



Legal Aid
Agency

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

Legal Aid Agency

Business Plan 2021–22

Providing the right access to high quality
legal aid services at the right time

July 2021

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Foreword, Jane Harbottle

Legal Aid Agency Chief Executive



I am delighted to introduce the 2021/22 Business Plan which sets out our priorities and plans for the year ahead and highlights some of the excellent results we have achieved over the last year.

During the last reporting year we have faced the unique challenges presented by the Coronavirus pandemic. I want the LAA to help recover, rebuild and restore the justice system, by providing a quality service for users and providers of our services that is: accessible; clear; accountable; and responsive. A service that rebuilds public confidence in the justice system and is one that we can all be proud of. The swift adaptation of our operating model to deliver a high performing 'virtual' organisation is a source of particular pride and I am grateful to all within the Agency and our stakeholders for their part in this.

Throughout the pandemic, and following the summer's refocussing on racial inequality, there has been a clear expectation within the Agency of a culture and environment where people come first. This is reflected in last year's annual Civil Service People Survey which saw the Employee Engagement Index for the LAA increase by 1% to 72% with a participation rate of 88%. This puts the LAA in the top 10 across the Civil Service for employee engagement.

The importance of People First, operational excellence and empathy throughout the LAA is strongly reflected in our Strategy and supporting annual business and people plans. We have seen encouraging results through our People Survey but there is more work to do. Following our zero-tolerance approach to bullying and harassment

we have a two-year plan to reduce any incidents. This year we have published our Race Action Plan with the support of our BeUnique race network and are working with colleagues across the Agency to deliver on its commitments and drive out any inequality where it exists.

Operationally, in the last year our new Apply service has been developed into beta, making the LAA first within Government to utilise links with open banking. Continuous developments to change our digital systems have already reduced operating costs over the last four years and will deliver a more sustainable operating model over the next few years. We have also delivered key elements of cross-cutting justice reforms including HMCTS Reform and phase 1 of the Criminal Legal Aid Review. The PDS has continued to represent clients throughout the pandemic – embracing digital solutions in order to represent clients virtually, but also continuing to advise and represent in person where appropriate.

Looking ahead we will continue our journey towards becoming a truly learning organisation; we will learn from our experiences and response to the pandemic and continue to support and listen with empathy to the needs of our staff and customers alike.

The year ahead promises to be demanding, not least because there are a number of major Policy reviews underway, including the Criminal Legal Aid Independent Review and the Means Test Review. We will continue to work closely with colleagues in the Ministry of Justice to ensure successful implementation of changes arising from this work.

There is much to do, and I am looking forward to the year ahead!



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Introduction

LAA Business Plan 2021-22





We are part of the Ministry of Justice

The work of the LAA contributes principally toward the MoJ strategic outcome:

Deliver swift access to justice

Underpinned by the strategic enablers:

- **Great people** - Improving the employee experience within MoJ
- **New Ideas** - Enable digital transformation to support priorities and access to services
- **Sustainability** - Putting environmental sustainability at the heart of decision making
- **Better Outcomes** - Encouraging excellence and collaboration through an inclusive culture



Vision

To support swift access to justice, through working with others to achieve excellence in the delivery of legal aid.



Mission

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.

Our shared values

PURPOSE

Justice matters. We are proud to make a difference for the public we serve.

OPENNESS

We innovate, share and learn. We are courageous and curious, relentlessly pursuing ideas to improve the services we deliver.

HUMANITY

We treat others as we would like to be treated. We value everyone, supporting and encouraging them to be the best they can be.

TOGETHER

We listen, collaborate and contribute, acting together for our common purpose.

Our achievements in 2020-21

As we look back on key performance areas for the last year against our strategic objectives we consider how well we performed against targets and whether our performance improved on the previous year.

Strategic Objective 1 – Service Delivery

Provider simple, timely and reliable access to legal aid.



- **94%** of civil applications* processed in 20 days. This is 14% over the target and +3% on 2019-20
- **100%** of crime applications processed in 2 days. This is 10% over the target; matching 2019-20



- **99%** of civil and crime bills paid in a month. this is 9% over the target; matching 2019-20

Strategic Objective 2 - Reputation

Build strong relationships across Government and the justice system



- **100%** of complaints responded to in 20 days. This is 10% over the target. In 2019-2020 we achieved 100% 1st tier and 99% 2nd tier.
- **85%** of civil and crime calls answered within 5 minutes. This is +10% over the target. In 2019-20 we achieved 83% Civil and 84% Crime.
- We continue to work with HMRC on data sharing in our new apply system and the CPS and HMCTS on common platform



Our achievements in 2020-21

Strategic Objective 3 – Finance and efficiency

Secure value for money for the taxpayer in all that we do



- Monitoring plus focus on COVID-19 contingency arrangements ensured we kept within fund and admin budgets.
- Our net error rate is 0.91%. **0.09% below threshold target. in 2019-20 our net error rate was 0.83%.**
- Full core testing resumed by July 2020 despite COVID-19 restrictions - Contract Management & Assurance team working with Providers.

