



NORTHERN IRELAND  
Legal Services  
Commission

BUSINESS PLAN  
2006/07





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Legal Services  
Commission

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# CHAIRMAN'S INTRODUCTION

The Commission and the Northern Ireland Court Service are aiming to implement fully Civil Legal Services under the Access to Justice (Northern Ireland) Order 2003 (AJO 2003) by the autumn of 2007. During 2006/07 the Commission will be engaging in the detailed preparatory work that will implement Civil Legal Services as set out in the AJO 2003. There are a number of key objectives the Commission will have to meet in order to be in a position to deliver Civil Legal Services. These include the development of revised financial eligibility criteria; revised statutory charge criteria; a fixed-fee framework for all civil work; the establishment of the NI Funding Code, and, the establishment of a Registration Scheme for providers of publicly-funded legal services.

In addition the Commission in partnership with the Northern Ireland Court Service will agree

and implement streams of work identified by the initial phase of the Fundamental Legal Aid Review for the development of civil legal services. The Commission will begin the development of a mixed model of service delivery through formal consultation with the Voluntary Sector on potential pilot projects.

Preparing for the implementation of the Access to Justice (NI) Order 2003 will be a great challenge for the Commission during 2006/07. The Commission is committed to working closely with its sponsoring department, the Northern Ireland Court Service and with the providers of publicly funded legal services throughout this transition period.

While the Commission made considerable progress, whilst working within the very tight resource constraints that are common to all public service organisations, but there are some

issues that the Commission has not been able to address completely during 2005/06. The Commission has now developed a more comprehensive plan to deliver Civil Legal Services under the AJO 2003, which can be accessed at [www.nilsc.org.uk](http://www.nilsc.org.uk). The Commission anticipates that it will provide all publicly-funded civil legal services under the AJO 2003 by the end of 2007.

Along with my fellow Commissioners, I look forward to working further with our staff, the Northern Ireland Court Service, our sponsoring department, the legal profession, the voluntary sector and interested parts of the community to ensure fair and equal access to justice through the provision of publicly funded legal services.

**Sir Anthony Holland**  
Chairman

# THE CONTEXT

1.1 The Northern Ireland Legal Services Commission is an executive non-departmental public body that is sponsored by the Northern Ireland Court Service, a Department of the Lord Chancellor.

1.2 The Commission operates within:

- the powers conferred upon it by the Access to Justice (Northern Ireland) Order 2003
- the resources provided by Parliament, and
- Regulations, directions and guidance issued by Northern Ireland Court Service, including a Framework Document.

1.3 The Commission's Corporate Plan for 2004-2007 has set out its mission, aim, values and objectives as follows:

### Mission

The Commission will promote fair and equal access to justice in Northern Ireland in its provision of publicly funded legal services

### Our Aim

The Commission's aim is to provide high quality, customer-focused services that target those in greatest need, promote social inclusion and demonstrate value for money.

### Values

The Commission is committed to these values in doing its work:

- fairness and equity;
- integrity and honesty;
- responsiveness to our customers' needs
- commitment to quality;
- valuing and developing our staff;
- openness and accountability.

1.4 The Corporate Plan identifies two main corporate objectives for the period 2004 to 2007:

- to improve the delivery of existing legal aid services; and
- to reform publicly funded legal services.

1.5 There are other very important factors in setting the context for the Commission's planning process:

- the Implementation Plan laid before Parliament<sup>1</sup>
- the Government's spending plans and in particular the objectives set by HM Treasury under the 2004 Spending Review that impact on the Commission.
- the fundamental review of legal aid services in England and Wales initiated by Government,
- the Lord Chancellor's letter of 29 November 2004 commenting on the Commission's first corporate and business plans\*; and,
- the target date for the implementation of the Access to Justice (NI) Order 2003 in autumn 2007.

1.6 Resources 2006/07: The budget for the Commission, both Grant-in-Aid (which funds the Commission's running costs) and for legal aid expenditure in 2006/07 is as follows:

	£m Cash	£m Resource
Grant in Aid	6.208	7.147
Criminal Defence Services	36.100	29.900
Civil Legal Services – Family	10.600	14.800
Civil Legal Services – Non Family	8.000	8.900
Total Legal Aid Funding	<b>54.700</b>	<b>53.600</b>
Total Funding 2006/07	<b>60.908</b>	<b>60.747</b>

The Commission employs 120 people.

