

LEGAL SERVICES AGENCY CORPORATE PLAN
2022–2025 AND BUSINESS PLAN 2022-2023



LEGAL SERVICES AGENCY
CORPORATE PLAN 2022–2025
&
BUSINESS PLAN 2022–2023

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CHIEF EXECUTIVE’S INTRODUCTION

- I am pleased to present the Legal Services Agency (the Agency) Corporate Plan for 2022-2025, and Business Plan for 2022-2023. The Business Plan outlines the business objectives and priorities, which can be delivered within the contingency budget available.
- I look forward to continuing our work with our Department of Justice colleagues, the legal professions and justice partners to continue to enhance the controls within the legal aid system and to support the development and delivery of reforms to underpin access to justice and deliver value for money within the legal aid system.
- I appreciate the dedication and effort of every member of staff within the Agency, which enabled us to deliver services in a very challenging environment. We have a body of skilled staff who have embraced change and adapted to new and different ways of working. Staff development will be a key priority in the upcoming year.
- In 2021-2022, we relied more than ever on technology and our digital Legal Aid Management System (LAMS), which was launched in 2019, which enabled the Agency to deliver services remotely despite the pressures and constraints brought about by Covid-19 restrictions.
- The Agency will continue to strengthen our controls and deliver improved value for money through the use of enhanced technology to streamline our processes and the further development of fraud and error prevention initiatives, which will safeguard the public purse.
- All of this will be achieved through the continued commitment of staff within the Agency to a performance culture that delivers excellence in public legal services and continuous improvement in all we do.

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VISION, MISSION AND VALUES

Our Vision

The Agency's Vision is to ensure that NI citizens are confident that we provide fair and transparent access to funding for services to support their access to justice.

Mission Statement

To facilitate access to justice by delivering timely and high-quality decisions and payments which secure value for money.

Our Values

All of us within the Agency seek to uphold the NICS values¹ of:

- Integrity: putting the obligations of public service above our own personal interests;
- Honesty: being truthful and open;
- Objectivity: basing advice and decisions on rigorous analysis of the evidence; and
- Impartiality: acting solely according to the merits of the case and serving equally well Ministers of different political persuasions.

We have also committed to the following values:

Leadership

To build high performing teams and develop staff whilst appreciating, recognising and celebrating achievements. Staff will act with integrity at all times and will be authentic, open and honest in relationships with colleagues and practitioners, demonstrating trustworthiness in the course of their work.

Making a Difference

To support each other and providers to facilitate meaningful access to justice for those who could not otherwise defend themselves or assert their rights.

¹ <https://www.finance-ni.gov.uk/publications/nics-code-ethics>

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THE ROLE OF THE LEGAL SERVICE’S AGENCY IN NORTHERN IRELAND

The Agency supports the justice system and enables access to justice by administering publicly funded legal services impartially, effectively and efficiently within the governing legislation and policy framework set by the Minister of Justice.

The Agency works closely within the Department of Justice (DoJ) to achieve the Department’s wider strategic objectives. It works in partnership with its users and providers of services to enhance its customer service delivery and to ensure that legal services are available to those who meet the statutory eligibility tests, which support those in greatest need. It also ensures that publicly funded services reflect overall budgetary constraints and value for money.

The Agency decides applications for civil legal services against the statutory financial and legal tests to determine whether an individual should receive support. The Courts are responsible for granting criminal legal aid for defendants in criminal cases. The Agency also makes payments to the legal profession for services provided under both the criminal legal aid and civil legal aid services schemes while ensuring value for money.

HOW WE DELIVER

The Agency’s main deliverables include:

- deciding applications for civil legal services in respect of advice, assistance, and representation and authorising independent legal representation for applicants that enable them to enforce and protect their rights;
- deciding requests for civil and criminal authorities to include expert witnesses and interpreter/translator requests;
- assessing and making payments of bills received for civil and criminal legal aid;
- conducting internal reviews and redeterminations as necessary;
- operational delivery of interpreting services;

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- supporting the independent appeals function;
- investigating and tackling fraud and error;
- registering firms, solicitors and barristers who do legal aid work;
- maintaining and developing systems, procedures and relationships which support all of our key activities and the wider strategic aims of the DoJ;
- supporting the development and implementation of the legal aid reform programme; and
- processing all business in a modern, digitally enabled and sustainable way to deliver a high quality user focused service.

