



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY



LEGAL AID BOARD
AN BORD UM CHÚNAMH DLÍTHIÚIL

**PERFORMANCE AGREEMENT 2016
BETWEEN
THE DEPARTMENT OF JUSTICE AND EQUALITY
AND
THE LEGAL AID BOARD**

**PERFORMANCE/ SERVICE DELIVERY AGREEMENT 2016
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1. Introduction

The Legal Aid Board is the statutory, independent body responsible for the provision of civil legal aid and advice to persons of modest means, in accordance with the provisions of the Civil Legal Aid Act, 1995 (the "Act"). Section 5 of the Act was amended by the Civil Law (Miscellaneous Provisions) Act 2011 to give the Board the additional responsibilities of providing a family mediation service. The effect of this section has been to merge the Family Mediation Service with the Legal Aid Board. The Board's remit is in the process of being further expanded, following a Government decision in 2010, to include the management and administration of the various criminal legal aid schemes previously administered by the Department of Justice and Equality. Responsibility for the administration of the Garda Station Legal Advice Scheme transferred to the Board on the 1st October 2011, for the Legal Aid – Custody Issues Scheme (formerly the Attorney General's Scheme) on the 1st June 2012 and for the Criminal Assets Bureau legal aid scheme on the 1st January 2014.

Legal aid is representation by a solicitor or barrister in court proceedings. A person must first obtain a legal aid certificate, which specifies the legal services being granted, and must pay the legal aid contribution specified on the certificate.

Legal advice, in terms of the Board's remit in civil cases, is any oral or written advice given by a solicitor or barrister, including writing letters and negotiations.

Legal services are provided across a wide range of civil law matters primarily through a network of 30 law centres by solicitors employed by the Board. A complementary service is provided by solicitors in private practice who are engaged for certain District Court matters on a case-by-case basis. There are also dedicated units dealing with medical negligence, personal injury, and cases involving children at risk of being taken into the care of the State.

Family mediation is a process in which a professional mediator assists those involved in family breakdown and in particular separating or divorcing couples to communicate better with one another and reach their own agreed and informed decisions concerning some or all of the issues. The service is provided on a national basis by mediators through 17 centres. There are integrated initiatives involving the Courts Service, the Board's law centres and the family mediation offices, in Dolphin House in Dublin, Cork, Co Tipperary, Limerick and in Naas.

The Board's head office is located in Cahirciveen, Co. Kerry. Some of the headquarter functions also operate from a Dublin office.

2. Corporate Governance

The Civil Legal Aid Act 1995 makes provision for the appointment of a Chairperson and 12 members. The Chairperson and all members of the Board are appointed by the Minister for Justice and Equality. Of the members of the Board two must be practising barristers (section 4(3)(b)(i) of the Act), two must be practising solicitors (section 4(3)(b)(ii) of the Act) each with not less than 7 years practising experience and

two must be members of the staff of the Board (section 4(3)(b)(iii) of the Act). In addition, the Act specifies that not less than 5 shall be men (section 4(3)(b)(IV) of the Act) and not less than 5 shall be women (section 4(3)(b)(v) of the Act).

The statutory Board has responsibility for:

- the strategic direction of the organisation
- determining policy and monitoring its implementation
- overseeing the proper and effective management of the organisation
- monitoring the implementation of effective financial procedures and providing accountability
- approving and monitoring budgets, and
- making certain reserved decisions.

The Board continues to maintain the standards of corporate governance set out in the updated *Code of Practice for the Governance of State Bodies*. This involves:

- at Board level, the use of six committees to assist it in achieving its objectives and in the effective discharge of its responsibilities (see below)
- a defined division of roles between the Board, the Chairperson and the Chief Executive
- submission to the Minister of an annual report that meets the requirements of the Code
- an internal audit function that operates effectively and as required, and
- a code of conduct, that incorporates procedures to deal with any conflict of interest issues.

The Board utilises an in-house corporate governance manual to provide a clear and comprehensive summary of the principal aspects of corporate governance as it affects the Board and senior management. Board members have been fully informed of their legal responsibilities and are familiar with statutory provisions relevant to their position and the key organisational issues, policies and strategies that inform their role.

3. Objectives of the Agreement

The key objectives of this Agreement are:

- to define the Legal Aid Board's role in the Justice and Equality sector;
- to define the Department of Justice and Equality's expectations of the Legal Aid Board;
- to define the inputs, outputs, and expected outcome of the Board's activities;
- to support the Legal Aid Board to carry out its functions as detailed in the Civil Legal Aid Act, 1995; and
- to assess performance of those functions through monitoring of agreed targets, output and outcome indicators.

4. Legal Aid Board's Role in the Justice and Equality Sector

In developing the objectives of this Agreement the Department had particular regard to the Integrated Reform Delivery Plan that is a sector-wide programme aligned with the Public Service Reform Plan. It is a rolling plan with delivery timelines up to end 2016 and is informed by the following principles:

- service delivery is key;
- value for money is paramount;
- the use of ICT is optimised; and
- shared services and common approaches are utilised whenever advantageous.

These principles align with the four pillars of the Public Service Reform Plan 2014-2016.

The key reform priorities for the sector in the short to medium term are

- I. Tackling Crime
- II. Integrated Justice System
- III. Fairness and Equality
- IV. Immigration
- V. Legislative programme

The Legal Aid Board's organisational priorities have been derived to ensure that the Board makes a significant contribution to promoting social inclusion and access to justice. The Board's main contributions to these overarching departmental goals are included in the Sectoral Plan and involve a number of specific service delivery initiatives designed to maximise the throughput of cases within the resources available.

The implementation of its various objectives requires close cooperation and consultation with a number of other bodies in the Justice Sector and the Board, including:

- the Department on matters of staffing, finance, overall governance, new initiatives in the civil law area, and new legislation in the civil law area including mediation, and new legislation on criminal legal aid;
- the Courts Service on co-location of services and addressing needs of court users;
- liaison with bodies outside of the Justice and Equality Sector such as the Child and Family Agency, Office of the Director of Public Prosecutions, Chief State Solicitor's Office, Office of the Attorney General, and the Mental Health Commission.

In tandem with reforms impacting on front-line service delivery, the Board is required to streamline its support functions and processes to ensure value for money and operational efficiency.

The specific outputs and outcomes required of the Board relate to case throughput, and cost avoidance supported by new processes and procedures that generate greater outputs for a given level of resources.

The reporting requirements in this regard are outlined in this Performance Agreement and set out the manner in which the Board's contribution to the Department's overall policy goals is assessed.

5. Mutual Commitments

- Both parties commit to proactive and timely communications, cooperation and information sharing on service delivery.
- Both parties support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions.
- Both parties support prompt and timely responses to correspondence, information requests and related matters.
- Both parties commit to keep each other fully apprised and updated on all key issues.

The Department of Justice and Equality will provide the following supports to enable the Legal Aid Board to fulfil its mandate:

- Liaise with the Department of Public Expenditure and Reform so as to ensure as far as possible that timely sanction is obtained for expenditure and staffing in line with Public Financial Procedures and Public Service Numbers policy;
- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines;
- Provide guidance on Civil Service HR Policy, public expenditure, remuneration and industrial relations, procurement and contracts;
- Provide guidance on Government Accounting and Governance;
- Provide assessment and sanction of IT expenditure through the ICT Governance Group;
- Liaise with the Board in relation to Public Service Reform initiatives.

6. Inputs

Subhead (Current) (Gross)	Vote 19	2013 €M	2014 €M	2015 €M	2016 €M
C.6	Grant-in-aid	33.759	32.574	32.471	34.838
	<i>Pay</i>	17.817	17.482	17.379	18.169
	<i>Non-Pay</i>	15.942	15.092	15.092	16.669
	Contributions received	0.875	1.292	1.300	1.500
	Costs recovered	0.937	0.618	0.650	0.650

Human Resource Inputs

Grade	2011 Head count	2012 Head count	2012 FTE	2013 Head count	2013 FTE	2014 Head count	2014 FTE	2015 Head count	2015 FTE
Senior Management	13	13	13	13	13	13	13	13	13
Regional Manager LAB	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	2
Regional Manager FMS	2	2	2	2	2	2	2	2	2
AP	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Solicitor I	12	12	10.7	10	9.7	9	8.7	7	6.8
Solicitor II	35	34	30.1	32	29.8	30	27.9	32	30.8
Solicitor III	74	75	70.1	76	69.1	83	73.4	87	77.1
Mediators FMS	22	23	11	24	12.3	24	14.4	37	20.6
Higher Executive Officer & Librarian & LSO	13	13	11.5	12	11.03	13	11.87	16	11.1
Executive Officer & Staff Officers	25	25	22.3	26	24.53	23	20.03	20	14.4
Clerical Officer	186	183	157.2	183	157.12	178	153.5	201	172
Service Officers	3	2	2	2	2	2	2	2	2
Paralegals	56	51	46.1	47	44.93	49	46.1	53	48.7
Total	441	433	376	427	375.51	426	372.90	472	400.5

7. Service Levels and Performance Measurement 2016 Targets and Impact Indicators

2016 Targets

(i) Civil Legal Aid

Optimise the throughput of cases in the law centre network consistent with ensuring the delivery of a quality professional service to every client.

