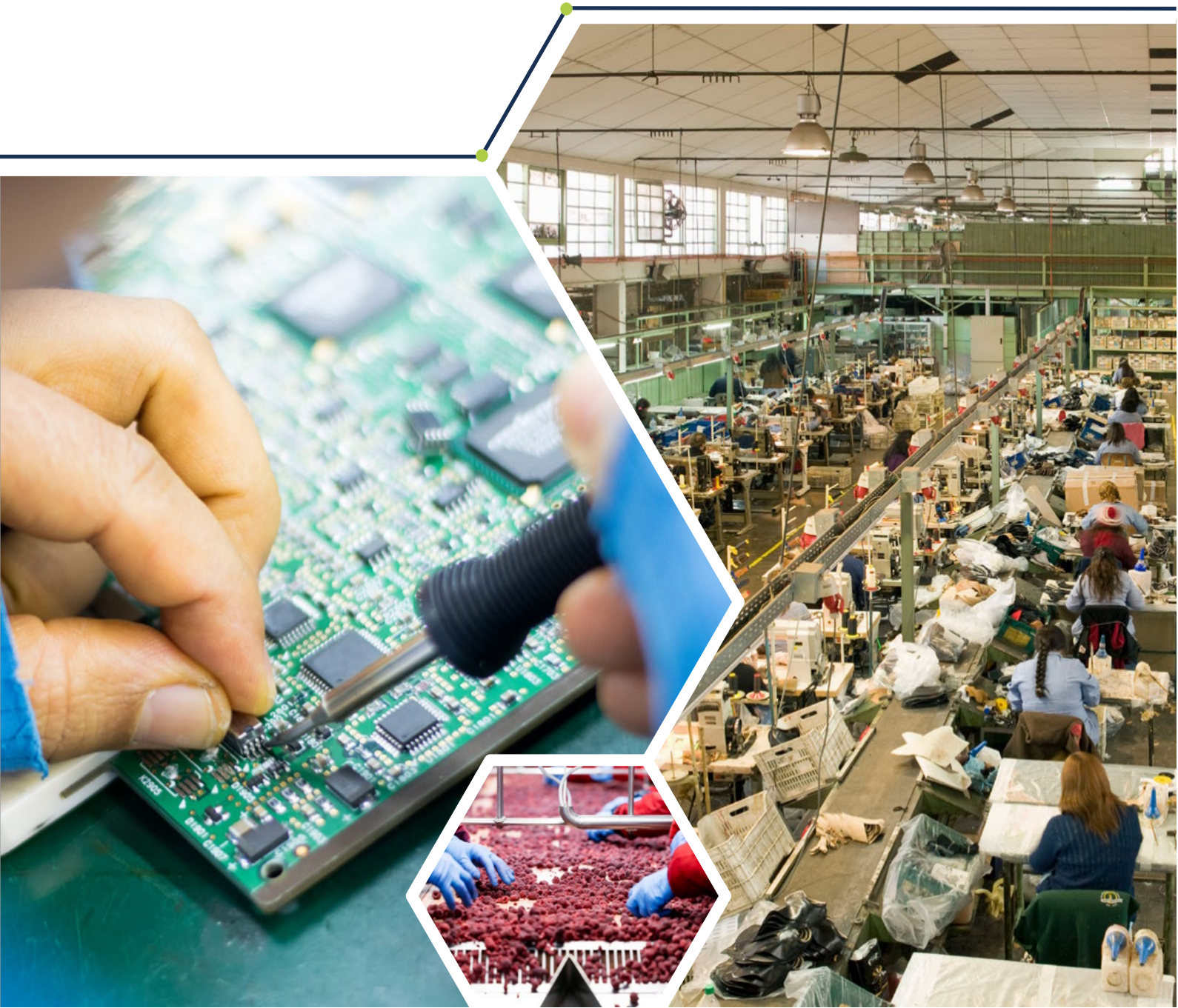




Legal Aid
Agency

Modern Slavery Transparency Statement 2020 - 2021



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Chief Executive foreword

Modern slavery is a crime. It devastates lives, exploits and abuses some of the most vulnerable people in the UK and around the world. The UK Government is committed to root out this criminal abuse that deprives people of their freedom and every part of Government has a part to play.

The Ministry of Justice (MoJ) commercial and operational teams, Arm's Length Bodies (ALBs) and Executive Agencies (EAs) are working in collaboration with our staff, suppliers and partners to tackle this complex problem.

