

# Legal Services Agency Northern Ireland

## Business Plan 2019-2020



## Introduction

For the Agency, 2019 - 2020 will be the culmination of its transformation programme, including the launch in July 2019 of its new digital case management system. To this end the Agency has delivered training on the digital system to staff and practitioners and has published decision making guidance. In addition the Agency has embraced new functions to determine the financial eligibility of applicants for civil legal services and to measure the fraud and error rate within the legal aid system. All this is underpinned by cultural change.

This preparatory work was undertaken while delivering 80,677 acts of assistance and fully utilising our budget of £84.3m. The Agency's forecast and budgetary position provided a strong platform for service delivery.

I appreciate the commitment and support of every member of staff within the Agency during 2018-2019. I look forward to working with colleagues within the Agency and the legal professions to deliver services using the new case management system.

We will also work with our policy colleagues to develop and deliver reforms to the legal aid system.

The Agency will continue to strengthen our controls and deliver improved value for money through fraud and error initiatives which will safeguard the public purse.

All of this will be achieved through the staff within the Agency continued commitment to excellence in public legal services and a determination to improve our services.

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BUSINESS PLAN 2019-2020

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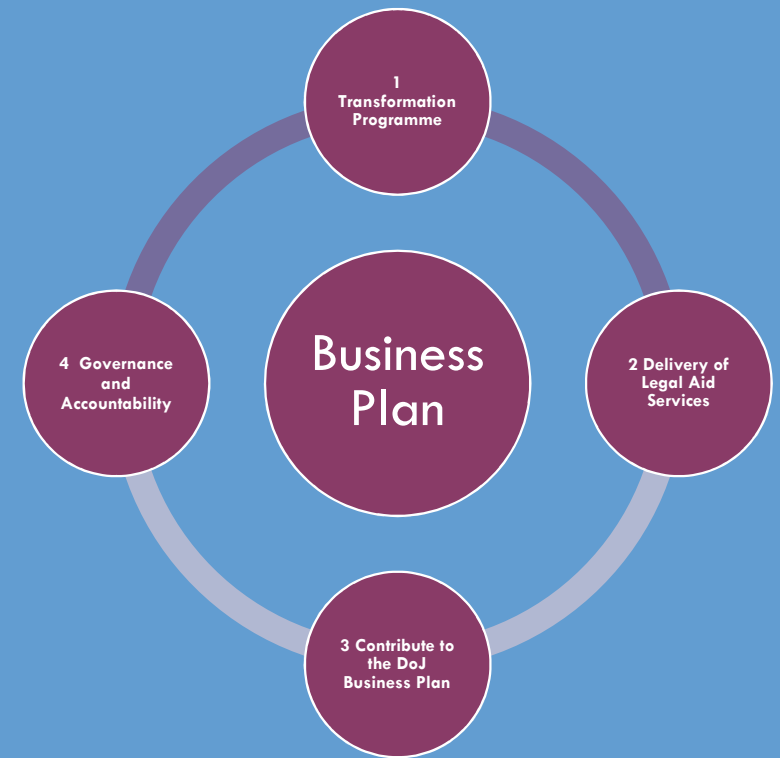
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The Department of Justice's Mission Statement is **'Working in partnership to create fair, just and safe community where we respect the law and each other.'**

The Legal Services Agency contributes to the Mission Statement by being **a responsive and impartial Agency, efficiently administering quality publicly funded legal services for all citizens of Northern Ireland through innovative and digitally enabled services.**

The Agency will assess its outcomes against the following Programme for Government (PfG) outcomes: "We have a safe community where we respect the law and each other" and "We connect people and opportunities through our infrastructure" which in this context refers to the new Legal Aid Case Management System.

The Agency has developed its own Business Indicator which is "To continually improve the efficiency of the Agency"



## LEGAL SERVICES AGENCY NORTHERN IRELAND BUSINESS PLAN 2019-2020

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## Our Vision Statement

To be a responsive and impartial Agency, efficiently administering quality publicly funded legal services for all citizens of Northern Ireland through innovative and digitally enabled services.

## Our Strategic Objectives for the Year

Working with others to achieve excellence in the delivery of legal aid we will:

- Deliver and Embed our Transformation Programme
- Deliver Legal Aid Services
- Contribute to the Department of Justice Business Plan
- Strengthen our Governance and Accountability

## What we do

We fund legal services in civil and criminal matters, while attaining 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 is granted by the Agency.