<sup>1</sup> these documents are available on the Commission's website at [www.nilsc.org.uk](http://www.nilsc.org.uk)

## REVIEW OF BUSINESS PLAN 2005/06

- 2.1 The Commission's business plan for 2005/06 set a very challenging agenda based on our knowledge at that stage of the issues facing us and on our commitment to make significant progress in tackling the inherited problems and to start the reform process.
- 2.2 The Commission was substantially successful in achieving those objectives set that could be met within the financial year.
- 2.3 Notable achievements include:
- All emergency applications for civil legal aid are dealt with within 3 days of receipt;
  - 80% of applications for extensions to legal aid and advice are decided within 48 hours of receipt;
  - 99% assessment of claims for Crown Court Criminal work under The Legal Aid for Criminal Court Proceedings (Costs) Rules (N.I.) 2005 processed and paid within 6 weeks of the claim being received;
  - 100% of claims for Article 3 Children Order work, outstanding since 1999, were assessed and paid under a negotiated fixed fee process by January 2006;
  - 60% of payments supporting the provision of legal advice and assistance are made within 8 weeks of receipt of claims;
- 2.4 Notable developments during 2005/06, the Commission
- the procedures for the completion of civil legal aid forms were published and from 1 November 2005, 95% of all applications accepted for adjudication were complete and fit for purpose;
  - completed phase one of Mapping Legal Services;
  - established a Voluntary Sector Forum;
  - assumed the management from the Home Office of a contract with Law Centre (NI) for Asylum and Immigration legal services;
  - negotiated and implemented a settlement for Article 3 Children Order cases
  - conducted research in preparation for creating a fixed fee for Family Proceedings;
  - scoped the requirements for a Northern Ireland Funding Code and developing a critical path for its development and implementation;
  - scoped the requirements for the review of financial eligibility criteria;
  - met its targets set out in the Gershon Efficiency Plan agreed with the NICtS in March 2005;
  - decreased staff turnover by 21% to 13% from 1 January 2003 to 30 November 2005;
  - improved staff attendance from 93% to 96% between 1 January 2003 to 30 November 2005;
  - upgraded and streamlined telephone access to the Commission;
  - embedded the forecasting model into the financial management of the Commission;
  - final agreement of standard terms and conditions of employment for all employees of the Commission;
  - upgraded many of the support systems within the Commission, including the financial accounting software, personnel system and the outsourcing of payroll;
  - successfully completed a pilot project with key provider firms on the electronic submission of Green Form applications;
  - implemented key personnel policies, including managing attendance, grievance and disciplinary matters;

## REVIEW OF BUSINESS PLAN 2005/06 cont.

- achieved ISO 9001 registration;
  - completed the negotiation of a Joint Protocol on Communications and Partnership with the NI Law Society.
  - completed of a population survey on Legal Need in Northern Ireland
  - commenced a pre-pilot on Collaborative Law; and
  - co-sponsored an important conference on the development of services providing an alternative to the legal process when parents are separating
2. 5 As the scale of work required to reform legal aid in preparation for the introduction of the AJO 2003 the Commission is aware that the 2005/06 plan set some targets that were too ambitious for the circumstances it faced. Nevertheless, the performance against the plan was substantial; a detailed account is contained at Appendix 1.
2. 6 The Commission was unable to make progress in:
- the number of outstanding criminal crown court claims submitted under The 1992 Rules remained high for most of 2005/06. Although, with the assistance of the Appropriate Authority and additional resources on loan from NICtS, the Commission began to bring this backlog down towards the end of the year;
  - the total time taken for an initial decision on a full application for civil legal aid continued to be too long although this was affected by the poor quality of many of the applications received.
2. 7 During 2006/07 the Commission will continue to work with the NICtS to eliminate the Crown Court Criminal backlog under the 1992 Regulations.