In the Legal Aid Agency (LAA), we are beginning our journey to minimise the risks of modern slavery within the supply chains and contracted services we rely on to provide our service to the public. Whilst I am aware that the nature of our business means that there is relatively low risk of modern slavery taking place I am not complacent and I am committed to furthering our awareness of modern slavery across the LAA and its contracted providers, as well as ensuring our actions help to support and protect victims and survivors.

The LAA will work alongside the MoJ to address this injustice and to learn from each other about how we can make a real difference. This is our first Modern Slavery Transparency Statement and provides the starting point for the work we will do over the coming year and beyond. We will build on this each year and set out our progress and plans to tackle this injustice.



Jane Harbottle

LAA Chief Executive

Section 1

Organisational structure and supply chains



This section sets out the organisational structure of the LAA. It highlights the scope of our supply chain and the internal governance that supports the prevention of modern slavery in our operations.

This first LAA Modern Slavery Transparency Statement, published in response to s.54 of the Modern Slavery Act 2015, describes the steps taken to identify and reduce the risks of modern slavery occurring. It covers the period 1 April 2020 – 31 March 2021 and a new statement will be published each year.

It demonstrates our commitment to preventing modern slavery taking place in our core activities and reducing the potential for it occurring in the supply of services to the LAA.

The LAA is an Executive Agency of the MoJ and as such our statement references elements of the MoJ's statement, where the LAA relies on services provided through contracts held and managed by the MoJ.

The LAA supports swift access to justice, through working with others to achieve excellence in the delivery of legal aid.

We work with providers of our services to ensure fair, prompt and effective access to civil and criminal legal aid and advice in England and Wales. We work across the whole of the justice system to make sure our services meet the needs of everyone who uses them, including the most vulnerable in our society.

The work of the LAA contributes principally toward the MoJ Strategic Outcome – Deliver swift access to justice, as set out in the [MoJ Outcome Delivery Plan](#) and the [LAA Business Plan](#).

The LAA is responsible for delivering £1.7bn of legal aid (publicly funded legal advice and representation) annually. This is delivered through high quality service providers to people with legal problems in England and Wales.

We commission the legal services people need from solicitors, advice agencies, barristers and commercial organisations (known as our 'providers'). Contracts for the provision of legal advice are classified as 'Legal Services' under the Public Contracts Regulations 2015. The services we commission are delivered to clients both face to face and via the telephone. In most cases, contracted work is paid via administratively set rates, prescribed in regulations.

As an Executive Agency of the MoJ we have multiple contracts in place to support our operations that are procured and managed by MoJ. MoJ Commercial and Contract Management Directorate (CCMD) cover activity across the whole MoJ commercial landscape, taking on responsibility for commercial activity across the three main agencies (Her Majesty's Prison and Probation Service (HMPPS), Her Majesty's Courts and Tribunals Service (HMCTS) and the LAA) in addition to the wider ALBs, Wales Office, functions and professions. This statement therefore is consistent with the one produced by MoJ and clearly links through to relevant information.

LAA Organisational Structure and Data

During the reporting period, the LAA directly employed an average of 1,137 people.

The LAA operates across England and Wales out of 16 office locations: Birmingham; Brighton; Bristol; Cambridge; Cardiff; Cheltenham; Darlington; Leeds; Liverpool; London (two offices); Manchester; Nottingham; Pontypridd; South Tyneside; and Swansea.

The majority of LAA employees work in Case Management (c. 800) with the remainder working in Contract Management and Assurance (c. 150), the Public Defender Service (c. 70), the Corporate Centre (c.40) Service Development & Central Commissioning (c. 30) and Transformation (c. 5).

The LAA net expenditure for the period was £1.6bn, the vast majority of which comprises payments to contracted providers of legal aid services and other costs in support of court activity: Civil Representation £747.7m; Crime Higher £453.9m; Crime Lower £248.2m; Civil Legal Help £97.5m and Central Funds £33.5m.

The administrative costs for the LAA are split by the costs relating directly to LAA employees at £58.7m and the costs relating to MoJ employees deployed on LAA work as part of the Department's shared services arrangements, at £25.4m.

CCMD provide expert commercial advice to support the delivery of frontline justice services, sourcing and managing the c.£4bn spent by the MOJ through its third-party contracts each year. CCMD takes on responsibility for commercial activity across the three main agencies (HMPPS, HMCTS and the LAA) in addition to the ALBs, Wales Office, functions and professions.