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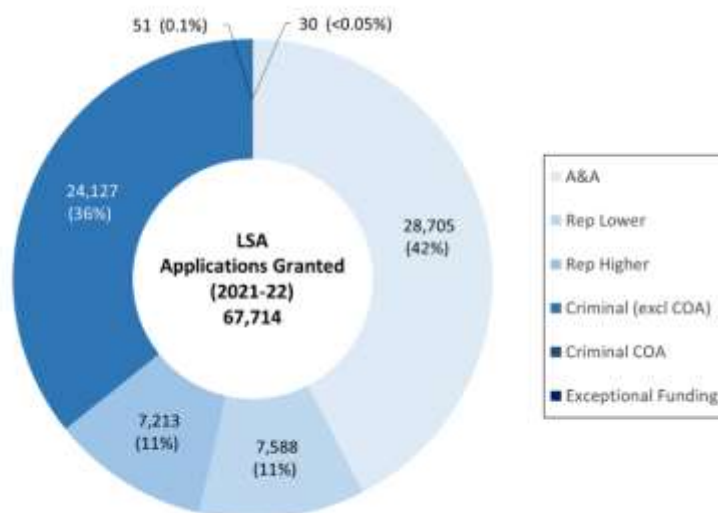
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THE 2020-2021 LANDSCAPE

The Agency granted 67,714 applications in 2021-2022. This represents an increase of 6.5% compared to 63,587 applications granted in 2020-2021, due to increased activity in the courts as part of Covid-19 recovery.

Applications for legal aid are received across five levels of services: Advice and Assistance, Criminal, Exceptional Funding (in respect of Legacy Inquests) Representation Lower and Representation Higher (the court tier determining the distinction). By year-end, the Agency was receiving applications in respect of the majority of case types at around 87%² of pre-pandemic level. Detailed planning has been undertaken to estimate the potential Covid-19 backlogs in cases and the recovery efforts required over the period 2022-2025 to return to the baseline position but additional funding would be required to deliver this objective.

Applications granted, by category of service, 2021-2022



Note: Percentages have been rounded for presentational purposes.

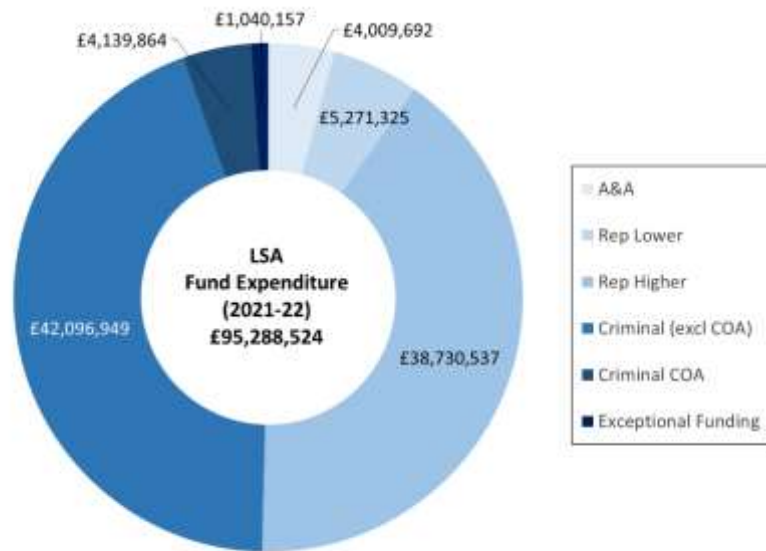
Source: LAMS case management systems (Management Information).

Fund expenditure, by category of service, 2021-2022

² This percentage has been derived using monthly averages obtained during the periods 'July 2019 to February 2020' (pre-pandemic) and 'April 2021 to March 2022' (current reporting year).

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Note: Figures represent fund expenditure only.

