

Report to:	The Board
Meeting Date:	25th March 2019
Report Title	Performance Report
Report Category	For Information
Issue status:	Business as usual

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Delivery of Strategic Objectives	
Select the Strategic Objective(s) relevant to the issues	1. to deliver improvements to legal aid processes that increase efficiency and improve the experience of system users and customers.
The purpose of this paper is to report on operational performance as at 31 st January 2019.	

Link to Board or Committee Remit
To monitor the performance of the Operational Departments.

Publication of the Paper
The Board has previously agreed that this paper should be published as a matter of course. It will be published on our website in due course.

Executive Summary
Applications - The performance across the Applications Department is good. Accounts - The overall position is still mixed. Although the durations for each area is longer than last year this is broadly in line with where we currently expect to be.

Previous Consideration	
Meeting	Detail
11 th February 2019	Applications - The overall departmental performance was good. Accounts - The overall position is still mixed. However, the accuracy results are good.

Civil Applications

1. The overall performance in civil applications is generally good.
2. However, in the last three months, for non AWI cases, our performance in relation to the first decision average duration has increased by 5 days when compared to the same period 1 year ago. The increase in duration is as a result of the previously reported staff vacancies in the means assessment teams and new staff being trained. This is being closely managed and additional resource being made available to the department in the form of overtime. We know that more recently, durations are starting to improve as staff become fully trained and able to fully participate in the work of the teams.
3. The ratio of further work to first decision measures the number of cases requiring further work as a percentage of the total number of first decisions in the period. Further work can occur after a case is refused and a review is received; or where we continue for information, which isn't supplied until after the required period. The ratio has decreased by 9% to 17% and the grant rate has increased by 3% to 66%, when compared to the same period last year. This is because we have clarified some of our guidance so solicitors know what to put in an application and we have been working directly with a number of firms helping them to improve their interactions with us which encompasses help with applications. We also made changes to our process: we continue applications for legal aid at first instance to get missing information and therefore the volume of reviews is reducing. However, this means that the reviews which are received are more likely to be contentious or more complex and will therefore take longer.

Accuracy Results

4. 99% of applications checked were marked as having a good level of accuracy, which was the same as last year.

Criminal Applications

Criminal - Summary

6. The overall performance remains good.
7. First Decision Average Duration improved on last year from 11.1 to 10.7 days, despite the DWP link for checking applicants' benefits being down for almost 2 weeks at the start of the year. The ratio of Further Work to First Decisions also improved from last year, from 16% to 15%.

Criminal - Solemn

8. First instance durations improved from 5.6 days to 5.5 days compared to the same period last year. The ratio of Further Work to First Decisions also

improved from last year, from 9% to 8%. At this stage solemn applications are up 7% on last year's receipts.

Accuracy Results

9. 99% of applications checked were marked as having a good level of accuracy, which was the same as last year.

Children's applications

10. The overall performance remains good. Average durations have decreased from 9.1 days to 8.8 days compared to the same period last year.

Accuracy Results

11. 97% of applications checked were marked as having a good level of accuracy, which when compared to the same period last year is an increase of 3%.

Accounts

Civil Accounts

13. The overall three month position for civil shows the average duration for initial assessments at 31 calendar days. This is 7 days longer compared to the same three months in 2017/18.
14. The performance variance against last year is to be expected due to staff resources. The civil team have been struggling during the year due to leavers, staff moving to other areas of SLAB and project work for systems and testing of the new fees.
15. One vacant post was filled in January 2019. This will help to mitigate risk in the longer term once the staff are fully trained. However, other staffing changes are expected in the next few months which could impact further on performance.
16. The average duration for negotiations improved from 63 calendar days, in the three months in 2017/18, to 58 calendar days in the current three months.
17. The percentage of civil accounts which were paid in full at the initial assessment fell by 1% to 63%.

Accuracy Results

18. Accuracy in the three months was good with 95% having been marked as a four (97% in the comparable period in 2017/18).