Accordingly, the LAA relies upon the MoJ CCMD to source a range of services such as facilities management, catering, Information and Communications Technology (ICT) hardware from diverse contractors, including medium-sized enterprises and large corporations that often have multi-faceted supply chains. The LAA does not have the authority to enter into contracts for the provision of administrative services. The LAA does have the authority to enter into contracts for the provision of legal aid services.



With around 170 staff responsible for commissioning and managing legal aid service contracts, the LAA holds over 2,500 contracts for services worth c.£1.7bn.

LAA Supply Chain

Most of the LAA's expenditure is through payments made to contracted providers of legal aid services, contracted to deliver advice to the public face to face.

At the start of the reporting period there were 2,651 contracts in place with a total of 2,212 providers.

At the end of the reporting period there were 2,549 contracts in place with a total of 2,136 providers.

Of these providers, around 94% are Small and Medium Sized Enterprises (SME) and 6% are Voluntary, Community and Social Enterprise (VCSE) sector organisations.

In addition, at both the start and end of the reporting period there were 11 contracts in place to deliver specialist telephone advice services with 10 providers (all of whom also held contracts to deliver other legal aid services and were included in the total figures for the reporting period).

These providers of legal aid are required to operate in England and Wales where they deliver their services. Providers are members of regulatory bodies that set obligations for their members in relation to professional conduct. Some regulators have issued guidance to their members in dealing with clients who may be victims of modern slavery.

The LAA manages one Gold level contract for Crown Court Means Testing debt collection and enforcement, which was procured and is held by MoJ CCMD.



With more than 2000 contracted legal aid service providers, the LAA has a significantly large supply chain to consider.

Other contracts held and managed by LAA are below:

Other contracts and services delivered

LAA Contact Centre Services	Delivery of Defence Solicitor Call Centre (DSCC) and Civil Legal Advice Operator Service (CLAOS).
Peer Review	Peer Review services for review of legal aid provider case files. Contracts consist of: Individual contracts held with Peer Reviewers Contract for Peer Review Expert Consultancy Services and a Peer Review Worldwide licence agreement
Specialist QualityMark (SQM)	A concession contract to administer the LAA's Specialist Quality Mark (SQM) quality standard.
TransUnion UK	Specialist Credit Checking services to support LAA Counter-Fraud and Investigations Team

The suppliers of these contracts held by the LAA all deliver required services for the LAA, solely within the UK.

The LAA also relies upon a range of contracts held by the MoJ, for its operations. These cover the following categories of service: Industrial services; Facilities; IT; Communications; Fleet; Professional Services; Learning and Development; Energy and Fuels; Travel; Office Solutions; Print and Management; and Waste Management. LAA expenditure through these contracts was £17.19m

The approach taken by MoJ CCMD to address modern slavery for all contracts, including those utilised by the LAA is set out in the Department's Modern Slavery Transparency Statement.

Anti-Slavery Internal Governance

Within MoJ, the Modern Slavery Leadership Group provides leadership of the Department's modern slavery goals at a corporate level with input from CCMD via the Modern Slavery Working Group. The MoJ Director of Social Value and Corporate Responsibility has overall responsibility for embedding a strategic approach and the publication of the modern slavery statement, operating as the Department's Anti-Slavery Advocate.

Commitment: During 2021-22, the LAA will join the relevant groups within MoJ's anti-slavery internal governance and will confirm whether an additional Anti-Slavery Advocate within the LAA is required.



We are committed to sourcing in a fair, ethical and responsible way and are working towards identifying and mitigating against the potential risks of modern slavery occurring in our supply chains.

Section 2

Policies in relation to modern slavery



This section highlights LAA policies and actions to ensure modern slavery risks are identified and managed at an organisational level and in our supply chains.

Procurement Policy

We believe that a strong internal business integrity framework drives principles, process and due diligence and is an essential precursor to responsible procurement and the tackling of human rights issues. The LAA works closely with the MoJ to support the implementation of cross-Government policies, including those listed in the [Procurement Policy Note \(PPN\) 05/19 Tackling Modern Slavery in Government Supply Chains](#):

From January 1, 2021 all government departments have been following the guidance in the Cabinet Office's PPN 06/20 which instructs commercial teams to evaluate social value in all relevant and proportionate procurements over threshold. Modern slavery is included in the Social Value model under one of the five key themes, Equal Opportunity. One of the three award criteria for this theme is: "Demonstrate action to identify and manage the risks of modern slavery in the delivery of the contract, including in the supply chain." ([PPN 06/20](#)) The Social Value Model provides detailed evaluation criteria for procurement teams to support them in identifying good responses from bidders with outcomes that can be captured and monitored post contract. Though this model does not apply to most legal aid contracts because they do not meet the guidance criteria, it is used by the LAA where relevant.

