

LSANI Business Plan 2015/16

**supporting the
justice system
by administering
publicly funded
legal services**

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Chief Executive's Foreword

I am pleased to present the Legal Services Agency's first annual Business Plan for the 2015/16 business year.

The new Agency was established by the Minister of Justice and came into being on 1 April 2015. The Business Plan has been prepared to support the achievement of the Justice Minister's priorities under the Programme for Government's, 'Improve Access to Justice' objectives. This is reflected in our organisational aim "to support the justice system by administering publically funded legal services impartially, effectively and efficiently within the legislative and policy framework set by the Minister."

The creation of the Legal Services Agency Northern Ireland (LSANI) is not only a significant change in the governance arrangements for the administration of publicly funded legal services in Northern Ireland; it also represents an opportunity to fundamentally transform how publicly funded legal services are delivered. From its creation LSANI is heavily involved in work with Digital Transformation Services, Department of Finance and Personnel to develop a vision for the development of new digital services to modernise the delivery of our services.

LSANI will continue to work to ensure that it improves the delivery of its statutory functions in respect of existing cases and embed the processes which will support delivery of revised statutory functions, without impacting upon the services delivered to those seeking and in receipt of legal aid and their legal representatives. In particular LSANI will continue to provide independent decisions on individual applications for civil legal services. In addition LSANI will work closely within the Department and with legal service providers to manage

its business within the resources that are made available throughout the business year.

We will consolidate our position as a new Executive Agency and will continue with the development and implementation of a modernisation programme to improve the services that we deliver for the public and our suppliers. We will also work closely within the Department to support the Minister's reform programme by effectively implementing changes that are required.

I am confident that with the commitment and professionalism of our staff we can work effectively with our partners to achieve the business delivery objectives set out in this plan.

A handwritten signature in black ink, appearing to read 'D P Andrews', is written over a horizontal line that extends across the width of the signature.

D P Andrews
Chief Executive
Legal Services Agency Northern Ireland



Our Vision, Aim, Objectives and Values

Our Vision

To be an innovative, responsive and impartial Agency delivering quality, publicly funded legal services for all of our stakeholders.

Our Aim

To support the justice system by administering publicly funded legal services impartially, effectively and efficiently within the legislative and policy framework set by the Minister of Justice.

Our Strategic Objectives

Our corporate aim is supported by four main strategic objectives, which are to:

- **deliver existing statutory services - granting and administering civil legal services and administering criminal legal aid, within the resources that are made available by the Department;**
- **enhance Agency accountability and governance arrangements;**
- **equip our staff to refine and improve delivery of existing and future statutory services by consolidating and modernising existing processes to enhance performance and deliver improved value for money; and**
- **ensure seamless integration and introduction of all legal aid reforms brought forward by the Department during the business year.**



Our Values

Delivering Effectively

- responding effectively to the needs of those citizens who seek publicly funded legal services
- achieving our key priorities and delivering our objectives
- maximising the benefit from available resources, providing value for money
- aspiring to continually improve
- promoting imaginative and innovative ways to discharge our statutory functions

Valuing our People

- treating everyone with respect and understanding different needs
- listening, giving time
- offering support and recognising success;
- being honest and open – with consideration and tact
- developing and equipping staff to make the best use of their abilities and skills
- promoting a healthy work/life balance

Working Together

- seeking opportunities for active and meaningful engagement
- contributing to the reform of publicly funded legal services
- listening and responding to those who engage with us
- upholding the principles of fairness and justice for all
- promoting a coherent and joined-up approach in all we do
- being committed to equality and diversity

Being Outward Focused

- being open and transparent
- responding to the needs of the community
- establishing and maintaining good working relationships
- recognising the impact of our work in the community and delivering against our corporate and social responsibilities

Taking Responsibility

- assuming responsibility, taking on challenges and delivering solutions
- acting impartially with professionalism and integrity
- fostering proactive, candid and open relationships with all stakeholders

Who We Are

The Legal Services Agency Northern Ireland (LSANI) was created as an Executive Agency within the Department of Justice (Department) on 1 April 2015 upon the dissolution of the Northern Ireland Legal Services Commission (NILSC) under the Legal Aid and Coroners' Courts Act (Northern Ireland) 2014.

