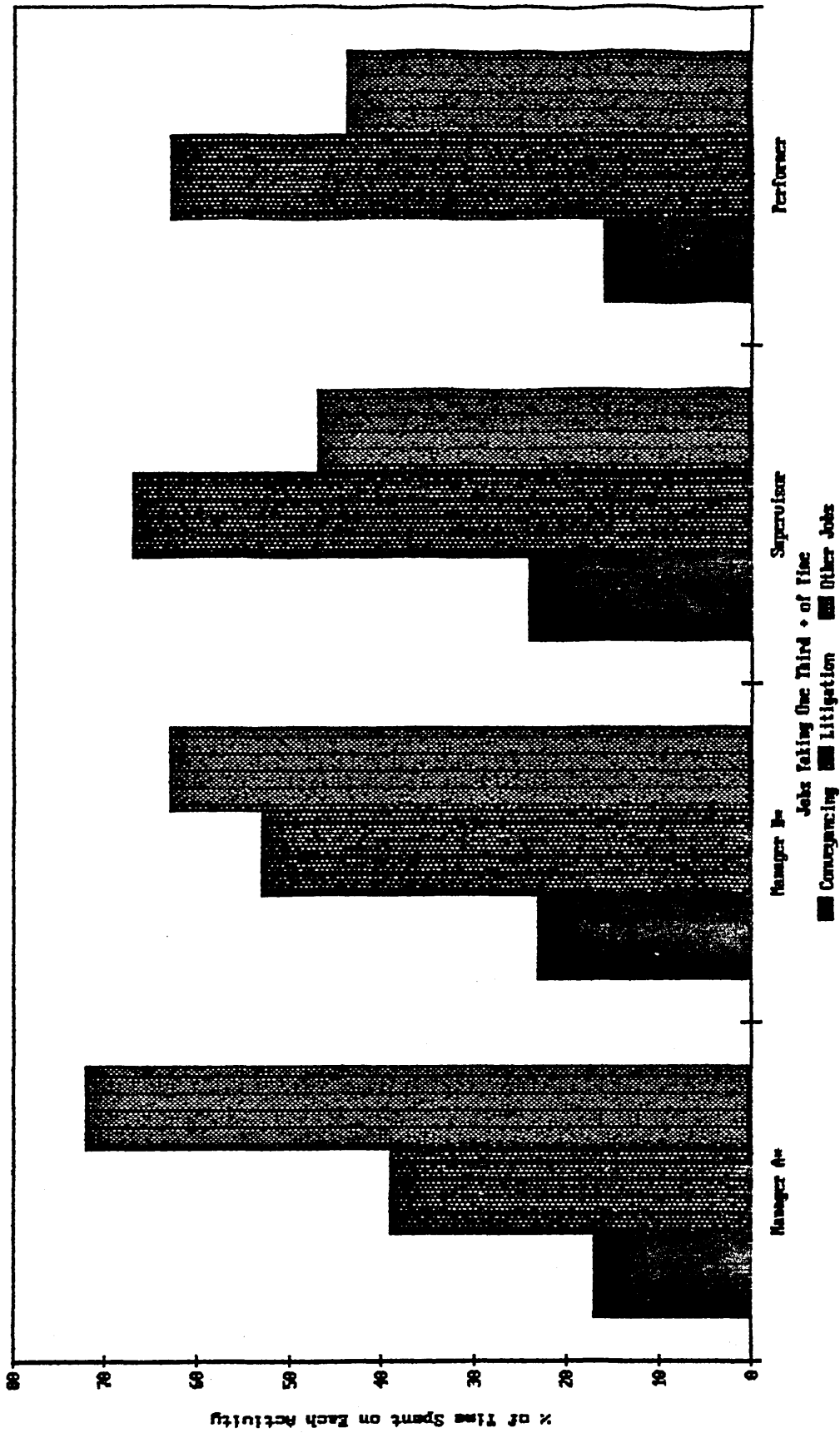




Legal Staff Survey 1989  
Level of Work by Gender

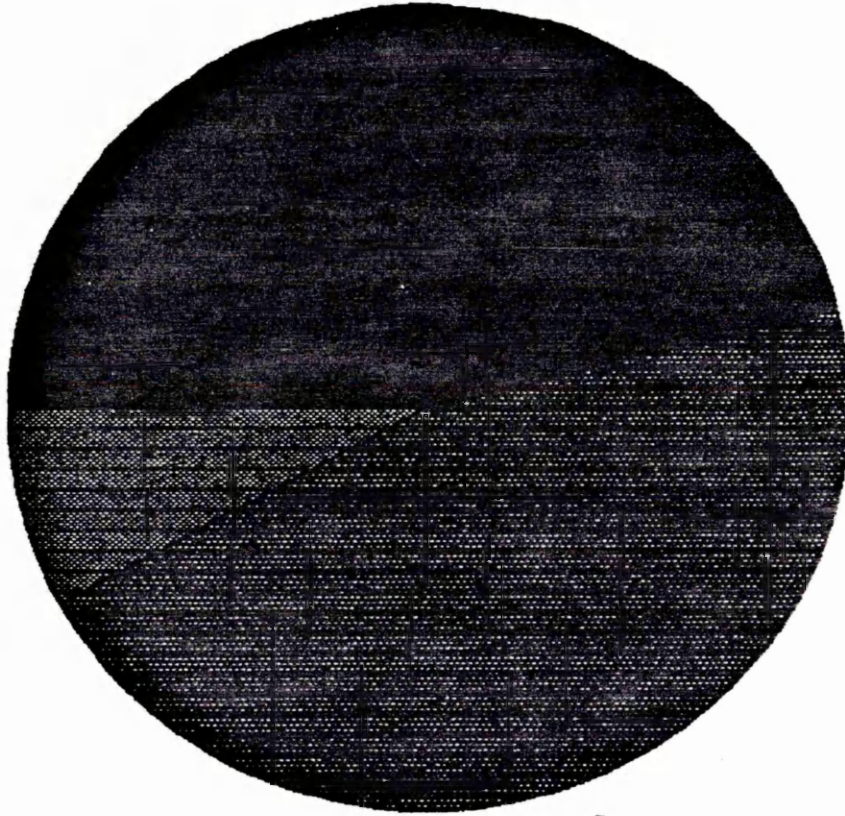


Legal Staff Survey 1983  