Source: FSD, LSA

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KEY ACHIEVEMENTS

The Agency has:

- increased performance by processing a significant increase in claims while managing staff vacancies and covid related absence having secured an additional £18m above the opening budget allocation;
 - reduced official error rate by 10.6% against the 2020 rate of 14.9% which resulted in the estimate of official error reducing from £5.57m in 2020 to £1.92m in 2021;
 - extended the effective partnership working with the Department for Communities Standards Assurance Unit who estimate the official fraud and error rate within the legal aid system, to produce the first estimate of applicant fraud of 32.1% or £1.32m, which was heavily influenced by the number of assisted persons who did not cooperate and therefore did not engage with Standards Assurance Unit, and commenced a pilot on practitioner fraud and error;
 - revised our provisions and forecasting models to help manage our budget more effectively;
 - delivered a programme of work in relation to measuring fraud and error from all potential sources and provisions to continue to address and remove the qualifications on our accounts;
 - recruited professionally qualified trainers and developed a Compliance and Training Unit providing staff training and incorporating quality assurance checks into processing in order to improve accuracy, reduce official error and process business more efficiently;
 - conducted a public consultation on the publication of legal aid fee earnings;
 - enhanced communications across the Agency, including the establishment of an Engagement and Communications Group to promote effective working between the professional bodies and the Agency;
 - supported planning for the introduction of legislative authority to launch a Statutory Registration Scheme;
 - revised our Debt Management Strategy;
 - procured a new contract for LAMS support, maintenance and development; and
 - promoted health and well-being through promotion of online wellness sessions.
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FINANCIAL AND OPERATING ENVIRONMENT 2022-2023

The table below illustrates the 2021-2022 opening budget, in year allocations and the 2021-2022 closing position.

	Opening Budget	In Year Budget Adjustments	Closing Budget
	2021-2022	2021-2022	2021-2022
	£k	£k	£k
Staff costs	6,831	24	6,855
Non-staff costs	2,660	520	3,180
Receipts	(2,295)	-	(2,295)
Legal Aid - General	75,695	18,211	93,906
Legal Aid - Legacy Inquests	-	1,602	1,602
Unringfenced Resource DEL	82,891	20,357	103,248

In addition to the closing budget above, the Agency was authorised to overspend by £0.9m in order to further maximise spend on the Legal Aid Fund. As a result, the total legal aid spend for 2021-2022 was £94.7m (excluding Legacy Inquests) which recognises the disposal of court cases and practitioners billing more promptly. The balance of closing unassessed bills at year-end was £15.4m.

In the absence of an Executive, a Budget for 2022-2023 cannot be agreed. Therefore, in order to assist with decision making and to allow the continuation of service delivery, a 2022-2023 Resource DEL 'contingency planning envelope' for the Agency has been confirmed. At the start of the financial year, the Resource DEL envelope was confirmed for the Agency to be £82.9m of which £75m has been allocated to pay legal aid bills. In essence this is the 2021-2022 opening baseline rolled forward.

Based on current projections, the 2022-2023 opening envelope falls far short of spending needs. The closing 2021-2022 unassessed balance automatically significantly reduces the opening 2022-2023 envelope available to meet new demand and will have a significant impact on payment processing times, increasing processing time beyond the 2021-2022 target of 12 weeks to approximately 22 weeks by March
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2023. The Department has advised the Agency that in recognition of the demand in the system that it should plan on the basis £80m* of expenditure. However, it is recognised that further funding will be required to meet the demand. The Agency will keep targets under review in view of demand and the availability of funding.

In terms of Capital DEL, a contingency envelope for 2022-2023 has been confirmed to meet the Agency's capital requirements.

New Ways of Working

The NICS Hybrid Working Policy endorsed by NICS Board in December 2021 and will be implemented across the NICS in 2022.

It has become evident across the NICS and in the Agency over the pandemic that business needs can be met with a mix of workplace, home and remote working.

The Hybrid Working Policy has been designed to be as flexible as possible whilst focusing on meeting business needs first. Implementation will take the form of a Workstyle Agreement for each member of staff setting out their future working pattern. In the planning for the accommodation move to the AIB Building in Ann Street we aim to create a flexible agile space and have reduced the floor space by around 25-30% to facilitate hybrid working and a reduction in the number of staff attending the office each day.

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OUR STRATEGIC OBJECTIVES AND PRIORITIES

The Agency's five strategic objectives for 2022-2025 are outlined below.

Priority 1: Service Delivery

We will deliver modern, high quality digitally enabled legal aid services that can respond to customer and practitioner needs and support a faster more effective justice system to serve the needs of those who engage with it.

We will do this by:

- Deciding on applications for civil legal services and criminal exceptionality within key performance indicators;
- Providing guidance and training to assist practitioners in the application and payment processes;
- Processing properly presented bills within key performance indicators to maximise the available budget;
- Processing applications for reviews and appeals of decisions within key performance indicators; and
- Enhancing our debt processes to maximise income collection.