# BUSINESS PLAN 2006/07

- 3.1 The Commission is working towards the introduction of Civil Legal Services in September 2007 thus creating the controlled environment necessary for the full implementation of the Access to Justice (NI) Order 2003. In order to deliver Civil Legal Services the Commission has developed a Delivery Plan setting out an ambitious work plan to be undertaken within a tight timescale. The Delivery Plan, which is a living document and will be periodically updated, can be accessed at [www.nilsc.org.uk](http://www.nilsc.org.uk). This Business Plan should be read in conjunction with that document. The Business Plan is focused around four priority objectives:
- implementing civil legal services under the Access to Justice (NI) Order 2003 in late 2007;
  - delivering existing criminal services under The Legal Aid in Criminal Proceedings (Costs) Rules (Northern Ireland) 1992 and The Legal Aid for Crown Court Proceedings (Costs) Rules (Northern Ireland) 2005;
  - maintaining service delivery under The Legal Aid (General) Regulations (Northern Ireland) 1965 and The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 within current resources while continuing the process of clearing all decision-making backlogs under the 1965 Regulations and the 1981 Order; and
  - ensuring that the Commission has the capability to implement Civil Legal Services and to provide high quality services under the Access to Justice (NI) Order 2003.
- Implementing Civil Legal Services under the Access to Justice (NI) Order 2003**
- The Commission will be engaged in a programme of work which will culminate in the commencement of civil legal services in autumn 2007. The following key projects will commence in 2006/07 but will not reach fruition until 2007/08.
- 3.2 Funding Code and Alternative Funding Scheme
- 3.2.1 By March 2007 the Commission to have issued and completed consultations on a draft Funding Code.
- Key Activities:
- begin preparation of Guidance to underpin the Funding Code April 2006
  - consult on Exposure Document providing early thinking on the content and direction of the Funding Code by May 2006
  - conduct pre-consultation event focussing on options for future legal aid funding of money damages cases leading to full consultation on appropriate options by September 2006
- draft the NI Funding Code and conduct wide consultation by December 2006
- 3.2.2 Statutory based Fixed Fees
- By March 2007 the Commission to have proposed fees for all civil business including Children Order and Family work.
- Key Activities:
- implement first phase of new Fixed Fees arrangements starting with Children Order by June 2006
  - carry out research to inform and develop proposals on fixed fees for all business areas by March 2007
- 3.2.3 Registration Scheme
- By March 2007 the Commission to have developed and consulted on a draft Registration Scheme for all providers of publicly funded legal services
- Key Activities:
- issue an Exposure Document providing early thinking on the content and direction of the Registration Scheme by April 2006

## BUSINESS PLAN 2006/07. cont.

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>▪ carryout research to inform and develop proposals on the Registration Scheme by June 2006</li> <li>▪ disseminate proposals to include formal consultation and consideration of responses by August 2006</li> <li>▪ ensure that all service providers of publicly funded legal services and LSC staff are well informed to enable them to manage the transition to the Northern Ireland Funding Code* by March 2007</li> </ul>                                                                                                                                                                               | <p>By March 2007 the Commission to have examined ways of introducing a mixed model of services delivery where appropriate to include pilot projects.</p> <p>Key Activities:</p> <ul style="list-style-type: none"> <li>▪ engage with the Voluntary Sector in initiating pilot projects by March 2007</li> <li>▪ complete a pre pilot on Collaborative Law by March 2007</li> </ul>                                                                                                                                                                                                                                                     | <p>working with the Northern Ireland Bar Council by August 2006</p> <ul style="list-style-type: none"> <li>▪ co-host International Legal Need Conference in partnership with the Legal Services Commission, England and Wales and the Scottish Legal Aid Board by April 2006</li> <li>▪ deliver a programme of meetings, seminars and information session for key stakeholders to including providers of publicly funded legal services by March 2007</li> </ul>                                                                                                              |
| <p>3.2.4 Financial Eligibility</p> <p>By March 2007 the Commission to have carried out research into the arrangements for financial eligibility and to have consulted on revised arrangements.</p> <p>Key Activities:</p> <ul style="list-style-type: none"> <li>▪ develop and disseminate proposals on revised financial eligibility by June 2006</li> <li>▪ establish a Project Team to oversee a full economic and financial appraisal of the options available to the Commission for the future assessment of financial eligibility by December 2006</li> <li>▪ communicate widely the changes to financial eligibility by March 2007</li> </ul> | <ul style="list-style-type: none"> <li>▪ establish formal structures with DSD to ensure Community Legal Services are included in roll out of Advice and Information Strategy by December 2006</li> </ul> <p>3.2.6 Communications</p> <p>By March 2007 the Commission to have implemented its communications strategy.</p> <p>Key Activities:</p> <ul style="list-style-type: none"> <li>▪ appoint a dedicated Communications Officer to develop the Commission's Communications Strategy by May 2006</li> <li>▪ provide feedback to provider firms on the quality of applications received for civil legal aid by July 2006</li> </ul> | <p><b>Delivering existing arrangements for Criminal Legal Aid</b></p> <p>3.3 During 2006/07 the Commission will:</p> <ul style="list-style-type: none"> <li>▪ continue to address the backlog of criminal legal aid claims under the 1992 Rules with a view to eliminating this backlog by September 2006</li> <li>▪ pay 99% of standard criminal legal aid claims under the 2005 Rules within 6 weeks of receipt; and,</li> <li>▪ in conjunction with NICTS, develop procedures for the implementation of anticipated Magistrate Court Remuneration by March 2007</li> </ul> |
| <p>3.2.5 Community Legal Services</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>▪ complete a Joint Protocol on Communications and Partnership</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

