

Legal Services Agency Northern Ireland

Business Plan 2021-2022



Introduction

2020-2021 was a challenging but rewarding year for the Legal Services Agency (the Agency). The digital Legal Aid Management System (LAMS), which was launched in 2019, enabled the Agency to deliver services remotely during the Covid-19 restrictions. The Agency utilised the existing LAMS functionality to introduce a Covid Interim Payment Scheme to assist practitioners who were experiencing cashflow constraints. LAMS was central to the Agency's response to Covid and will remain central to changes to enhance the estimate of provisions through a data cleansing project and to tackle fraud and error across all sources.

I appreciate the dedication and effort of every member of staff within the Agency which enabled the Agency to deliver services in a very challenging environment throughout 2020-2021.

I look forward to working with colleagues within the Agency, the Department of Justice and the legal professions to build on the robust foundations delivered to date to develop and deliver further reforms to the legal aid system.

The Agency will continue to strengthen our controls and deliver improved value for money through streamlining of processes and 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 excellence in public legal services and to continuous improvement.

The **Agency's Vision** is to be a responsive provider of high quality, digitally enabled services which supports individuals seeking justice.

Mission Statement

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

The Agency will assess its outcomes against the Assembly Outcomes Framework 2021:

“We have an equal and inclusive society where everyone is valued and treated with respect ” and

“Everyone feels safe – we all respect the law and each other ”



The Agency has set 4 strategic objectives for 2021-2022:

1 - Deliver High Quality Legal Aid Services

A modern, digitally-enabled service which can respond to Agency, customer and practitioner needs.

2 - Customer, Stakeholder and Partner Engagement

Responsive and innovative engagement with customers, stakeholders and partners to ensure that the requirements of all groups are understood and met.

3 - Strengthen our Governance and Accountability

Enhanced confidence and transparency in our stewardship of public money.

4 - Support and Empower our People

A properly resourced and skilled workforce which delivers our core business.

What we do

We fund legal services in civil and criminal matters, while securing value for money. Our core functions include:

- Determining requests for civil advice, assistance, and representation;
- Assessing and paying bills for civil and criminal services;
- Supporting and implementing DoJ's legal aid reform programme;
- Supporting the Independent Civil Appeals Panel.

Criminal Legal Aid is granted by the judiciary while Civil Legal Services are granted by the Agency.

Our Governance and Planning Context

Governance

The Agency Board, which is chaired by the Chief Executive (and Accounting Officer), oversees the work of the Agency. The Board 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.

The Board consists of:

- Chief Executive, Paul Andrews (Chair);
- Director of Operations, Mandy McKay;
- Director of Corporate Services, Kerry McGill;
- Non-Executive Member, Allen McCartney;
- Non-Executive Member, Tom Burgess.

In addition, a representative of the Department of Justice attends Board meetings.

Planning Context

The development of this Business Plan has been informed by the Department of Justice's Business Plan and builds on the Agency's achievements in 2020-2021. The Plan reflects the Agency's budget allocation for 2021-2022 and the priorities of the Minister for Justice and the Assembly.

The Agency has developed new operational targets for 2021-2022 in the context of the it's budget and work to enhance the efficiency of the LAMS.

In 2021-2022, the Agency will manage the delivery of its core operational services while embedding its approach to tackling error and fraud. A new Compliance and Training Unit

will be central to managing the well established official error process and will expand to include applicant and practitioner workstreams. This team will generate a feedback loop of continuous improvement from identifying and addressing the underlying problems. The Agency is also developing its Counter Fraud Unit to respond to both internal and external referrals and to actively review data trends in order to proactively identify cases for investigation, with the aim of detecting and reducing fraud and error in assessment and payment.

Preparation will be on-going for the introduction of a Statutory Registration Scheme during 2022-2023.



Our Resources

Our People – Supporting and Empowering

The Agency has 151 staff who are at the heart of everything we do. The majority of our staff are engaged in front line operational services. The Agency had to operate with approximately 20% of posts vacant during 2020-2021. During 2021-2022 the Agency will focus on building a resourced and trained team supported by a culture where staff can reach their full potential. As part of our culture we will promote core Values and Behaviours of:

- (a) Leadership – 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.
- (b) Respect – staff will honour the principles of impartiality, equality and diversity, and impartial in all decisions made.
- (c) Valuing Our People – building trust through engagement and open communications to build high performing teams and development of staff; and appreciating, recognising and celebrating achievements.
- (d) Justice – the Agency will enable Access to Justice, provide a quality service and continually strive to improve its service delivery. We will respect the position of citizens and practitioners whilst protecting public funds.



Our Resources

Our Budget – 2021-2022 Opening Budget Position

The opening budget for 2021-2022 is a flat cash settlement of £84.187m. The Agency is part of a Justice Recovery bid to ensure that the cost of cases disposed off is recognised as part of the recovery process. The Agency will seek additional funding through the in-year monitoring round process to meet the demand-led nature of its services.

	£m
Non ring-fenced Resource DEL	82.891
Ring-fenced DEL (Non Cash)	1.296
Total Resource DEL	84.187
Total Resource AME	28.418
Capital DEL	0.820



Making Decisions and Measuring Performance

Making Decisions - Director of Legal Aid Casework

The Legal Aid and Coroner's Courts Act (NI) 2014 enshrines the independence of decisions on applications for civil legal services. Under the Act, the Director of Legal Aid Casework (DLAC), is responsible for making decisions on individual cases. The LSA's Chief Executive undertakes this role. The DLAC has delegated decision making authority, in the majority of cases, to staff within the LSA and has practices in place to maintain the independence of the decision making process. To support the decision making role the DLAC has produced guidance to ensure consistent and transparent decision making and reports each year on the discharge of these functions.