Distribution of Staff by Job Activity



The Role of the Monitoring Officer  
Lawyers in District Councils

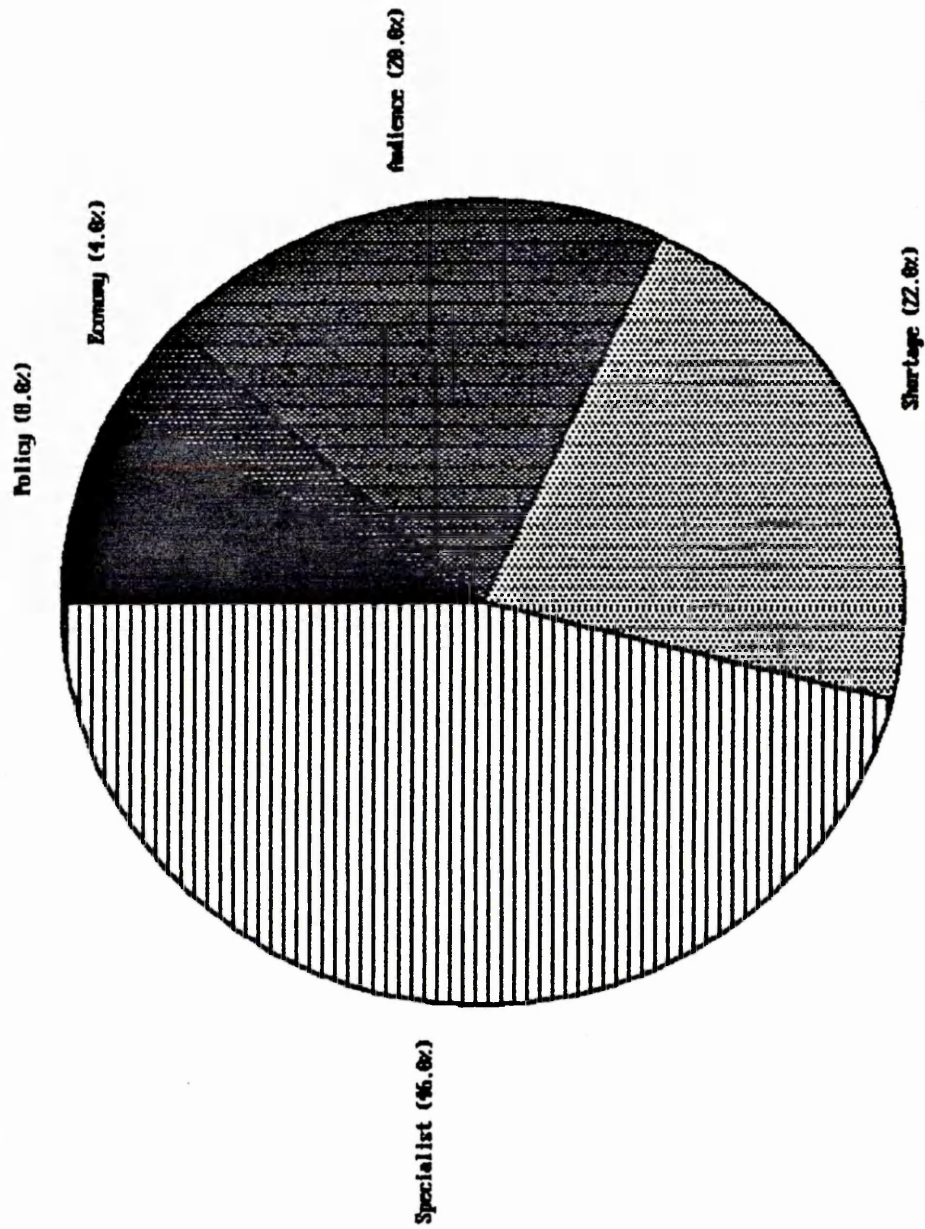
Other (8.8%)



