 **SLAB/2022/30**

Agenda Item: **06**

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| **Report to:** | The Board |
| **Meeting Date:** | 15 August 2022 |
| **Report Title** | Business Plan Update – 2022-23 Qtr 1 |
| **Report Category** | For Discussion |
| **Issue status:** | Business from a project |

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| **Written by:** | Andrew McIntosh – Corporate Support Manager |
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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 service  2. We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery  3. 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. However, this will need to wait until decisions have been taken about Scottish Women’s Aid funding as described in the grant funding project commentary. |

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| **Previous Consideration** | |
| **Meeting** | **Detail** |
| December 2021 | The Board was presented with a snapshot of current progress against the plan  It was reported that although there had been an increase in the numbers of projects showing as amber since the previous report, the vast majority of projects were still generally on track. The ability to resource development and improvement work in tandem with operational duties remained a considerable challenge and was the key risk to projects not delivering outputs or outcomes as opposed to simply being delayed.  The Board noted the report. |
| May 2022 | The Board was with an assessment of the delivery against the 2021-22 Plan.  Members welcomed the report. Congratulations were extended on the successful delivery of the new case management system.  Members raised queries regarding the EHRC work, the hard deadline which needed to be met and work involved in the review of people policies. |

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| **Executive Summary** |
| This report presents the Board with a snapshot of progress against the 2022-23 business plan. Progress in the first quarter has been generally good.  Members’ attention however is drawn to the status and commentary on the grant funding project. Recent developments i.e. the likelihood that we are going to need to shift resources into the setting up of a distinct funding project with Scottish Women’s Aid means that we will not have the resource available to develop a plan for future until at least the final quarter of the year. We discussed this at Executive Team level and consider it best therefore to remove this project from this year’s plan. |

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| **Report** |

**Format of the report**

1. This report gives a snapshot of each of the business plan projects. It allows members to assess what projects are on/off track and provides a short summary of the current delivery position, any current issues etc.
2. The term ‘on track’ goes wider than project timescales and refers to general progress and issues – timescales, resources, external factors, risk etc. If a project is showing as amber, we are assuring the Board that there is a level of confidence that issues will not impact on the overall success of the project over its lifecycle. A relatively minor delay in overall timescales will mean the project can still be assessed as on track if there is no risk to the delivery of outputs or outcomes. A red categorisation signifies substantial issues or efforts required to bring the project back on track or project re-evaluation.
3. Equalities considerations are a key factor in the delivery of this business plan and the corporate plan. Our reporting on the corporate plan is now more aligned with our reporting against our Equalities Outcomes. Members can see in this report which projects are also the delivery mechanism for the [Equality Outcomes Plan 2021-23](https://www.slab.org.uk/app/uploads/2021/03/Equality-Outcomes-Plan-2021-23.pdf) and in turn the action plan we have agreed with the Equality and Human Rights Commission, therefore also giving oversight on these key elements.
4. The project snapshots are presented in respect of the key strategic objective that they deliver against.

**Delivery against the Business Plan at July 2022**

*Strategic Objective 1 - We deliver a high quality user focussed service*

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| **2022-23 Business Plan Workstream** | **Equality Outcome Project?** | **On track?** | **Key Outputs** | **Comments** |
| Refreshing business plans for the PDSO and CLAO | No | Yes | Consultation, Business plan, EQIA | Our plan is to have new business plans in place for PDSO and CLAO for 2023. We can now get on to considering this following the considerable effort that has been put into the development and launch of the new case management system. As members are aware, there have been considerable developments in the criminal legal assistance landscape in recent months, including consideration of a future role for PDSO. Having clarity on SG’s intention on criminal legal aid policy going forward will be an important factor in scoping the PDSO business plan for next year |
| Delivery of the EHRC Action Plan | No | Yes | Regular update reports to EHRC, delivered action plan | Progress reports are required to be submitted to the EHRC at 6 monthly intervals from the date of agreement. We have just submitted our second progress report with supporting evidence to the EHRC. This includes evidence of the publication of seven EQIAs since January.  We remain confident that we are on track to deliver the agreed plan and that this work is helping us to further embed equality into our policies and processes across the organisation. |