Commercial Guidance

The CCMD Contract Management Handbook provides a guide to applying commercial policy and processes for CCMD staff undertaking commercial activity. Modern slavery is addressed at the various stages of the handbook, from pre-procurement, through sourcing to contract management. It acknowledges, that effective early-market engagement will help ascertain how mature the market is in dealing with modern slavery issues and the importance of understanding the types of measures and actions suppliers have already put in place to identify issues and manage risks. It also specifies, if appropriate, that suppliers be invited to complete the Modern Slavery Assessment Tool and requires that specific clauses be included in contracts that pose a high risk to modern slavery to strengthen our contractual protection. This handbook is not currently used within the LAA.

Commitment: To assess the best use of the CCMD Contract Management Handbook to support the work of Central Commissioning in the LAA and to implement any recommendations for its ongoing use.

Operating Procedures

The LAA also has in place areas of operating procedure relevant to this statement.

In procuring legal services the LAA uses Cabinet Office's standard Selection Questionnaire (SQ) requirement that applicants self-certify whether they are a relevant commercial organisation as defined by section 54 of the Modern Slavery Act and whether they are compliant with the annual reporting requirements contained within that section of the Act. A negative response to this question results in a discretionary decision made by the LAA on whether to fail the applicant depending on their reasons for non-compliance.

The SQ also contains grounds for mandatory exclusion based on previous convictions for, among other reasons, child labour and other forms of trafficking in human beings.

Commitment: Other elements of the procurement planning process outlined in the Tackling Modern Slavery in Government Supply Chain's guidance will be reviewed to ensure that, given the high percentage of SME/VCSE suppliers within our market and the relative levels of risk, we are proportionate in our approach to ensure the mitigation of modern slavery risks without imposing unnecessary burdens.

The LAA does have a standard operating procedure for the protection of children, young people and adults at risk of abuse. This relates to the handling and reporting of suspected and confirmed incidents, which would include modern slavery. However, this is not currently explicit within the procedural guidance.

Commitment: To revise standard operating procedures and guidance relating to issues of safeguarding and protection from abuse to support the raising of awareness of modern slavery and robust responses from staff across the LAA.

Legislation

In terms of legislation, the Public Contracts Regulations (PCR) 2015 provide the framework for most LAA procurements. Where not governed by the PCR, LAA contracts follow the framework of the Concession Contracts Regulations (CCR) 2016.

HR Policy

All civil servants are bound by the Civil Service Code which sets out the core values: integrity, honesty, objectivity and impartiality. If an individual is asked to do something, or is aware of the actions of others, which they consider to be fundamentally wrong, illegal, has the potential to endanger others or breach the values of the Civil Service Code, they can raise a concern using the 'Raising a Concern' policy. Nominated Officers will consider cases and the appropriate response, including whether a referral needs to be made.

Likewise, MoJ's Safeguarding Policy focuses specifically on concerns relating to a child or vulnerable adult being at harm or at risk of harm, offering guidance on how to raise a concern.



The agency is committed to ensuring there is no room for modern slavery in our organisation or any part of our supply chain. As well as having robust processes in place Purpose and Humanity are part of our core values meaning we uphold the principles of justice and treat others as we would like to be treated.

Section 3

Risk assessment and due diligence



Included in this section is data and analysis on our risk assessment of contracts and our approach to strengthen this work through engagement with our supply base.

Findings from Risk Assessment

The contracts held by the LAA with providers of legal aid services, and those LAA-held contracts outlined in section 1, do not fall under the high-risk characteristics set out in Government procurement guidance.

The work required does not involve raw materials, or intensive labour. Providers are based and operate in offices within England and Wales, where labour laws and regulations are set to a high, internationally recognised standard. Their work is not related to the production of at-risk commodities.

Based on the UK Government's guide for Commercial & Procurement Professionals: Tackling Modern Slavery In Government Supply Chains, the contracts with providers of legal aid services are all most likely to be classed as being at low risk of modern slavery.

There are likely to be elements of providers' own business models that require them to contract for services including hospitality, security, cleaning and catering, as well as logistics and potentially warehousing. These areas are likely to be at low to medium risk of modern slavery.

Based on the level of risk the LAA does not anticipate needing to undertake a detailed assessment of the support services that form part of providers' own business models. Our approach will be to make sure providers are aware of their obligations and are acting on them in a way that is proportionate to the burden this may create, as 94% are classed as SMEs.