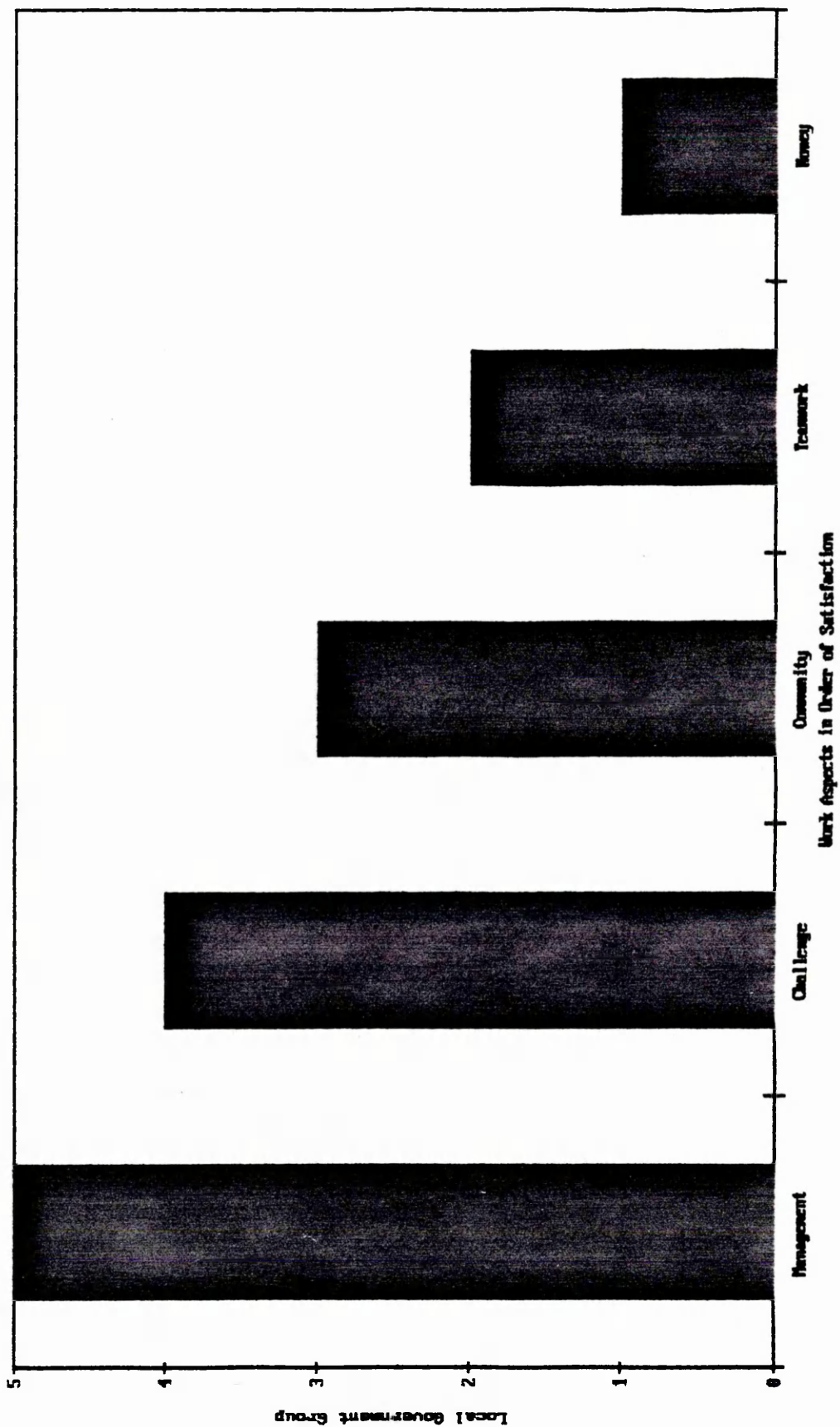
Chf. Exec. (46.8%)

Lawyer (46.8%)