*Strategic Objective 2 - We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery*

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| **2022-23 Business Plan Workstream** | **Equality Project?** | **On track?** | **Key Outputs** | **Comments** |
| Guidance on the Administration of Legal Aid: – Accounts, applications and financial eligibility | Yes | Yes | Agreed policy  Decision Makers’ Guidance  EQIAs | Good progress continues to be made on this key project, in particular with collaborative working between our policy and operational staff. We are seeing the benefits of this in the fact that the policy statements and the resultant decision makers’ guidance are well aligned.  The size and complexity of project means there is the constant risk of deadline creep but this is being closely managed through regular re-planning exercises. In any case, minor delays to the overall timetable do not represent significant risks for us in themselves.  The LAPC continues to be a significant source of oversight and policy support. With its help we have recently launched [a consultation](https://www.slab.org.uk/news/consultation-launched-about-approval-for-unusual-work-in-civil-legal-aid-cases/) on approval for unusual work in civil legal aid. The Committee has also recently grappled with some complex issues around the boundaries between A&A and ABWOR. |
| Designing a New Working Environment (DANWE) | Yes | Yes. | Agreed longer term policy | Scottish Government has removed all restrictions from office working. We have moved through the restriction levels and our interim policy allows staff to access the office as much as they wish.  Our recent focus has been on creating an inviting office environment to carry out tasks and roles that are office based by design or choice. This will allow staff to use the most appropriate working environment to meet the best interests of the business.  New workspaces have been introduced and feedback sought to ensure that we are providing workspaces that enables productive work to take place. These have include private booths, café style break out areas, collaboration space and a number of sit/stand desks.  Hybrid meeting areas have been made available; including the Board Room and the second floor meeting rooms which had additional screens and docking stations provided.  There are also plans for a series of trials led by staff feedback with further staff surveys to take place. This will be supported by external research on flexible and hybrid working to inform our long term position. |
| Review of people policies | Yes | Yes | Agreed policies, EQIAs | All HR and other people related policies are currently under review and have been considered internally and by our consultants, Morton Fraser. This stage has focused on compliance with employment law and equalities. Three policies have been prioritised and a refreshed policy is out to staff consultation.  The next steps are to prioritise all of the policies that have been refreshed and those that require further development work. A programme including consultation with staff and the union going forward has been drafted. |

*Strategic Objective 3 - 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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| **2022-23 Business Plan Workstream** | **Equality Project?** | **On track?** | **Key Outputs** | **Comments** |
| Grant funding policy development | No | No | Agree plan for future use of funding | We advised Members at the end of the last financial year that this project had been delayed and would carry over to 2022-23. This was primarily due to pressures on SG resources, in particular in dealing with the ongoing dispute over legal aid remuneration but also internal SG discussions on the use of grant funding projects within wider justice expenditure priorities.  In a separate development, Scottish Women’s Aid have approached the Scottish Government to ask for funding for a project it wants to run in Edinburgh. Should this funding be approved by way of a grant, we are likely to be directed by Ministers to administer it. We have not been involved in these discussions and we are not yet clear on the detail of SWA’s proposal.  We have advised SG that this would be a significant amount of work for us, likely over a six month period. This would mean we could not consider the approach to the use of future funding until the new year – much too late to make any changes for 2023-24.  If we are indeed instructed to manage the SWA project we will remove this project as currently envisaged from the business plan. |
| Incorporation of UNCRC | No | Yes | Impact assessments, Revised legal aid guidance | This work could not be progressed in 2021-22 as the Supreme Court ruled in October 2021 that certain parts of the UNCRC (Incorporation) (Scotland) Bill fell out with the competence of the Scottish Parliament. Ministers announced in October that the Bill would not become law in the form which the Parliament agreed, but that they remained committed to the incorporation of the UNCRC to the maximum extent possible as soon as practicable.  The Scottish Government intends that the Bill will be reconsidered by the Scottish Parliament by the end of 2022, but it remains unclear when it will receive Royal Assent and implementation can begin.  The Scottish Government’s programme of implementation runs over a three-year period. Although the position on the legislation remains subject to further parliamentary procedure, some guidance for public bodies is now being produced and we will consider that as well as continue to network with other bodies about how they are considering the issues. |
| Develop a workforce plan | No | Yes | Workforce plan | An outline approach to gathering key assumptions and future options has been agreed. This will start with workshops planned for September with the Executive Team and followed up with similar sessions with Managers. The output of these sessions which will be a feature at the strategy session with the Board planned for December. |
| Supporting the Scottish Government’s follow up to the Payment Panel | No | Yes | Advice for SG | The future of this work has been uncertain due to the Law Society’s previous position that it did not see any value in further engagement from solicitors in further research and evidence gathering work. However, the current offer from the Scottish Government on fee increases and reforms comes with a condition that the Law Society positively engage with the work.  We have now restarted discussions with the Scottish Government on a research specification and have just submitted advice to them on how data and statistics could be generated and supplied by us to inform the work and be used to stratify and define a sampling frame for the research. |
| Supporting the development and delivery of the Scottish Government’s fee reforms |  | Yes | Advice for SG | We have carried out significant amounts of work in the past few weeks to assist the Scottish Government with the current criminal legal aid fee package for the profession. This has included modelling of costs and detailed briefings on the content and benefits of the packages. A more detailed update will be provided at the meeting. |