\* The Funding Code (the Code) will set out the criteria for determining whether civil legal services should be provided in particular cases and if so, what services are appropriate. The Code will replace the existing merits test for civil legal aid as laid down in article 10 (4) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

## BUSINESS PLAN 2006/07. cont.

### Delivering existing arrangements for Civil Legal Aid

3.4 During 2006/07 the Commission will:

- make a first decision on 75% of properly prepared and completed applications for civil legal aid for payment within 12 weeks by July 2006 and 100% by March 2007;
- from October 2006, make a review decision on the refusal to grant civil legal aid on at least 60% of review applications within 12 weeks of lodgement of the application, and 98% of review applications by March 2007;
- continue to consider at least 98% of emergency applications within 3 working days;
- assess at least 75% of claims for civil legal work within 6 weeks by August 2006 and 98% by March 2007;
- make 95% of payments to providers within 30 days of liability accruing;
- introduce web based application for Legal Advice and Assistance by September 2006;

### Ensuring the Commission's Capability

3.5 During 2006/07 the Commission will:

- continuously monitor performance against the Corporate and Business Plans, the Delivery Plan and the Delivery Programme and initiate any necessary remedial action;
- meet the Spending Review 2004 conditions agreed with NICtS;
- submit the Business Plan 2007/08, the Corporate Plan 2007/08-2009/10, the Annual Report and Accounts to NICtS within the statutory timescales;
- maintain ISO Registration and develop the programme for independent assessment of the Commission's quality management by March 2007;
- deal with 100% of complaints in accordance with the Complaints Policy Standard;
- review and update external and internal communications strategy by June 2006;
- revise the draft equality scheme by July 2006;

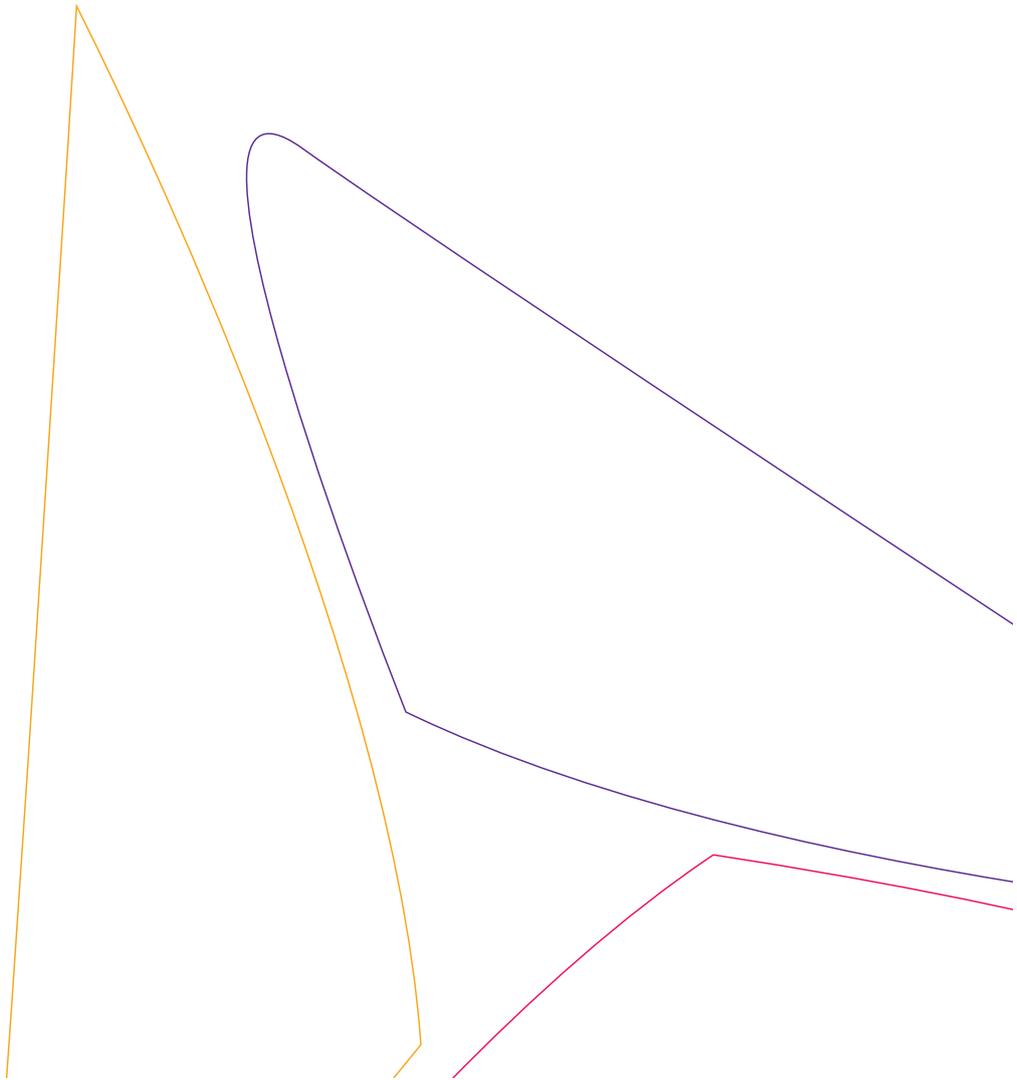
- enhance the counter fraud team by June 2006 and have revised debt recovery and counter fraud strategies in operation by September 2006
- by March 2007 complete first phase of a new Business Improvement Programme ;
- by March 2007 complete first phase of new pay and performance arrangements;
- by March 2007 maximise the existing IT System and look to integrate systems with the wider justice system in order to maximise efficiency;