Priority 2: Systems and Policy Development

We will work to streamline and enhance our digital services and contribute to policy development and implementation of Legal Aid reform.

We will do this by:

- Continuing to refine our processes in order to improve accuracy, reduce fraud and error and process more efficiently;
- Developing functionality informed by delivery partners to enhance LAMS thereby streamlining our processes, tackling fraud and error and safeguarding the public purse; and
- Collaborating in the development and delivery of policy and legislative change.

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Priority 3: People

We will create a culture where well-being and learning are at the forefront of what we do. We will support and develop our people to lead, manage and embrace diversity, inclusion and a new culture of working whilst continuing to improve capacity and capability. We will invest in and encourage leadership at all levels

We will do this by:

- Empowering staff to have the knowledge skills and ability to lead and engage in transformative change;
- Enhancing digital skills across all grades and disciplines;
- Designing and delivering a Corporate Training Plan to improve performance;
- Planning and delivering a premises move and implementing new ways of working;
- Promoting health and well-being; and
- Increasing staff engagement/satisfaction scores through addressing feedback from the NICS People Survey.

Priority 4: Governance, Accountability and Decision Making

We will strengthen governance, accountability and decision-making consistency and transparency of our decisions and delivery in line with our Governance Framework.

We will do this by:

- Developing and implementing a Counter Fraud Strategy;
- Continuing to drive down fraud and error through guidance and training of staff and practitioners, quality assurance checking and enhanced controls;
- Implementing Future Overpayment Prevention initiative to reduce applicant fraud and error;
- Complete the review of aged and inactive cases on LAMS to improve the accuracy of the carrying value of provisions;
- Investigating and detecting fraud through detailed business analytics and a risk based approach; and

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- Complying with legislation, government guidelines and implementing independent review recommendations.

Priority 5: Communication and Information

We will develop new and more effective ways to engage with stakeholders, justice partners and customers in order to deliver a more effective service.

We will do this by:

- Maintaining the Operational Forum and Engagement and Communications Forum to promote effective working between the profession and the Agency;
- Developing and implementing a Communications Strategy;
- Obtaining feedback and insight from our suppliers to inform policy development and service improvement;
- Developing Official Statistics and building and recording annual Open Data outputs;
- Enhancing management information and information sharing agreements to inform decision making.

A summary of our priorities and objectives for 2022-2025 is included at **Annex A**. Further detail on what we will do to deliver on these priorities during 2022-2023 is included in **Annex B**. Our Organisational Structure is included at **Annex C**.

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AGENCY BUSINESS PLAN ON A PAGE 2022-2023



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ANNEX B

SERVICE DELIVERY			
Objective	Action	Target	Target Date
<p><i>We will deliver modern, high quality digitally enabled legal aid services that can respond to customer and practitioner needs and support a faster more effective justice system to serve the needs of those who engage with it.</i></p>	<ul style="list-style-type: none"> • Determine properly presented applications for civil legal services and criminal exceptionality within Key Performance Indicators (KPIs) • Consistently pay properly presented payment requests within KPIs, subject to adequate funding • Process amendment and authority requests within KPIs • Process reviews, redeterminations and appeals of decisions within KPIs 	<p>For KPIs see Annex D</p>	<p>Q1-4</p>

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SYSTEMS AND POLICY DEVELOPMENT			
Objective	Action	Target	Target Date
<i>We will work to streamline and enhance our digital services and contribute to policy development and implementation of Legal Aid reform.</i>	<ul style="list-style-type: none"> Implement the new Support Contract for LAMS 	<ul style="list-style-type: none"> Transition to new contract completed 	Qtr 1
	<ul style="list-style-type: none"> Establish and maintain Working Group with key stakeholders and the professional bodies to identify LAMS changes and agree a programme of work 	<ul style="list-style-type: none"> Working Group established 	Qtr 1
	<ul style="list-style-type: none"> Deliver changes to LAMS in line with agreed programme of work 	<ul style="list-style-type: none"> Priority changes and Programme of Change agreed 	Qtr 1
	<ul style="list-style-type: none"> Support the development and delivery of departmental reform projects 	<ul style="list-style-type: none"> Priority changes delivered Participation on policy working groups and delivery of key outputs for projects 	Qtr 2-4 Qtr 1-4

