

Scottish Legal Aid Board (SLAB)

Annual Statement on Efficiency, Effectiveness and Economy for 2018 - 2019

The Public Services Reform (Scotland) Act 2010 requires certain public bodies to publish an annual statement of the steps taken during the year to improve efficiency, effectiveness and economy in the exercise of their functions. The following statement sets out the steps that SLAB has taken during 2018-19. Further information on this is contained in our 2018-19 Annual Report and Accounts.

Efficiency, effectiveness and economy improvements during 2018/19

Legal Aid

The purpose of legal aid in Scotland is to support access to Justice for those people who are unable to pay for it on their own. Legal aid helps the criminal justice system work fairly, efficiently and effectively. Unlike most other countries, expenditure on legal aid cases is demand led and the Scottish Government makes available the funds for all cases that meet the statutory tests.

The Board has an important role in ensuring that legal aid expenditure delivers best value within the terms of our governing legislation. We save the taxpayer substantial amounts each year by; only granting legal aid where applications meet the statutory tests; only paying for work that has been done with due regard to economy; controlling counsel, experts and unusual work; and scrutinising and, where appropriate, reducing legal aid bills. We also try to minimise the risk of fraud and abuse of legal aid by applicants or legal aid providers.

We continue to manage a number of substantial grant funding programmes, which improve the justice system through preventative spending measures.

Administration Costs

Scottish Government funding for our administrative costs is detailed in our Annual Report and Accounts. Unlike the legal aid fund, the administrative budget is capped.

A significant amount of administrative expenditure is directed at ensuring that all legal aid expenditure is in accordance with prevailing statutory provisions, regulations, fee tables and taxation standards. This is achieved through assessment of solicitors and advocates accounts and determination of applications, only granting those that meet the statutory tests, and measures to minimise fraud and abuse. We have made significant efforts to constrain administration costs whilst ensuring that fund expenditure continues to properly reflect the intentions of Parliament and the nature and level of demand by eligible people for services that are within scope.

SLAB's administrative budget has been capped for over 10 years and cost pressures, including inflation and the application of SG pay policy, have had to be met through efficiency gains and reducing staff numbers where possible. During this period, workloads have increased and the Scottish Government have given SLAB additional responsibilities which have impacted our resource base so living within these budgets has been, and will continue to be, extremely challenging. Despite these pressures, we have continued to deliver improvements to our operational performance and maintain appropriate controls over fund expenditure. Our ability to do so has been due to achievement of efficiencies centred on themes of digitisation and online services, improved procurement, asset/space management and the relocation of our main premises in 2015.

Legal Aid Online

One of the ways we have been able to improve service in 2018-19 is by delivering the last significant phase of our online accounts products. This included three separate deployments of products in May, September and March, the last of which had to be delivered alongside the necessary changes to solicitor and advocate fees. This should further improve the usability of the system and build on what is already a positive level of satisfaction with the system's functionality.

Performance Management

We changed how we measure what we do and how well we do it following a fundamental review of our performance framework. We published information about our new approach to measuring performance in January 2019. We have introduced more meaningful measures of performance to help us focus on what matters most to solicitors and applicants. We now report our performance externally every quarter instead of annually to make our performance more transparent. In 2019-20 we will report our performance in a range of areas against agreed benchmarks.

An important factor in measuring performance is understanding the views of those who use, or operate within, the legal aid system. We therefore took a new approach during the year to obtaining feedback from solicitors through the use of regular micro surveys that will complement our fuller periodic solicitor surveys. We published the first set of results on our website in October 2018 and started follow up surveys in March 2019.

Regular survey feedback, alongside our other engagement with the profession, will help us both to identify possible changes to how we work and to monitor the impact of changes we make. Various individuals and teams have been singled out by solicitors for praise and thanks, against a general backdrop of high levels of satisfaction with our services. As expected, our initial survey work did highlight some areas of dissatisfaction, which has helped us to prioritise our response to the feedback. The most recent follow up surveys show marked improvements in satisfaction levels in most areas and less dissatisfaction in others, suggesting that our work over the last year is having a positive impact.

Effective Partnership Working

SLAB has an organisational culture that recognises the value of working with wider stakeholders and partners. Clear statements on partnership working are included in our Corporate, Business Plans and Strategic Risk Register.

SLAB are actively involved in joint working with the SG, justice sector bodies / SG agencies (COPFS, Scottish Courts and Tribunal Service, Police Scotland, Scottish Prison Service, Community Justice Scotland; Children's Hearings Scotland), lawyers and representative bodies (Faculty of Advocates, Law Society of Scotland, Sheriff Principal's; Bar Associations), 3rd sector agencies and other not-for profit organisations. SLAB is represented by the Chief Executive, Directors and senior personnel on a number of high profile boards, groups and programmes. SLAB is a key partner in the SG's Justice Board which involves strategic collaboration between a range of justice agencies.

