



An Roinn Dlí agus Cirt
Department of Justice

Performance Delivery Agreement

2022

between

the Legal Aid Board

and

the Department of Justice

1. Introduction and Objectives of the Agreement

This Performance Delivery Agreement (PDA) has been drawn up by the Legal Aid Board in consultation with the Department of Justice (the Department) in accordance with the 2016 edition of the [Code of Practice for the Governance of State Bodies](#) (Code of Practice). It, together with the separate but related Oversight Agreement (OA) for the period 2020-2022 succeeds the previous Performance Delivery Agreement for 2021.

This Performance Delivery Agreement shall be reviewed and updated annually, and will be utilised to formalise the process through which the outputs and outcomes required from the LAB can be measured and assessed.

As per the Code of Practice, with reference to PDAs, *“These agreements will act as a performance contract between the parent Department and the State body in which an agreed level of performance/service is formalised and which will ultimately result in improved efficiency and effectiveness in the delivery of public services. The agreements allow for the adoption of both annual and multi-annual targets, and the development of output and outcome indicators, including milestones to measure performance against targets.”*

To achieve this, it is necessary to set out the following:

- The key inputs, outputs and expected outcomes of the LAB’s activities, in quantitative, measurable terms;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes.

The Agreement sets out the LAB’s key targets for 2022 and defines the output and outcome indicators on which performance should be measured. In addition it also highlights any potential risk factors, allows for a level of flexibility and amendments of targets where necessary, and specifies the monitoring arrangements between the Department and the LAB.

The Agreement seeks to (a) facilitate the Board in carrying out its functions, (b) progress the ongoing development of output measures for its expenditure, and (c) improve the effectiveness and efficiency of public services.

The Agreement will support the Department in achieving Goal 2 *Improve access to justice and modernise the courts system*” of its Strategic Plan 2021 – 2023 and associated Justice Plan 2022 and will also support the Legal Aid Board in achieving its high level goals as set out in its Strategic Plan 2021 - 2023.

2. Inputs

2.1 Financial Inputs

The following table summarises the Board's operating budget allocation for 2022.

Departmental Funding	
Pay	€25,612,000
Non-Pay	€22,305,000
Sub-Total	€47,917,000
Other Income	€2,960,000
Funds on hand at 01/01/2022	€6,358,000
Total	€57,235,000

In addition, with regard to Criminal Legal Aid, the Board is responsible for the administration of €3 million under Subhead A.16 of the Justice Vote, which relates to the Legal Aid – Custody Issues Scheme. It is also responsible for the administration of the Garda Station Legal Advice Revised Scheme, and the Criminal Assets Bureau Ad-hoc Legal Aid Scheme, which are funded from Subhead A.15 of the Justice Vote. In total the Board is responsible for administering expenditure of around €6M under the Criminal Legal Aid schemes that it administers on behalf of the Department.

2.2 Staffing Resources

Grade	WTE Staffing Level 01/01/2022
Head Office	
CEO	1
POs and Equivalentents (<i>Includes POs, Director of Civil Legal Aid Services, and Regional Managers [Legal Services]</i>)	6
Assistant Principals and Equivalentents (<i>Includes Professional Accountant</i>)	9
Higher Executive Officer	14.63
Eos	21.2
Paralegals	1
Cos	36.31
Service Officers	2
Total	91.14
Law Centres	
Solicitor G 1 (<i>PO Equivalentent</i>)	5.6
Solicitor G 2 (<i>AP Equivalentent</i>)	29.1
Solicitor G 3 (<i>HEO Equivalentent approx.</i>)	86.89
Legal Staff Officers	1
Paralegals	54.23
Executive Officer	1
Clerical Officers	120
Trainee Solicitors	2
Totals	299.82
Family Mediation Services	
Director (<i>Engineer G 1 Level</i>)	1
Managing Mediators (<i>Engineer G 2 Level</i>)	2
Mediators (<i>Engineer G 3 Level</i>)	25.25
Legal Staff Officer	1
Eos	1
Clerical Officers	16.3
Totals	46.55
GRAND TOTAL	437.51

3. Outputs /Targets

The following section sets out the Key Performance Indicators which will be used to assess the Legal Aid Board's progress towards achieving its key mandate and core functions under the Civil Legal Aid Act, 1995 (as amended by the Civil Law (Miscellaneous Provisions) Act 2011).

