



Business Plan 2016-17

The Scottish Legal Aid Board

www.slab.org.uk

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INTRODUCTION

This Business Plan for 2016-17 sets out our priorities for delivery against our strategic objectives and the wider objectives of the Scottish Government. The plan also sets our planned activity in the context of the current operating environment within justice and public services more generally, as well as the financial parameters within which we are working.

The work in this plan focusses primarily on current initiatives to develop our organisation, implement reforms to the legal aid system and advise Ministers on options for further development. The majority of our resources, however, ensure proper management of the legal aid fund and support access to justice through our assessment and granting of legal aid applications and payment of solicitors and counsel for the work that they do.

This is the final year of our corporate planning period for 2014-17. The outcomes we aim to deliver during the year and associated activities are aligned with our current strategic objectives. A significant focus for the year ahead is to equip the organisation to move into its next three-year corporate planning cycle. As part of this process, we will review our purpose and strategic objectives to ensure they continue to drive the work we do and reflect Ministers' aims for both legal aid and the organisation.

As we deliver what is a challenging programme of work over the coming year we will:

- work in **collaboration** with others wherever possible;
- exploit **digital technology** to improve our services;
- ensure the principles of **best value and efficiency** are considered in all that we do;
- aim to deliver a **high quality service** to those we deal with and the users of the legal aid system;
- seek to **continuously improve** our organisation;
- deliver against our range of **obligations** as a modern user-focused public body, including our equalities duties and our status as a Corporate Parent.

I look forward to working with our staff, customers and partners in achieving the outcomes set out in this plan.



Colin Lancaster
Chief Executive

OUR PURPOSE AND STRATEGIC OBJECTIVES

The work that we deliver is an important contributor to the Scottish Government’s objectives of achieving a Scotland that is safer, fairer and greener and to the national outcomes linked to those objectives. We also align our work with the Scottish Government’s priorities on the transformation of public services and our primary priorities are closely aligned to a number of priorities in the Justice Strategy for Scotland.

<p>Scottish Government’s Purpose</p>	<p>To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth</p>				
<p>Scottish Government’s Strategic Objectives</p>	<p>Helping communities become safer and stronger places to live</p>		<p>Enabling the increasing of wealth through efficient public services</p>		<p>Improving the environment and its sustainability</p>
<p>Scottish Government’s National Outcomes</p>	<p>We live our lives safe from crime and danger</p>	<p>We have strong, resilient and supportive communities</p>	<p>We have tackled inequalities in Scottish Society</p>	<p>Our public services are high quality, responsive, and continually improving</p>	<p>We reduce the environmental impact of our consumption and production</p>
<p>Justice Strategy Aims</p>	<p>Ensuring legal aid is available to those who need it most</p> <p>Improving access to justice</p> <p>Maximising the value of legal aid expenditure</p> <p>Making the justice system more efficient</p>				
<p>Our Purpose</p>	<p>To provide access to justice for those people who are unable to afford to pay for it on their own</p>				
<p>Our Strategic Objectives</p>	<p>To facilitate access to a range of quality assured legal help in Scotland, when and where it is needed</p> <p>To provide access to service providers that deliver services in ways that benefit the justice system</p> <p>To obtain best value for the taxpayer from legal aid expenditure</p> <p>To contribute to an efficient justice system in Scotland by providing an efficient legal aid system</p> <p>To reduce the environmental impact of the services that we fund as well as reducing our own carbon footprint</p>				

WHO WE ARE AND WHAT WE DO

SLAB was set up in 1987 under the Legal Aid (Scotland) Act 1986 and we are accountable to Scottish Ministers.

