 Report No. **SLAB/2022/49**

Agenda Item: **9**

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| **Report to:** | The Board |
| **Meeting Date:** | 12 December 2022 |
| **Report Title** | Business Plan Update – 2022-23 @ November 2022 |
| **Report Category** | For Discussion |
| **Issue status:** | Business from a project |

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| **Written by:** | Andrew McIntosh – Corporate Support Manager |
| **Director responsible:** | Colin Lancaster |
| **Presented by:** | Andrew McIntosh |
| **Contact details:** | [**mcintoshan@slab.org.uk**](mailto:mcintoshan@slab.org.uk) |

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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 and **noted** 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 second quarter has generally been good.  We have drifted off track with two projects – the new business plans for Direct Services and the review of HR policies. This has been driven primarily on both projects by resourcing issues. |

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| **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 November 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 | No | Consultation, Business plan, EQIA | This project is currently off track due to changes over the last few months in senior resource. We have just finished the recruitment for a new Director of Client Services following Paul Haran’s appointment as a Sheriff. In addition to this, Jennifer Laughland, the Head of CLAO has also left the organisation for a new role at the EHRC.  This will need to be picked up by the new Director when they join us in February, but it is unlikely that we will be able to agree new business plans for some months. This will therefore need to carry over to next year’s plan. We are currently considering how we can bridge the gap between now and the new business plans being agreed. |
| 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 are working on our third submission which will detail our progress report with supporting evidence to the EHRC. This report is due to be submitted on 23 January 2023.  We have made good progress against our first action of briefing managers on carrying out equality impact assessments. We have been offering policy and EqIA training for SROs and managers undertaking policy change and carrying out EqIAs. Since July 2022 we have published six new EQIAs on our website. We continue to update our staff on our work against the EHRC action plan on Intraslab.  We are continuing to proceed as planned with the GALA policy review work. At present, we are reviewing our resourcing model to work on policy statement development at the same time as also working on Decision-makers’ Guidance and guidance for solicitors (the three products required to publish and start using the new policies).  There has been a slight delay in the HR people policies (set out below ‘Review of People Policies’). Timescales have extended for these projects, however, we are progressing our work to achieve the overall outcome of the plan.  We have successfully implemented our new case management system and the new applicant module, which both collect equality data from applicants. Any further steps and decisions on data collection via the client legal services will be taken up by the recently appointed Director. |

**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 including the recent publication of our policies, decision-maker’s guidance (DMG) and updates to guidance for the profession on Prior Approval across all aid types. It continues to be closely managed through regular joint planning between policy and operational staff. | | | | | | | |  | Policy Statements |  | As at: | Dec-22 |  | Jun-22 | |  | Published |  |  | 36 |  | 23 | |  | Cleared by project group |  |  | 94 |  | 68 | |  | In Progress/Not Yet Started |  |  | 153 |  | 192 | |  |  |  |  | 283 |  | 283 |   Detailed policy development is continuing in two key areas: financial eligibility and A&A and ABWOR, where there is greater opportunity and/or need for change. Following earlier consultations, we are investing in developing these further and the project board is monitoring the impact on the overall project.  We are reviewing operational resource availability to assess the scope and timeline of work for the next 12 months, balancing the need for priority project work and managing business as usual.  The LAPC continues to play a role in providing policy support to the project, recently considering issues regarding approval for unusual work in civil legal aid and the boundaries between A&A and ABWOR. |
| Designing a New Working Environment (DANWE) | Yes | Yes | Agreed longer term policy | Over the last quarter we have carried out a pilot whereby we closed the fourth and fifth floors and everyone has worked on the second floor. We have encouraged feedback during this time and issued weekly updates on improvements and guidance. The number of people working from the office has increased during the pilot. The pilot has also been capturing feedback on the different workspaces we have made available to decide the level and type of workspaces we will need to consider when deciding what our future workspace will look like.  Prior to the pilot, we held a live Q&A session with all staff invited to attend and submit questions to be answered at the session. Over 100 staff attended and the recording of the session that we made available has been viewed over 100 times.  We are planning a survey to all staff to ask for more information about their wishes for their future working patterns. Alongside this, we are carrying out another survey with new starts (employed prior to the pandemic and post-pandemic) to try to establish a best practice for recruitment and induction periods.  All the survey analysis, research from internal and external sources and feedback from the pilot will be used to help define our future working policy.  We will continue to work only from the second floor after the pilot period, as we have not reached capacity (66 workspaces) during the pilot.  During the pilot, we have lots of positive feedback on the work spaces available and a buzz on the floor when it is busier. |
| Review of people policies | Yes | No | Agreed policies, EQIAs | Three policies have been with the union for consultation since July 2022. Due to on-going pay remit changes by the Scottish Government which has only just concluded talks on other matters have stalled, including on these policies. We hope to be able to get the union’s views on the policies in early course.  A further hurdle which has been encountered is the resource for the project.  Unfortunately, the HR policy officer recruited to work on the policy review left our employment. Over and above the work taken forward with our external legal consultants referred to in the August update, we did re-recruit recently and although an offer was made, that has fallen through. The Head of Human Resources has also recently retired. We have appointed a new Head of HR who will take up post on 15 December. We are currently recruiting for the HR policy officer and would hope to make an appointment in December.  Unfortunately we do not have any other resources to take forward this work. As a result, we are currently behind schedule. We will review the plan of work when an appointment is made to the role. |

**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** |
| 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.  Three workshops have now been held with the Executive Team considering the appropriate change maturity model to use and the extent to which change will be measured across our people, processes and systems.  A more detailed update on the work will be presented at the strategy session with Members on 12 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.  The latest development is that we have now received a draft paper from the Scottish Government that sets out the approach to the research and the sorts of data that need to be collected. We will send SG comments back on this shortly and their aim is then to share the paper with the Law Society. |
| 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. We are currently finalising the last transitional details of the fees with the Scottish Government that will enable us to begin developing the necessary systems changes.  At the time of writing, the Scottish Government has announced that the regulations will be in enacted at the end of April 2023. They are in continuing dialogue with the SSBA about the technical details of the fee package and the extent to which the improved fees will put a stop to any further boycott action. |

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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** |
| N/A |

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