



Oversight and Performance Agreement 2017 between the Legal Aid Board and the Department of Justice and Equality

Part I – Oversight Agreement

1. Introduction

The Legal Aid Board ("the 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").

- 1.2 In accordance with Section 5 of the Civil Legal Aid Act, 1995 (as amended by the Civil Law (Miscellaneous Provisions) Act 2011) the principal functions of the Legal Aid Board are:
 - 1. To provide, within the Board's resources and subject to the other provisions of the Act—
 - (i) legal aid and advice in civil cases to persons who satisfy the requirements of the Act, and
 - (ii) a family mediation service;
 - 2. Where the Board considers it necessary or expedient to do so to make arrangements for the provision of—
 - (i) family mediation services on its behalf by the engagement of persons appointed by it for that purpose, and
 - (ii) training in family mediation, either by itself or by persons appointed by it for that purpose.
- 1.3 The Board's remit is in the process of being further expanded, following a Government decision in 2010, to transfer responsibility to the Board for 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.
- 1.4 The Board's head office is located in Cahirciveen, Co. Kerry. Some of the headquarter functions also operate from a Dublin office.

2. Role of the Legal Aid Board within the Justice & Equality Sector

2.1 Mission

The Legal Aid Board is a statutory agency of the Department of Justice and Equality. The Board's mission is to facilitate the effective resolution of civil disputes through the delivery of efficient and accessible legal aid and family mediation services and to effectively manage and administer the State's criminal legal aid schemes.

2.2 Function

The core functions of Board are to facilitate the effective resolution of civil disputes through the delivery of efficient and accessible legal aid and family mediation services and to effectively manage and administer the State's criminal legal aid schemes.

2.3 Vision

The Board's vision is to facilitate access to justice through providing for resolution of civil disputes in the most appropriate manner while keeping in mind the dignity of the person, the nature of the dispute and the impact of the dispute on the parties immediately involved and wider society and further to manage the provision of criminal legal aid in an efficient, effective and accountable manner.

This vision is underpinned by the organisations values which include high professional and ethical standards in the provision of all services, having the client and access to justice as central to services and a focus on innovation in the delivery of services.

3. Corporate Governance

3.1 Roles and Responsibilities

Accounting Officer

The Legal Aid Board falls under the Department of Justice and Equality's Vote (Vote 24) and as such the Department's Secretary General is the Accounting Officer. The Accounting Officer is responsible for the safeguarding of public funds and property under his control, for the efficiency and economy of administration by his Department and for the regularity and propriety of all transactions in the appropriation account. Further external scrutiny and governance is provided through the submission and analysis of the Financial Statements to the Comptroller and Auditor General and ultimately to the Oireachtas through the Public Accounts Committee.

The Board

Section 4 of the Civil Legal Aid Act 1995 requires the Legal Aid Board to consist of a chairperson and an ordinary membership of twelve members. The term of membership of any Board member does not exceed five years and no member can serve any more than two terms. Each member is appointed by the Minister for Justice & Equality ("the Minister") subject to the provisions of the Act.

The members of the Board are collectively responsible for leading and directing the Legal Aid Board's activities within a framework of prudent and effective control as set forth in the *Code of Practice for the Governance of State Bodies* (2016).

Chairperson of the Board

The Chairperson is responsible for leading and guiding the Board in its task of setting the State body's strategic policies. The Chairperson works with the CEO to manage the Board's agenda and provides direction to the Secretary to the Board. The Chairperson furnishes a Comprehensive Report to the Minister, in conjunction with the Board's annual report and financial statements, outlining any significant commercial developments in the preceding year and affirming the Board's compliance with relevant codes and regulations, in accordance with the Code of Practice for the Governance of State Bodies (2016), in particular addressing the requirements of paragraph 1.9 of the 'Business & Financial Reporting Requirements' Annex to the 2016 Code of Practice for the Governance of State Bodies.

Chief Executive Officer

In accordance with Section 10 of the Civil Legal Aid Act 1995, the Chief Executive is appointed by the Minister on the recommendation of the Public Appointments Service (formerly the Civil Service Commission). Reporting to the Board, the Chief Executive is responsible for the day to day management and administration of the business and resources (financial and non-financial) of the Board. He is responsible for the establishment and maintenance of high standards in implementing the functions of the Board and ensuring a reputation for impartiality, management of conflicting interests, and upholding the public interest at all times. The CEO is also responsible, in conjunction with the Board, for setting strategic direction and being the Legal Aid Board's public face.

3.2 Annual Self-Assessment Evaluation

The Board undertakes an annual self-assessment evaluation of its own performance and that of its committees in accordance with the Code of Practice for the Governance of State Bodies. Guidance on how to conduct this evaluation can be found in the *Board Self-Assessment Evaluation Questionnaire* document which has been appended to the *Code of Practice for the*

Governance of State Bodies (2016). An external evaluation of the Board's performance is carried out every three years.

3.3 Statement of Strategy

In accordance with Section 1.17 of the Code of Practice for the Governance of State Bodies, the Legal Aid Board adopts a Statement of Strategy every three to five years. A copy of the Statement of Strategy is submitted to the Minister for her consideration before adoption by the Board.

3.4 Draft Unaudited Financial Statements

Draft unaudited annual financial statements are submitted to the Department not later than two months after the end of the relevant financial year, in accordance with the *Code of Practice* for the Governance of State Bodies (1.4 (ii) – 'Business and Financial Reporting' Annex).

3.5 Annual Report and Accounts

Section 9 of the Civil Legal Aid Act 1995 requires the Board to make a report to the Minister, not later than 30 September in each year, in relation to the performance of the functions and activities of the Board during the preceding year.

