



LEGAL AID BOARD  
AN BORD UM CHÚNAMH DLÍTHIÚIL



An Roinn Dlí agus Cirt  
Department of Justice

# **Performance Delivery Agreement**

**2023**

**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 2023-2025 succeeds the previous Performance Delivery Agreement for 2022.

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 2023 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 2023 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 2023.

<b>Departmental Funding</b>	
Pay	€27,755,000
Non-Pay	€25,305,000
<b>Sub-Total</b>	<b>€53,060,000</b>
<b>Other Income</b>	<b>€3,270,000</b>
<b>Funds on hand at 01/01/2023</b>	<b>€6,019,495</b>
<b>Total</b>	<b>€62,349,495</b>

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 01/01/2023
<b>Head Office*</b>	
CEO	1
PO and Equivalents <i>(Includes POs, Director of Civil Legal Aid Services, and Regional Managers [Legal Services])</i>	7
Assistant Principal and Equivalents <i>(Includes Professional Accountant)</i>	8
Higher Executive Officer	17.84
Executive Officer	25.13
Paralegals	0
Clerical Officer	41.63
Service Officers	2
<b>Total</b>	<b>102.60</b>
<b>Law Centre</b>	
Solicitor G 1 <i>(PO Equivalent)</i>	5.6
Solicitor G 2 <i>(AP Equivalent)</i>	33.30
Solicitor G 3 <i>(HEO Equivalent approx.)</i>	87.03
Legal Staff Officers	4
Paralegals	64.93
Higher Executive Officer	1
Executive Officer	4.80
Clerical Officer	123
Trainee Solicitor	1
<b>Totals</b>	<b>324.66</b>
<b>Family Mediation Services</b>	
Director <i>(Engineer G 1 Level)</i>	1
Managing Mediators <i>(Engineer G 2 Level)</i>	4
Mediators <i>(Engineer G 3 Level)</i>	24.35
Legal Staff Officer	1
Executive Officer	1
Clerical Officers	16.8
Trainee Mediators	9
<b>Totals</b>	<b>57.15</b>
<b>GRAND TOTAL 2023</b>	<b>484.41</b>
	<b>(437 in 2022)</b>

\*Includes service delivery staff in the area of decision-making on civil legal aid applications, and provision of legal aid schemes delivered exclusively through private legal practitioners e.g. Abhaile, Criminal Legal Aid.

### **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'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 - €46.288M)**

Goals	Actions	KPIs	Target
Department of Justice Strategy Statement Goal 2: <i>Improve access to justice and modernise the courts system</i>			
<p><b>1.</b> We will facilitate a timely consultation following receipt of an application for services.</p>	<p><b>1.1</b> We will continue to use all available tools to monitor waiting times and apply measures to bring them down (or maintain them) within a 12 week period or less.</p>	<p><b>1.1.1</b> Reduction in the number waiting for legal services to a figure of 900 or less and for family mediation services to a figure of 300 or less.</p> <p><b>1.1.2</b> Improved waiting times with an average waiting time of no more than 12 weeks.</p> <p><b>1.1.3</b> The percentage of all eligible civil legal aid applicants who receive either:</p> <ul style="list-style-type: none"> <li>a. a priority service,</li> <li>b. referral to a private legal practitioner, or</li> <li>c. an appointment with a solicitor at a law centre;</li> </ul> <p>so that at least 76% of eligible applicants are collectively provided with a service within twelve weeks ( matching the pre-COVID figure).</p>	<p>Q4</p> <p>Q4</p> <p>Q4</p>
<p><b>2.</b> We will assess and implement measures including empowering staff to assist in meeting this target.</p>	<p><b>2.1</b> In 2023 we will holistically consider, in tandem with the deliberations of the Civil Legal Aid Review, how we use private solicitors in the provision of legal aid and advice services.</p>	<p><b>2.1.1</b> Assessment of usage of private solicitors completed and decisions implemented.</p>	<p>Q3</p>
	<p><b>2.2</b> We will operate a private practitioner panel for the provision of family mediation services.</p>	<p><b>2.2.1</b> Referral of 200 cases to private mediators in 2023.</p>	<p>Q4</p>