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|  | **Governance Links** |
| 1 | Finance and Resources  Nothing additional to note. |
| 2 | Risk  Each project on the business plan considers risk to delivery of the project. Risks will be escalated as appropriate and significant risks flagged to the Board or relevant Committee. |
| 3 | Legal and Compliance  It is a condition of our Framework Agreement with the Scottish Government that we publish our business plan. We will report to SG on progress through our corporate governance monitoring meetings. |
| 4 | Performance  The plan identifies some measures which will be reflected in reports to the Board and in the Annual Report. |
| 5 | Equalities Impact  Each 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 the EHRC action plan. |
| 6 | Privacy Impact and Data Protection  N/A |
| 7 | Communications and Engagement  Progress against the plan is published via Board papers, dependent on sensitivity. Projects will consider engagement with stakeholders as appropriate. |

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| **Conclusion and next steps** |
| The Board is asked to consider the paper and comment on any issues. |

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| **Appendices/Further Reading** |
| **Appendix 1** – Details of business plan projects |

## Appendix 1

## Strategic Objective 1: We deliver a high quality, user focussed service

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| **Workstream 1: Development and Implementation of a Corporate Customer Service Policy** | |
| **Drivers** | * Civil Finance teams in their interactions with applicants/ members of the public * Mental Health Check survey and feedback from employees. * Feedback from equality organisations during our external engagement process * Internal research conducted during 2017-2020 outcomes cycle and finding that we tend to respond to communication support needs on an ad hoc basis |
| **Who will benefit?** | * All external customers |
| **Activity** | * Develop a corporate customer service policy based on research and current good practice * Identify additional guidance and supporting policies that are required to ensure the policy can be effectively implemented. * Publish the policy including in suitable formats including BSL video with audio and subtitles, and easy read format. |
| **Measures** | * Involvement of stakeholders in the development of the policy * Monitoring of complaints * Baselines from surveys of staff and applicants established 2021 |
| **Owner** | Director of Strategic Development |
| **Duration** | * Implementation by April 2022 |

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| **Workstream 2: Review of template letters** | |
| **Drivers** | * Feedback from Civil Applicant survey 2016 that letters were too technical * Several sources of evidence we reviewed cited accessible communication as important. * SLAB commissioned research on our draft letters during 2017-2020 outcomes cycle that has informed the development of this work to date. |
| **Who will benefit?** | * People involved in the legal aid process |
| **Activity** | * Ongoing testing and launch of civil legal aid letters in stages * Staff briefing sessions to coincide with staged launch * Plan the review and launch letters across other aid types |
| **Measures** | * Ad hoc feedback via operational teams from people who receive the letters * solicitor survey feedback |
| **Owner** | Director of Operations |
| **Duration** | * Civil Legal Aid letters will continue launch during 2021-22 * Review and launch of letters for other legal aid types expected in 2022-23 subject to planning process. |