## INVITATION TO COMMENT

- 4.1 This document has explained the context in which the Commission operates, outlined the progress achieved against our first business plan, and set out our business plan for 2006/07.
- 4.2 We place a high value on being responsive to our customers' needs and we are keen to hear their views. We would welcome any comments

by email to [accesstojustice@nilsc.org](mailto:accesstojustice@nilsc.org)

or by post to:  
The Secretary  
Northern Ireland Legal Services Commission  
2nd Floor, Waterfront Plaza  
8 Laganbank Road  
Belfast BT1 3BN



# APPENDIX 1

## PERFORMANCE AGAINST BUSINESS PLAN 2005/06

Corporate Objectives: To improve our existing services	Key Activities	Business Plan Objectives and Performance Measures	Outturn
Give priority to critical inherited problems	Address the range of organisational, management and service delivery issues that were identified by the Commission since 1 November 2004	Clear adjudication decision-making backlog	Achieved
		Implement revised Top and Senior Management Structures	Substantially achieved
		Develop post-transitional arrangements for review and appeals across all business areas	On-going
		Address outstanding human resource issues	Achieved
Improve the processing of applications, assessments, queries and appeals in relation to legal aid	Identify improvements in all areas of the business	Develop and begin piloting new legal aid application forms	On-going
		Develop fund efficiency plan	Achieved
		Develop specification for revised case management and financial management systems	Not achieved
Develop our existing services		Develop proposals, consult on and implement Phases 2 and 3 of Green Form Project	Not achieved
		Develop proposals for review of Statutory Charge	Not achieved
		Develop proposals – consult and implement fees methodology for civil fees under current legislation	Partially achieved
Strive to become an excellent public service organisation	Develop and implement best practice business policies, strategies and procedures which deliver high quality customer-focussed services	Develop and implement Business Assurance Framework	Achieved
		Develop and implement best practice human resource, information technology, financial management and communications policies	Achieved
		Develop equality scheme	Not achieved
	Develop and implement best practice in communications and stakeholder management	Develop and implement staff, customer and stakeholder surveys	Partially achieved
		Develop concordats on the management of complaints, redress and litigation with NI Departments	Not achieved
		Develop joint communications protocol with the NI Law Society	Achieved
	Begin process of external accreditation	Establish quality steering group	Achieved
		Develop and implement ISO 9001 project	Achieved
		Submit for ISO accreditation	Achieved
		Develop customer-focussed performance management framework and performance indicators covering all areas of the business	Ongoing
		Measured indicators of performance in adjudication, assessment, review, appeals and payment processes to improve over the period of the Corporate Plan	Ongoing

