 Report No: **SLAB/2019/02**

Agenda Item: **07**

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| **Report to:** | The Board |
| **Meeting Date:** | 11th February 2019 |
| **Report Title** | Performance Report |
| **Report Category** | For Information |
| **Issue status:** | Business as usual |

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| **Written by:** | Director of Operations & Director of Corporate Services and Accounts |
| **Director responsible:** | Director of Operations |
| **Presented by:** | Director of Operations |
| **Contact details:** |  |

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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 31st December 2018. | |

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

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| **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. |

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| **Executive Summary** |
| Applications – The performance across Criminal, Civil & Children’s applications is good.  Accounts - The overall position is still mixed. However, the accuracy results are good. |

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| **Previous Consideration** | | |
| **Meeting** | **Detail** | |
| 10th December 2018 | Applications – The overall departmental performance was good.  Accounts –The overall departmental performance was mixed, whilst accuracy was good, there were increases in durations. | |
| **Report** | |

**Civil Applications**

1. The overall performance in civil applications is good.
2. In the last three months, for non AWI cases, our performance in relation to the first decision average duration has increased by 3 days and our grant rate has increased by 1% to 65% when compared to the same period 1 year ago. The increase in duration is as a result of the previously reported staff vacancies and new staff being trained. This is being closely managed and additional resource being made available to the department in the form of overtime.
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 5% to 18% compare to the same period last year which was 23%. The explanation for this and further information on civil legal aid grant rates is contained in the Trends Report.

*Accuracy Results*

1. 99% of applications checked were marked as having a good level of accuracy, which was the same as last year.

**Criminal Applications**

Criminal – Summary

1. The overall performance remains good. First decision average durations improved from the same period last year from 10.3 days to 9.8 days as we continue to give more attention to reducing instances where we need to continue for further information and reducing the timescales of the longer cases. As a result, the grant rate of first instance cases also increased form 79% to 80% compared to the same period last year. There has also been a reduction of 13% in applications received which has also allowed us to take decisions faster.

Criminal – Solemn

1. First instance durations improved from 5.4 days to 5.1 days. The grant rate of first instance cases fell marginally from 87% to 86%. Solemn applications received in the three months to December are up 5% on the same period last year.

*Accuracy Results*

1. 99% of applications checked were marked as having a good level of accuracy, which was the same as last year.

**Children’s applications**

1. The overall performance remains good. First decision average durations remains at 8.1 days, which is what it was this time last year.

*Accuracy Results*

1. 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

1. The overall three month position for civil shows the average duration for initial assessments, at 29 calendar days which is three days longer compared to the same three months in 2017/18.
2. Durations in November increased slightly from the October level before reducing again in December. There was an increase in overtime in December which helped reduce the durations.
3. One vacant post was filled in January 2019. This will help to mitigate risk in the longer term once the staff are fully trained.
4. The average duration for negotiations improved from 64 calendar days, in the three months in 2017/18, to 57 calendar days in the current three months.
5. The percentage of civil accounts which were paid in full at the initial assessment remained at 64%.

*Accuracy Results*

1. Accuracy in the three months was good with 96% having been marked as a four (98% in the comparable period in 2017/18).

Criminal Accounts

1. The three month position for criminal shows the average duration for initial assessments, at 15 calendar days, 4 calendar days slower than the comparable period in 2017/18.
2. Within the three month period we have seen month on month decreases in average durations, which shows a positive picture which has been assisted by overtime.
3. The average duration for negotiations shows a reduction from 106 calendar days to 39 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 durations. 39 days is nearer the norm for negotiations.
4. 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*

1. Accuracy in the three months was very good with 97% having been marked as a four which was the same as the comparable period in 2017/18.

Children’s Accounts

1. The overall three month position for children’s shows the average durations for initial assessments at 26 days which is 4 days slower than the comparable period in 2017/18. 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.
2. The average duration for negotiations increased from 31 calendar days, in the comparable three months in 2017/18, to 33 calendar days in the current three months.
3. The percentage of children’s accounts which were paid in full at the initial assessment reduced by 4% to 50%. This appears to be due to the quality of the accounts being submitted.

*Accuracy Results*

1. Accuracy in the three months was very good with 97% having been marked as a four (84% in the comparable period in 2017/18).

**Solicitor satisfaction surveys**

1. 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.



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|  | **Governance Links** |
| 1 | Finance and Resources  Applications - N/A  Accounts – N/A |
| 2 | Risk  *Applications*  This report gives assurance that we are managing the functional risks identified in relation to: (i) Failure to accurately assess applications and increases in accordance with SLAB's policies and procedures; and (ii) Failure to take operational decisions within agreed service standards.  *Accounts*  This report gives assurance that we are managing the functional risks identified in relation to: (i) Failure to pay solicitors within a timeframe that is acceptable to the profession and enables management of the Legal Aid Fund; and (ii) Inconsistent approach to assessment of accounts. |
| 3 | Legal and Compliance  *N/A* |
| 4 | Performance  *N/A* |
| 5 | Equalities Impact  *Not required.* |
| 6 | Privacy Impact and Data Protection  *No privacy or data protection issues identified.* |
| 7 | Communications and Engagement  *This paper has been agreed for publication.* |

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| **Conclusion and next steps** |
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Members are asked to note the report.

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| **Appendices/Further Reading** |
| 1. Guide to the SOPOR |