



Business Plan 2022 - 2023

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 2022-23 and our final year of activity under our Corporate Plan 2020-23.

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.

Our highest priority is the development 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
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 (around 95%). 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 external environment

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 is please see our Annual Report and 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/>



The Justice System response to the Covid-19 pandemic is overseen by the Criminal Justice Board. A *Recover, Renew, Transform* programme of work is now underway with justice partners working to deal with the backlog of accumulated cases. As yet it has not been necessary to make any changes to legal aid system design.

Legal aid reform is part of the Scottish Governments program of work and the consideration of next steps which the Legal aid review is part of. We are providing input and support when required to ensure that the users voice is heard as well as participating to make sure SLAB oversees the delivery of a best value public service.

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 considering its next steps and that may in turn require analytical support for any action Government chooses to take.

With the withdrawal of many solicitors from the duty plans and more recently Domestic Abuse (Scotland) Act 2018 (DASA) cases in a dispute over pay and fee levels we continue to engage with the Scottish Government and Law Society of Scotland in order to provide information and data to support the discussions in an effort to resolve the disagreement.

Our priority activity in 2022 - 23

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.

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

Refreshing business plans for the Public Defence Solicitors Office (PDSO) and Civil Legal Assistance Office (CLAO)	
Drivers	<ul style="list-style-type: none"> Business plans will allow to set out three year activity that aligns with our corporate priorities and Scottish Government aims.
Who will benefit?	<ul style="list-style-type: none"> Clients of our service and other stakeholders Staff will have greater clarity about our expectations of them and be better able to advise customers
Activity	<ul style="list-style-type: none"> Consultation with different staff groups Analysis of info gathered from client/stakeholder feedback/changes made as a result of pandemic/ opportunities arising from CMS Discussion with internal and external stakeholders Equality Impact Assessment Development of a Delegated Authority Matrix
Measures	<ul style="list-style-type: none"> Completion of feedback sessions Output from analysis of data EQIA completed DAM completed
Owner	Director of Client Legal Services
Duration of plan	<ul style="list-style-type: none"> 2022-23

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

Guidance on the Administration of Legal Aid: - Accounts Assessment	
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"> • Develop and publish policy, decision makers guidance and solicitor guidance for all areas of accounts assessment
Measures	<ul style="list-style-type: none"> • Review of cases to assess consistency of decision making • Review of cases where certain payments are sought but costs are abated, to identify any issue in the application of our policies • Monitor number, average cost and total cost of adjustments funded under the travel policy covering standard rates for expenses • Review complaints about accounts assessment to identify any equalities issues • Monitor number of additional fees granted or refused where a protected characteristic is cited as the reason for additional work being required • Increase in Accounts satisfaction measures in solicitor micro-surveys.
Owner	Director of Operations and Director of Corporate Services and Accounts
Duration	This project will run until late 2023

Guidance on the Administration of Legal Aid: - Applications Assessment	
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
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	This project will run until late 2023

Guidance on the Administration of Legal Aid: - Review of Financial Assessment

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	<ul style="list-style-type: none"> • Options for reviewing the use and application of SLAB discretion in financial assessment will be developed in consultation with owners of alternative means of assessing income and groups representing users.
Measures	<ul style="list-style-type: none"> • 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	This project will run until late 2023

Designing a New Working Environment (DANWE)

Drivers	<ul style="list-style-type: none"> • Development of the future working policy of SLAB • Longerterm work environment • Identification of tools that will help implementation and effective working practices
Who will benefit	<ul style="list-style-type: none"> • SLAB • Employees • Third party stakeholders
Activity	<ul style="list-style-type: none"> • Research on best practice, from internal and external sources will inform policy development • Test and trial pilots within the office to gather evidence of our work experiences; trials will include a number of different work spaces to support more collaborative work and break out areas • Setting up meeting spaces to support better hybrid meeting • We will also trial condensing our workspace, as well as providing more interaction and more opportunity for collaborative working for staff in the office
Measures	<ul style="list-style-type: none"> • Revised flexible working policy in place

	<ul style="list-style-type: none"> • Keep staff engaged, high survey responses between 80 - 85% • Gather feedback and observations from our own staff through surveys and focused questionnaires • Evidence based long term policy in place • Carbon monitoring against office space • Work and meeting spaces in place to support our hybrid working practices
Owner	Director of Corporate Services
Duration	2022-23

People policy review

Drivers	<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>The full suite of 25 policies have been reviewed by an external consultant and they have provided their recommendations for change.</p> <p>This next phase involves internal consultation of the recommendations along with a staff consultation.</p>
Measures	Measures will be identified as part of policy development and equalities impacts assessment to include staff survey results and liaising with Union.
Owner	Director of Corporate Services
Duration	2022-23

Workforce Planning

Drivers	<ul style="list-style-type: none"> • The need to have a workforce of the right size and with the right skills to enable us to deliver both our current and anticipated strategic objectives, taking account of our long term financial planning, the Scottish
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	Government’s response to the Legal Aid Review, projected trends in the wider justice system and our existing business plans and strategies
Who will benefit?	<ul style="list-style-type: none"> • SLAB • Scottish Government • Customers
Activity	<ul style="list-style-type: none"> • Using the 5 models set out in the “Response to Legal Aid Reform in Scotland Consultation” to inform potential future financial and people resource implications • Develop financial scenarios, informed by the 2022 Spending Review, alongside the reform work to capture potential implications
Measures	Workforce plan
Owner	Director of Corporate Services
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

Incorporation of UNCRC	
Drivers	<ul style="list-style-type: none"> • 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?	<ul style="list-style-type: none"> • Child applicants and those acting on behalf of children; • Clients of Direct Services
Activity	<ul style="list-style-type: none"> • consider changes to our impact assessment processes. • Consider changes to our internal processes • considered the need to carry out Child Right and Wellbeing Impact Assessments (CRWIA’s) in order to demonstrate our compliance with the UNCRC Bill.
Measures	<ul style="list-style-type: none"> • Refreshed impact assessments • Advice to SG on impact of legislation
Owner	Director of Operations
Duration	<ul style="list-style-type: none"> • The timescales around progressing the Bill are as yet unknown. Once the Bill receives Royal Assent there is currently a six month period for implementation of the impact assessment duty.

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.