SLAB is responsible for doing a range of things, the key ones being:

- advising Scottish Ministers on the operation of legal aid, and ways to develop it.
- managing expenditure on the Legal Aid Fund.
- deciding whether to grant applications for legal aid.
- assessing solicitors' and advocates' accounts for legal aid work, and paying them for the work they have done.
- investigating and minimising fraud and abuse of legal aid.
- operating and developing a network of SLAB employed solicitors who offer criminal and civil legal advice and representation.
- operating a police station duty scheme which gives suspects the right of access to a solicitor before and during police interview as well as running the 24 hours, 7 days a week solicitor contact line which is staffed by solicitors employed by SLAB to provide legal advice to suspects.
- providing grant funding for targeted legal advice and other services.

Our work is overseen by a non-executive board, the Chairman and members of which are appointed by Scottish Ministers. Our board currently consists of 12 members. The main responsibilities of the board are determining SLAB's strategic objectives and scrutinising expenditure, operations and organisational performance. We also have committees of the board to consider areas such as audit and risk; legal aid guidance and procedures; complex, sensitive or high profile legal aid cases; and remuneration and our pay arrangements.

Our Chief Executive, Colin Lancaster, is the Accountable Officer of the organisation and heads up an Executive Team made up of three directors responsible for the operational and administrative functions of SLAB, and the Principal Legal Adviser.

As a public body, SLAB also has a range of other obligations and commitments, including:

- **Monitoring of Access to Legal Services.** We have a statutory duty to monitor the accessibility of legal services and report to Scottish Ministers. We assess whether there is an inability of potential clients to find or obtain the services of solicitors or advocates willing to act in particular areas of law or specific geographic areas. This function is not restricted to the accessibility or availability of legally aided services. It also includes privately funded services. Our assessment of access to services is based on both types. We will report to ministers towards the end of 2016-17.
- **Corporate Parenting.** On 1 April 2015, we became a Corporate Parent under the Children and Young Person (Scotland) Act 2014. The legislation introduces statutory duties on a range of public bodies, including SLAB, in regards to looked after children and care leavers. It places a number of responsibilities on SLAB in terms of how it deals with young people who experience the legal system. We will be developing our corporate parenting action plan as part of our work in 2016-17.
- **Public Sector Equalities Duties.** We are committed to the promotion of equality and to tackling discrimination of any form, including in relation to age, disability, gender, gender reassignment, race, religion or belief and sexual orientation. Under the Equality Act 2010 we have a duty to consider equality in all our functions, including decision-

making, in the design of internal and external policies and in the delivery of services, and for these issues to be kept under review. We have published a number of Equalities Outcomes that we will continue to work towards in 2016-17.

- **Fair Work.** We are committed to the Scottish Government's Fair Work agenda and are an accredited Living Wage employer. We actively support trainees and work placements.
- **Public Bodies Climate Change Duties.** We have duties under the Climate Change (Scotland) Act 2009 that require us, in exercising our functions, to act in the way best calculated to contribute to the delivery of emissions reduction targets, in the way best calculated to help deliver any statutory climate change adaptation programme, and in a way we consider most sustainable. We have measured our organisation's carbon footprint since 2008 and now fully adopt the Carbon Trust's Management System. Reporting against this duty has now become mandatory from November 2016 and we will publish a report later in the year.
- **Duty to Publish Information.** The Public Services Reform (Scotland) Act 2010 requires public bodies to publish information on certain expenditure and activities. Under the Act, we have a duty to publish information regarding a range of different expenditure, a statement of the steps taken during the year to promote and increase sustainable growth, and a statement of the steps taken during the year to improve efficiency, economy and effectiveness. We publish this information on our website.

OUR CURRENT OPERATING ENVIRONMENT

The policy environment

As a public body, our operating environment goes wider than the delivery of legal aid. As a key partner in delivering public services, the Scottish Government expects SLAB to contribute to particular priority areas where we can help deliver transformation of public services:

- Empowering people to actively shape decisions which affect them and their communities.
- Developing Scotland's workforce so ensuring access to good jobs where employees can shape how things are done and are fairly rewarded.
- Making full and effective use of the resource available to us, ensuring that, collectively, we use public money efficiently to deliver greatest benefit for the people of Scotland. This includes action to accelerate the digital transformation of our public services.