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| **Workstream 3: Improved complaints recording and reporting and use of complaints, including equality related complaints** | |
| **Drivers** | * Our own experience of the limitations of the current way that we log complaints * Recognition that this is a valuable source of evidence that we can better use in equality impact assessments. |
| **Who will benefit?** | * External customers including Legal Aid Applicants, Solicitors and members of the public |
| **Activity** | * Review logging of complaints to improve identification of equality related complaints * Develop and review internal guidance and procedures to support the updated SPSO model complaints procedure and changes to logging process. * Determine routine reporting |
| **Measures** | * Evidenced use of data in relevant equality impact assessments * Reporting in place and evidenced |
| **Owner** | Director of Strategic Development |
| **Duration** | * By December 2021 |

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| **Workstream 4 : Implementation of a new case management system for PDSO, CLAO and SCL services and development of key management metrics. This project is a precursor to full scale business plan review and will inform future design of services** | |
| **Drivers** | * Our own experience of the limitations of current data in understanding the experiences of our customers throughout the legal aid process. This includes the amount and quality of data collected across relevant protected characteristics, how the data can be reported on and our communication about how we use the data. * Case management limitations on efficiency and risk management of legal work |
| **Who will benefit?** | * Clients and contacts of our PDSO, CLAO and SCL services * Staff in direct services |
| **Activity** | * Complete tender process for a new case management system * Implement policies for data capture and reporting * Direct services to develop relevant local procedures and guidance on collecting relevant data * Set up management reports and key indicators * Use data to inform business planning reviews |
| **Measures** | * Evidenced use of data in relevant equality impact assessments and service design * Reporting in place and evidenced * Improved % disclosure of relevant equality data |
| **Owner** | * Director of Strategic Development * Director of PDSO * Head of Service CLAO * Manager of the Solicitor Contact Line |
| **Duration** | * By April 2022 (Year one) |

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| **Workstream 5: Applicants System Upgrade: IT Development to develop applicant module in SLAB case management systems.**  **This work is a precursor to implementation of improved gathering and use of applicant data and to support the implementation of the customer communication support needs policy** | |
| **Drivers** | * Our own experience of the limitations of current data in understanding the experiences of our customers throughout the legal aid process. This includes the amount and quality of data collected across relevant protected characteristics, how the data can be reported on, and our communication about how we use the data. |
| **Who will benefit?** | * Legal Aid Applicants |
| **Activity** | * Legal Aid online user experience captured * IS development of a standard applicant module for each aid type * Reordering of equalities monitoring data in LAOL |
| **Measures** | Outputs – new applicant module |
| **Owner** | Director of Corporate Services and Accounts (IS development) |
| **Duration** | Development of applicant module including monitoring questions is due to be complete by Spring 2022 |

## Strategic Objective 2: We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery

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| **Workstream 6: GALA Project: Review of Taxation Standards and Accounts Assessment** | |
| **Drivers** | * Legal Aid Review tells us there is a desire for change * Significant gaps in guidance for solicitors on accounts assessment * Alignment to our corporate values by improving accountability and increasing transparency * Evidence and experience of employees in our Accounts Teams |
| **Who will benefit?** | * Legal Aid applicants and Solicitors |
| **Activity** | * Review policy and develop decision makers guidance and solicitor guidance for the taxation standard * Consultation where necessary * Set out policy, decision makers guidance and solicitor guidance for all areas of accounts assessment * Equality impact assessment for accounts policies carried out |
| **Measures** | * To be determined by the equality impact assessment * Increase in Accounts satisfaction measures in solicitor micro-surveys. |
| **Owner** | Director of Operations and Director of Corporate Services and Accounts |
| **Duration** | Review and development of policy statements for all areas of accounts assessment will be complete by December 2021.  Implementation staggered into next business planning period. |