Goals	Actions	KPIs	Target
	<b>2.3</b> We will evaluate the efficiency and effectiveness of the private practitioner panel.	<b>2.3.1</b> Evaluation of the panel conducted to assess its effectiveness and efficiency.	Q4
	<b>2.4</b> We will work to introduce effective legal services on the commencement of the key provisions of the Assisted Decision Making (Capacity) Act 2015.	<b>2.4.1</b> Delivery of legal aid services in ADMCA matters commenced and panel of private legal practitioners established.	Q2
<b>3.</b> 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.	<b>3.1</b> In 2023 we will hold at least four meetings of our External Consultative Panel.	<b>3.1.1</b> At least four meetings held.	Q4
	<b>3.2</b> We will continue to provide a dedicated Traveller Legal Service and network with relevant stakeholders.	<b>3.2.1</b> Staff with specific responsibility for enabling access to legal services by the Traveller Community in place.	Q4 (Ongoing)
	<b>3.3</b> We will participate as a joint organiser in a conference on civil legal aid.	<b>3.3.1</b> Civil legal aid conference organised and media coverage achieved.	Q3
	<b>3.4</b> We will meet the commitments set out in the Family Justice Strategy particularly in relation to raising awareness of family mediation.	<b>3.4.1</b> Engagement with gateway organisations completed.	Q4
	<b>3.5</b> We will put in place an external communications strategy that will, among other things, focus on reaching those who are most in need of our services.	<b>3.5.1</b> Communications strategy finalised and approved.	Q3

Goals	Actions	KPIs	Target
	<b>3.6</b> We will proactively engage with the Civil Legal Aid Review Group to include making a formal submission to the Group.	<b>3.6.1</b> Submission completed.	Q1
<b>4.</b> 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.	<b>4.1</b> We will put in place a policy on offering legal services remotely.	<b>4.1.1</b> Policy in place which facilitates access to our services by those who are not within easy reach of our offices.	Q4
<b>5.</b> We will continue to strengthen our relationship with stakeholders across the justice system, maximising our influence to ensure improved services for those in need and access to the pursuit of justice.	<b>5.1</b> Lead implementation of the actions in the Family Justice Strategy 2023-2025 for which the Board is designated as the lead body. (Goal 4 Items 2, 5, 6, 7 and 10).	<b>5.1.1</b> Actions implemented in co-operation with other bodies.	Q4
	<b>5.2</b> Support implementation of actions in the Strategy for which the Board is a participating body.	<b>5.2.1</b> Actions supported where the Board is a participating body.	Q4
	<b>5.3</b> Continue to work with the Courts Service on leading a project in Limerick that is focused on providing a model family dispute resolution centre. We will do so with a view to closing out the project by the end of the year.	<b>5.3.1</b> Project closed out at year-end and those innovations introduced under the project and judged to be successful will be incorporated into the service design on a full-time basis.	Q4
<b>6.</b> We will strengthen our	<b>6.1</b> Quality assure the work carried	<b>6.1.1</b> Files of 60 private practitioners will be	Q4



Goals	Actions	KPIs	Target
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.	out by private practitioners undertaking work on our panels.	reviewed in 2023.	
	<b>6.2</b> Re-establish publications aimed at sharing knowledge and experience. Those publications will be shared broadly.	<b>6.2.1</b> Publications available to internal and external stakeholders.	Q3
<b>7.</b> Monitor, anticipate and respond to legislative changes.	<b>7.1</b> We will continue to plan for the commencement of the Assisted Decision Making legislation.	<b>7.1.1</b> Series of training events provided to staff. <b>7.1.2</b> Training provided to private practitioners.	Q2 Q3
<b>8.</b> We will seek to involve ourselves at the earliest 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.	<b>8.1</b> In anticipation of the enactment of the Family Courts Bill, analyse the service delivery model that would reflect the provisions of the Bill following its enactment.	<b>8.1.1</b> Documented analysis of a service delivery model.	Q4
Department of Justice Strategy Statement Goal 3: <b><i>Strengthen community safety, reduce reoffending, support victims and combat domestic, sexual and gender based violence.</i></b>			
<b>9.</b> We will continue to strengthen our relationship with stakeholders across the justice system, maximising our influence to ensure improved services for those in need and	<b>9.1</b> In 2023 we will make training available to private practitioners on domestic violence and on ADR having regard to the State’s Domestic, Sexual and Gender Based Violence Strategy in all of our actions and to our training	<b>9.1.1</b> Training provided to private practitioners.	Q4