- Continue to ensure that every eligible applicant for legal services gets an appointment with a solicitor within a period of six weeks if it is not possible to provide a substantive service within four months;
- Establish a formal and approved scheme to enable use of private solicitors in public law child care matters (Q2);
- Re-establish / revive by the 1st June 2016 the scheme to enable use of private solicitors in judicial separation and divorce cases (Q2);
- Subject to the relevant legislative provisions being commenced, establish and manage approved schemes to enable use of private solicitors in cases before the Mental Health Tribunals and in cases involving applications to the Circuit Court about assisted decision making (Q4 but subject to commencement of relevant provisions);
- Establish a scheme to involve private solicitors in giving advice in repossession cases (Q2);
- Subject to the relevant legislative provisions being commenced, establish and manage approved scheme to enable use of private solicitors in international protection cases (July);
- Continue the review of the Civil Legal Aid Regulations and in particular the contributions regime that is currently operative (Q4);
- Introduce an on-line applications facility (Q2).

(ii) Family Mediation

- Ensure that clients seeking mediation are offered an appointment within two to three months of application;
- Further develop the training programme for mediation staff to ensure sufficient professional, high quality mediators available for mediation services (Q3);
- Engage with and support the Department in the development of the proposed mediation legislation;
- Create a new database that will generate better management information (Q4).

(iii) Criminal Legal Aid

- Actively manage the process of taking over responsibility for the two remaining Criminal Legal Aid Schemes (the District Court (Counsel) Scheme and the main Criminal Legal Aid Scheme) not yet under the Board's remit;
- Develop structured arrangements for engaging with the main stakeholders with an interest in the policy and practice underpinning the operation of criminal legal aid (Q1);
- Ensure that the governance arrangements for the schemes under the Board's remit are further developed and adapted so that robust procedures are in place (Q4);
- Work with the Department and the Courts Service so that a more effective information technology infrastructure is considered and, where possible, developed and in operation across all three bodies.

(iv) Corporate Support and other Services

In the area of information technology the Board will:

- Roll out a new website to best international standards (Q2);
- Carry out an analysis of the proposed single procedure in the asylum process with a view to incorporating asylum cases as a case type within the EOS system (Q2);
- Complete the development of and implement a new database for the mediation service (Q4);
- Significantly enhance the availability of remote access to staff and in particular to solicitors attending courts (Q2);
- Conduct an external review of IT structures and resources (Q3).

In respect of the finance area, the Board will:

- Engage with the Department of Justice and Equality and DPER to seek to ensure appropriate financing is in place particularly in the light of legislative and other changes that are likely to impact on the Board's business.

In relation to human resources, the Board will:

- Build on and reflect the commitments contained in the Civil Service Renewal Plan relating to the role of the HR function and involving recruitment, promotion, mobility, performance management, staff engagement and motivation and the further professionalising of the function; and
- Enhance the focus on individual learning and development.

In respect of the Board's property portfolio the Board will:

- Ensure that properties acquired or retained maximise the potential for co-location of services both within the Board (for legal and family mediation services) and with external bodies such as the Courts Service; and
- Engage with the Office of Public Works with a view to transferring responsibility for the management of the Board's property portfolio to the Office if that is considered practical and feasible.

8. Flexibility and Amendment of Targets

Where amendments become necessary, the Legal Aid Board shall engage with the Department of Justice and Equality to agree on amended targets.

9. Monitoring Arrangements

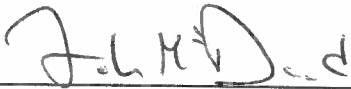
The Legal Aid Board undertakes to return:

- (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
- (c) performance information in line with the set of such indicators, and in keeping with the timeframe, agreed with the Department of Justice and Equality.

The Department of Justice and Equality commits to a formal meeting at least twice annually between the Assistant Secretary of the Department 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 also commits to a minimum of two meetings per year between the Board and relevant officials in which there will be detailed consideration of progress made on the objectives agreed and any new objectives that may need to be put in place as a consequence of legislative change or Departmental or Government policy.

10. Duration and Signatories of the Agreement

The Legal Aid Board and the Secretary General for the Department of Justice and Equality agreed that the arrangements as set out in the attached Performance/Service Delivery Agreement with the Legal Aid Board will apply with effect from date of this agreement until 31st December 2016.



John McDaid
Chief Executive
Legal Aid Board

Date: 3rd May 2016



Ken O'Leary
Deputy Secretary
Department of Justice and Equality

Date: 22 April 2016