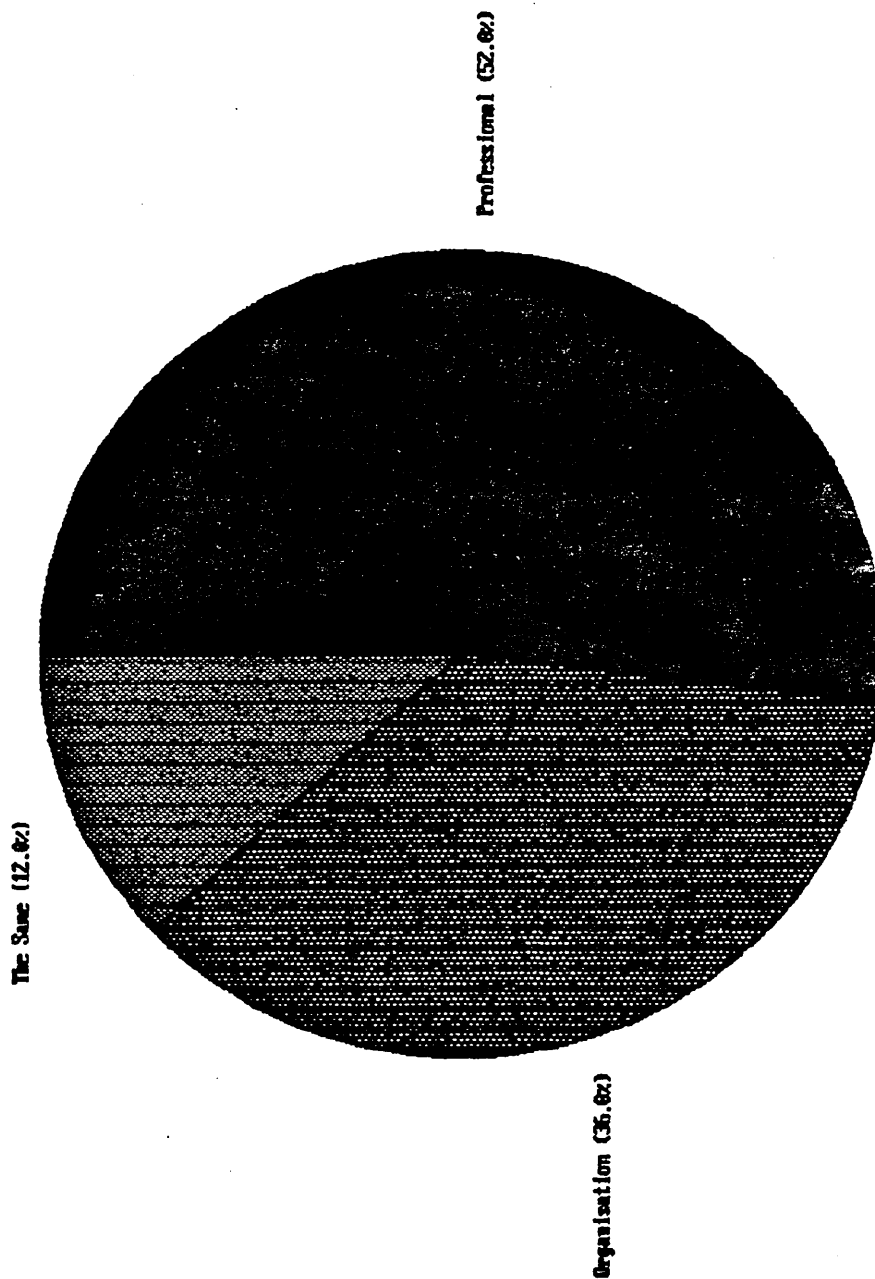
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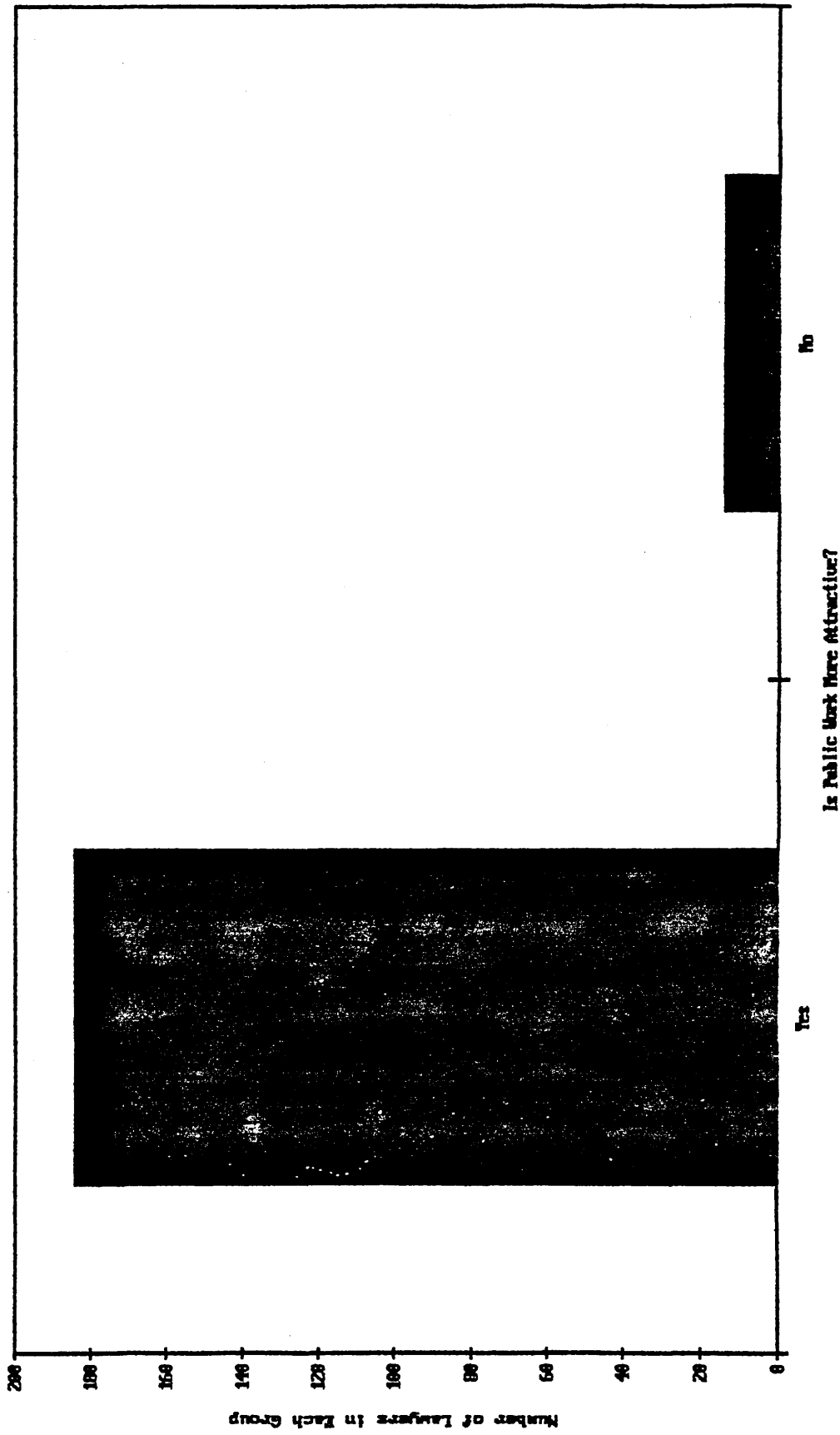
Lawyers and Job Satisfaction  
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**Lawyers in District Councils  
Standards to which Committed**