Further information on What we Fund can be found on the final pages of this Business Plan

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BUSINESS PLAN 2019-2020

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NORTHERN IRELAND



## Our governance and planning context

### Governance

The LSA Board, which is chaired by the Agency's Chief Executive (and Accounting Officer), oversees the work of the LSA. 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, Payment Services, Jill Herron;
- Interim Director, Corporate Services, Mark McGuicken;
- Director, Transformation, Marcella McKnight
- Director, Civil Legal Services, Sheila McPhillips;
- Independent member, Allen McCartney;
- Independent member, Stephen Wooler CB (up to June 2019);
- Independent member, Tom Burgess (from 15 August 2019).

In addition, a representative of the Department 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 LSA's achievements in 2018-2019. The Plan reflects the LSA's budget allocation for 2019-2020 and will be adjusted to reflect emerging ministerial priorities when a Minister for Justice is appointed.

The LSA will manage the delivery of its core operational services while embedding its new digital platform and staffing structure. The level of service will be streamlined during the year as the legal profession and staff become accustomed to interacting digitally. The LSA plans to retain its existing operational targets for the first year of on-line services while it develops performance indicators which reflect its new operating environment.

The transformation programme also includes processes to detect and measure the level of fraud and error within the legal aid system. As part of the programme the LSA now determines the assessment of financial eligibility of applicants for civil legal services. These aspects of the transformation programme will now be embedded during 2019-2020. The introduction of a statutory Registration Scheme and associated compliance reviews cannot be introduced in the absence of a NI Executive. However, during 2019-2020 the LSA will continue to plan for their implementation.

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NORTHERN IRELAND



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## Our Resources:

### Our People

We employ over 150 people and our staff are at the heart of everything we do. The majority of our staff are engaged in front line operational services. We will invest and focus on our people to create a culture where staff can reach their full potential. As part of our new structure we are seeking to progress cultural change including a revised Statement of Values and Behaviours focusing on our core Values of:

- (a) Leadership – staff will act with integrity in all interactions and will be authentic, open and honest in relationships with colleagues, demonstrating trustworthiness in the course of their work.
- (b) Respect – staff will honour the principles of impartiality, equality and diversity, applying fairness to all decisions made.
- (c) Valuing Our People – The Agency is committed to building trust; engagement and open communications; building high performing teams and empowerment of staff; encouraging growth and development of it's 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 it's service delivery. We will respect the position of citizens and suppliers whilst protecting public funds.

### Our Budget

The annual cost of running the Agency is £7m and the capital budget is £0.5m.

The cost of funding legal aid cases is £77m



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BUSINESS PLAN 2019-2020

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## Making Decisions and Measuring Performance

### Making Decisions - Director of Legal Aid Casework

The Legal Aid and Coroner's Courts Act (NI) 2014 ensured that the decision making process for legal aid remained independent from Ministers. The Director of Legal Aid Casework (DLAC), has sole responsibility for making decisions on individual cases. The LSA's Chief Executive undertakes this role. The DLAC has delegated decision making 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 decision making guidance to ensure consistent and transparent decision making.

## Measuring Performance

In setting key performance indicators, the Agency is conscious that the first half of the year will be dominated by bedding in the new digital case management system. As such the Agency will work within the spirit of its existing Key Performance Indicators. The existing suite of Indicators is set out at Annex A. As operational experience under the new system increases, the Agency will develop a new suite of indicators.

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BUSINESS PLAN 2019-2020

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NORTHERN IRELAND



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## Strategic Objective 1 - Transformation Programme

In 2019-2020 we will:

- Deliver and embed the new case management system;
- Progress the implementation of the new organisational structure throughout the year;
- Develop a revised suite of performance indicators; and
- Develop a strategy to introduce the publication of Official Statistics Outputs.