The Scottish Government and Justice partners are continuing to work on a wide ranging reform programme which is delivering major reforms to criminal justice and the civil court and tribunals system. During the coming year significant change will take place in the criminal justice system as a result of the new Criminal Justice (Scotland) Act 2016.

A new simple procedure will be introduced later in 2016 which will replace the current small claims and summary cause procedures. In addition, changes to the Scottish tribunals system will result in existing court and tribunal business transferring into a new structure.

Additional priorities within Justice include the Scottish Government's commitment to modernise family justice with a particular focus on the length of time that family cases can take and the obligations under the UN's Convention on the Rights of the Child. We will contribute to the development of the Scottish Government's Equally Safe Strategy.

Paul Wheelhouse MSP, then Minister for Communities Safety said that: "Without collaboration, without that shared vision and sense of purpose, we will spend too much time and energy disagreeing with each other's point of view. Energy and time that would be better spent designing a better legal aid system." With this in mind, Ministers have asked us to develop three key work areas in collaboration with the legal profession:

- review the management of the police and court duty schemes and in particular, consider how best to deliver and support the delivery of police station advice;
- review the Code of Practice for Criminal Legal Assistance; and
- develop options to streamline the legal aid system.

We have engaged with the profession and others on these issues during the current year and the results of that process mean that these three aspects of our work continue to feature prominently in our planned activity for 2016-17.

The financial environment

The Legal Aid Fund

Unlike most other expenditure in the public sector, expenditure on the Legal Aid Fund, which covers the cost of legal aid grants, is uncapped. This means that any cases that meet the statutory tests will be funded by the Scottish Government. However, the primary purpose of this uncapped expenditure is to ensure that applicants for legal aid are not prevented accessing assistance due to a lack of funds. For budgeting purposes, the Scottish Government sets a budget provision, with any shortfall between the budget provision and actual expenditure to be made available through a transfer of additional funds at the end of the financial year.

The table below sets out our expenditure forecast for 2016-17 compared with the Scottish Government's budget provision.

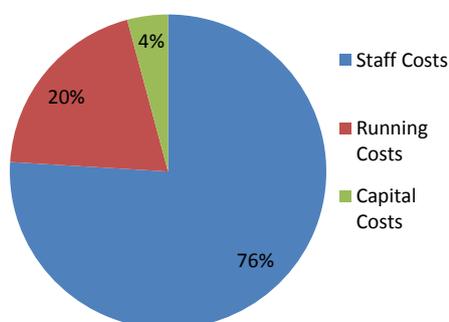
Expenditure Forecast and Budget Comparison	2016-17
Total expenditure forecast	£137.9 million
Scottish Government budget provision	£126.1 million
Agreed movement of funds from the Scottish Government for the <i>Making Advice Work</i> grant funding programme	£1.0 million
Forecast shortfall	£10.8 million

This forecast expenditure position includes the predicted impact of savings measures already implemented, but does not take into account the anticipated impact of any further savings measures either to be developed or currently under Ministers' consideration. We produce a revised expenditure forecast three times during the year, which enables the Scottish Government to consider its strategy for dealing with any shortfall as the year progresses.

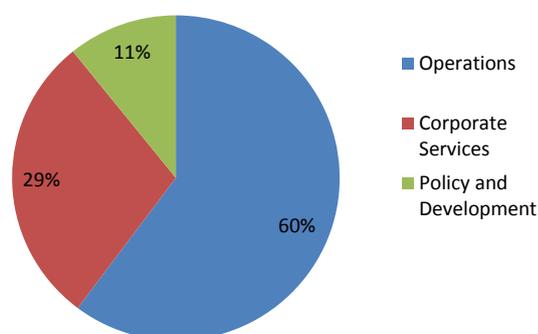
Administrative funding

Our administrative funding covers the costs of running the organisation, primarily the staff that are needed to administer the legal aid system. The Scottish Government's budget in 2016-17 has been set at £10.8 million. We have allocated this budget in the following way:

Budget by head of expenditure



Staff budget by business function



OUR BUSINESS PRIORITIES FOR 2016-17

This section details the outcomes we aim to work towards and the activity that will enable us to contribute to those outcomes. Each activity will help us deliver against at least one of our strategic objectives and priority outcomes.