SLAB have been managing a number of grant funding programmes on behalf of Money Advice Service (MAS) and SG since 2009. During 2018/19, 45 projects were funded across 3 programmes (Economic Downturn; Making Advice Work; Tackling Money Worries).

SLAB engages in others' consultations and development processes to play a full part in improving the justice system and the operation of legal aid within it. Recent consultations include the Establishment of a Consumer Body for Scotland; Vulnerable Witnesses (Criminal Evidence) Scotland Bill; Post Mortem Examinations (Defence Time Limit) Scotland Bill. SLAB provided a response to the Independent Review of Legal Service Regulation in May 2018 and

recently attended a meeting with the SG to discuss their views on the report. The Chief Executive and other SLAB representatives have been involved in regular meetings over 2018/19 with the SG on the Independent Review of Legal Aid and have provided a range of technical and policy guidance to assist the SG in developing its response to the review and the forthcoming consultation.

SLAB are currently managing the SNSIAP accreditation process on behalf of the SG. This is undertaken by a SNSIAP performance auditor and a group of 12 peer reviewers.

SLAB are involved in a variety of projects which involve the development and implementation of various measures to streamline legal aid processes and procedures; these involve collaboration with justice partners and the legal profession, including improvements to the online accounting system, digital transformation of services (e.g. form 2 digitisation); work with the Law Society of Scotland on the feasibility of models for a single grant of legal aid.

Examples of projects working in collaboration with the legal profession and justice partners include:

Joint work with the SG following the publication of the Independent Legal Aid Review. A range of technical and policy advice has been provided to the SG in developing their formal response to the Review, published November 2018, and on a range of improvements to the current system of judicare; advice to the SG in respect of the remit and status of a payment panel which has been set up from April 2019; research is also currently underway on the operation of quality assurance arrangements for legally aided services, again as a response to the Legal aid Review.

SLAB explore and promote opportunities for efficiency savings and service improvements through shared service initiatives with partners, example of which are:

- SLAB provides Internal Audit Shared Services to the Scottish Public Services Ombudsman (SPSO).
- SLAB's Head Office (Thistle House) provides accommodation for 7 tenants, the arrangements are managed by SLAB's Facilities Manager.
- SLAB's procurement department utilises Scottish Procurement's collaborative contracts where possible and we sit on the SG Procurement Shared Services Steering Board;
- SLAB worked jointly with Scottish National Heritage (SNH) on shared services for Payroll and HR during 2018/19 (this arrangement ceased in April 2019 following SLAB's move to Oracle Cloud for Payroll and HR Services, however HR are still working collaboratively with the SNH on other areas of HR (e.g. Oracle Cloud recruitment; sharing of training materials).
- SLAB made use of some of SNH's procurement services during 2018/19 whilst it considered options regarding the future of procurement within SLAB.
- SLAB's HR department participate in the Mediation Partnership Team, which is comprised of volunteers from public sector organisations. SLAB have been involved in 3 mediations for other organisations during 2018/19.
- SLAB's Facilities Manager engages with partners to deliver the Carbon Management and Property Asset Management Plans, including the Scottish Futures Trust and the Sustainable Scotland Network.

Procurement

The Procurement Strategy and Procurement Policy set out SLAB's position on purchasing and contract management, including the requirement for SLAB to conduct its business in a way which demonstrates appropriate competitive practice. SLAB is committed to using collaborative public sector contracts wherever possible and all new / renewed contracts are

evaluated to determine if a suitable collaborative contract exists or is due to be developed. Regular updates are provided to the Executive Team on procurement activities and the 2018/19 audit of this area gave an overall audit conclusion of satisfactory.

SLAB participates in the SG's Procurement & Commercial Improvement Programme process and where recommendations are made, these form part of our ongoing procurement improvement plans.

During the year, SLAB collaborated with SNH on procurement advice and expertise. To improve our procurement capability, we also employed an experienced procurement professional.

SLAB use frameworks and collaborative contracts provided by Scottish Procurement and other public sector providers, such as the Scottish Procurement Alliance, wherever possible. This produces cost savings and other wider contract benefits such as improved sustainability and community benefits. Despite the focus on using collaborative contracts and frameworks, 42% of SLAB's procurement spend was with small and medium sized enterprises and 18% was with local suppliers.

The identification and management of risk, including procurement risk, is embedded within the statements, strategies and plans of SLAB and a new risk management framework (RMF) was introduced during 2018/19.

Further information on the areas covered by this report is detailed in our Annual Report and Accounts and our most recent Board report on Best Value, both of which are on our website at <http://www.slab.org.uk>.