Criminal Accounts

19. The three month position for criminal shows the average duration for initial assessments at 14 calendar days which is 3 calendar days slower than the comparable period in 2017/18. However, it should be noted that this is an improvement on the previously reported position (15 days at the end of December).
20. The average duration for negotiations shows a reduction from 124 calendar days to 34 calendar days in the comparable three months in 2017/18. However, this was due to a special exercise last year to clear out stock which added to the average durations. The current performance is more representative of the norm for negotiations.
21. The percentage of criminal accounts which were paid in full at the initial assessment increased by 3% to 89% compared to the same three months in 2017/18.

Accuracy Results

22. Accuracy in the three months was very good with 98% having been marked as a four which was 1% higher than in the comparable period in 2017/18.

Children's Accounts

23. The overall three month position for children's shows the average durations for initial assessments at 26 calendar days which is 3 days slower than the comparable period in 2017/18.
24. This is due to staff resource issues created by a long term sickness absence which has a high impact in a small team. The risk has been mitigated in part by realigning resources and the recent recruitment of another person. Unfortunately, this person is leaving shortly due to having been offered another job. We are realigning our resources to strengthen the team. Performance may therefore fluctuate over the next few months.
25. The average duration for negotiations increased from 30 calendar days, in the comparable three months in 2017/18, to 32 calendar days in the current three months.
26. The percentage of children's accounts which were paid in full at the initial assessment reduced by 3% to 49%. This appears to be due to the quality of the accounts being submitted and the reasons for this will be examined as soon as practicable.

Accuracy Results

27. Accuracy in the three months was very good with 96% having been marked as a four (85% in the comparable period in 2017/18).

Solicitor satisfaction surveys

We previously advised the Board about our approach to the solicitor satisfaction surveys. They were issued twice between April-September 2018 and are being issued on a cyclical basis to avoid survey fatigue. The current results reflect the survey responses in that period. The surveys will recommence in the new financial year.

Guide to the SLAB Operation Performance Overview Report (SOPOR)

STRUCTURE

Information is grouped by operational area and type of measure. The top half reports on Applications areas: Civil; Treasury; Criminal and Children's, and the bottom half on Accounts areas.

The reporting period structure is split between:

- the current 3 month reporting period, i.e. the average of the last 3 months and;
- the average of the same period one year ago.

In Civil we are reporting on all case types except Adults with Incapacity cases. These are high in volume and we take decisions on these in a much shorter timescale because the statutory tests are more straightforward. These are not included to avoid a disproportionate impact on performance statistics.

In Criminal we report on summary and solemn cases separately: SL = Solemn cases; SC= Summary cases.

DESCRIPTION MEASURES IN SOPOR

All measures are calculated for the most recent 3 month period. This is compared with the same 3 month period a year ago to provide a benchmark. Comparing against a year ago removes seasonal effects.

Duration

The key duration shown for applications is the average time, in calendar days, from receipt of a main legal aid application by SLAB, to when we take the first official decision on it. This duration includes all weekends and holidays. It also includes any period where we are asking the solicitor, or applicant, for more information to help us take the decision.

This indicator measures both the workflow performance of SLAB but also the degree to which solicitors and applicants are managing to provide all necessary information. Simply put **lower** is better.

In accounts the first instance duration is a very similar measure - it is from registration of the account to the date payment is received into the solicitor's bank account. It is in calendar days and again includes any period where we are asking the solicitor for more information to help us assess the account.

The negotiation duration is the same measure but for accounts that are follow-up accounts to negotiate sums that we have abated from initial accounts.

Grant / paid in full rate

The first official decision on a legal aid application can be one of 3 main types: grant; refuse; or not consider due to lack of information. The percent granted measure is the number of grants divided by (i.e. indexed) by the total number of first decisions in the period and expressed as a percentage.

This indicator measures the effectiveness with which SLAB and the profession are facilitating solicitors to make appropriate and complete applications.

Simply put **higher** is better.

In accounts the equivalent measure is the percent of accounts that we are able to pay all that solicitors are claiming, i.e. without abating them.