What We Do

The Agency's aim is to administer impartially the provision of publicly funded legal services for the benefit of citizens of Northern Ireland in keeping with the statutory legal aid schemes.

The Agency is responsible for applying statutory tests to determine whether an individual should receive civil legal services; it also pays for the legal services provided. While the judiciary is responsible for granting individuals criminal legal aid, the Agency pays for the legal services provided. In addition the Agency authorises the engagement of experts in civil and criminal cases as well as collects contributions and other sums payable by individuals who receive civil legal services.

Our work is essential to the impartial, effective and efficient operation of the civil and criminal justice systems. It is also critical in helping to provide access to legal advice for some of the most vulnerable members of society. An overview of the publicly funded legal services administered by the Agency is enclosed at Annex A.


How We Oversee our Business

As an Agency of the Department, LSANI operates under a **Framework Document**. The Framework Document sets out the arrangements for the effective governance, financing and operation of LSANI. A copy of the LSANI Framework Document can be found on our website (www.lsani.gov.uk).

The LSANI Board (the Board) oversees the work of the LSANI. Its role is to lead the Agency's strategic planning and assist the Chief Executive, who is also the Accounting Officer in meeting corporate governance responsibilities for the Agency. The Board follows Corporate Governance best practice.

The Board operates as a collegiate forum, under the leadership of the Chief Executive, to manage the running of the Agency. Legal Aid policy is determined by the Minister. However, the Board may discuss policy in the context of analysing options for operational management and delivery. In the policy area, the Board operates in an advisory and consultative capacity, offering guidance when required.

The Chief Executive of LSANI is responsible for the day-to day operation of the Agency and the leadership and management of its staff. The Chief Executive is also currently the holder of the statutory office of Director of Legal Aid Casework (Director). The Director operates under Ministerial guidance and directions when determining whether applications for civil legal



services should be funded. The Director is independent from any Ministerial or Departmental interference in relation to individual applications for civil legal services. The Director specifically comments on the conduct of this independent decision-making function in an Annual Report.

The Board consists of:

- Chief Executive, **Paul Andrews** (who chairs the Board);
- Director, Civil Legal Services, **Sheila McPhillips**;
- Director, Payment Services, **Jill Herron**;
- Director, Corporate Services, **Gary Archibald**;
- three independent members **Allen McCartney, John Morison and Stephen Wooler**

In addition a representative of the Department, **Mark McGuckin**, attends Board meetings.

The role of Independent Board Members includes:

- providing strategic advice to the Board, contributing to decision-making and supporting the good corporate governance of LSANI;
- using their experience to challenge and support the Board, acting corporately;
- ensuring that the Board obtains and considers all appropriate information; and
- notifying the Board of any matters that threaten the regularity, propriety or value-for-money with which LSANI carries out its business.

All Board members are required to adhere to the Seven Principles of Public Life.

The Board will be supported in its role by the Audit Committee, which is a committee of the Board with no executive powers. The role of the Audit Committee is to support the Board in its responsibilities for issues of risk control and governance by reviewing the comprehensiveness of assurances in meeting the Board and Accounting Officer's assurance needs and reviewing the reliability and integrity of these assurances.

The LSANI organisational chart is attached at **Annex B**

Our Resources

LSANI employs 135 staff as at 1 April 2015, the majority of whom deliver decisions on the granting of civil legal services and scrutiny and payment of invoices in respect of both civil legal services and criminal legal aid. LSANI has a skilled and committed workforce which is essential to the successful achievement of our aim and objectives.