The Board maintains and seeks to strengthen its relationship with stakeholders across the justice system, maximising its influence to ensure improved services for those in need and access to the pursuit of justice. The Board proactively contributes and provides leadership to the Family Justice Oversight Committee, the O'Malley and Peter Kelly Implementation Groups, the Review of the Civil Legal Aid Scheme, the Abhaile Steering Group and the Criminal Legal Aid Oversight Committee. The Board works with the Courts Service and other stakeholders to develop a model family justice centre / hub in Limerick. The Board participates in joint approaches to access to justice issues with other state agencies and government departments.

The Board's current work programme can be broken down into the following strategic areas;

1. The efficient and effective delivery of legal aid and family mediation services, and integrating family mediation and civil legal aid services to the greatest extent possible;
2. Administering three of the five criminal legal aid schemes on behalf of the Department, and working with the Department to finalise the transfer of responsibility for all elements of criminal legal aid to the Board;
3. Ensuring effective corporate governance and providing effective support to front-line service delivery of services to clients.

3.1 Strategic Area 1: – The efficient and effective delivery of legal aid and family mediation services, and integrating family mediation and civil legal aid services to the greatest extent possible; (*Estimated Cost of Delivery - €38.8M)

Goals	Actions	KPIs	Target
Department of Justice Strategy Statement Goal: <i>Improve access to justice and modernise the courts system</i>			
We will facilitate a timely consultation following receipt of an application for services. We will assess and implement measures including empowering staff to assist in meeting this target.	In 2022 we will examine holistically how we use private solicitors in the provision of legal aid and advice services. We will also proactively examine how certain roles in the organisation may be better able to support client engagement.	Reduction in the number waiting for legal services to a figure of 1,100 or less and for family mediation services to a figure of 370 or less. Improved waiting times with a target average waiting time of no more than 12 weeks.	Q4
	LAB will make a case to the Minister for Justice and the Minister for Public Expenditure and Reform to establish a Panel of private mediators.	Relevant submission made to the Minister.	Q2
	In 2022 we will finalise the effectiveness metrics for the organisation.	Set of effectiveness metrics approved and put in place.	Q3

	<p>Metrics will be maintained and actions developed with a view to reducing waiting times (where they apply) for the provision of legal services and family mediation services. We will identify and implement measures that will assist us in providing improved waiting times. In doing so we will have regard to a balanced mix of measures including:</p> <ul style="list-style-type: none"> a. The strategic use of private solicitors b. The scope for 'triaging' applicants c. Enabling non-solicitor/mediator staff to assist clients 	Measures identified and put in place.	Q4
We will work with our stakeholders to improve the level of awareness of the Board's services and also to address how we can meet the needs of persons and/or communities who may be marginalised or in danger of marginalisation.	We will work with members of our External Consultative Panel and other stakeholders to improve the level of awareness of the Board's services among the groups those stakeholders represent.	Direct engagement with stakeholders and specific projects in place to improve levels of awareness.	Q4
	We will specifically explore with stakeholders how we can meet the needs of persons and/or communities who may be marginalised or in danger of marginalisation and we will take steps, on a pilot basis if appropriate, to meet those needs without expectation or assumption that those needs can be met using our standard model of delivery.	Documented exploration along with specific actions taken to address the needs of persons and / or communities that may be marginalised.	Q3
	Where we deem it necessary submissions will made to the Minister to outline where statutory amendment may be appropriate to facilitate access to justice to those in need and/or marginalised and/or in danger	Submissions made to the Minister where necessary.	Q4

	of marginalisation.		
	We will pursue a Domestic Violence Project with stakeholders and a networking project with Citizens Information.	Domestic Violence Project structure in place and objectives identified, and network with Citizens Information established.	Q3
	In 2022 we will further develop a pilot project to improve the availability of legal services to the Traveller community.	Staff with specific responsibility for enabling access to legal services by the Travelling Community in place.	Q1
	We will work to introduce effective legal services on the commencement of the key provisions of the Assisted Decision Making (Capacity) Act 2015, including the making of a submission to the Department.	Submission made to the Department in relation to the model of legal service delivery on foot of the commencement of the key provisions of the ADMCA 2015 and follow up implementation.	Q2
We will seek to put in place solutions to facilitate those that are not within easy reach of our offices. Those solutions will have regard to the availability of information on our services and access to those services and to how technology can assist.	We will use video conferencing facilities to engage with clients unable to attend at our offices in person.	Video conference consultations available from every Board office.	Q2
	We will launch a pilot web chat facility to enable applicants to have queries answered online in relation to applications.	Pilot web chat facility established and operational.	Q2
We will continue to strengthen our relationship with stakeholders across the justice system, maximising our	Actively support the Family Justice Oversight Group in preparation of a Family Justice Strategy.	All required inputs provided to support preparation and publication of Family Justice Strategy.	Q3

