



Business Plan 2021 - 2022

March 2021

The Scottish Legal Aid Board

www.slab.org.uk

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Information about the Scottish Legal Aid Board is available on our website -

<https://www.slab.org.uk/corporate-information/>

Chief Executive's Introduction

This report sets out our Business Plan for 2021-22 and our first full year of activity under our Corporate Plan 2020-23. The publication of our refreshed corporate priorities, originally planned for April 2020 was delayed due to the impact of the global pandemic. During 2020 we continued to deliver under our previous Corporate and Business plan, with the addition of some COVID related activity, until the new Corporate plan was approved and published in December 2020.

An independent review of the legal aid system was carried out in 2017, with a remit to consider reform of Scotland's system of legal aid, maintaining access to public funding for legal advice and representation in both civil and criminal cases alongside measures to expand access to alternative methods of resolving disputes.

That review [reported](#) in February 2018 and proposed a ten-year vision for a modern, forward-looking and person-centred legal aid service for Scotland. The Scottish Government has kept open its view on how best to deliver on those longer term aims of the review but has signalled a desire to deliver an enhanced system of legal aid.

Our plan for 2020-23 set out our priority projects and activity to deliver a high quality and user focussed service and further embed ways of working across the organisation that enhance the quality and consistency of our decision making and delivery. In doing so, our aim is not only to deliver the best service we can but also to instil confidence in those we work with and for, that everything we do is directed towards delivering positive outcomes.

We have already achieved a great deal as we started to transform how we deliver our functions and strengthen our decision-making systems and process in 2017-20. We have developed a policy framework as the central organising structure for our future decision making which aims to review around 160 separate types of decision. This important change programme will form the backbone of this business plan and is an opportunity to review our operational policies. We will review how we apply the rules set out in the legislation and regulations and our guidance and training both for solicitors and our own decision makers. By improving the clarity of our decision making, we will improve the visibility and accountability of our actions. A similar approach will be established in a review of our people policies.



Colin Lancaster

Colin Lancaster
Chief Executive

Our organisation

Our primary purpose is to manage access to legal aid funding by applying the rules set by the Parliament for assessing eligibility for legal aid and checking accounts submitted for payment by solicitors and advocates.

Legal aid funding pays for solicitors, advocates and other necessary services to help people resolve problems by negotiation or in a court or tribunal. Most services paid for through the Legal Aid Fund are delivered through the private sector (94.1%). The third sector and our own direct services¹ also deliver case by case services but on a much smaller scale. Finally, a small amount of funding provides direct grants for projects to deliver targeted legal services². The Legal Aid Fund also finances the quality assurance schemes we manage.

Legal aid and wider justice system policy is the responsibility of the Scottish Government, and where legislative change is required, the Scottish Parliament. The nature of the current legal aid legislation means that this judicare funding is unplanned and largely non-targeted. This feature of the current system means that resources for case-by-case services cannot be more purposely directed towards meeting any specific Scottish Government priority. The pattern of requests for legal aid is determined by a combination of members of the public deciding whether to seek help and hundreds of predominantly small firms of solicitors in the private sector deciding whether to offer a particular kind of service, whether to act for a person if they ask for assistance and, if so, whether to do so on legal aid³.

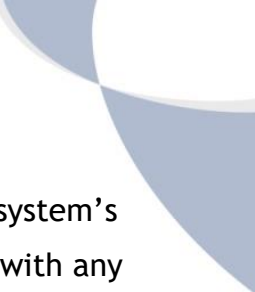
The context

Our plan sets out the range and complexity of the work we require to do to deliver on our Corporate Plan. We know however that plans are subject to change. There are developments in Government and in other parts of the justice system which may produce other joint projects or projects in response to developments elsewhere.

¹ Our direct services include our Public Defence Solicitor's Offices, Civil Legal Assistance Offices and Solicitor Contact Line.

² For more information about how the Legal Aid Fund was spent in 2019-20 please see our Annual Accounts at <https://www.slab.org.uk/corporate-information/publications/corporate-information/annual-reports/>

³ For more information please see our Corporate Plan 2020-2023 at <https://www.slab.org.uk/corporate-information/publications/corporate-information/corporate-and-business-plans/>



Covid-19 and future adaptations required to adjust our response and/or the legal aid system's response will have to be resourced, but at this stage of planning we cannot anticipate with any certainty what or when that might be required.

The Justice System response to Covid-19 is overseen by the Criminal Justice Board. A Recover, Renew, Transform programme of work is under development but it is not yet clear whether changes to legal aid system design will be required.

The Legal Aid Payment Advisory Panel, established by Scottish Government, to advise on an evidence-based approach for a review of fee levels for legal aid services is yet to conclude and that may in turn require analytical support to any next steps government chooses to take.

Business Plan 2021 - 2022

Our business plan activity will support our strategic priorities. Some projects deliver direct benefits and others implement changes in systems and processes which are required to enable us to deliver benefits in other corporate projects. We have provided a high level overview of the activity that helps us work towards our objectives.

Workstreams which were key projects in 20-21 and are carried into 21-22 are shaded yellow. New activity in 21-22 is shaded blue.

Workstream 15 is linked to all our Strategic Objectives and will be completed early in the financial year. It is shown separately.