## APPENDIX cont.

# PERFORMANCE AGAINST BUSINESS PLAN 2004/05

Corporate Objectives: To improve our existing services	Key Activities	Business Plan Objectives and Performance Measures	Outturn
Examine the strengths and weaknesses of the current arrangements for legal aid	Have critically assessed the provision of civil legal services in conjunction with current and potential providers of services	Identify the scope of the programme of research that we need to conduct	Achieved
		Develop proposals for a research programme	Achieved
		Develop an evidence-based Targeting Social Need Plan	Not achieved
Commission research into the need for, use of legal aid and access to justice	Access and develop appropriate high quality evidence-based research bases to inform policy-making on publicly-funded legal services  Develop, implement and evaluate the outcomes of pilot projects on alternative dispute resolution and developing a mixed-economy in the provision of publicly-funded legal services	Identify appropriate research projects	Achieved
		Develop appropriate linkages with other research and policy organisations	Achieved
		Identify two pilot projects on alternative dispute resolution	On-going
		Examine the use of insurance-based funding models for money-damages cases in Northern Ireland	Achieved
Learn from experience in other jurisdictions	Develop strong links with providers of publicly-funded legal services in the UK and elsewhere	Establish regular communications at all levels with providers of publicly-funded legal services in the UK	Achieved
		Organise Conference of Joint Consultative Committee of Legal Aid providers in October 2006	On-going
Participate in Government's Fundamental Review of Legal Aid	Provide membership of the Steering and Project Groups established to take forward this review	Assist NICTs in defining scope of FLAR in Northern Ireland	
		Actively support the achievement of the FLAR project milestones and objectives	Achieved
In tandem with the Fundamental Review of Legal Aid, develop proposals for reform, consult widely on these proposals and present final proposals for reform to Ministers and other stakeholders	Develop proposals and consult on these proposals with all stakeholders on how publicly-funded legal services will be targeted and funded in Northern Ireland	Develop agenda for reform, including AJO reform, for consultation with all stakeholders	Ongoing
Work with others in the justice sector and voluntary and community sector to implement a reform programme	In partnership with the legal profession and other stakeholders, including those in the voluntary and community sector, develop and implement the reforms to publicly-funded legal services set out in the reforms set out in the Access to Justice (NI) Order 2003	Draft proposals, consult on, and implement Article 6 Access to Justice (NI) Order 2003	Ongoing
		Draft a NI Funding Code for civil legal services	Ongoing
		Draft proposals, consult on and implement a registration scheme	Partially achieved
		Develop robust methodologies for fee and other payment structures for the provision of publicly-funded legal services	Partially achieved

## APPENDIX cont.

## PERFORMANCE AGAINST BUSINESS PLAN 2004/05

	Continuous Improvement Targets	2005/06
Customer /Stakeholder Satisfaction	Decision on a properly made application will issue within 4 weeks of the Commission receiving it	Not achieved
	95% of payments to suppliers will be made within 30 days of the liability accruing	Achieved
	People appealing against the refusal of legal aid will receive a decision on the outcome of their appeal within 6 weeks of the appeal being lodged	Ongoing
	65% of all NI citizens who have been in contact with the Commission, or used its services, will recognise the mission of the LSC	Ongoing
	The LSC target will be 80% of those asked will express high levels of satisfaction with the services received	Ongoing
Organisational Development	100% of all people who join the LSC will go through induction and a planned and appropriate initial training programme	Achieved
	The LSC will develop a comprehensive training and development programme for all staff, including new entrants	Revised target date July 2006
	The annual staff turnover at LSC will be no greater than 15%	Achieved
	The % of people who work in LSC who would recommend the LSC as a good place to work will be no less than 75%	Not achieved
	Annual % attendance at work of LSC staff will be no less than 85%	Achieved
	Expenditure on training and development will be no less than 5% of total salaries	Not achieved
	LSC staff will spend no less than 3% of their available time working on service development projects outside their normal service areas	Ongoing
	The LSC will develop a performance management framework based on quality, risk, resources and communications	Ongoing
Quality	The LSC will implement counter fraud measures which reduce the evidence based estimate of risk of fraud to less than 2% of criminal and legal fund expenditure	Achieved
	The LSC will implement all aspects of Business Assurance Framework	Ongoing
	Conduct a gap analysis of LSC in relation to ISO 9001 (2000) standards	Achieved
	The LSC will develop an action plan for achievement of ISO 9001 (2000)	July 2005
	The LSC will develop a draft Equality Scheme	Not achieved revised target date July 2006

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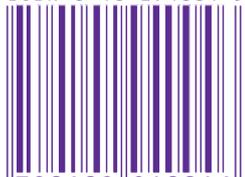
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**Email:** [accesstojustice@nilsc.org.uk](mailto:accesstojustice@nilsc.org.uk)

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