**Measures against this Objective will include:**

### How much did we do?

- Number of practitioner accounts created on LAMS per quarter
- Number of existing 'live' cases successfully migrated onto new system
- Number of new cases created on LAMS per quarter
- Number of payments made per quarter

### How well did we do it?

- Introduce new case management system within timescale, cost and to quality standards as per approved Business Case
- % of staff operating in roles as per the new organisational structure by September 2019

### Is anyone better off?

- Compare average processing times between 2019 to 2018 to improve client experience under LAMS
- Set new performance management targets for 2020-2021
- Practitioners and staff, via a satisfaction survey?

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BUSINESS PLAN 2019-2020

**LSA** Legal Services Agency  
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## Strategic Objective 2 – Delivery of Legal Aid Services

In 2019-2020, in accordance with statutory requirements, we will:

- Adjudicate on applications for civil legal services and criminal exceptionality;
- Support the independent appeals process;
- Pay properly presented bills;
- Conduct Financial Eligibility assessments;
- Manage our budget effectively to maximise resources and efficiency; and
- Support Legacy Inquests hearings

Measures against this Objective will include:

### How much did we do?

- Number of properly completed applications processed in 2019-2020
- Number of properly constituted appeals processed in 2019-2020
- Number of properly presented bills assessed / paid in 2019-2020
- Number of Financial Eligibility assessments taken in-house
- Total legal aid fund paid out in 2019-2020

### How well did we do it?

- % application / bills processed within current KPIs
- Official error rate
- % of fund paid out (overspend/underspend)
- Determine baseline for Applicant Fraud and Error

### Is anyone better off?

- Compare performance in 2019 to 2018

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BUSINESS PLAN 2019-2020

**LSA** Legal Services Agency  
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## Strategic Objective 3 – Contribute to the delivery of the Department of Justice Business Plan

In 2019-2020 we will:

- Work in partnership with policy colleague to develop policy proposals for legal aid;
- Implement legislative changes to legal aid; and
- Prepare to implement the statutory registration scheme for legal aid providers

Measures against this Objective will include:

### How much did we do?

- Number of policy proposals LSA engaged in during 2019-2020
- Number of changes of legislation LSA implemented in 2019-2020

### How well did we do it?

- % of circulars on changes to legal aid legislation issued in advance of the changes
- % of queries on legislative changes not addressed in guidance.

### Is anyone better off?

- Review operational efficiency of procedures

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BUSINESS PLAN 2019-2020

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## Strategic Objective 4 – Governance and Accountability

In 2019-2020 we will:

- Continue to address our account qualifications;
  - Timely preparation and submission of Annual Accounts
  - Support FSD's review of our financial provisions;
  - Implement systems to detect and measure the extent of fraud and error in the legal aid system;
- Further align our Debt Management Strategy with that of NICS;
- Create a culture where staff reach their potential;
- Enhance the staff engagement profile of the Agency; and
- Implement a new Business Intelligence/Reporting solution for LSA (Qlik Sense) and progress a data literacy plan.

Measures against this Objective will include:

- Develop and embed the new approach to Provisions reporting within LAMs to underpin FSD reporting.
- Deliver Annual Report and Accounts in line with delivery profile
- Produce provisional in year estimates of Applicant and Practitioner Fraud and Error.
- Develop Debt Management Improvement Plan.
- Develop a suite of staff attitude measures from NICS People Survey.
- Improve staff engagement profile
- Staff gaining new skills and knowledge in Qlik Sense
- Develop basic data literacy skills to assist staff in their daily work.

LEGAL SERVICES AGENCY NORTHERN IRELAND  
BUSINESS PLAN 2019-2020

**LSA** Legal Services Agency  
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## What we fund

### (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 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.

There were 35,348 acts of assistance in 2018-2019. 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

This covers representation in Magistrates' Court (including Family Proceedings Courts) and certain tribunals subject to individuals being financially eligible. There were 6,849 acts of assistance in 2018-2019 funded under this scheme. This accounted for 8% of total legal aid volume and 10% of total legal aid expenditure.

### (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. There were 6,747 acts of assistance in 2018-2019. This accounted for 8% of total legal aid volume and 40% of total legal aid expenditure.

LEGAL SERVICES AGENCY NORTHERN IRELAND  
BUSINESS PLAN 2019-2020

**LSA** Legal Services Agency  
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## What we fund

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

Criminal Legal Aid covers free legal representation to defend someone charged with a criminal offence in the Magistrates' Court or the Crown Court. There were 31,663 acts of assistance in 2018-2019, accounting for 39% of total legal aid volume and 40% of the total legal aid expenditure.

