

Legal Services Agency NI

Business Plan

2017-2018

supporting the
justice system
by administering
publicly funded
legal services

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Foreword by the Chief Executive

I am pleased to be able to present the Legal Services Agency's (LSA) Business Plan for 2017/18. This Business Plan deals with an exciting period of change. In addition to the delivery of its core business of granting civil legal services and remunerating suppliers for the provision of civil legal services and criminal defence services, the LSA will also take forward a Transformation Programme which will radically change how publically funded legal services are supported and the propriety and regularity of the services are demonstrated. While the Business Plan has been developed in the absence of a Minister, the LSA will adjust the Plan to reflect the priorities of the Minister when a Minister is appointed.

A new digitally enabled case management system sits at the heart of the Transformation Programme. This will transform how the LSA interacts with suppliers. The Programme will also introduce a statutory registration scheme which will provide assurance as to the way in which publicly funded legal services are delivered. In addition the Programme will establish a fraud and error capability which will address the accuracy of the information provided in support of applications for publically funded legal services, the assessment of the eligibility of individual applicants and the remuneration paid to suppliers. While each of these fundamental changes to the operational environment will not come to fruition until 2018/19 the current year will involve vital preparatory work.

The LSA is committed to continuing to deliver its core business while progressing the Transformation Programme. I acknowledge the expertise and engagement of the Agency's staff in delivering this Programme of work.

Paul Andrews

Chief Executive

Legal Services Agency NI

Legal Services Agency: Purpose and Values

Our Agency

Civil Legal Services Directorate is responsible for considering applications for advice, assistance and representation as part of civil legal services and supporting appeals against decisions made including to the independent appeals function when representation higher is refused.

Payment Services Directorate is responsible for assessing and making payments for bills received for advice, assistance and representation as part of civil legal services and criminal legal aid, together with the grant and remuneration of exceptionality cases.

Corporate Services Directorate provides support through the management of shared services and the delivery of debt management, management information, fraud and error, and information assurance services, together with oversight of the digitalisation project. It also has current responsibility for the Transformation Programme.

Strategic Objectives:

- **Assistable persons have access to justice**
- **Demonstrate effective supplier base for publicly funded legal services**
- **Enhancing governance and accountability**
- **Transforming legal aid services**

Our Purpose

To be an innovative, responsive and impartial Agency, effectively and efficiently administering quality publicly funded legal services for all stakeholders

Our delivery will be assessed against the following Programme for Government (PfG) outcomes:

“We have a safe community where we respect the law and each other”

“We connect people and opportunities through our infrastructure”

Agency Business Indicator:

“To continually improve the efficiency of the Agency”

Our Values

Delivering Effectively

- achieving our key priorities and delivering our objectives;
- maximising the benefit from available resources, providing value for money;
- aspiring to always improve;
- promoting imaginative and innovative ways to create a positive impact; and
- responding effectively to the needs of assistable persons who seek effective access to justice.

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; and
- promoting a healthy work/life balance.

Working Together

- seeking opportunities for active and meaningful engagement;
- 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; and
- contributing to the reform of publicly funded legal services.

Being Outwardly Focused

- being open and transparent;
- responding to the needs of the community;
- establishing and maintaining good working relationships; and
- 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; and
- fostering proactive, candid and open relationships with stakeholders.

How We Oversee our Business

As an Agency of the DoJ, the LSA operates under a Framework Document which sets out the arrangements for its effective governance, financing and operation. The LSA Framework Document can be found on our website www.lsani.gov.uk.

The LSA Board (the Board), which is chaired by the Chief Executive of the Agency, oversees the work of the LSA, leads strategic planning and assists the Accounting Officer in meeting corporate governance responsibilities. The Members of the Board adhere to the Seven Principles of Public Life.

While Legal Aid policy is determined by the Minister, the Board discusses policy when analysing options for operational management and delivery. The Board operates in an advisory and consultative capacity, offering guidance when required.

The Chief Executive of the LSA is responsible for the day to day operation of the Agency and the leadership and management of its staff. The Chief Executive is also the holder of the statutory office of Director of Legal Aid Casework (Director). In this capacity, the Chief Executive operates under Ministerial guidance and directions when determining whether to fund applications for civil legal services. The Director is independent from Ministerial or Departmental interference in relation to individual applications. The Director comments on this independent decision-making function in a separate Director of Legal Aid Casework Annual Report.

The Board consists of:

- Chief Executive, Paul Andrews (who chairs the Board);
- Director, Corporate Services, Glynis Brown;
- Director, Payment Services, Jill Herron;
- Director, Civil Legal Services, Sheila McPhillips;
- Independent member, Allen McCartney;
- Independent member, Professor John Morison; and
- Independent member, Stephen Wooler CB.