Our budget for 2015/16 is -

	£m
Funding Legal Aid and Services	75.2
Criminal Appeals	1.0
Administration and Grants	7.3
Capital Budget	1.0
Ring Fenced Funding for Specific Pressure*	1.8

*NILGOSC Pension Pressure

Business Planning Context

The Business Plan has been developed against the background of the NI Assembly's Programme for Government 2011-15 commitment to "improve access to justice through the reform of the legal aid system" and the associated Departmental Business Plan for 2015/16 with the Minister's priority to deliver 'faster, fairer justice'.

The Business Plan provides for delivery of these strategic priorities by effective and efficient processing of applications for civil legal services and administration, including payment, of invoices submitted for the services provided in civil and criminal matters. The Plan positively supports the extensive programme of reform to publicly funded legal services and the further review of access to justice which has been commissioned by the Minister.

The Agency is aware that due to Departmental funding constraints it will face considerable financial pressures in 2015/16 as the funding currently allocated does not meet forecast requirements. In this context LSANI will work closely within the Department and with the legal professions as the year progresses. The Agency has set targets which reflect the processing resources currently available but will revisit these targets to reflect any changes to funding. LSANI is committed to fully utilising the resources made available to it for 2015/16.

The Business Plan will be cascaded to Directorate and Branch plans linking through to individual Performance Agreements to ensure that all members of staff can clearly identify their role in contributing to our business objectives.

Delivering the Plan

The LSANI Board will review progress against the 2015/16 Business Plan throughout the year. We will publish an Annual Report on our 2015/16 performance which will be laid before the Northern Ireland Assembly. The Director Legal Aid Casework will publish a separate report commenting on the discharge of the independent decision-making function. The Business Plan is supported by a detailed Operational Plan which will govern day-to-day business of the Agency.

While the Department leads on all aspects of policy development for publicly funded legal services, the Agency will work closely within the Department by providing advice, analysis and practical experience of the operation and delivery issues. In addition, the Agency will assist the Department to develop, bring forward and introduce specific reforms to civil legal services and criminal legal aid.

In the business year the Agency will continue to process applications for civil legal aid submitted before the establishment of the Agency, as well as applications for civil legal services submitted from 1 April 2015.

Strategic Objectives

Our corporate aim is supported by four main strategic objectives, which are to:

- **deliver existing statutory services - granting and administering civil legal services and administering criminal legal aid, within the resources that are made available by the Department;**
- **enhance Agency accountability and governance arrangements;**
- **equip our staff to refine and improve delivery of existing and future statutory services by consolidating and modernising existing processes to enhance performance and deliver improved value for money; and**
- **ensure seamless integration and introduction of all legal aid reforms brought forward by the Department during the business year.**

Legal Services Agency Northern Ireland (LSANI) Operational Priorities 2015-2016

Performance Targets and Objectives

Priority Area 1 - Delivery of Existing Services

Strategic Objective: To deliver existing statutory services - granting and administering civil legal services and administering criminal legal aid within the resources that are made available by the Department.

Determination of Civil Legal Services

Emergency Applications

- 1.1 90 % of emergency applications and non means or merits Children Order proceedings determined within three days from date of receipt.
- 1.2 98%¹ of emergency applications and non means or merits Children Order proceedings determined within eight days from date of receipt.

Non-Emergency Applications

- 1.3 70% of applications for civil legal aid and civil legal services will be determined within six weeks of being registered².
- 1.4 85% of application for civil legal aid and civil legal services will be determined within 10 weeks of being registered.

Appeals

- 1.5 80% of appeals against the refusal of civil legal aid and civil legal services will be listed³ within 20 weeks from date of receipt.
- 1.6 95%⁴ of appeals against the refusal of civil legal aid and civil legal services will be listed within 30 weeks from date of receipt.

¹ Applications which cannot be determined within 5 days will be deemed not to be an emergency.

² Registered means that the application has been properly completed and the applicant has been assessed by an office of the Social Security Agency as meeting the financial eligibility criteria.