Strategic Objective 4 – People

Achieve our full potential through being fair, proud and supportive



- Race Action Plan - This plan has been developed in partnership with the LAA race network BeUnique to deliver fair and equal opportunity for all.
- 72% Engagement score in annual People Survey carried out across Civil Service. **1% above 2019-20 score.**
- **89%** of our people felt able to talk to their Manager about their wellbeing. During a challenging year the wellbeing of our people has been an even higher priority – this response reflects that.



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Our Strategic Objectives



Our focus for this year

As we look to 2021-22 we have launched our LAA Strategy, outlining our vision for the delivery of legal aid services. Our Business Plan delivers the detail for the current year on how we will deliver and support our strategy.

In understanding our contribution to the MoJ strategic outcomes we will revise our strategic objectives to ensure that they align. The work we do to achieve each of our objectives helps to ensure we are able to make our vision an everyday reality for the people who rely on us.

For each objective we have specific areas of development and measures to understand how well we are doing. Over time our goals will change and we will keep using data from our measures and feedback from those who use our services to improve what we do.

2020-21

1. Provide simple, timely and reliable access to legal aid
2. Build strong relationships across Government and the justice system
3. Secure value for money for the taxpayer in all that we do
4. Achieve our full potential through being fair, proud and supportive

2021-22

- 1. Delivering access to justice through legal aid services that meets the needs of our users**
- 2. Modernise our services, delivering value for money for taxpayers**
- 3. Become a truly diverse and inclusive employer of choice**

Our focus for this year

Alongside our revised strategic objectives, when planning how we can achieve delivery of them, there are four key principles outlining how we want to deliver.

User-centred



We are a delivery organisation focused on user needs, improving the quality of our services and our users' experience of them. All users of our services, whether providers delivering legal aid on our behalf or clients engaging with us directly or, through providers, are our customers.

Right first time



Our consistently good delivery against our performance targets supports our right first time approach. We continually seek opportunities to drive up our performance and to earn a consistently good reputation for doing so.

Open and transparent



We use data and evidence to support decision making. We are focused on providing a credible service our users can have confidence in. We are committed to providing value for money for taxpayers.

A responsive, diverse, learning organisation



Our people are at the heart of our achievements, we support them to learn, develop and share their skills. We expand this approach by encouraging partnership working across the MoJ, wider Government and Civil Service.



Strategic Objective 1

Delivering access to justice through legal aid services that meet the needs of our users

Milestones

- Implementing a Customer Services Strategy - putting users of our services and their confidence in the quality of our services first.
- A responsive Public Defender Service – gaining Lexcel reaccreditation by December 2021.
- Building on positive changes to our services introduced by our response to the COVID-19 pandemic.
- Working closely with colleagues in MoJ to implement recommendations from the Criminal Legal Aid Review and the Means Test Review.

Our related Key Performance Indicators

For applications from our clients:

- We'll increase our target from 80% to **85%** of applications for civil legal aid (end to end) within 20 working days.
- We'll maintain our target of **90%** of applications for criminal legal aid within 2 working days.
- A new measure on amendments in civil cases **75%** of applications for civil amendments (excluding Exceptional & Complex Cases) processed end to end in 20 working days.
- We'll introduce new performance measures for our Exceptional and Complex Case applications; to process:
 - **80%** of Exceptional & Complex Cases applications in 25 working days
 - **90%** of applications for Exceptional Case Funding in 25 working days
- New for civil appeals (applications) – 95% of civil appeals (excluding Exceptional & Complex Cases) that do not require an external adjudicator to be processed within 20 working days.



Our related Key Performance Indicators for Strategic Objective 1 continued

For payments to providers:

- We'll increase our target from **90%** to **95%** of complete, accurate, eligible bills paid within 20 working days (monies received in account by provider).
- New for civil appeals (bills) **95%** of civil billing appeals that do not require an external adjudicator to be processed within 20 working days.

For correspondence:

We'll maintain our standards of service and deliver:

- **90%** of 1st Tier (initial) Complaints within 20 days (exc. CCST);
- **90%** of 2nd Tier (unresolved at 1st tier) Complaints within 20 days;
- **90%** of MP correspondence within 20 days;
- **90%** of Freedom of Information requests within 20 working days;
- **90%** of Internal Review requests within 20 working days; and
- **90%** of Data Protection Act requests within 30 calendar days.

For our telephone services:

- We'll maintain telephone service standards of **75%** of crime or civil calls to our customer services unit answered within 5 minutes.
- Introduce a new measure for our Public Defender Service **90%** of duty solicitor calls offered to the Public Defender Service to be accepted.



Strategic Objective 2

Modernise our services, delivering value for money for taxpayers

Milestones

- As LAA Transformation continues, further development of our Apply service including progressing through Government Digital Service Assessment
- Development of our Debt Strategy focused on efficient but appropriate recovery of taxpayers' money
- Implementation of The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020

Our related Key Performance Indicators

Focused on accuracy and accountability:

- Maintain our focus to:
 - **Minimise** our net error rate, ensuring it remains below 1%; and
 - **Ensure** our legal help net error rate remains below 0.75% over the year.
- For civil bill rejects - For 2021-22, we are refining and improving our monitoring of civil bill rejects by widening our focus to all rejected claims. This will allow us to pay more bills first time. As we introduce this approach we will track performance for civil bill rejects internally to establish steady-state service levels. Providers will receive more information on their specific performance and headline data will continue to be shared with Representative Bodies.