Commitment: To scope out the requirements for capturing future risk prioritisation data to help identify any higher risk contracts with providers.

Commitment: To review the Specialist Quality Mark (SQM) scheme, the organisational quality standard owned by the LAA, to consider whether amendments are necessary to highlight to legal services providers that they need to be aware of, and comply with, any necessary obligations with respect of modern slavery. In parallel, we will also work with the Law Society to encourage a similar approach for the Lexcel accreditation quality standard.

Commitment: To review other standard contracts that are due to be renewed in the coming year to establish if there is more needed to ensure providers are contractually required to meet modern slavery obligations.

Of the contracts that are held by the LAA, that are not part of standard legal aid services, all suppliers only provide services required by the LAA, from locations inside of the UK. Service providers of Crown Court Means Testing debt collection and enforcement and for LAA Contact Centre Services have their own Modern Slavery Statements in place.

Few LAA-let contracts permit sub-contracting. However, we recognise most suppliers to the LAA will have their own supply chain. The only areas of potential risk of modern slavery might come from whichever service providers these organisations use for their business support, such as for cleaning services, IT support, or for logistics.

Moj Held Contracts

Of the contracts held by Moj that are used by the LAA, we are aware that the Moj is applying the Modern Slavery Assessment Tool (MSAT) to contracts with suppliers that have been identified as high risk. As of June 2021, 38 suppliers representing 161 Moj contracts have completed the MSAT. Several other suppliers are in the process of completing their MSATs. Moj will continue to review, analyse and follow up on the findings from these risk assessments, which will strengthen the assurance we have in the LAA, when using services through these contracts.

Moj will look to implement a 'Raising a Concern' process for workers within its supply chain who may wish to raise a concern in relation to modern slavery or human trafficking can do so via a confidential email address. Their concern will then be individually addressed and escalated where appropriate. Data will be collated and shared via the central Moj 'Raising a Concern' process.

Commitment: To assess the process for raising concerns within supply chains to be set by Moj and agree how it should be applied to LAA contracts.

Section 4

Training and awareness raising



This section highlights targeted work completed within LAA to increase awareness, provide training and guidance on modern slavery and associated risks across our organisation.

The LAA has specific training in place depending on the business areas' requirements and has set commitments to improve and enhance these for the future.

Case Managers and Customer Service roles – No training has taken place during 2020-21. As part of the LAA Customer Service Strategy we now have a Vulnerable Client Working Group which has participation from across the business. As part of this we are developing some bespoke training that will enable our staff to be better equipped to deal with these clients and this will cover communications styles, reasonable adjustments and the equality act. We are also looking at our systems and processes and what improvements can be made to these to improve the service we provide.

Commitment: To develop training and processes in Case Management, that incorporate helping to manage the risk of modern slavery, as part of a wider commitment to support vulnerable clients.

Contract Management roles – Refresher or new joiner training was undertaken in 2020-21, using the Government Commercial College 'Contract Management Foundation' modules. This includes modules on Stakeholder Engagement and Risk Management which provide useful basic skills that will support consideration and management of issues relating to modern slavery.

Commitment: To roll out 'Contract Management Foundation' training across Contract Management roles in 2022.

Central Commissioning roles – All of our staff in this area undertook Government Commercial College 'Contract Management Foundation' training in 2020-21. This includes modules on Stakeholder Engagement and Risk Management which provide useful basic skills that will support consideration and management of issues relating to modern slavery.

Commitment: To review, with the support of CCMD, whether specific modern slavery training measures are available and proportionate for LAA staff within Central Commissioning.

Public Defender Service (PDS) roles – In 2020-21, PDS staff received online training on the following key areas:

- **What is modern slavery/exploitation/trafficking:** the forms it takes and how to spot it, signs that your client may be a victim of it.
- **What are the UK's obligations towards victims of trafficking under the 2007 Council of Europe Convention against Trafficking in Human Beings:** Article 10: duty to identify and protect – implemented through the National

Referral Mechanism and Article 26: non-punishment provision (where victims have been compelled to commit crimes) – implemented through the defence in s45 of the Modern Slavery Act 2010

- **Practical steps for solicitors if they suspect a client is a victim of modern slavery.**
- **In-depth examples of Crown Court cases where modern slavery has been in issue.**

Commitment: To ensure PDS online training is used with all new starters in the PDS and to consider whether any further training measures are required.