Strategic Objectives

To facilitate access to a range of quality assured legal help in Scotland, when and where it is needed



To provide access to service providers that deliver services in ways that benefit the justice system



To obtain best value for the taxpayer from legal aid expenditure



To contribute to an efficient justice system in Scotland by providing an efficient legal aid system



To reduce the environmental impact of the services that we fund as well as reducing our own carbon footprint



Priority Outcomes

Streamlined operational processes for applications and accounts benefit the legal profession and the general public and allow us to make better use of our resources



Our corporate governance and performance management framework effectively manages risk, provides assurance and promotes operational effectiveness while enabling innovation, continuous improvement and optimal use of resources



Both our operations and our strategic advice reflect a 'digital first' approach to public service delivery



We attract, develop and retain a knowledgeable, skilled and high performance workforce who are engaged with and committed to SLAB's purpose



Our service and our strategic advice are responsive to, and based on a sound understanding of, varied customer and system needs



Our relationships with stakeholders and delivery partners are strategic and collaborative



Our work reflects the pursuit of best value in the legal aid system and our own service delivery



We contribute to the Strategy for Justice in Scotland, the Justice Digital Strategy and wider Scottish Government objectives



Our direct delivery and grant funded services, and our advice on the development of the legal aid system, are aligned with our and Ministers' strategic objectives



We have a clear purpose and strategic objectives that provide a focus for prioritisation and delivery



Activity	Strategic Objective	Priority Outcome
Legal Aid Delivery		
We will actively engage with and seek to maintain positive and productive working relationships with the legal profession, their representative bodies. This will include regular meetings and wider communications.	3	H
We will actively seek to build up closer working relationships and information sharing arrangements with other regulatory bodies as appropriate.	3	H
We will develop and, where possible, implement options to streamline the legal aid system emerging from our engagement programme.	3 4	A C D
We will implement the recommendations from our programme of review of financial assessment processes in civil legal aid, including an online facility for applicants to send us their financial application.	3 4	A B C D
We will complete the roll out of our redesigned system for the submission of online legal aid accounts.	3 4	A B C
We will introduce facilities for electronic payment of debts arising in civil legal aid cases.	3 4	A B C
We will implement a quality assurance system for children's legal assistance.	1 2 3	D
Policy and Reform		
We will develop and implement changes to legal aid to facilitate the implementation of the Criminal Justice (Scotland) Act 2016.	1 2 3 4	C E I
We will develop and implement changes to legal aid to facilitate the implementation of the new simple court procedure.	2 4	C E I
We will develop and implement changes to legal aid as required to facilitate the implementation of the new Scottish Tribunals.	2 4	C E I

Activity	Strategic Objective	Priority Outcome
We will develop advice for Ministers on changes to the Code of Practice for Criminal Legal Assistance	2 4	C E
We will contribute to the SCTS Evidence & Procedure Review to ensure legal aid considerations are integral to the development of the new criminal justice model.	2 4	C I
We will conduct a survey of solicitors on their use and views of the legal aid system.	1 2	C
We will conduct a survey of the experiences of people who have applied for civil legal aid.	1 2	C
We will develop and deliver advice for Scottish Ministers on reforms to legal aid for police station and court duty advice.	1 2 3 4	C E I
We will develop advice for Scottish Ministers on reforms to fees for criminal legal assistance.	2 3 4	E I
Organisational Development		
We will review our purpose and strategic objectives for agreement with Ministers.	2 3	J
We will complete a review of key aspects of corporate governance functions and implement identified changes.	3	F
We will develop a People Strategy which will set out how we will ensure that our people are supported and maintain and develop the skills and capabilities needed to deliver our strategic objectives.	3	G
We will develop a revised corporate performance management framework, including performance indicators and reporting and monitoring tools, for implementation in 2017-18.	3 4 5	C F
We will complete a review of our complaints handling processes and the level of service that we deliver to complainants.	3 4	C