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| **Workstream 7: GALA Project: Applications General stream** | |
| **Drivers** | * Legal Aid Review tells us there is a desire for codified guidance * Alignment to our corporate values by improving accountability and increasing transparency |
| **Who will benefit?** | * Legal Aid applicants and Solicitors |
| **Activity** | * Review policy and develop decision makers guidance and solicitor guidance Consultation where necessary * Set out policy, decision makers guidance and solicitor guidance * Equality impact assessment for applications policies carried out |
| **Measures** | * To be decided by the equality impact assessment |
| **Owner** | Director of Operations |
| **Duration** | 2022-23 |

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| **Workstream 8 : Guidance on Administration of Legal Aid (GALA) Project: Review of financial assessment** | |
| **Drivers** | * Legal Aid Review tells us there is a desire for change * Significant gaps in guidance for solicitors and applicants * Alignment to our corporate values by improving accountability and increasing transparency * Evidence and experience of employees in our Civil Means Teams and CLAO |
| **Who will benefit?** | * Legal Aid applicants and Solicitors |
| **Activity** | SLAB operates the means assessment tests across each scheme under five different schedules   * The Legal Aid (Scotland) Act 1986 * Advice and Assistance (Scotland) Regulations 1996 * Civil Legal Aid (Scotland) Regulations 2002 * Children’s Legal Aid (Scotland) Regulations 2013 * Criminal legal Aid (Scotland) Regulations 1996   The statutory framework varies in the degree to which means assessment is specified across the different schemes. Advice and Assistance, civil and children’s regulations set certain rules governing the calculations of disposable income and capital, while criminal does not. The rules differ between the schemes however and for civil and children’s, while set rules exist, wide discretion is also contained within the statute and regulations.  This discretion means that a personalised assessment of each applicant is undertaken for the legal aid schemes, using information provided by the applicant and, as a consequence, limited by what information is provided as evidence.  Options for reviewing the use and application of SLAB discretion will be developed in consultation with owners of alternative means of assessing income and groups representing users. |
| **Measures** | Two key outputs:  Development of new policy guidance for application of discretions  Development of advice to Government for matters covered by statutory regulations, if required. |
| **Owner** | Director of Strategic Development |
| **Duration** | Final quarter 2021-22 |

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| **Workstream 9: Designing a New Working Environment (DANWE) – covid-19 recovery** | |
| **Drivers** | SLAB (including PDSO, SCL and CLAO) have moved almost entirely to a working from home basis, subject to exceptions for some essential tasks.  As the situation evolves, SLAB needs to plan and prepare for:   * a limited return to offices and * continued working from home for a significant number, and probable majority of staff in the medium term * A phased return to office based work in accordance with public health guidance and good design of services balanced with employee preferences.   Specific attention is required to support staff wellbeing during this time and in the management of the return to office based operations. |
| **Who will benefit** | * Employees |
| **Activity** | Several strands of work are already in place in response to the global pandemic and to enable a safe continuation of homeworking and return to ‘normal’.  Work stream 1 - Thistle House, PDSO and CLAO office availability  Work stream 2 - Staff Wellbeing  Work stream 3 - Health and Safety. Thistle House, PDSO and CLAO office requirements, and Tenants of Thistle House  Work stream 4 - External work protocols  Work stream 5 - Long term Homeworking  Work stream 6 - SLAB Policies  Work Stream 7 - Equipment and Furniture |
| **Measures** | * Improvement in staff survey indicator related to an inclusive workplace * Maintenance or improvement of wellbeing indicators in staff survey * Ongoing pulse surveys with equality groups captured to allow analysis * Take up of health and wellbeing initiatives and impact of these for individuals * Absence data * Efficient space utilisation and configuration |
| **Owner** | Director of Corporate Services and Accounts |
| **Duration** | 2021-22 |

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| **Workstream 10: People policy review to deliver People Strategy Objectives** | |
| **Drivers** | We require a fundamental review of key people policies to drive the key themes from the People Strategy will guide our decision making as we seek to   * Attract the right calibre of people to help us fulfil our purpose and deliver our strategic objectives * Develop people with the right mix of hard and soft skills to meet the current and future opportunities and challenges facing SLAB * Retain people to ensure continuity of service and the sharing of knowledge and expertise * Reward people fairly through a combination of intrinsic and extrinsic benefits * Empower our people to bring out the best in themselves and the best in SLAB. |
| **Who will benefit?** | Employees and SLAB |
| **Activity** | Policy review, development and consultation on refreshed policies. The first tranche of policies for review 2020-22 are:   * Special leave policy * Flexible working * Absence * Parental leave * Recruitment * Dignity at work |
| **Measures** | Measures will be identified as part of policy development and equalities impacts assessment to include staff survey results, absence data, recruitment data. |
| **Owner** | Director of Corporate Services and Accounts |
| **Duration** | 2022-23 |