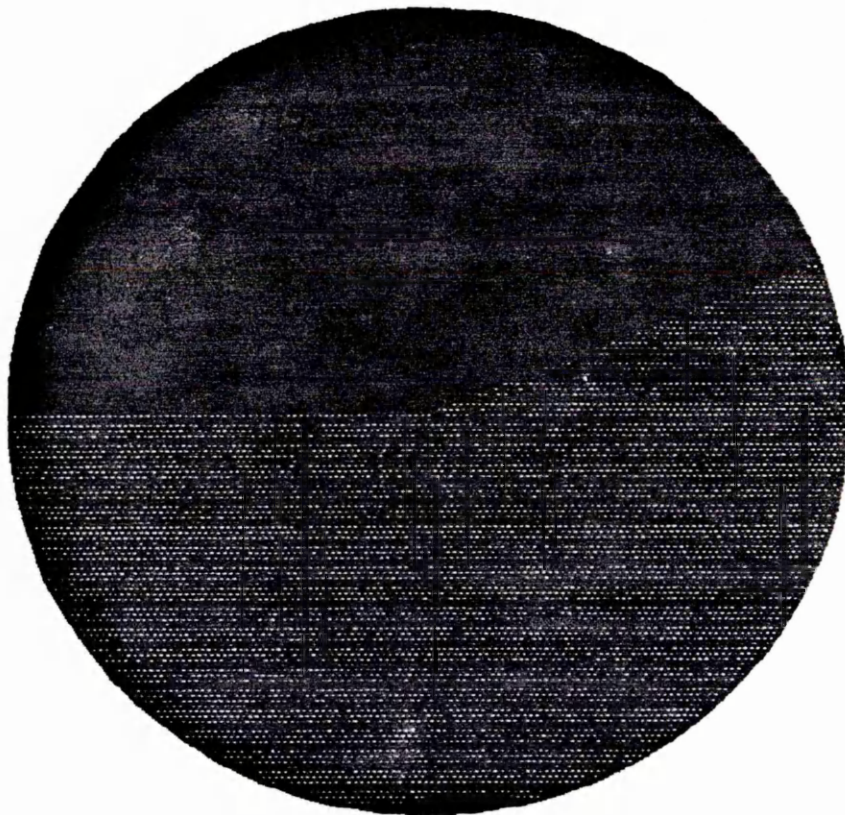


Lawyers in District Councils  
Private Compared with Public