Activity	Strategic Objective	Priority Outcome
Direct Delivery		
We will lead on the development of proposals for the creation of online tools and processes for the resolution of civil problems, as part of our work to support the Justice Digital Strategy.	1 2	B I
We will develop three year business plans for each of the Civil Legal Assistance Offices.	1 2	C E I
Dependent on Ministerial decisions, we will develop and deliver a new Grant Funding Programme from September 2016.	1 2	E H I
We will implement a new model for accreditation of advice providers against the Scottish National Standards for Information and Advice Provision.	1 2	E H I
Other Duties and Wider Government Objectives		
We will advise the Scottish Government on options for changes in financial assessment for legal aid resulting from the continued roll out of the Universal Credit.	1 3 4	C D I
We will publish an action plan on how we will deliver our Corporate Parenting obligations.	1	C I
We will publish a report on delivery of our Equalities Outcomes, and develop a new plan for future years	1 3	C D I
Following our recent move to new office premises we will develop a baseline for a new carbon management plan which will used to measure our performance in future years.	5	D I
We will continue our implementation of a shared service with SNH on HR, Payroll and Finance and work with the Scottish Government on a shared service for procurement	3	D I

OUR SERVICE STANDARDS AND TARGETS

We plan a major review of our targets and our overall performance framework in 2016-17.

We have a current range of targets for making correct decisions within set timescales. These focus on our main functions of taking decisions on legal aid applications and assessing and paying the accounts of solicitors and counsel. Our targets provide a measure of our performance on these functions and are approved each year by Scottish Ministers.

The key measures of our performance are our headline indicators, which combine individual timeliness and accuracy targets for each legal aid type. They are weighted equally to help achieve an appropriate balance between the measures for speed of processing and the quality of decisions.

They measure the time from the date of receipt of the application or account until the date of final decision or a payment is made, excluding any periods where the application or account has been continued for further information.

How do we measure our service standards?

Service standards are based on working days - this excludes weekends and the public holidays when we are closed. As we are measuring our performance and not that of the whole process we only count the time that the application or account is 'in our hands'.

It does not include the time that it is with the solicitor or the applicant awaiting a response to our request.

We aim to assess a percentage of applications or accounts within our service standard. For example, we aim to assess 99% of summary criminal legal aid applications in 5 days.

This reflects the reality that although we aim to decide all of those applications within 5 days, we may not be able to achieve this in a small number of cases. We measure from the day after receipt to the date the payment instruction is made to our bank.

Payments made do not include the time taken by banks to process the payment through the BACS once the payment instruction is given. We are not in control of the BACS process and payment can typically take two days to be processed by the banks.

Solicitors' and advocates' accounts are paid either in full or 'on offer'. We pay on offer if there is insufficient information provided to us to justify a higher payment or where we consider that work has not been carried out 'with due regard to economy'. Accounts paid in full or 'on offer' have a target of 97% within 20 working days. Where there are negotiations on the remaining sum following a payment on offer, our target is to pay 93% within 15 working days.

Headline indicators	Target
Criminal legal aid applications	99%
Civil legal aid applications	97%
Children's legal aid applications	98%
Advice and assistance applications	98%

Headline indicators	Target
Criminal accounts	97%
Civil accounts	97%
Children's accounts	97%
A&A accounts	97%

CONTACT

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Alternative Formats

This plan is also available as a Microsoft Word file. To obtain a Word file or for information on accessing the plan in an alternative format, please contact communications@slab.org.uk

You can download this publication from www.slab.org.uk