MoJ CCMD roles – The MoJ Modern Slavery Transparency Statement sets out details of the training undertaken in this area. It provides robust assurance that the support provided to the LAA by CCMD takes full account of modern slavery and will continue to improve in relation to staff training and awareness raising with external providers.

All LAA staff – The publication of this first Modern Slavery Transparency Statement for the LAA will also provide a good platform for wider awareness raising across all LAA staff.

Commitment: To raise awareness of modern slavery across LAA internal communication channels by promoting the publication of this statement and the commitments set out within it.

Legal Aid Service Providers – The LAA recognises that we can and should support contracted providers of legal aid services to improve their awareness of modern slavery.

Commitment: To offer awareness training that is accessible to providers through the LAA's Provider Training website.



We are committed to developing bespoke training to raise awareness for our providers, and supporting our own staff to identify and address issues relating to modern slavery.

Section 5

Continuous improvement



In each section of this Statement we have highlighted our commitment to continuous improvement. This section captures our goals for the financial year 2021-22 and additional plans not reported elsewhere.

The LAA will continue working to combat the devastating, disempowering and inhumane impacts of modern slavery. Over the next 12 months our planned areas of focus to strengthen how we manage the risk of modern slavery include efforts to deliver against two specific goals and 14 areas for continuous improvement.

Goals:

To engage with all our contracted providers on the issue of modern slavery and to get 100 to participate in online training.

To engage with over 200 providers who might open a modern slavery matter to identify any barriers to taking up victim of modern slavery work.

Area	Continuous Improvement
Governance	During 2021-22, the LAA will join the relevant groups within MoJ's anti-slavery internal governance and will confirm whether an additional Anti-Slavery Advocate within the LAA is required.
Guidance	To revise standard operating procedures and guidance relating to issues of safeguarding and protection from abuse to support the raising of awareness of modern slavery and robust responses from staff across the LAA.
Policy	To assess the best use of the CCMD Contract Management Handbook to support the work of Central Commissioning in the LAA and to implement any recommendations for its ongoing use.
Policy	To review the Specialist Quality Mark (SQM) scheme, the organisational quality standard owned by the LAA, to consider whether amendments are necessary to highlight to legal services providers that they need to be aware of, and comply with, any necessary obligations with respect of modern slavery. In parallel, we will also encourage the Law Society to consider a similar approach for the Lexcel accreditation quality standard.
Process	To scope out the requirements for capturing future risk prioritisation data to help identify any higher risk contracts with providers.
Process	To review other standard contracts that are due to be renewed in the coming year to establish if there is more needed to ensure providers are

contractually required to meet modern slavery obligations.

Process	To assess the process for raising concerns within supply chains, to be set by MoJ, and agree how it should be applied to LAA contracts.
Process	Other elements of the procurement planning process outlined in the Tackling Modern Slavery in Government Supply Chains guidance will be reviewed to ensure that, given the high percentage of SME/VCSE suppliers within our market and the relative levels of risk, we are proportionate in our approach to ensure the mitigation of modern slavery risks without imposing unnecessary burdens.
Internal training and awareness	To develop training and processes in Case Management, that incorporate helping to manage the risk of modern slavery, as part of a wider commitment to support vulnerable clients.
Internal training and awareness	To identify the best training options to support Contract Managers' understanding of modern slavery and their role in tackling it.
Internal training and awareness	To review, with the support of CCMD, whether specific modern slavery training measures are available and proportionate for LAA staff within Central Commissioning.
Internal training and awareness	To ensure PDS online training is used with all new starters in the PDS and to consider whether any further training measures are required.
Internal training and awareness	To raise awareness of modern slavery across LAA internal communication channels by promoting the publication of this statement and the commitments set out within it.
External training and awareness	To offer awareness training that is accessible to providers through the LAA's Provider Training Website.

Section 6

Approvals



This Statement has been reviewed and approved by the members of the LAA Executive Leadership Team, the LAA Non-Executive Board Member, Commercial, Deep Sagar and the LAA Chief Executive, Jane Harbottle.

This Modern Slavery Statement was approved on behalf of the Legal Aid Agency Executive Leadership Team by Jane Harbottle, Legal Aid Agency Chief Executive on 25 August 2021

Signed:

This Modern Slavery Statement was approved by Deep Sagar, Non-Executive Board Member, Commercial on 29th September 2021

Signed:

This Modern Slavery Statement was approved by Jane Harbottle, Legal Aid Agency Chief Executive on 29th September 2021

Signed:

