



LEGAL AID BOARD
AN BORD UM CHÚNAMH DLÍTHIÚIL



An Roinn Dlí agus Cirt
agus Comhionannais
Department of Justice
and Equality

**Performance Delivery Agreement
2020**

between

the Legal Aid Board

and

the Department of Justice and Equality

1. Introduction and Objectives of the Agreement

This Performance Delivery Agreement (PDA) has been drawn up by the Department of Justice and Equality (Department) in consultation with the Legal Aid Board (LAB) 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), succeeds the previous Oversight and Performance Delivery Agreement 2019 between the two parties.

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 2020 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 Board in achieving its high level goals.

2. Inputs

2.1 Financial Inputs

The following table summarises the Board's operating budget allocation for 2020.

Departmental Funding	
Pay	20,938,000
Non-Pay	21,269,000
Sub-Total	42,207,000
Other Income	€3,460,000
Funds on hand at 01/01/2020	€1,360,000
Total	€47,027,000

2.2 Staffing Resources

Grade	WTE Staffing Level 06/01/2020
Head Office	
CEO	1
POs and Equivalentents <i>(Includes POs, Director of Civil Legal Aid Services, and Regional Managers [Legal Services])</i>	7
Assistant Principals and Equivalentents <i>(Includes Professional Accountant)</i>	7
Higher Executive Officer	15.42
EOs	19.25
COs	31.81
Service Officers	2
Total	83.48
Law Centres	
Solicitor G 1 <i>(PO Equivalent)</i>	5.8
Solicitor G 2 <i>(AP Equivalent)</i>	31.9
Solicitor G 3 <i>(HEO Equivalent approx.)</i>	82.91
Legal Staff Officers	3
Paralegals	56.60
Clerical Officers	116.56
Totals	296.77
Family Mediation Services	
Director <i>(Engineer G 1 Level)</i>	1
Managing Mediators <i>(Engineer G 2 Level)</i>	4
Mediators <i>(Engineer G 3 Level)</i>	20.70
EOs	1
Clerical Officers	14.40
Totals	41.1
GRAND TOTAL	421.35

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 key objectives;

1. The efficient and effective delivery of legal aid and family mediation services;
2. Integrating family mediation and civil legal aid services to the greatest extent possible;
3. Working with the Department to finalise the transfer of responsibility for all elements of legal aid to the Board.

3.1 Strategic Objective 1 – Civil Legal Aid (*Estimated Cost of Delivery - €32.248M)

Goals	Actions	KPIs	Target
Seek to optimise the throughput of cases in the both the law centre and family mediation network consistent with ensuring the delivery of a quality professional service to every client.	Ongoing engagement with local managers, improving support for service delivery staff and improving clarity of expectations.	Reduce the number waiting for legal services to a figure of 1,500 or less. The capacity to achieve this is influenced by the level of demand for services. The target of 1,500 is set on the basis of demand remaining static from 2020 and also the Board being in a position to recruit suitably qualified solicitors where vacancies arise.	Q4
	Increase the level of one to one engagement between senior managers and local managers, improving IT capability particularly on the case management system.		
	Focused training programmes to improve expertise, particularly management expertise.	Process 18,500 new cases, including 7,300 in law centres and 10,000 referrals to private solicitors.	Q4
	Recruit additional solicitors where vacancies arise.		
	Conduct a holistic review of the manner in which civil legal aid services are provided within the law centre network with a view	Review submitted to statutory Board.	Q3

	<p>to exploring if there are means of improving either the efficiency or the effectiveness of the delivery of services.</p> <p>Conduct a review of the manner in which the Board provides services in the area of international protection, having regard to the delivery model whereby services are provided out of three offices and also to have regard to the relative cost per case of providing services in-house and using private solicitors.</p> <p>Engage with the Department in relation to revised terms and conditions for the retention of private solicitors in order to obtain the approval of the Minister for Justice and Equality and the Minister</p>	<p>Review submitted to statutory Board.</p> <p>Approval by relevant Ministers of revised terms and conditions.</p>	<p>Q4</p> <p>Q3</p>
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	for Public Expenditure and Reform, and consequential additional funding.		
Ensure that no client waits longer than three months to see a solicitor or a family mediator.	<p>Seek to ensure that every eligible applicant for legal services and / or for family mediation services gets those services within three months.</p> <p>Proactive management, engagement and support of the law centre network.</p>	All applicants approved for legal aid or family mediation seen by a solicitor within a period of three months.	Q4
Review and enhance the quality assurance mechanisms the Board applies to both its legal services and its family mediation services.	<p>Review the files of at least 50 private solicitors, the identification of those solicitors to have regard to available management information indicating the volume of legal aid work undertaken by them and appropriate risk profiling. A particular focus will be put on reviewing files in International Protection cases.</p> <p>Conduct research in relation to the client</p>	At least 50 visits to private solicitor offices to have been completed, and a similar number of solicitors' files to be reviewed remotely. (50 solicitors represents approx 5% of those on the Board's panels. 53 visits were undertaken in 2019.)	<p>Q4</p> <p>Q3</p>

	experience of the Board's services.	Research project secures all necessary clearances and field work underway.	
Review on an ongoing basis the Board's services on foot of the Abhaile Scheme and take steps to ensure the Scheme is efficient and effective from both the client and the State's perspective.	Complete a review with the Abhaile Steering Group and with input from the Department of the provision of legal services on foot of the Abhaile Scheme.	All required inputs provided to enable effective evaluation of the Abhaile Scheme.	Q2

3.2 Strategic Objective 2 – Family Mediation (*Estimated Cost of Delivery - €4.179M)

Goals	Actions	KPIs	Target
<p>Noting that the Board has a number of family mediation related initiatives including mediator court attendance, develop a clear strategy for the use of the family mediation resources that are available to the Board.</p>	<p>Complete, with the assistance of any relevant business information/ research that is available, a documented review of the manner in which the Board uses its family mediation resources with a view to using available family mediation resources to best effect.</p>	<p>Review completed with a recommended strategy for the further development of mediation services submitted to the Board.</p>	<p>Q1</p>
<p>Proactively engage with the Department and its taskforce on Family Justice Reform, the Courts Service, Tusla and other organisations and key players in relevant areas, including the area of child care, with a view to seeking greater efficiencies</p>	<p>As part of providing leadership in the area of family justice reform, work with the Courts Service and other stake-holders to pilot a model ‘family dispute resolution centre’. In doing so take some of the lessons from pilots undertaken within the Board including the Kilkenny Project and pilots relating to ‘mandatory information’.</p>	<p>Family Dispute Resolution Centre operational.</p>	<p>Q4</p>

and effectiveness in the administration of family justice particularly			
Optimise the throughput of cases in the law centre network and the family mediation network consistent with ensuring the delivery of a quality professional service to every client.	Support the resolution of family disputes outside of Court proceedings.	2,200 mediation cases completed.	Q4

3.3 Strategic Objective 3 – Criminal Legal Aid (*Estimated Cost of Delivery - €1.202M)

Goals	Actions	KPIs	Target
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.	Requests for observations/comments responded to within deadlines.	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

3.4 Strategic Objective 4 – Corporate Support and Other Services (*Estimated Cost of Delivery - €9.397M)

Goals	Actions	KPIs	Target
<p>Maximise the benefits obtainable from the Board’s IT systems by developing the systems to ensure they meet the business needs of the organisation and by focusing on staff making best use of available technology</p>	<p>Redevelop / upgrade the Board’s legal case management system (EOS) including the development of a portal for engagement with private practitioners and the oversight of cases referred to private practitioners by the Board.</p>	<p>Procurement arrangements reviewed and procurement documentation prepared.</p>	<p>Q2</p>
		<p>Business process changes and system design parameters completed.</p>	<p>Q4</p>
	<p>Complete the rollout to all law centres of digital dictation system including voice recognition technology.</p>	<p>System in place in law centre network.</p>	<p>Q4</p>
	<p>Develop IP telephony and desk-to-desk video calling.</p>	<p>Service level agreement with Irish Prisons Service in place.</p>	<p>Q2</p>
	<p>Implement a video-calling communication solution to</p>	<p>Service level agreement with</p>	<p>Q2</p>

	enable secure video calls with persons outside the Board’s IT network, including clients.	Irish Prisons Service in place.	
Ensure there is greater internal mobility for staff where practical.	Develop an internal mobility programme with an aim to ensure that where possible each staff member receives a broad range of experience.	Internal mobility arrangements in place.	Q1
Develop a strategy for talent acquisition and retention, including a defined graduate traineeship programme	Consider reshaping the Board’s Graduate Traineeship Programme to encourage more participation from the paralegal and administrative staff cohorts. This may include adaptations to take advantage of more flexible training options currently being trialled by the Law Society.	Revisions finalised and published to staff.	Q3
	Complete the implementation of the wellness programme to include: a Peer Support Programme being developed in conjunction with IT Carlow; the establishment of Practice Groups; and the continued roll out of Dignity at Work training.	Peer Support Programme and Practice Groups in place.	Q3
		Dignity at Work Training rolled out to all staff.	Q4

<p>Better equip staff to fulfil their existing and future roles to include: a further leadership programme for managers; further professionalising support areas (HR, IT, Legal and Corporate Services); further enhancing solicitors' skills in relation to non court based dispute resolution; and enhancing IT capacity among all staff.</p>	<p>Develop an internal leadership programme for managers, starting with managing solicitors and managing mediators.</p>	<p>Leadership programme in place.</p>	<p>Q3</p>
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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 Board's financial commitments under the Abhaile Scheme remaining in line with expectations during 2020.
- A critical incident such as a breach of data security or internal financial control that would impact on the credibility of the organisation.
- COVID-19: The onset of the COVID-19 crisis and the Government's guidelines to combat the spread of the disease have necessitated the Legal Aid Board to substantially change its working arrangements, with the primary additional risks in the context of COVID19 including risk to health of staff/others visiting Legal Aid Board offices, quality of service delivery and risk that the Board may be adversely affected financially.

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 and Equality 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

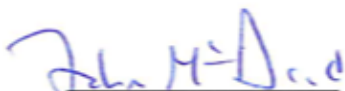
the Department and the Board will be discussed. The Department is also happy to meet at any time in addition to regular day to day contacts as part of the annual governance cycle.

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.

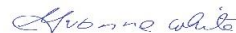
7. Duration and Signatories to the Agreement

It is agreed that the arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2020.



John McDaid
Chief Executive Officer
Legal Aid Board

Date: 27th May 2020



Yvonne White
Director of Civil Governance
Department of Justice and Equality

Date: 27th May 2020