
Subject:	IMPLEMENTATION OF 'DOCUSIGN'
Date:	6 January 2025
Decision to be taken by:	Abi Robinson, Digital and Technology Services Manager
Report of:	Andrew Way, Technology and Security Lead
Portfolio Holder:	Councillor Jamie Pout, Portfolio Holder for Transport, Licensing and Environmental Services
Decision Type:	Executive Non-Key Decision
Call-in to be Suspended:	No (<i>Call-in does not apply to non-Key Officer decisions</i>)

Classification: Unrestricted

Delegated Authority: Authority delegated by Cabinet (Cabinet decision CAB 84 of 4 March 2024) and Council (at its meeting held on 6 March 2024) when approving the Council Budget 2024/25 and Medium-Term Financial Plan 2024/25-2027/28 (as set out in Annex 10 of the report) as follows: 'Delegates the approval of projects included in Annex 6C, the Digital & ICT Programme, to the Digital Services Manager, in consultation with the Head of Finance & Investment and the Portfolio Holder responsible for ICT.'

Purpose of the report: To approve a project to procure and implement 'DocuSign' for use in Dover District Council.

Recommendation: To procure and implement 'DocuSign'.

1. Summary

- 1.1 Dover District Council (DDC) has many processes requiring signatures which are currently all completed as standard paper document signatures, having to be signed on paper and scanned in. For some processes where documents are sent out to be signed, this method can take a long time when including posting out and awaiting the signed copies to be returned.
- 1.2 DocuSign, a software provider of electronic document signatures, can replace standard paper document signatures. The solution allows electronic signing of documents and contracts, making it time efficient, reducing print requirements and complies with the definition of an electronic signature under the Electronic Communications Act 2000.

2. Introduction and Background

- 2.1 The benefits of using DocuSign include increased efficiency of officer time, full audit trail of documentation requiring signatures and data retention options. Documents are instantly sent to recipients and returned as soon as they are signed. Signatures are digital, meaning they do not require printing and scanning of documents for "wet" signatures.
- 2.2 Workflows can be created in DocuSign which allow end-to-end document creation and signing. For some processes this could mean an officer would send a link to the customer to a form which they fill out online, and the answers to these questions would

be used to generate a customised contract for signing. Once electronically signed the completed document would be sent to the officer or automatically filed.

- 2.3 An example of an improvement that could be made involves the Strategic Housing Team who have reported that some documents can take between two to six weeks to be produced, sent, signed, returned and filed. In contrast, e-signatures can complete the same journey anywhere between 15 minutes to 24 hours depending on how fast the recipient can complete and sign the documents (data sourced from the DocuSign website).
- 2.4 We currently have four Council services that are looking to adopt electronic signatures allowing them to realise time efficiencies for officers. There are 34 document types currently signed manually which can be replaced. The table below shows the service and some of the document types that could use electronic signatures.

Service	Type of form	Additional Comments
Strategic Housing	Consent Form, Temporary Accommodation Letter, Rent & Deposit form, Offer Letter, Consultants Letter, Building Contracts, etc.	Current arrangements create delays in Temp Accommodation placement processes. 3000+ documents annually.
HR & Corporate Safety	New Starters, Onboarding, Contract Amendments, Contracts for Service, Consent forms, Improvement Notices, Risk Assessments.	The estimated administrative cost of sending contracts via emails and posting letters exceeds 500 hours annually.
Housing Operations	Tenancy agreements, Mutual Exchange deeds, Witness statements, End of Tenancy Forms, etc.	Efficiency can be significantly improved using e-signatures, particularly in the execution of tenancy agreements and deed exchanges. 2500+ documents annually.
Legal	Small contracts, grant agreements, licence and consultancy contracts.	Time and Admin heavy.

- 2.5 DocuSign increases data security of documents, as well as removing the need to send paper documents through the post for signing. Electronic signatures offer advanced security features, including encryption, authentication and audit trails which help protect against fraud and unauthorised access. By leveraging encryption technology and secure authentication methods, we can ensure the integrity and confidentiality of documents throughout the signing process.
- 2.6 Moving away from paper-based signatures aligns with the Council's sustainability initiatives by reducing paper consumption, carbon emissions from transportation, and the environmental impact of paper production and disposal. Electronic signatures support a paperless office environment, contributing to a greener and more eco-friendly business model.
- 2.7 Electronic signatures offer convenience and flexibility for customers, enabling them to sign documents digitally from any device with internet access. This improves the overall customer experience by eliminating the need for in-person meetings or physical paperwork, leading to higher satisfaction and overall user experience.

2.8 There are some processes that decreasing time taken end-to-end for signing documents will potentially create cost savings, including temporary accommodation charges in housing.