influence to ensure improved services for those in need and access to the pursuit of justice.	We will continue to work with the Courts Service and other stakeholders to build on the work done in 2021 on development of a model family justice centre / hub in Limerick.	Complete the second year of a two-year project to develop a family justice centre / hub.	Q4
We will strengthen our relationship with service providers undertaking legal aid work and use this relationship as a means of ensuring clients of the Board get an efficient and effective service. We will implement technological solutions to help facilitate this relationship.	Quality assure the work carried out by private practitioners undertaking work on our panels.	Files of 60 private practitioners will be reviewed in 2022, using a combination of on-site and remote reviews and follow up action taken, as necessary.	Q4
	Provide training to private practitioners.	All new members of the IP panel completed training with the UNCHR and LAB in September before they are allocated any files.	Q3
	In 2022 publications aimed at sharing knowledge and experience that may previously have been internally focused will be shared broadly.	Internal publications available to external stakeholders.	Q3
	Issue request for tender for re-development of case management system and portal of engagement with private practitioners.	Request for tender issued.	Q2
Monitor, anticipate and respond to legislative changes. We will seek to involve ourselves at the earliest	Support the Department of Justice in progress towards the enactment of a Family Court Bill.	All requested inputs provided in required timeframe.	Q4

<p>opportunity when relevant legislation is being drafted and offer observation from the perspective of those in need of our services and from the perspective of our operating environment.</p>	<p>Support the Department of Justice in completion of the Review of Civil Legal Aid.</p>	<p>Briefing provided to Review Group on operation of current civil legal aid system and contributions made to the development of recommendations as required.</p>	<p>Q4</p>
	<p>Support the commencement of the Assisted Decision Making legislation.</p>	<p>Submission made to the Minister for Justice in relation to the Assisted Decision Making (Capacity) Act 2015 and its planned commencement.</p>	<p>Q2</p>
	<p>Support the extension of legal services to victims of sexual offences.</p>	<p>Input provided, as required to the preparation of legislative amendments to the Civil Legal Aid Act to give effect to recommendations in the O'Malley Review.</p>	<p>Q3</p>

3.2 Strategic Area 2: Administering three of the five criminal legal aid schemes on behalf of the Department, and working with the Department to finalise the transfer of responsibility for all elements of criminal legal aid to the Board; (*Estimated Cost of Delivery - €1.36M)

Goals	Actions	KPIs	Target
Department of Justice Strategy Statement Goal: <i>Tackle crime, enhance national security and transform policing</i>			
Support the Department in finalising the necessary legislation to transfer responsibility for the main criminal legal aid scheme to the Board.	Actively engage with the Legislation Function in the Department in relation to the drafting of criminal legal aid legislation and support actions arising.	Requests for observations/comments responded to within deadlines and actions arising supported	Ongoing (Subject to legislative changes)
Keep all of the schemes within the Board’s responsibility under review with the intention of continuous improvement in terms of efficiencies, effectiveness and governance structures.	Actively engage with the Department in relation to reviewing the Legal Aid Custody Issues Scheme particularly in the light of recent Superior Court decisions.	Any changes required are identified and implemented.	Q4
	Work with the Department to complete their review of the Garda Station Legal Advice Revised Scheme.	Any changes required are identified and implemented.	Q4

3.4 Strategic Area 3: – Corporate Support and Other Services (*Estimated Cost of Delivery - €14.21M)

Goals	Actions	KPIs	Target
Department of Justice Strategy Statement Goal: <i>Accelerate innovation, digital transformation and climate action across the justice sector</i>			
Develop and align the Board’s resources and capabilities with demand on our services to ensure an efficient and effective service for the client.	Complete a clearly mapped out Resource and Capability Audit methodology, to include improvements to the resource allocation model to provide greater transparency around decision making on resource issues.	Methodology presented to People and Culture Committee of the Statutory Board.	Q2
		Terms of reference finalised for audit and external supplier procured if required.	Q4
Explore and implement solutions as regards how technology can provide access to and assist with learning and development.	Assess the extent to which areas of learning should continue to be delivered via technology and which should resume on an in-person format.	Assessment completed of training that is suitable for continued online delivery and that which should revert to in-person delivery.	Q3
We will foster an environment focused on staff development, learning and innovation in the delivery of services in response to an ever-changing legal and social environment.	Job descriptions for technical roles within the Board have been improved throughout 2021 and this will be further refined throughout 2022.	Updated descriptions in place.	Q4
	Provide a bespoke leadership programme.	Bespoke leadership / management programme delivered to managers.	Q3
	Revise manager appraisals to increase the focus on the extent to which the manager has developed staff.	Manager appraisal process updated.	Q3