## Strategic Objective 3: 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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| **Workstream 11: Strategic Development – gathering and use of applicant equality data**  Full implementation dependent on applicant module This data would be used at a high level to understand trends at a strategic level and to inform strategic policy development, for example as part of the equality impact assessment process. | |
| Drivers | * EHRC Guidance – Evidence and the Public Sector Equality Duty |
| Who will benefit? | * People who go through the legal aid process |
| Activity | * Engagement with the Law Society of Scotland and the profession on their role in gathering this data from clients * Development and publication of guidance for customers on the equality data we gather and how we use it. |
| Measures | * Improved % disclosure across the relevant protected characteristics * Ad hoc feedback from solicitors |
| Owner | * Director of Strategic Development |
| Duration | * Engagement with the Law Society of Scotland to begin late 2021 * Development of guidance for customers will take place during year one * Publication of guidance for customers will coincide with roll out of the applicant module which is planned for Spring 2022 (year two). |

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| **Workstream 12: Grant Funding Policy development** | |
| Drivers | The Legal Aid Review identified an objective of including user input into the design of services. Most services paid for through the Legal Aid Fund are judicare, case by services, and there are few opportunities to engage users in the design of services.  It is an agreed objective with Scottish Government to test user design in a new grant funding programme for 2022-23. It is also an agreed objective to consider civil justice priorities as they relate to wider Scottish Government policies on social justice and tackling inequalities in the design of services. |
| Who will benefit? | Users of advice and legal services in a grant funded programme |
| Activity | Policy development including:   * Data analysis * Stakeholder consultation * User consultation * Development of advice * Submission of advice to Scottish Government |
| Measures | Output driven |
| Owner | Director of Strategic Development |
| Duration | Advice submitted last quarter 2021 |

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| **Workstream 13: Surveys of applicants and clients** | |
| Drivers | We carry out cyclical surveys of all our main client and applicant groups- across the PDSO, CLAO, criminal applicants and civil applicants. This will provide a useful baseline for this planning period and insight into user experience to underpin activity SO 1. |
| Who will benefit? | Legal Aid Applicants and direct services of clients |
| Activity | Survey of criminal applicants  Survey of PDSO clients  Survey of civil applicants  Survey of CLAO clients |
| Measures | Outputs  Provides baseline for user experience |
| Owner | Director of Strategic Development |
| Duration | Quarters 1 &2, 2021-22 |

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| **Workstream 14:**  **Incorporation of UNCRC** | |
| Drivers | The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill is currently at Stage 3, with implementation expected to be required within 6 months of Royal Assent |
| Who will benefit? | Child applicants and those acting on behalf of children; clients in Direct Services |
| Activity | The Bill is concerned with embedding the UNCRC rights into public services.  As a public body we will need to consider changes to our impact assessment processes.  Legal aid is currently available to allow children to enforce their rights, at present there is no indication that Scottish Government intend to change any of the tests in such cases. |
| Measures | Refreshed impact assessments  Advice to SG on impact on existing legislation |
| Owner | TBA: |
| Duration | The Bill is expected to receive Royal Assent this parliament thereafter there is currently a six month period for implementation of the impact assessment duty. |

Cross cutting Project

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| **Workstream 15**  **Workforce Planning** | |
| Drivers | Financial Sustainability: there is a risk that reliance on vacancy management may have an adverse impact on staff capacity and the quality of services. |
| Who will benefit? | Employees, customers and Board |
| Activity | Development of a workforce plan to support the delivery of the Corporate plan. |
| Measures | Outputs |
| Owner | Director of Corporate Services |
| Duration | 1st Quarter 2021-22 |