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PEOPLE			
Objective	Action	Target	Target Date
<i>We will create a culture where well-being and learning are at the forefront of what we do. We will support and develop our people to lead, manage and embrace a new culture of working whilst continuing to improve capacity and capability.</i>	<ul style="list-style-type: none"> Develop a Workforce Strategy to identify resource requirements, skills gaps and succession planning 	<ul style="list-style-type: none"> Strategy developed 	Qtr 1
	<ul style="list-style-type: none"> Expand knowledge, technical skills base/cross skilling across all grades and disciplines 	<ul style="list-style-type: none"> Training delivered 	Qtr 2-4
	<ul style="list-style-type: none"> Develop Corporate Training Plan for the year to include enhancing leadership, induction and management skills base 	<ul style="list-style-type: none"> Corporate Training Plan agreed and implemented 	Qtr 1-4
	<ul style="list-style-type: none"> Facilitate a move to suitable premises to accommodate our teams and optimise our 	<ul style="list-style-type: none"> Move to new accommodation and new Work Style 	Qtr 2-3

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	<p>service delivery model, including hybrid working policy and practice</p> <ul style="list-style-type: none"> • Address feedback from NICS People Survey through development and implementation of an action plan 	<p>Agreements implemented</p> <ul style="list-style-type: none"> • Action Plan developed and implemented 	<p>Qtr 1-4</p>
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GOVERNANCE, ACCOUNTABILITY AND DECISION MAKING			
Objective	Action	Target	Target Date
<i>We will strengthen governance, accountability and decision-making consistency and transparency of our decisions and delivery in line with our Governance Framework.</i>	<ul style="list-style-type: none"> Continue to address our Accounts Qualifications and PAC Recommendations 	<ul style="list-style-type: none"> Continue to monitor old inactive cases/ Inactivity Prompt activated 	Qtr 1-4
	<ul style="list-style-type: none"> Timely preparation and publication of our Annual Report and Accounts 	<ul style="list-style-type: none"> Annual Report and Accounts prepared and signed off with reporting deadline met 	Qtr 2
	<ul style="list-style-type: none"> Implement Practitioner Fraud and Error Reviews 	<ul style="list-style-type: none"> Review Approach operationalised 	Qtr 1-4
	<ul style="list-style-type: none"> Reduce the official error rate by x (monetary value and percentage) against the 2021 rate 	<ul style="list-style-type: none"> 1% reduction in official error rate 	Qtr 1-4
	<ul style="list-style-type: none"> Develop and implement applicant fraud and error prevention strategies 	<ul style="list-style-type: none"> Implement Future Overpayment Prevention 	Qtr 1-4