Goals	Actions	KPIs	Target
access to the pursuit of justice.	commitments in the Family Justice Strategy.		
Department of Justice Strategy Statement Goal 4: <b><i>Deliver a fair immigration system for a digital age.</i></b>			
<p><b>10.</b> 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.</p>	<p><b>10.1</b> Support the Department of Justice in the implementation of the accelerated procedure for dealing with International Protection applications from residents of countries deemed ‘safe countries’. To this end we will process up to 10,000 applications for civil legal aid services from applicants for International Protection.</p>	<p><b>10.1.1</b> Up to 10,000 applications for civil legal aid services from applicants for International Protection processed.</p>	Q4
<p><b>11.</b> 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.</p>	<p><b>11.1</b> In 2023 we will focus on the scope for providing outreach services in the International Protection area including at the International Protection Office in Dublin (in a manner that seeks to meet the legal needs of the hugely increased number of persons seeking international protection and the Board’s services.)</p>	<p><b>11.1.1</b> Exploration undertaken and document produced. Outreach services in place if appropriate.</p>	Q2

**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 - €1.512M)**

Goals	Actions	KPIs	Target
Department of Justice Strategy Statement Goal: <i>Tackle crime, enhance national security and transform policing</i>			
<b>12.</b> Support the Department in finalising the necessary legislation to transfer responsibility for the main criminal legal aid scheme to the Board.	<b>12.1</b> Actively engage with the Legislation Function in the Department in relation to the drafting of criminal legal aid legislation and support actions arising.	<b>12.1.1</b> Requests for observations / comments responded to within deadlines and actions arising supported.	Q4 (Ongoing)
<b>13.</b> 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.	<b>13.1</b> Actively engage with the Department in relation to reviewing the Legal Aid Custody Issues Scheme particularly in the light of recent Superior Court decisions.	<b>13.1.1</b> Any changes required are identified and implemented.	Q4
	<b>13.2</b> Work with the Department to complete their review of the Garda Station Legal Advice Revised Scheme.	<b>13.2.1</b> Any changes required are identified and implemented.	Q4

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

Goals	Actions	KPIs	Target
Department of Justice Strategy Statement Goal 5: <b><i>Accelerate innovation, digital transformation and climate action across the justice sector</i></b>			
<b>14.</b> Develop and align the Board’s resources and capabilities with demand on our services to ensure an efficient and effective service for the client.	<b>14.1</b> Finalise a Resource Allocation Model with a view to clearly mapping out a Resource and Capability Audit methodology.	<b>14.1.1</b> Resource and capability audit completed.	Q2
<b>15.</b> Explore and implement solutions as regards how technology can provide access to and assist with learning and development.	<b>15.1</b> We will review the extent to which events take place in-person and on-line.	<b>15.1.1</b> Assessment undertaken of learning and development opportunities which can be done via technology and those which are most effectively delivered in an in-person setting.	Q3
<b>16.</b> 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.	<b>16.1</b> Complete the focused leadership / management training which commenced in 2022.	<b>16.1.1</b> Bespoke leadership / management programme completed.	Q1
<b>17.</b> 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	<b>17.1</b> We will put in place an updated Equality, Diversity and Inclusion Strategy.	<b>17.1.1</b> Strategy completed.	Q3
	<b>17.2</b> We will seek to measure our workforce to the extent that it reflects	<b>17.2.2</b> Assessment completed.	Q3

gender, race, and diversity.	the broader community.		
18. We will manage with integrity and good governance services for which we have responsibility. Where we are entrusted with new areas of practice, we will bring our cross functional expertise to bear with a view to making services effective for the end user.	18.1 Produce a Climate Change Action Plan.	18.1.1 Legal Aid Board Climate Action Plan produced. 18.1.2 Legal Aid Board Climate Action Plan implemented	Q4 (ongoing)
	18.2 Support the Department of Justice in meeting the commitments of the Justice Sector in relation to the Government’s Climate Change Action Plan.	18.2.1 Effective Engagement in the SEAI Partnership Programme.	Q4

#### **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).
- A critical incident such as a breach of data security or internal financial control that would impact on the credibility of the organisation.
- Loss of corporate memory if staff leave to go to other organisations with more flexible working arrangements or more favourable working conditions.

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.

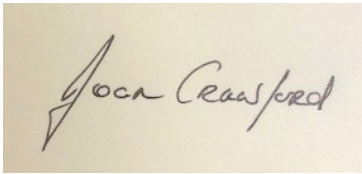
### **Review of Performance Measurement in 2023**

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. However, the general provisions of the agreement will continue to apply until such time as a subsequent Performance Delivery Agreement is agreed.



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Joan Crawford  
Chief Executive Officer  
Legal Aid Board



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Stjohn O'Connor  
Head of Civil Governance  
Department of Justice

Date: 27<sup>th</sup> July 2023

Date: 27<sup>th</sup> July 2023