**SLAB/2021/07**

Agenda Item: **11**

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| **Report to:** | The Board |
| **Meeting Date:** | 15 March 2021 |
| **Report Title** | Development of the Business Plan 2021-2022 and report on 2020-21 |
| **Report Category** | For Decision |
| **Issue status:** | Business from a project |

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| **Written by:** | Anne Dickson – Director of Strategic Development  |
| **Director responsible:** | Anne Dickson |
| **Presented by:** | Anne Dickson  |
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| **Delivery of Strategic Objectives** |
| Select the Strategic Objective(s) relevant to the issues  | 1. We deliver a high quality user focussed service2. We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery3. We engage with users and delivery partners across the legal aid and justice system to inform good design of our system and services |

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| **Link to Board or Committee Remit** |
| The Board has reserved authority to approve SLAB’s annual business plan and is responsible for overseeing progress against its delivery. |

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| **Publication of the Paper** |
| We consider this paper is suitable for publication. |

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| **Executive Summary** |
| A report on activity to progress strategic objectives in 2020-21 is presented for discussion. **Appendix 1** The Board is invited to discuss and approve the Business Plan for 2021-22 set out in **Appendix 2**.  |

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| **Previous Consideration** |
| **Meeting** | **Detail** |
| December 2020 | The Board was presented with a paper that set out the activity that SLAB had been pursuing during 2020-21. The paper proposed for the Board’s approval a range of activity to form a formal business plan until the end of March 2022. Members requested a formal report on progress made during 2020-21. It was noted that updates on key activity had been given in a range of Board and Committee meetings but it was confirmed that a single report would be made at the next meeting of the Board in March.  The Board approved the range of activity in the forward plan and noted the proposed next steps on reporting. |

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| **Report** |

**Corporate Plan activity**

1. This report to the Board brings together a report of activity in 2020-21 to take forward the themes of the Corporate Plan together with a business plan for 2021-22.
2. We were in the final stages of developing our Corporate Plan for 2020-23 when the Covid-19 pandemic hit. Although the plan was not published until December 2020, key project activity continued throughout the year alongside work to respond to the challenge of the pandemic on the organisation and on the services we fund.

**A report on activity for 2020-21**

1. In common with all organisations, we have had to adapt quickly: to continue to provide services and protect our staff, to comply with Scottish Government and UK Government regulations and guidance and to follow general public health advice. In addition to that work, we have developed responses to adapt the legal aid system. We have also supported Government with responses for specific sectoral business support from Law Society of Scotland on behalf of legal aid solicitors.
2. We were proactive in working with Scottish Government to develop and implement a range of adaptations to support the continued delivery of legally aided services. This included the extension of interim payments to maximise cashflow for legal aid businesses.
3. Scottish Government requested analytical support and grant funding advice in response to requests from the Law Society of Scotland to establish a grant funding scheme for the distribution of tiered support to legal aid firms. We therefore assisted Scottish Government in the development of their coronavirus resilience fund for solicitors to target funding at those who had experienced a net reduction in new legal aid business levels because of the health restrictions. We have agreed to assist Scottish Government with the application process for this fund, and are also providing grant funding advice for the Traineeship Fund which the Law Society of Scotland will be managing on behalf of government.
4. We established three new projects during the year. The first is Designing a New Working Environment to manage the transition to working from home and then the transition from default working from home to blended working environment. The other is the Review of People Policies which is a two-year project of comprehensive review of people policies. Together these projects are the main vehicles for delivering on the objectives of the People Strategy.
5. We also established a new project in late 2020-21 to develop the new applicant module in the case management system which is an important building block for improving the collection of applicants’ equalities data. All three projects are carried forward into the Business Plan 2021-22
6. Other projects have reported mixed results over the year. GALA has continued to develop at pace. A notable milestone will be the changes to the Interests of Justice test in Summary criminal legal aid and ABWOR which will be implemented on 22nd March 2021. Development work has started on two challenging strands of work: Financial Assessment and Accounts Assessment.
7. Fee reform meanwhile has had a setback. Fee reforms proposals which were developed partly in response to input from Law Society of Scotland were proposed together with the first tranche of fee increase (5%). They were met with suspicion and considerable criticism from parts of the profession, although Government has informed the Justice Committee that they will continue to pursue fee reform.
8. The Payment Panel will meet for the first time this financial year on 19th March 2021. The outputs and next steps from this group will have an impact on our immediate Business Plan activity and longer term strategic planning. We entered the Payment Panel with a clear interest that agreed fee structures and payment levels, together with mechanisms for review, reduces a key point of tension with our main customers. In addition, block fees and fixed fees used appropriately would have an impact on our resource and skills planning.
9. A more detailed report on activity in 2020-21 is attached at **Appendix 1**.

**Business Plan 2021-22**

1. The draft plan for 2021-22 is attached. It is a busy year and we have public commitments to deliver on GALA and the People Policy review.
2. The response to Covid-19 has undoubtedly interrupted the Government’s next steps on the Legal Aid Review. It remains to be seen how and what will be progressed post-election. Decisions made then may require us to amend this plan. In the meantime, we consider this is the plan we need to deliver to progress the Corporate Plan ambition.
3. Several planned activities (as reported in December) have been removed from the plan. These include business planning projects for CLAO and PDSO. The focus in both services will be in completing the successful procurement and implementation of the case management systems. Following presentations from two potential suppliers, it is clear that implementation will require substantial operational involvement to establish workflows and reporting protocols. Surveys of both CLAO and PDSO service users will be taken forward this year and those can help inform business planning in 2022-23.
4. We have removed fee reform for reasons set out above. We have also removed the EHRC action plan as a standalone item: delivery of the business plan and in particular GALA and People Policy Review will deliver the bulk of that plan. Other key projects included here will assist us in the collection and use of equalities data.

**Resource and project planning**

1. In considering resource planning, the main constraints remain in project management, both at project manager and SRO (Senior Responsible Owner) level. We also have vacancies in policy development and equalities which will be filled to assist delivery.
2. We have extended the contract of the project manager recruited to manage the GALA project. She is managing the GALA project and People Policy Review project with policy project management support from Strategic Development Directorate Staff. Policy project managers will also be responsible for the grant funding policy development. Other small bespoke projects will be managed by the Corporate Support Manager in the Strategic Development Directorate. Large corporate projects, especially those with IS development required are managed by the Projects Office Team in Corporate Services.

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|  | **Governance Links**  |
| 1 | Finance and ResourcesNothing additional to note other than in the body of the paper and Appendix  |
| 2 | Risk Each project on the business plan will consider risk to delivery of the project.GALA – a significant corporate project is on our Corporate Risk Register  |
| 3 | Legal and ComplianceIt is a condition of our Framework Agreement with the Scottish Government that we publish our business plan. |
| 4 | PerformanceThe Plan identifies some measures which will be reflect in reports to the Board and in the Annual Report |
| 5 | Equalities ImpactEach project on the business plan will consider equalities impacts as appropriate and this has oversight by the Director of Strategic Development and the Chief Executive. The Business plan includes projects, aspects of which deliver our Equalities Outcomes and which also from the basis of discussions with EHRC.  |
| 6 | Privacy Impact and Data ProtectionN/A |
| 7 | Communications and EngagementIt is a condition of our Framework Agreement with the Scottish Government that we publish our business plan and we will do this once it has been approved by the Board. |

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| **Conclusion and next steps** |
| Subject to approval, we will publish the plan after making some design and formatting improvements, and report on progress to the Board quarterly.  |

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| **Appendices/Further Reading** |
| **Appendix 1** –Report on activity 2020-21 **Appendix** 2 – Business Plan 2021-22  |