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

| Workstream 1: Development and Implementation of a Corporate Customer Service Policy | |
|---|---|
| Drivers | <ul style="list-style-type: none"> • 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? | <ul style="list-style-type: none"> • All external customers |
| Activity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Implementation by April 2022 |

Workstream 2: Review of template letters

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|--------------------------|--|
| Drivers | <ul style="list-style-type: none"> • 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? | <ul style="list-style-type: none"> • People involved in the legal aid process |
| Activity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Ad hoc feedback via operational teams from people who receive the letters • solicitor survey feedback |
| Owner | Director of Operations |
| Duration | <ul style="list-style-type: none"> • 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. |

Workstream 3: Improved complaints recording and reporting and use of complaints, including equality related complaints

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| Drivers | <ul style="list-style-type: none"> • 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? | <ul style="list-style-type: none"> • External customers including Legal Aid Applicants, Solicitors and members of the public |
| Activity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Evidenced use of data in relevant equality impact assessments • Reporting in place and evidenced |
| Owner | Director of Strategic Development |
| Duration | <ul style="list-style-type: none"> • By December 2021 |

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

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| Drivers | <ul style="list-style-type: none"> • 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? | <ul style="list-style-type: none"> • Clients and contacts of our PDSO, CLAO and SCL services • Staff in direct services |
| Activity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Evidenced use of data in relevant equality impact assessments and service design • Reporting in place and evidenced • Improved % disclosure of relevant equality data |
| Owner | <ul style="list-style-type: none"> • Director of Strategic Development • Director of PDSO • Head of Service CLAO • Manager of the Solicitor Contact Line |
| Duration | <ul style="list-style-type: none"> • By April 2022 (Year one) |

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

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| Drivers | <ul style="list-style-type: none"> • 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. |
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| Who will benefit? | <ul style="list-style-type: none"> • Legal Aid Applicants |
| Activity | <ul style="list-style-type: none"> • 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

| Workstream 6: GALA Project: Review of Taxation Standards and Accounts Assessment | |
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| Drivers | <ul style="list-style-type: none"> • 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? | <ul style="list-style-type: none"> • Legal Aid applicants and Solicitors |
| Activity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • 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. |

| Workstream 7: GALA Project: Applications General stream | |
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| Drivers | <ul style="list-style-type: none"> • 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? | <ul style="list-style-type: none"> • Legal Aid applicants and Solicitors |

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| Activity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • To be decided by the equality impact assessment |
| Owner | Director of Operations |
| Duration | 2022-23 |

| Workstream 8 : Guidance on Administration of Legal Aid (GALA) Project: Review of financial assessment | |
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| Drivers | <ul style="list-style-type: none"> • 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? | <ul style="list-style-type: none"> • Legal Aid applicants and Solicitors |
| Activity | <p>SLAB operates the means assessment tests across each scheme under five different schedules</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>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.</p> <p>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.</p> |
| Measures | Two key outputs: |

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| | 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 |

Workstream 9: Designing a New Working Environment (DANWE) - covid-19 recovery

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| Drivers | <p>SLAB (including PDSO, SCL and CLAO) have moved almost entirely to a working from home basis, subject to exceptions for some essential tasks.</p> <p>As the situation evolves, SLAB needs to plan and prepare for:</p> <ul style="list-style-type: none"> • 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. <p>Specific attention is required to support staff wellbeing during this time and in the management of the return to office based operations.</p> |
| Who will benefit | <ul style="list-style-type: none"> • Employees |
| Activity | <p>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'.</p> <p>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</p> |
| Measures | <ul style="list-style-type: none"> • 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 |

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| Duration | 2021-22 |
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Workstream 10: People policy review to deliver People Strategy Objectives

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| Drivers | <p>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</p> <ul style="list-style-type: none"> • 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 | <p>Policy review, development and consultation on refreshed policies. The first tranche of policies for review 2020-22 are:</p> <ul style="list-style-type: none"> • 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

| Workstream 11: Strategic Development - gathering and use of applicant equality data | |
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| 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 | <ul style="list-style-type: none"> • EHRC Guidance - Evidence and the Public Sector Equality Duty |
| Who will benefit? | <ul style="list-style-type: none"> • People who go through the legal aid process |
| Activity | <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • Improved % disclosure across the relevant protected characteristics • Ad hoc feedback from solicitors |
| Owner | <ul style="list-style-type: none"> • Director of Strategic Development |
| Duration | <ul style="list-style-type: none"> • 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). |

| Workstream 12: Grant Funding Policy development | |
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| Drivers | <p>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.</p> <p>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.</p> |
| Who will benefit? | Users of advice and legal services in a grant funded programme |
| Activity | Policy development including: <ul style="list-style-type: none"> • Data analysis |

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| | <ul style="list-style-type: none"> • 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 |

Workstream 13: Surveys of applicants and clients

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| 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 | <p>Survey of criminal applicants</p> <p>Survey of PDSO clients</p> <p>Survey of civil applicants</p> <p>Survey of CLAO clients</p> |
| Measures | <p>Outputs</p> <p>Provides baseline for user experience</p> |
| Owner | Director of Strategic Development |
| Duration | Quarters 1 &2, 2021-22 |

Workstream 14: Incorporation of UNCRC

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| 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 | <p>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.</p> <p>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.</p> |

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| 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

| Workstream 14: Workforce Planning | |
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| 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 | 1 st Quarter 2021-22 |

Performance indicators

To assess performance in applications we use the following key indicators:

- Time to take the first decision (First decision average duration)
- The percent of applications we can grant first time (First decision % granted)
- The level of rework that is required (% First decision with subsequent further work).

The equivalent indicators in accounts are:

- Time to pay an initial account (Average calendar days to bank)
- The percent of accounts we pay in full (% paid in full)
- The level of negotiation that is required (Ratio of negotiations to initial assessments).

We also measure the accuracy of the decisions we take and the accounts we assess. And we survey solicitor satisfaction through a series of micro-surveys.

Our reporting on the indicators we use can be found in the SOPOR (SLAB Operational Performance Overview Report). The SOPOR is published quarterly [here](#) after it is reported to the Board.