3. **Identification of Options**

3.1 Option 1 – Do nothing.

3.2 Option 2 – Approve project for procurement and implementation of DocuSign for departments.

4. **Evaluation of Options**

4.1 The option to not implement electronic signatures has been considered. This is not the recommended option as the benefits detailed above will not be realised.

4.2 Due to the efficiencies in processes and flexibility for customers the solution offers, the recommended option is to approve the project to procure and implement DocuSign for the services listed above (2.3).

5. **Resource Implications**

5.1 The 3-year contract costs for this project are:

- (a) Year 1: £37,700 (including £5,700 one off implementation cost)
- (b) Year 2: £32,000
- (c) Year 3: £32,000

5.2 Year 1 and 2 costs will be funded from ICT reserves with the expectation of efficiency savings contributing to ongoing years' revenue costs.

5.3 A full procurement exercise, as would ordinarily be required by the Council's Contract Standing Orders (CSO's) for a contract of this aggregated value, is not being undertaken given DocuSign are the developers/owners of the software. A waiver has been approved by the Section 151 Officer's nominee (the Procurement Manager) in compliance with the Council's Contract Standing Orders for direct award to DocuSign as opposed to procuring through a re-seller.

5.4 There will be training provided by DocuSign - the admin training to manage the account securely and end users training on how to use the platform. In total this would amount to 30 hours of training/implementation support provided by DocuSign.

5.5 Officers from the service areas implementing DocuSign will be required for training and setup of the processes/workflows for the documents being replaced by electronic signing.

6. **Climate Change and Environmental Implications**

6.1 DocuSign have committed to halving their emissions by 2030 and reaching science-based net-zero no later than 2050 by working with the Science-Based Targets initiative (SBTi) business ambition for 1.5c campaign.

6.2 The DocuSign for Forests initiative has been a key piece of DocuSign's ongoing commitment to change. Since its inception, the company has saved more than 6 million trees, 55 billion sheets of paper, 22 billion litres of water and eliminated more than 2 billion kgs of waste to date.

6.3 Through strategic investment in high quality REDD+ and Verra-verified carbon offset projects focused on preventing deforestation and supporting reforestation, DocuSign reached carbon neutrality in 2022.

7. **Corporate Implications**

- 7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy have been consulted on the report and have no further comments to add. (AG)
- 7.2 Comment from the Solicitor to the Council: There is general acceptance ‘that an electronic signature is capable in law of being used to execute a document’ provided that the signatory intends to authenticate the document and that any relevant formalities are satisfied.
- 7.3 Such formalities may be required under a statute or statutory instrument or may be laid down in a contract or other private law instrument under which a document is to be executed. The following are examples of formalities that might be required: (i) that the signature be witnessed; or (ii) that the signature be in a specified form (such as being handwritten).
- 7.4 A report commissioned by the Law Commission in 2019 (annexed to this report) sets out that the Courts have considered electronic signatures on a number of occasions and have accepted electronic forms of signatures. The courts’ decisions supplement the EU eIDAS regulations which state that an electronic signature cannot be denied legal validity simply because it is electronic. However, there are also a number of uncertainties referred to, such as witnessing of signatures e.g. by way of video conference and for deeds generally. Where a deed must be signed in the presence of a witness, physical presence of that witness is still required.
- 7.5 The EU eIDAS Regulations were EU law which was applicable until the end of the transition period and no longer applies to the UK as it did before the end of the transition period (Brexit). Article 25(1) of the UK eIDAS states that an electronic signature cannot be denied legal effect solely because of its electronic nature.
- 7.6 Following the Law Commission’s report in 2019, a report was published by the Industry Working Group addressing Electronic Execution of Documents which was published in February 2023 (annexed to this report). The report states that the group’s task was to produce the best practice guidelines and make proposals for further reform and development.
- 7.7 The DocuSign contract will provide the Council with envelopes, with each envelope capable of being electronically signed to create binding agreements. The implementation of the DocuSign software will need to be managed with assistance at first from the Legal Services team to ensure that its use complies with the formalities set out in paragraph 2 (of this comment), any relevant Contract Standing Order procedures, as set out in the Council’s constitution, and any relevant recommended proposals set out in the Industry Working Group report which includes at page 56 considerations about procedures in relation to assisting vulnerable individuals.
- 7.8 Comment from the Equalities Officer: This report seeking approval for a project to procure and implement DocuSign for use at the Council does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 7.9 Other Officers (as appropriate):

8. **Appendices**

Annex 1 – Law Commission – Electronic execution of documents

Annex 2 – Industry Working Group – Electronic execution of documents – Final Report

9. **Background Papers**

Relevant papers on Digital Services’ files

Contact Officer: Andrew Way, Technology and Security Lead