### **(e) Criminal Court of Appeal**

This covers representation before the Criminal Court of Appeal. There were 70 acts of assistance in 2018-2019, accounting for less than 1% of the total legal aid volume and 4% of the total legal aid expenditure.

### **(f) Criminal Exceptional Preparation**

In criminal cases before the Magistrates' Courts and Crown Court legal representatives can seek and be granted additional preparation, in addition to the standard fees if the case (a) involves a point of law or factual issue that is very unusual or novel; (b) additional preparation work is reasonably required on the part of the representative in order to prepare the assisted person's defence; and (c) that work is substantially in excess of the amount normally required for cases of the same type.

### **(g) Exceptional Grant Funding**

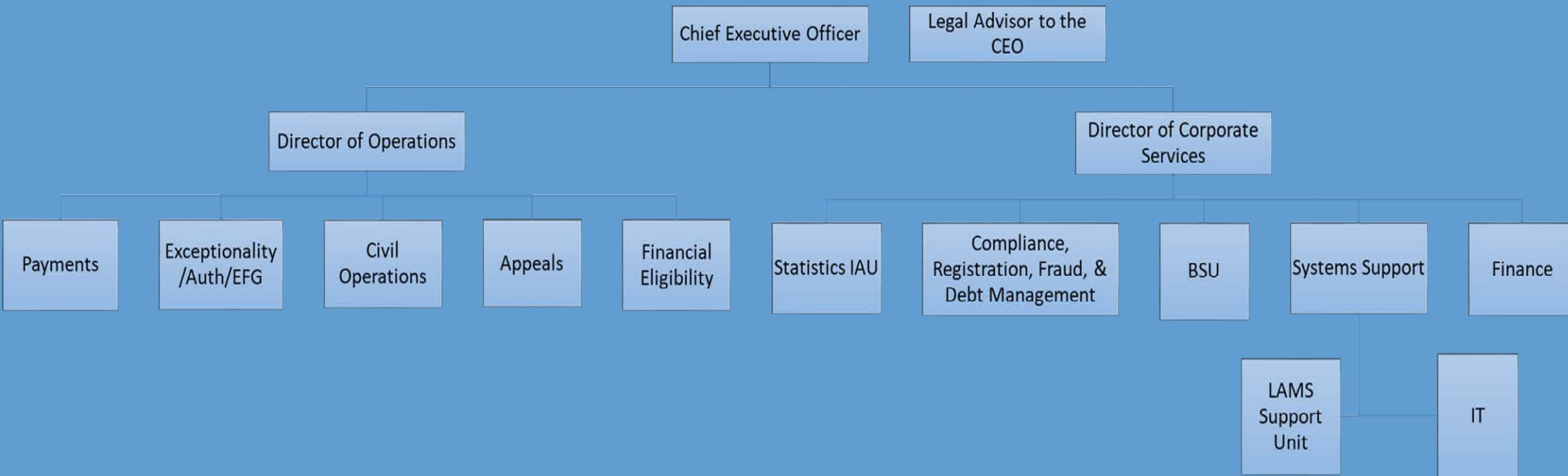
Funding can be granted in specific cases which do not fall within the scope of the non-criminal schemes. Primarily this form of funding occurs in respect of coroners' inquests.

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BUSINESS PLAN 2019-2020

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## New Organisational Structure



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BUSINESS PLAN 2019-2020

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## Current Key Performance Indicators

We will measure performance against the following targets:

- Process 95% of properly completed emergency applications received from 1 April 2019 within 48 hours
- Process 80% of properly completed non-emergency applications received from 1 April 2019 within 14 weeks
- Process 75% of all properly constituted appeals against the refusal of representation higher courts within 16 weeks
- Process 95% of standard fees which do not generate queries within 8 weeks
- Process 75% of non-standard fees (non-Children Order claims) which do not generate queries within 16 weeks
- Process 75% of non-standard fees (Children Order claims) which do not generate queries within 24 weeks
- Process 95% of Taxed cases (excluding statutory charge cases) which do not generate queries within 6 weeks

LEGAL SERVICES AGENCY NORTHERN IRELAND  
BUSINESS PLAN 2019-2020

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