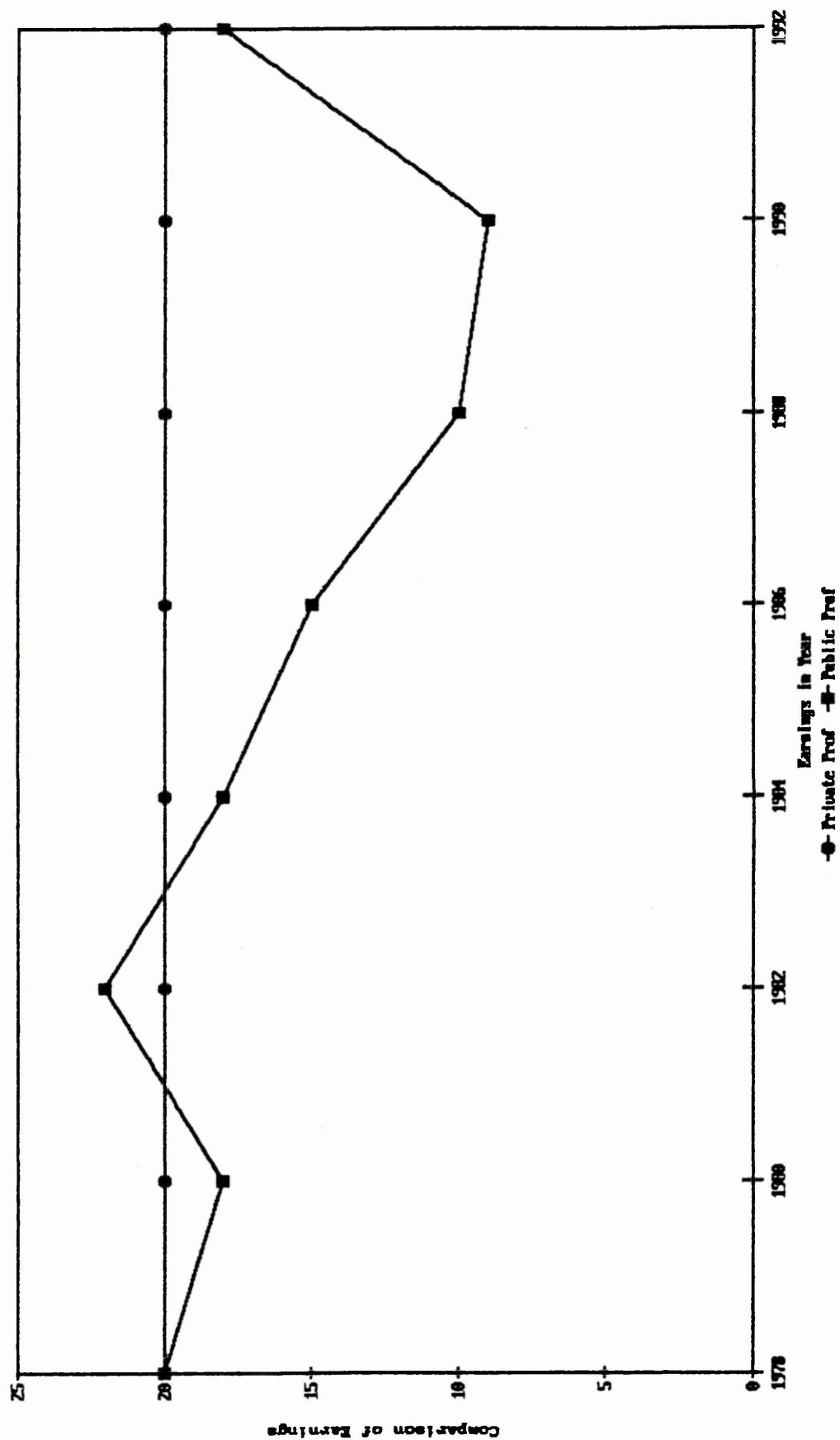
Lawyers in District Councils  
and Prospects in Loc. Govt.