Measuring Performance

The Agency has developed Key Performance Indicators on the basis of the efficient operation of the LAMS system and the volumes of new communication and transaction types.

The Agency has also set targets around the performance management of staff and more general operational efficiency such as prompt payment.

Strategic Objective 1 – Deliver High Quality Legal Aid Services

In 2021-2022 we will:

- Adjudicate on applications for civil legal services and criminal exceptionalality;
- Support the independent appeals process;
- Pay properly presented bills;
- Develop a Compliance and Training Unit;
- Develop the Counter Fraud Unit.

Measures against this Objective will include:

- Establish the Compliance and Training Unit by 30 September 2021;
- Develop a Counter Fraud Strategy by 30 September 2021.

KPI - Decisions		
Emergency Applications	Rep Lower and Rep Higher	90% within 48 hours
Non-Emergency Applications	Rep Lower	85% within 16 weeks
	Rep Higher & Exceptionality	
Appeals	Rep Higher	90% within 8 weeks
KPI – Payments		
Standard Fees	Rep Higher (inc. Article 3)	95% within 12 weeks
	Advice & Assistance (Non-PACE)	
	Criminal – Crown Court	
	Criminal – Magistrates Court	
Non-standard Fees (Non-CO)	Rep Lower	95% within 16 weeks
Non-standard (CO)	Rep Lower	95% within 24 weeks
Taxed	Rep Higher Taxed	95% within 6 weeks

Strategic Objective 2 – Customer, Stakeholder and Partner Engagement

In 2021-2022, we will:

- Maintain the Operational Forum and create an Engagement and Communications Group to promote effective working between the profession and LSA;
- Enhance communications to the assisted person and debtors;
- Support the development and delivery of policy and legislative change;
- Develop a LSA Communications Strategy.

Measures against this Objective will include:

- Scheduled program of engagement with practitioners and agreed enhancements to communications;
- Work with the Behavioural Insights to measure the impact of the revision of debt recovery communications;
- Participation on policy working groups and delivery of key outputs for projects;
- Draft Communications strategy by 31 December 2021.

Strategic Objective 3 – Strengthen Governance and Accountability

In 2021-2022 we will:

- Continue to address our account qualifications with:
 - timely preparation and submission of Annual Accounts;
 - further refinement of the Provisions Model for fund liabilities;
 - reduction in official error and estimate of applicant error supported by review of practitioner error.
- Revise our Debt Management Strategy;
- Undertake procurement of a new contract for LAMS and the Qlik Sense system maintenance and development;
- Implement the new Forecasting model developed in 2020-2021 to help manage our budget effectively.

Measures against this Objective will include:

- Deliver Annual Report and Accounts in line with the agreed timetable;
- Program of Case Closure to enhance provisions model;
- Development of a consolidated estimate of error;
- Develop and deliver a Debt Management Improvement Plan;
- Progress procurement of new LAMS contract in keeping with the procurement action plan;
- Embed the new forecast model.

Strategic Objective 4 – Support and Empower our People

In 2021-2022 we will:

- Identify and procure suitable premises to accommodate our teams;
- Design and deliver a Corporate Training Plan;
- Promote health and well being;
- Adhere to performance management standards; and
- Expand access and utilisation of Qlik Sense to enhance operational performance.

Measures against this Objective will include:

- Specification for accommodation for future LSA needs and budget secured for building move;
- Extent of uptake of training plan including bespoke in-house training;
- Number of well-being messages and events supported;
- Compliance with performance management standards;
- Increase in usage of Qlik Sense.

What We fund

Legal Aid is delivered under five levels of services :

(a) Advice and Assistance

This covers advice on any point of Northern Ireland law, subject to the individual satisfying a financial eligibility test. This can be used to resolve issues before they proceed to court or enable a case to be established before litigation. In certain circumstances it can be used to support individuals who require recourse to tribunals.

(b) Representation Lower

This covers representation in Magistrates' Court (including Family Proceedings Courts) and certain tribunals subject to individuals being financially eligible.

(c) Representation Higher

This covers civil proceedings in the higher courts, primarily in the County Court, the Court of Judicature, and the Court of Appeal subject to individuals being financially eligible.

(d) Criminal Legal Aid

Criminal Legal Aid covers free legal representation to someone charged with a criminal offence in the Magistrates' or the Crown Court. Legal representatives can seek and be granted additional preparation, in addition to standard fees if the case:

- involves a point of law or factual issue that is very unusual or novel;
- additional preparation work is reasonably required in order to prepare the assisted person's defence; and
- that work is substantially in excess of the amount normally required for cases of the same type.

Criminal legal aid includes representation before the Criminal Court of Appeal.

(e) Exceptional Grant Funding

Funding granted in specific cases which do not fall within the scope of the non-criminal schemes. Primarily this form of funding occurs in respect of coroners' inquests.

Provision in 2020-2021 by Level of Service

Category of Service	Applications Granted (cases) 2020/2021	
	Volume	% of all cases
A&A	29,028	45.7%
Rep Lower	7,610	12.0%
Rep Higher	6,663	10.5%
Criminal (excl COA)	20,199	31.8%
Criminal COA	56	0.09%
Exceptional Funding	31	0.05%
Total	63,587	100.0%