³ Listed means that the appeal is tabled for consideration by an appeals panel, but does not mean that the appeal has been determined as adjournments can be sought by the applicant or by the panel pending the provision of further information.

⁴ Not all appeals will be listed in this timescale as some will be adjourned or unable to be relisted as required information is not available.



Processing of Legal Aid Claims for Payment

1.7 As the Department has made a bid for additional funding for legal aid the Agency has not included in the Business Plan indicators which set out the payment processing impact of the current budget. Once the outcome of the request is known the Agency will publish details of payment levels, any associated payment processing impact. The Agency will continue to work with the Department throughout the financial year, in particular during the financial monitoring rounds and will published any adjustments to its processing of payments to reflect any changes in the funding made available.

1.8 We will seek to process claims for payment in a consistent manner throughout the business year in line with the agreed legal aid expenditure forecast; the Agency's processing capacity; and the funding that is available. Our current expectation is that that we should pay out around £1.45m per week, excluding costs paid under the Criminal Appeal (Northern Ireland) Act 1980.



Priority Area 2: Accountability and Governance


Strategic Objective: To enhance Agency accountability and governance arrangements.

- 2.1 Introduce effective Agency Board and Audit and Risk Committee arrangements.
- 2.2 Implement appropriate and effective interventions to Agency systems and processes to resolve outstanding NIAO and Internal Audit recommendations, including the delivery of a number of counter fraud measures as outlined within a revised Counter Fraud and Error Strategy.
- 2.3 Improve applicant and practitioner awareness of and compliance with the Agency's processing requirements.
- 2.4 Maintain expenditure within approved budget limits.
- 2.5 Delivering the Accounts for audit and laying before the NI Assembly the audited Annual Report and Accounts for 2015/16 in keeping with the Departmental timetable.
- 2.6 Publish the payment details of those solicitor firms and barristers receiving the highest level of remuneration from the Agency.

Priority Area 3: Agency Modernisation

Strategic Objective: To equip our staff to refine and improve delivery of existing and future statutory services by consolidating and modernising existing processes to enhance performance and deliver improved value for money.

- 3.1 Integrate Agency staff fully into the Department and NICS.
- 3.2 Successfully complete within budget the Discovery and Alpha phases of the Agency Digital Transformation project to modernise the delivery of existing and future statutory services.
- 3.3 Introduce agreed Shared Services arrangements in line with the Department's agreed strategy.

- 
- 3.4 Introduce recommendations from the agreed Staffing Review.
 - 3.5 Design, consult and introduce a Corporate Staff Development Plan.
 - 3.6 Improve the quality of information for both the public and legal practitioners.

Priority Area 4: Introduction of Reforms

Strategic Objective: To ensure seamless introduction and integration of all legal aid reforms brought forward by the Department during the business year.

- 4.1 Implement revised legislation introduced to support the commencement of the Access to Justice (Northern Ireland) Order 2003.
- 4.2 Make preparations for the introduction of a Practitioner Registration Scheme (PRS) in line with the timescales agreed within the Department.
- 4.3 Introduce Civil Legal Aid Fees reform phases one and two, in line with timescales agreed within the Department.
- 4.4 Implement Criminal Legal Aid Fees reform in line with the timescale agreed within the Department.
- 4.5 Effectively implement further new legislative reforms and guidance that are brought forward by the Minister of Justice within 2015/16.
- 4.6 Contribute fully to the Access to Justice Review 2 and introduce agreed changes to publicly funded legal services that arise from the Review.

Annex A

OVERVIEW OF PUBLICLY FUNDED LEGAL SERVICES

The Grant funding received from the Department is used in a variety of ways. There are 4 main strands of publicly funded legal services which cover both civil and criminal cases. Outlined below are the various ways in which legal advice, assistance and representation is provided under the Legal Aid Schemes in operation.

(a) Legal Advice and Assistance (LAA)

The Agency will fund Legal Advice and Assistance whereby individuals can receive advice on any point of Northern Ireland law, subject to the individual satisfying a financial eligibility test. The advice and assistance can be given free or subject to the payment of a contribution depending on the individuals financial circumstances. The form of assistance can be used to resolve issues before they proceed to litigation or can enable a case to be established before litigation. In certain circumstances it can be used to support individuals who require recourse to tribunals which are not covered by other aspects of publically funded legal services.

This scheme was previously referred to as the “Green Form” scheme

Legal Advice and Assistance will continue to cover a significant volume of cases (there were around 42,900 acts of assistance in 2014/15), although the average costs are relatively small and this form of assistance currently accounts for 5% of total legal aid expenditure.

(b) Representation Lower

The Agency will fund representation in Magistrates’ Court (including Family Proceedings Courts) and certain tribunals to enable solicitors to institute proceedings on behalf of individuals who are assessed as being financial eligible to receive public funding, although the individual may have to pay a contribution. There were some 10,200 acts of assistance in 2014/15 which would have been funded under this scheme. It currently accounts for 11% of total legal aid expenditure.

The cases covered by Representation Lower would previously have been funded as Assistance By Way Of Representation and Assistance By Children Order.

c) Representation Higher

The Agency will fund civil proceedings in the higher courts, primarily in the County Court, the Court of Judicature, and the Court of Appeal. Representation Higher enables someone to obtain legal representation by a solicitor and barrister, either to bring or to defend a court case, subject to the individual satisfying a financial eligibility test and paying a contribution if appropriate. There were some 7,400 acts of assistance in 2014/15. It accounts for 38% of total expenditure.

Previously this means of funding was referred to as Civil Legal Aid.

(d) Criminal Legal Aid

The Agency will continue to fund Criminal Legal Aid which provides free legal representation by a solicitor and barrister to defend someone charged with a criminal offence in the Magistrates' Court or the Crown Court. An individual's financial eligibility is assessed by the judiciary who grant criminal legal aid if the applicant's means are insufficient to fund their own defence and it is in the interests of justice that the applicant receives free legal aid. There were 32,700 acts of assistance in 2014/15. This is the largest area of legal aid expenditure, accounting for 46% of the total legal aid budget.

The only substantive change to this area is that in 2015/16 the Agency will also assume responsibility for making payments arising out of cases before the Court of Criminal Appeal.

(e) Exceptional Grant

Exceptional grant funding can cover a range of cases which do not fall within the scope of the non-criminal schemes. Primarily this form of funding occurs in respect of coroners' inquests.

This form of service continues to be available under the new legislation.

The tables below provide an overview of expenditure and acts of assistance during 2013/14 and 2014/15*:

Gross Expenditure on legal aid in 2013/14 and 2014/15*

Gross Expenditure 2013/14 and 2014/15*				
	Cash Spend 2013/14	% 2013/14	Cash Spend 2014/15*	% 2014/15*
LAA	£4.4m	4	£5.4m	5
Representation Lower (ABWOR)	£9.5m	9	£11.0m	11
Representation Higher (CIVIL)**	£39.6m	38	£40.5m	38
Criminal	£50.4m	49	£49.4m	46
Totals	£103.9m	100	£106.3m	100

*Subject to Audit

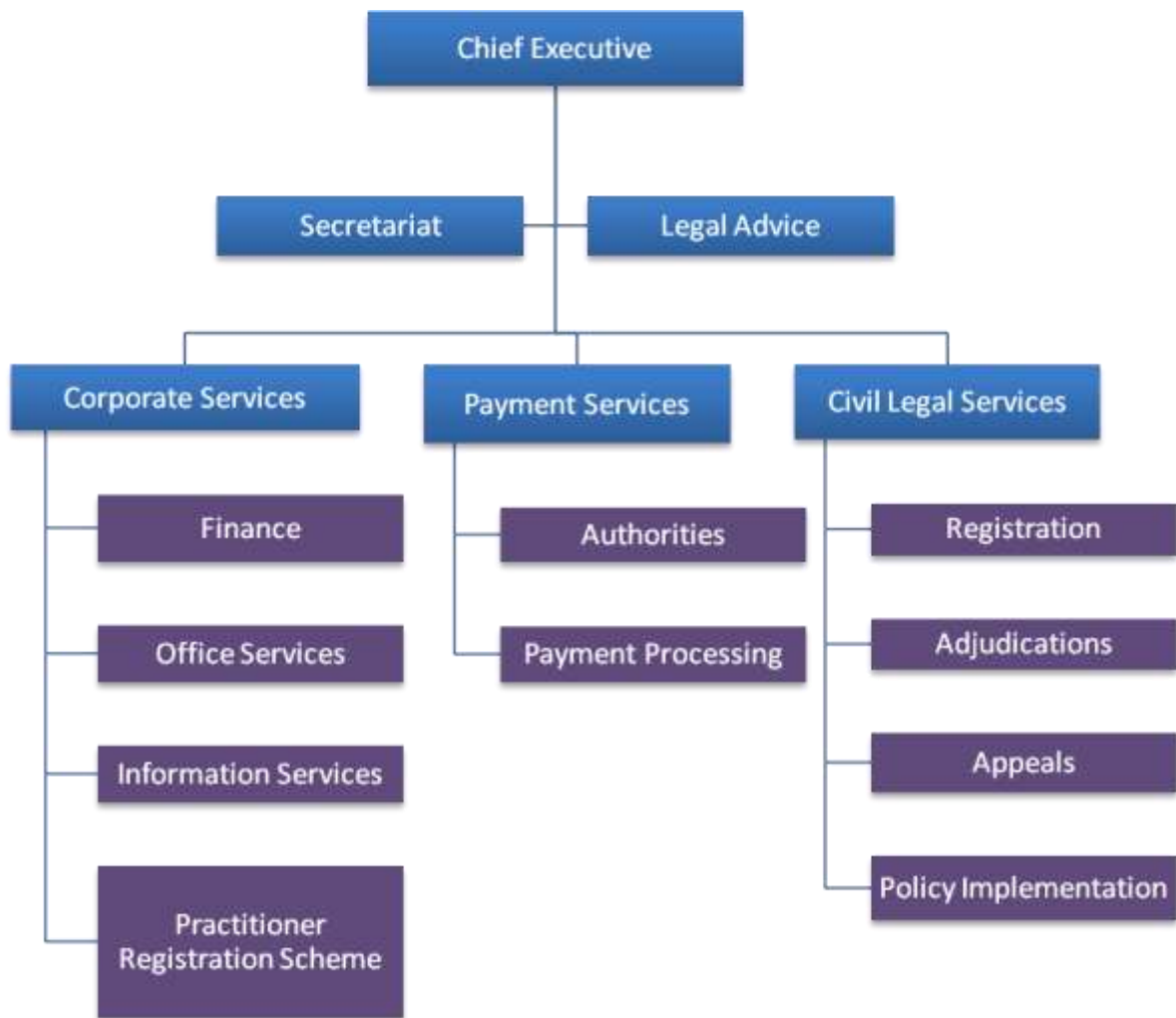
**Due to minor expenditure on SEGP in 2013/14 it has been incorporated within Representation Higher (CIVIL) expenditure.

The table below provides the volume of acts of assistance in 2013/14 and 2014/15

*Volume of Acts of Assistance in 2013/14 and 2014/15				
	2013/14 Acts of Assistance	% 2013/14	2014/15 Acts of Assistance	% 2014/15
LAA	38,000	42	42,900	46
Representation Lower (ABWOR)	11,500	13	10,200	11
Representation Higher (CIVIL)	7,000	8	7,400	8
Criminal	34,000	37	32,700	35
Totals	90,500	100	93,200	100

*SEGP volumes have not been separately identified.

LSANI Current Organisational Structure



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