We will commence an on-going assessment of our workforce with a view to the organisation being reflective of the broader community in terms of gender, race, and diversity.	Carry out an assessment of staff diversity.	Assessment completed.	Q2
	Produce an illustration of potential career paths for all staff. This will have particular regard to illustrating the potential for elements of the workforce to pursue internal career paths traditionally not seen as being an option for those staff.	Career path illustration published.	Q2
	Provide interviewing training which will incorporate an emphasis on unconscious bias.	Interview training provided.	Q1
Develop our research function, liaising with service users, third level institutions and other relevant stakeholders, to further our collective knowledge and ensure our policy decisions are evidence based to the greatest extent possible.	Continue support for two specific research projects with a 3rd level institution and we will look at extending this in 2022.	First research project significantly progressed. Second project commenced.	Q4
	Put in place research policy.	New research policy in place.	Q3

4. Potential Risk Factors

The Legal Aid Board operates a formal Risk Management policy and maintains a Risk Register and, in accordance with the Department of Finance Guidelines, this is updated on an ongoing basis. The maintenance of the Register ensures that risks are identified and assessed and necessary mitigating actions are, where resources allow, put in place.

Reflecting the key priorities of the organisation, the main potential risks to the achievement of targets set out in this Agreement at the time of writing relate to:

- the availability of sufficient legal resources (drawing on a combination of the Legal Aid Board's employed solicitors and private solicitors who are members of the Board's private practitioner panels and are available to take cases on referral from the Board). The impact of a recent sanction from DPER to allow the Board to appoint solicitors above the first point of the scale will be tested in recruitment campaigns over the remainder of 2022. If the impact is favourable this may mitigate the risk in relation to employed solicitors.
- A critical incident such as a breach of data security or internal financial control that would impact on the credibility of the organisation.
- The loss of corporate memory to the Board as an employer if other public bodies without a customer-facing role move rapidly to offer different and more flexible working arrangements within the framework of recent Government guidance on this area, which the Board cannot match due to the nature of its work, leading to some staff seeking external mobility.
- Other external challenges, including Geo-political developments and Brexit, which may impact on the Legal Aid Board's ability to deliver on its mission.

The Audit and Risk Committee, a committee of the statutory Board, will oversee the continued implementation of the risk management policy in the organisation. The Committee will do so taking account of the most recent revisions to the *Code of Practice for the Governance of State Bodies*.

5. Flexibility and Amendment of Targets

Where amendments become necessary, both parties will engage to agree on amended targets.

6. Monitoring Arrangements

The Department of Justice commits to a formal meeting at least twice annually between the Director of Civil Governance and the Chief Executive of the Legal Aid Board in which the objectives agreed and issues relating to the governance structures and processes between the Department and the Board will be discussed. The Department is also happy to meet at any time in addition to regular day to day contacts as part of the annual governance cycle.

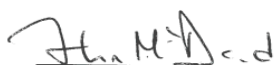
Review of Performance Measurement in 2022

The Code of Practice for the Governance of State Bodies provides that the Performance Delivery Agreement set out quantitative metrics for measuring progress toward achieving High Level Goals and Objectives. Using SMART (specific, measurable, achievable, relevant and time bound) performance indicators adds significant value to analysing business activities and outputs and identifying new opportunities. It is acknowledged that the assessment and measurement of strategic outcomes is an important feature in the PDA, and this will be an area of emphasis for the Department and Legal Aid Board to further develop this year. In line with the Code, the Legal Aid Board and the Department will have a specific meeting during the year to discuss performance measurement and PDAs and to collaborate on the further enhancement of this area. This will be informed by the development of effectiveness metrics by the Legal Aid Board. The Board undertakes to return:

- (a) Relevant and appropriately detailed performance information to allow for monitoring of this Agreement.
- (b) Relevant and appropriately detailed performance information for inclusion in the Revised Estimates for Public Services volume; and
- (c) Performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department.

7. Duration and Signatories to the Agreement

It is agreed that the arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2022.



John McDaid
Chief Executive Officer
Legal Aid Board

Date: 30th June 2022



Dr. Stjohn O'Connor
Head of Governance
Department of Justice

Date: 30th June 2022