‘Abatement’ describes the process by which the amount paid by SLAB includes one or more deductions from the amount claimed by a solicitor. This can occur for many different reasons. Subsequent negotiations with firms can result in part or all of the sum abated being reinstated, often because we are provided with further information that allows us to be satisfied that a claim is valid or reasonable. This can be additional information (such as vouching) to support a claim, or an explanation to justify a particular activity which had appeared to us on the face of it to be unnecessary, unreasonable or uneconomical.

SLAB needs to protect the Legal Aid Fund from unjustified expenditure; however this needs to be undertaken in a manner that is seen to be fair, transparent and done in a consistent and efficient manner.

Ultimately we will be using the information on what we finally pay against, the original lodged amount and the initial payment to understand how we can ensure more could be paid at the first instance.

Ratio of Further Work (Negotiation) to First Decision (First Instance)

In applications this indicator is the number of cases requiring further work divided by the total number of first decisions in the period and expressed as a percentage. In accounts it is the number of negotiation accounts paid compared with the number of first instance accounts.

This indicator measures a number of different key elements of the process:

- a) the effectiveness with which SLAB is getting correct applications/accounts in the first instance;
- b) that SLAB is making correct decisions;
- c) the effectiveness with which SLAB is communicating those decisions.

Poor performance in any of those areas could result in an increase in this ratio.

Simply put **lower** is better.

APPLICATIONS

	CIVIL		SUMMARY		SOLEMN		CHILDRENS	
	2018/19	2017/18	2018/19	2017/18	2018/19	2017/18	2018/19	2017/18
Calendar Days								
First Decision Avg Duration	75	70	10.7	11.1	5.5	5.6	8.8	9.1
First Decision % Granted	66%	63%	81%	79%	85%	87%	80%	76%
Ratio of Further Work to First Decision	17%	26%	15%	16%	8%	9%	9%	11%

	CIVIL	
	2018/19	2017/18
Solicitor Satisfaction*	63%	
Accuracy (4)	99%	99%
Accuracy (2,3,4)	100%	100%

	CRIMINAL	
	2018/19	2017/18
	70%	
	99%	97%
	100%	98%

	CHILDRENS	
	2018/19	2017/18
	67%	
	97%	96%
	98%	98%

ACCOUNTS

	CIVIL	
	2018/19	2017/18
Avg Calendar days to bank		
- Initial Assessments	31	24
- Negotiations	58	63
- Combined	34	29
Initial Assessments % paid in full	63%	64%
Ratio of Negotiations to Initial Assessment	14%	14%

	CRIMINAL	
	2018/19	2017/18
	14	11
	34	124
	15	16
	89%	86%
	4%	5%

	CHILDRENS	
	2018/19	2017/18
	26	23
	32	30
	27	24
	49%	52%
	26%	14%

	CIVIL	
	2018/19	2017/18
Solicitor Satisfaction*	48%	
Accuracy (4)	95%	97%
Accuracy (2,3,4)	97%	98%

	CRIMINAL	
	2018/19	2017/18
	68%	
	98%	97%
	99%	99%

	CHILDRENS	
	2018/19	2017/18
	58%	
	96%	85%
	99%	98%

NOTES:

2018/19 = 3 mths to Jan.2019

2017/18 = 3 mths to Jan.2018

*Solicitor satisfaction surveys have been suspended.

Applications:

- % Granted = Num Grants / Total Num Decisions.

- Civil comprise non-AWI cases only.

Accounts:

- Solicitor accounts only.

Governance Links	
1	Finance and Resources Applications - <i>N/A</i> Accounts -
2	Risk Operations Applications - <i>No strategic risks identified.</i> Operations Accounts -
3	Legal and Compliance <i>N/A</i>
4	Performance <i>N/A</i>
5	Equalities Impact <i>Not required.</i>
6	Privacy Impact and Data Protection <i>No privacy or data protection issues identified.</i>
7	Communications and Engagement <i>This paper has been agreed for publication.</i>

Conclusion and next steps

Appendices/Further Reading

[insert the list of appendices]