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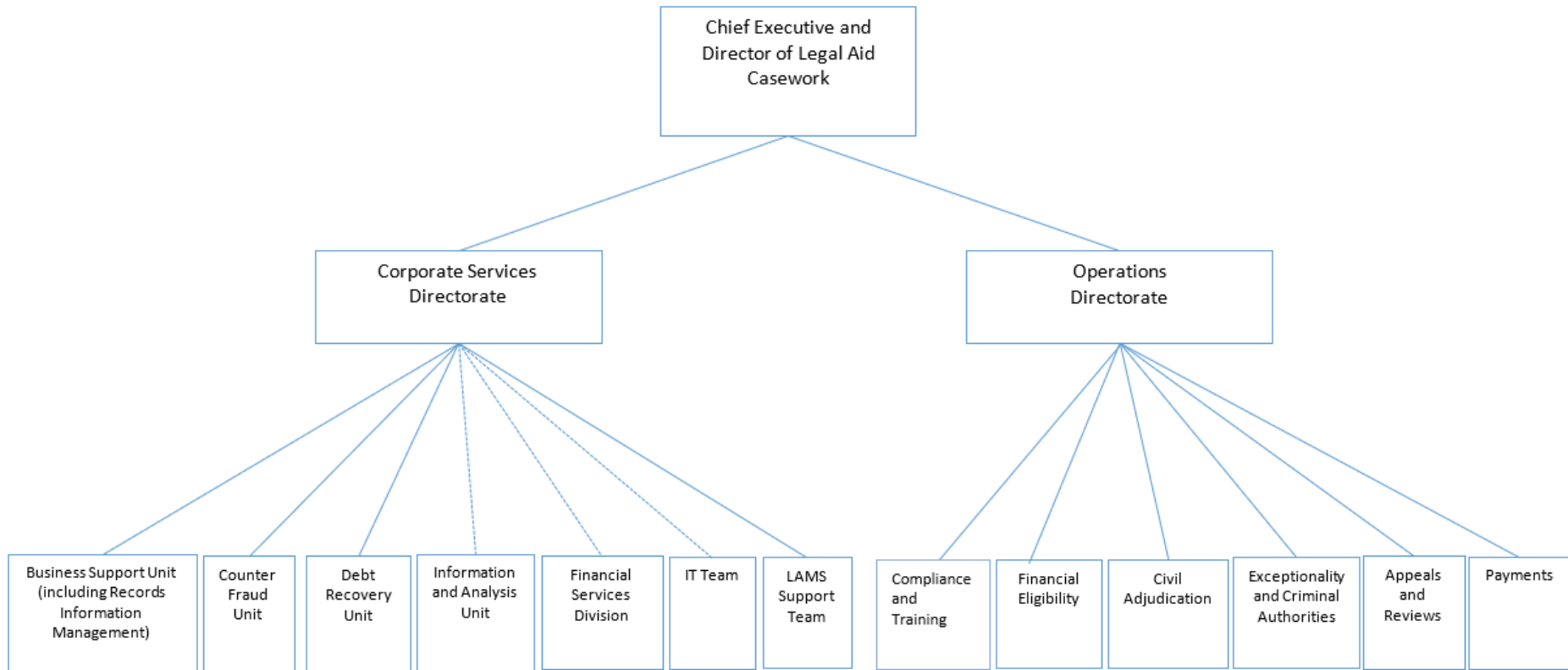
COMMUNICATION AND INFORMATION			
Objective	Action	Target	Target Date
<i>Develop new and more effective ways to engage with stakeholders, justice partners and customers in order to deliver a more effective service.</i>	<ul style="list-style-type: none"> Maintain effective group forums between the Agency and professional bodies 	<ul style="list-style-type: none"> Participation in communication forums and policy working groups and delivery of key outputs 	Qtr 1-4
	<ul style="list-style-type: none"> Develop Official Statistics and build and deposit annual Open Data outputs 	<ul style="list-style-type: none"> Develop standalone Official Statistics database covering 2020-2021 and 2021-2022 data. 	Qtr 4
	<ul style="list-style-type: none"> Enhance management information and information sharing agreements to inform decision making and reduce fraud and error 	<ul style="list-style-type: none"> Agree and develop a suite of internal KPIs with target owners to monitor performance from April 2022 to supplement existing high-level KPIs, for reporting to Agency Board. 	Qtr 1-4

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ANNEX C

ORGANISATION CHART



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ANNEX D

KEY PERFORMANCE INDICATORS

KPI		Target*
PAYMENTS^{1,2,4}		
Advice & Assistance	All - PACE and Non-PACE	95% in 12 weeks
Criminal	Criminal Crown Court	
	Criminal Magistrates Court	
	Criminal Extradition	
Rep Higher	Civil	
	Family - Paragraph 2	
	Family - Paragraph 3	
	Taxed (exc. statutory charge)	95% in 12 weeks
Rep Lower	Children	95% in 24 weeks
	Civil	95% in 16 weeks
APPLICATIONS⁴		
Non-Emergency	For Representation Higher Courts	90% in 12 weeks
	For Representation Lower Courts	
	For Exceptional Funding	90% in 2 weeks
Emergency	Passported	90% in 48hrs
	Non-Passported	
Authority and Amendment Requests	First Authority	85% in 4 weeks
	Subsequent Authorities and Amendment Requests	85% in 12 weeks
Reviews	All Reviews	85% in 12 weeks
APPEALS		
Appeals	All Rep Higher appeals	90% in 8 weeks
	CLSAP (Panel sitting cases only)	

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	<p>NOTES:</p> <p>¹ Excludes payment and application requests that have had one or more queries raised during the assessment process. Unable to calculate for Emergency applications as it cannot be distinguished from the data whether a query pertains to the time that the case is in an Emergency Status. This is not appropriate for Appeal-based KPIs as a resubmitted date is used.</p> <p>² All payment-based KPIs exclude late submissions, contemporaneous records and any payment requests that are subject to internal investigations such as those sampled as part of the Practitioner Error and Fraud Pilot.</p> <p>³ Excludes migrated requests, including any cases that were retained within the LAMS 'bucket'.</p> <p>⁴ Application and payment KPIs exclude individual requests that have been reopened on LAMS after the initial outcome.</p>	
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**the Agency will keep targets under review in view of demand and the availability of funding*

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