Focused on financial management:

We'll maintain our forecasting and oversight to:

- **Deliver** our services within our agreed, legal aid Admin spend
- **Monitor** our legal aid Fund spend to inform future planning and engagement with HM Treasury



Strategic Objective 3

Become a truly diverse and inclusive employer of choice

Milestones

- Use our LAA People Strategy as a roadmap supporting our goal for the LAA to be a great place to work for everyone
- Partner with our LAA staff networks to improve the experience for our people such as the work with our BeUnique network to empower change in tackling and eradicating racism
- Support the wellbeing of our people within initiatives focused on both physical and mental wellbeing
- Embed the LAA Workforce report in our reporting processes to increase our awareness and ability to monitor and act
- Achieve higher level of accreditation as a Disability Confident employer

Our related Key Performance Indicators

Focus on our people:

Ensure we are supporting our people to be productive and engaged:

- **Monitor** our average working days lost through sickness at 5.3 working days per year or less
- **Support** all our people, with at least 75% achieving a minimum of 5 days learning and development throughout the year

We have a zero-tolerance approach to bullying and harassment and work to ensure our people feel comfortable to raise any issues and if they do, that they are appropriately supported:

- **Reduce** the number of our people who answer 'prefer not to say' to the bullying and harassment question in the annual People Survey
- **Report** where people say they have experienced bullying and harassment increase their formal reporting of it
- **Increase** the number of our people who feel that their bullying and harassment report was dealt with effectively
- **Decrease** the amount of our people who feel the culture in their area allows this behaviour to continue



Our related Key Performance Indicators for Strategic Objective 3 continued

Be representative of the people we serve:

- **Increase** the level of our ethnicity and disability declaration reporting each year by reducing the % of staff with no positive declaration, from 14% to 10% during the year
- **50/50** split between those identifying as male and female across the LAA with further analysis by grade to drive further equality where needed
- **14% or above** of our people declared as being from a diverse ethnic minority across the LAA with further analysis by grade to drive further equality where needed
- **16% or above** of our people declared as having a disability across the LAA with further analysis by grade to drive further equality where needed

Every year the annual Civil Service People Survey is the main source of information across the LAA for the views of our people. We consistently achieve high levels of participation.

Top 3 - Headline Corporate actions that we will take as a result of the People Survey:

1. **Diverse talents** – complete a full review of our recruitment and talents management approach and start to embed our new approach
2. **Future working offer** – we will set out a clear people focused working offer, so that as we come out of the COVID-19 pandemic we understand ways we can work together as individuals and teams to deliver our best, be well.
3. **Belonging approach** – embed a new partnership working model with our champions and networks to ensure that we reflect diversity, inclusion and wellbeing in all that we do, and delivery against our Race Action Plan. There will be a specific focus on how we look after our mental wellbeing and respond to any instances of unacceptable behaviour

Appendix

Director of Legal Aid Casework

The LASPO Act 2012 ensured that the decision making process for legal aid applications remained independent from Ministers. The Director of Legal Aid Casework (DLAC), a role created by the Act, has responsibility for making decisions on individual applications for legal aid. The LAA’s Chief Executive currently undertakes this role, in practice delegating decision making to LAA caseworkers and providers. The LAA Board supports the Director to ensure that robust practices are in place to maintain the independence of the decision making process. The DLAC Report is published annually alongside the Annual Report and Accounts.

Living within our means

As part of MoJ we will contribute to the overall required reduction in spend at departmental level. Our Fiscal Resource Departmental Expenditure Limit outturn for 2020/21 and budget for 2021/22 are set out below:

	Actuals 2020-21	Budget 2021-22
Fund	£1,489m	£1,848m
LAA Operations*	£58.7m	£51.6m

* These figures represent the LAA’s delegated RDEL budget and outturn against this budget in each year. Please note that these costs do not match directly to the operational expenditure presented in the LAA Annual Report and Accounts, which show the total expenditure incurred by the LAA including recharges from across the MoJ for support services.

Managing our risks

The Agency’s approach to risk management is supported by its Assurance Framework which follows HM Treasury best practice. The framework identifies three lines of defence to provide sufficient, continuous and reliable assurance on our organisational stewardship and management of the major risks to our organisational success and delivery of improved, cost effective legal aid services.

The three lines are:

1. Front line operational arrangements to manage risk
2. Second line assurance activities involving expert guidance, monitoring and compliance reviews to assure the effectiveness of front line arrangements on risk and control
3. Independent assurance of LAA’s control processes, both from within MoJ (Internal Audit) and also outside (National Audit Office)

Further detail on our risks and our financial performance can be found in the Annual Governance Statement which will be published as part of the LAA Annual Report and Accounts.