In addition, a representative of the Department, Mark McGuckin, Deputy Director of Public Legal Services Division, attends Board meetings.

The Board is supported in its role by the Audit and Risk Committee, which is a committee of the Board with no executive powers. The role of the Audit and Risk 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 LSA performance against its 2016-2017 Business Plan is set out in its Annual Report and Accounts which can be found on our website www.lsanj.gov.uk.

The LSA organisational structure is attached at **Annex D**.

Planning Context

The Business Plan has been developed against the background of the draft Programme for Government. The plan will be adjusted to reflect emerging ministerial priorities once a Minister for Justice has been appointed. In addition the plan has been developed against the backdrop of the budget allocation which the LSA has received for 2017/18 which is set out at **Annex B**.

The LSA has established a Transformation Programme within the Agency to bring together a number of discrete but interrelated projects which will fundamentally change how the Agency undertakes its business and strengthens its governance. The Transformation Programme includes projects dealing with Digitalisation of Legal Aid, Fraud and Error Measurement, a Registration Scheme and Strategic Improvement initiatives such as development of a new Management Information capability and Organisation Development.

The LSA will continue to take forward the work undertaken to date as part of the project to digitally transform the delivery of publicly funded legal services. The project will reform, streamline and automate the back office systems and processes used to manage publicly funded legal services, as well as making it easier for the practitioner

to communicate with the LSA by providing an online portal for submission of applications and claims for payment. Through workshops and meetings the project team will continue to engage with both internal and external stakeholders to ensure the business requirements can be met. The business case will be refreshed as the project progresses with the development of the case management functionality. The plan is to complete this project in 2018-19.

The LSA will continue to address its governance through a number of these projects. The enactment of the statutory provisions which will see the commencement of a Registration Scheme in 2018, which will provide the basis for the LSA to visit practitioners' offices to assess compliance with a Code of Practice. In addition the LSA will continue to work in partnership with the Department for Communities to establish a robust assessment of the level of fraud and error within the legal aid system and to enhance its fraud investigation capability.

The LSA will continue to work in support of the various DoJ reform initiatives to inform and implement changes to civil legal services and criminal legal aid, including the recommendations arising from the Access to Justice Review II and the Review of Civil and Family Justice.

Annex A

Overview of Publicly Funded Legal Services

Outlined below are the various ways in which legal advice, assistance and representation is provided under the Legal Aid Schemes in operation.

(a) Advice and Assistance (A & A)

The LSA funds 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. This 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.

A & A covers a significant volume of cases. There were 37,480 acts of assistance in 2016-17. Although this equates to 44% of the total legal aid volume, the average costs per individual act are modest and this form of assistance accounted for only 6% of total legal aid expenditure.

(b) Representation Lower

The LSA funds representation in Magistrates' Court (including Family Proceedings Courts) and certain tribunals to enable solicitors to take and defend 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 8,476 acts of assistance in 2016-17 funded under this scheme. This accounted for 10% of total legal aid volume and 8% of total legal aid expenditure.

c) Representation Higher

The LSA funds 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 5,981 acts of assistance in 2016-17. This accounted for 7% of total legal aid volume and 36% of total legal aid expenditure.

(d) Criminal Legal Aid (Excluding Criminal Court of Appeal)

The LSA funds 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 32,891 acts of assistance in 2016-17, accounting for 39% of total legal aid volume and 44% of the total legal aid expenditure.

(e) Criminal Court of Appeal

There were 96 acts of assistance in 2016-17, accounting for less than 1% of the total legal aid volume and 6% of the total legal aid expenditure.

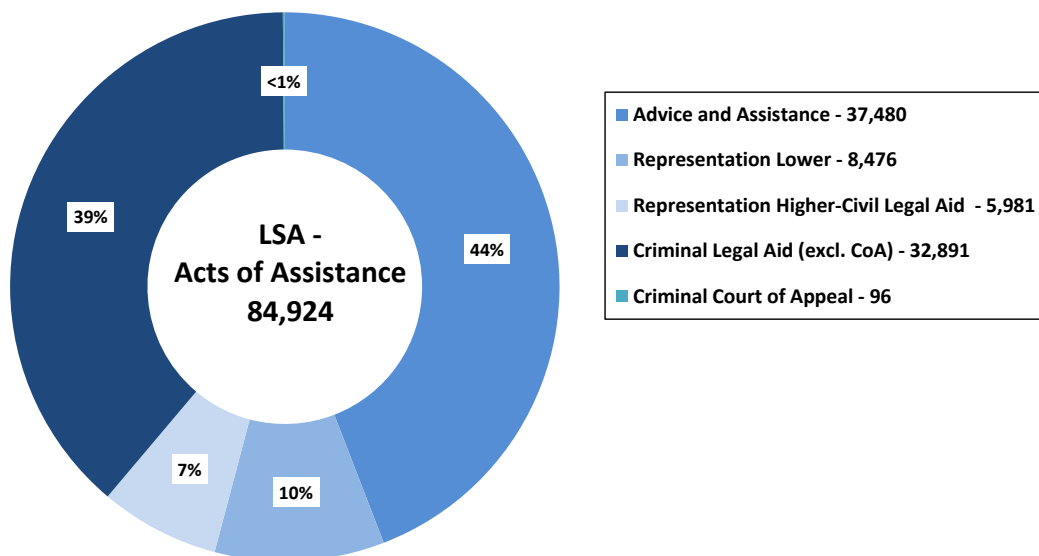
(f) Exceptional Funding

Exceptional 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.

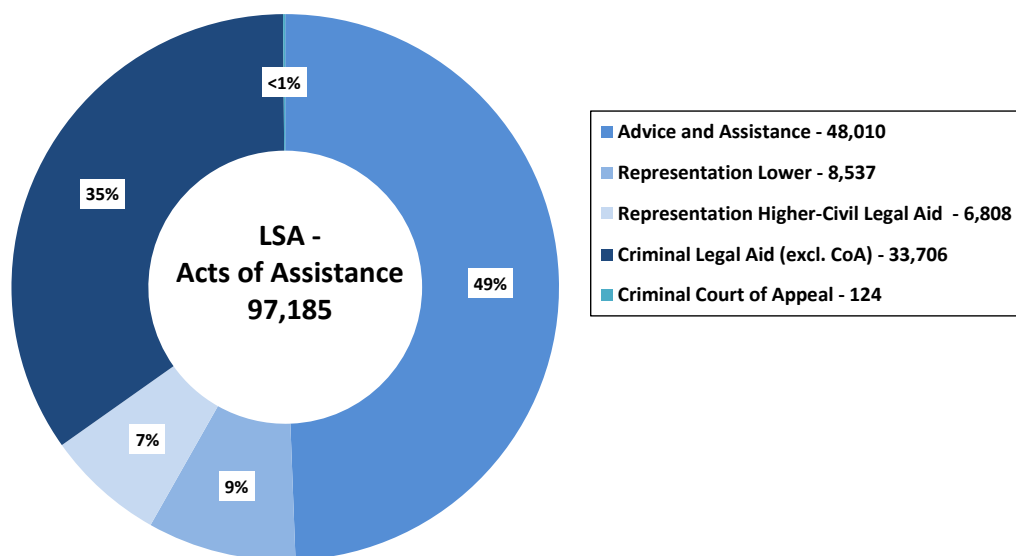
Overall Acts of Assistance

In combining LSA's overall acts of assistance, this came to a total of 84,924 in 2016-17. This represents a decrease of 13% compared with the 97,185 acts of assistance in 2015-16. See charts below:

2016-2017



2015-2016



NB: Advice and Assistance figures refer to applications registered. All other figures relate to certificates granted.

The table below provides an overview of expenditure by legal aid scheme during 2015-16 and 2016-17:

Gross Expenditure 2015-16 and 2016-17				
	Resource Spend*		Resource Spend*	
	2015-16	%	2016-17	%
	2015-16	2015-16	2016-17	2016-17
LAA	£6.2m	7	£4.9m	6
Representation Lower (ABWOR)	£11.4m	13	£6.6m	8
Representation Higher (CIVIL)	£33.1m	36	£29.5m	36
Criminal (excluding Court of Appeal)	£34.6m	38	£36.5m	44
Criminal Court of Appeal	£5.8m	6	£4.8m	6
Totals	£91.1m	100	£82.3m	100

*Previous Business Plan reporting documented the gross expenditure in terms of cash however, in line with the Agency's financial statements; the above figures reflect expenditure on an Accruals/Resource basis.

Annex B

Resources

LSA employed 105.86 FTE staff as at 1 April 2017, 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. The LSA has a skilled and committed workforce which is essential to the successful achievement of our aim and objectives.

Our budget for 2017-18 is	£m
Funding Legal Aid and Services	77.1
Criminal Appeals	4.2
Administration and Grants	8.0
Receipts	(2.6)
Total	86.7
Capital Budget	3.9

As part of the wider DoJ grouping, the LSA makes use of a number of departmental and Northern Ireland Civil Service (NICS) centralised functions including:

- Human Resources - HR Connect and NICS Human Resources (NICS HR);
- Procurement - Central Procurement Directorate (CPD);
- IT services - IT Assist (for PCs and Network Services) and NI Direct (for call handling and citizen facing services);
- Finance functions - Account NI and DoJ Financial Services Division (FSD);
- Management information - DoJ Financial Services Division, Analytical Services Group (FSD/ASG);
- Legal services - Departmental Solicitor's Office and Crown Solicitor's Office; and
- Internal Audit Services - DoJ Internal Audit Team, with the service subsequently moving under centralised NICS/DoF arrangements during Financial Year 2017-2018.

Key Indicators and Performance Measurements for 2017-18

Annex C

Population Outcome 1	Facilitating Access to Justice	
Key Area	Outcome	Actions taken to achieve the overall Outcome
Assistable ¹ Persons have access to justice	Applications for legal aid are determined promptly and in keeping with statutory requirements.	<p>Non–Emergency Applications: By 31 March 2018 to be determining applications for civil legal services within ten weeks of being registered.</p> <p>Emergency Applications: 90% of emergency applications and non means or merits Children Order proceedings determined within three working days from date of receipt.</p>
	Challenges against refusals of legal aid are determined promptly and in keeping with statutory requirements.	75% appeals in 16 Weeks - from receipt of an Appeal by until date fixed for Appeal.

¹ Assistable Person is an applicant who meets the eligibility tests (financial and merits) and thereby meets the scope of the Legal Aid Scheme.

Population Outcome 1	Facilitating Access to Justice	
Key Area	Outcome	Actions taken to achieve the overall Outcome
	<p>Properly presented bills for payment are processed accurately and promptly in keeping with statutory requirements².</p>	<p>Authorisation of standard fees for payment from date of receipt 95% within 6 weeks.</p> <p>Authorisation of non-standard fees for payment from date of receipt (non-Children Order claims) 75% within 12 weeks of receipt.</p> <p>Authorisation of non-standard fees for payment from date of receipt (Children Order claims) 75% within 24 weeks of receipt.</p> <p>Authorisation of Taxed cases (excluding those cases involving statutory charge) for payment from date of receipt 95% within 6 weeks of receipt.</p>

² Non-standard payments the target % reflects bills under query.

Population Outcome 2	Demonstrating effective supplier base for publicly funded legal services	
Key Area	Outcome	Actions taken to achieve the overall Outcome
Quality assured providers of legal aid	Preparation for Registration of Practitioners complete.	By 31 March 2018 to have developed audit plans and training for practitioners to support the go-live of the scheme in 2018.
	Guidance and forms issued in timely manner for new remuneration and exceptionality arrangements.	Documentation and supporting material issued in advance of implementation of remuneration and exceptionality arrangements.

Population Outcome 3	Enhancing Governance and Accountability	
Key Area	Outcome	Actions taken to achieve the overall Outcome
Improved system of internal control	All Priority 1 audit recommendations addressed in agreed timelines.	Six monthly progress reports to the Audit and Risk Committee.
	Submit business case to fund the agreed strategy to address fraud qualification.	<p>By 31 January 2018 to have agreed the strategy for delivery of fraud and error services.</p> <p>By 31 March 2018 to have submitted the business case to give effect to the agreed strategy.</p>
	Timely submission of quality assured annual accounts.	Accounts laid in accordance with statutory timeline.

Population Outcome 4	Transforming legal aid systems	
Key Area	Outcome	Actions taken to achieve the overall Outcome
Develop digitalised legal aid and supporting systems which accommodate reforms to the statutory environment	To have an approved refreshed DTLAP Business Case.	By 31 October 2017 to have submitted a refreshed Business Case to Financial Services Division for approval and deal in a timely manner with any queries arising.
	To ensure DTLAP project plan is on time delivering within budget and to quality requirements.	By 31 March 2018 to have completed the development of Sprint 17 and be in preparation for Sprint 18 in keeping with project plan.
	To have completed a Project Health Check for the DTLAP.	By 31 December 2017 to have completed the mandatory Health Check required for all 16 x16 projects within the NI Direct Programme and to have progressed all recommendations made by the Health Check Team.
	To maintain a project plan that prepares the Agency for go-live.	By 31 March 2018 to have developed Training and Testing Strategies consistent with the go-live date.

Population Outcome 4	Transforming legal aid systems	
Key Area	Outcome	Actions taken to achieve the overall Outcome
	<p>To have a Project Plan for information assurance and document retention which ensures compliance with GDPR and support the migration of data as part of DTLAP.</p>	<p>By 31 March 2018 to have developed and actioned 75% of the information assurance plan.</p> <p>By 31 March 2018 to have developed a Data Migration Strategy.</p>
	<p>To develop a management information strategy to meet the future needs of the Agency.</p>	<p>By 31 March 2018 to have prepared a management information strategy.</p> <p>By 31 March 2018 to identify additional reporting requirements for DTLAP.</p>

LSANI Organisation Chart