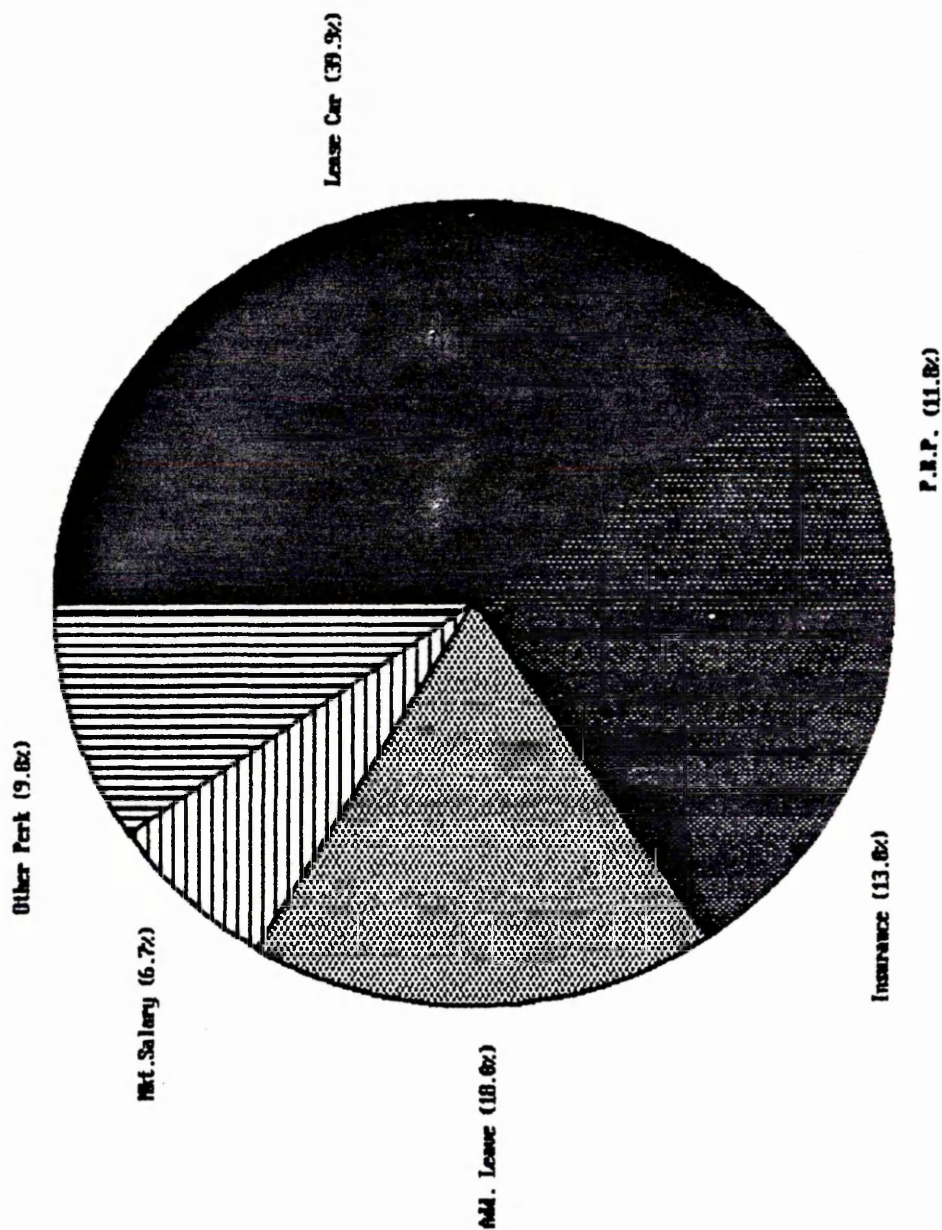
Yes (43.3%)

No (56.7%)

Local Govt./Private Sector  
Comparison of Full-time Earnings



Lawyers in District Councils  
Recruitment & Retention Incentives



Pay Settlements 1979-1993  
Source: Pay in Local Government.