3.6 Reporting Requirements – Annual Report

In accordance with Appendix A of the 'Business & Financial Reporting' Annex to the *Code of Practice for the Governance of State Bodies*, the Annual Report includes:

- i. Noting that this Oversight Agreement has been reached with the Department of Justice and Equality and, in particular, indicating the Board's level of compliance with the requirements of the Code of Practice for the Governance of State Bodies.
- ii. A statement of how the Board operates:
- iii. A statement of how the performance evaluation of the Board and its committees has been conducted;
- iv. The number of Board meetings and the attendance record of each Board member:
- v. The names of the Chairperson, the CEO and members of the Board and its committees;
- vi. Confirmation that an appropriate assessment of the Board's principal risks has been carried out, including a description of these risks, where appropriate and associated mitigation measures or strategies; and
- vii. Confirmation that the Legal Aid Board has complied with relevant tax law during the reporting period in question.

3.7 Reporting Requirements – Financial Statements

In accordance with Appendix B of the 'Business & Financial Reporting' Annex to the *Code of Practice for the Governance of State Bodies*, the Financial Statements include:

- i. Details of non-salary related fees paid in respect of Board members and the salary of CEO;
- ii. Aggregate pay bill, total number of employees and compensation of key management level;
- iii. Total Costs incurred in relation to travel and subsistence and hospitality;
- iv. Details of expenditure on external consultancy/adviser fees;
- v. Details of the number of employees whose total employee benefits for the reporting period fell within each band of €10,000 from €60,000 upwards;
- vi. Details of termination/severance payments and agreements with a value in excess of €10,000, made within the period.

3.8 Internal Audit

The Legal Aid Board's Internal Audit Unit is responsible for monitoring and reviewing the effectiveness of the Board's arrangements for governance, risk management and internal control.

3.9 Audit and Risk Committee

The Board's Audit and Risk Committee consists of at least three independent non-executive Board members, and has written terms of reference which clearly outline the Committee's authority and duties. The role of the Committee is to ensure that the interests of Government and other stakeholders are fully protected in relation to business and financial reporting and internal control.

3.10 Protected Disclosures

In accordance with Section 21(1) of the Protected Disclosures Act 2014, the Board has established and maintains appropriate Protected Disclosures Procedures for the making of protected disclosures by workers who are or were employed by the Board and for dealing with such disclosures.

3.11 Governance Obligations

As an agency operating under the aegis of the Minister, the Legal Aid Board is subject to a range of statutory and corporate governance obligations including the 2016 *Code of Practice for the Governance of State Bodies*. The Board ensures that all the necessary obligations, including

those for risk management, internal audit and the Public Spending Code are fully complied with.

3.12 Chairperson's Comprehensive Report to the Minister

To confirm compliance (or otherwise) with key provisions of the Code of Practice and the Governance Standard for Justice and Equality Sector Bodies, the Chairperson of the Board completes, on an annual basis, a Comprehensive Report to the Minister in order to provide assurance to the Department that the systems of internal control, risk management and other areas of compliance are operating effectively. This report will address all of the requirements of paragraph 1.9 of the 'Business & Financial Reporting Requirements' Annex to the Code of Practice for the Governance of State Bodies.

3.13 Provision of Information to Members of the Oireachtas

In accordance with D/PER Circular25/2016 - Protocol for the Provision of Information to Members of the Oireachtas by State Bodies under the aegis of Government Departments/Offices, the Board is obliged to:

- i. Provide and maintain a dedicated email address (oireachtas_enq@legalaidboard.ie) for Oireachtas members.
- ii. Put in place formal feedback processes to obtain feedback from Oireachtas members
- iii. Comply with target deadlines and standards in terms of acknowledgements and responses to queries.
- iv. The officer within the Board with responsibility for ensuring the timely provision of information to members of the Oireachtas is Donal Reddington, Principal Officer, Corporate Services.
- v. Report annually (in the Chairperson's comprehensive report to the Minister) on compliance with standards set out in Circular 25/2016.
- vi. Seek, where appropriate, to publish the response to queries from members of the Oireachtas on the Board's website.

3.14 Governance obligations will also be reviewed as part of the overall monitoring process of this Oversight Agreement itself.

3.15 Comply or Explain

The Legal Aid Board seeks to comply fully with the Code of Practice for the Governance of State Bodies 2016.

Part II - Performance Delivery Agreement

4. Objectives of the Agreement

The purpose of this agreement is to formalise a process through which the outputs and outcomes required from the Board can be measured and assessed. Equally, the agreement will set out the expectations of the Board in relation to the support, guidance and information flow from the Department of Justice and Equality ("the Department"), which are vital in enabling the Board to achieve its strategic and operational goals. To achieve this, it is necessary to set out the following:

- The Department's expectations of the Board;
- The key inputs, outputs and expected outcomes of the Board's activities;
- Assessment of performance by monitoring of agreed targets, around those key outputs, inputs and outcomes;
- Support of the Board by the Department in the delivery of its functions as set out in the Civil Legal Aid Act 1995 (as amended).

This Agreement documents the agreed level of service between the parties in order to facilitate improved effectiveness and efficiency of relevant public services. It sets out the Board's key targets for 2017 and defines the output and outcome indicators on which performance should be measured.

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.

5. Commitments

5.1 Mutual Commitments

- Both parties agree to proactive and timely communications, cooperation and information 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 agree to consult and to keep each other fully appraised on all matters of mutual relevance;
- Both parties agree on the effective realisation of this agreement and the agreed targets that will come about.

The annual budgetary provision for the Legal Aid Board will form part of the estimates for the Justice and Equality Vote and will be considered in that context.

5.2 Department of Justice and Equality Commitments

The Department will provide the following supports to the Board to enable it deliver on its objectives:

- Liaise with the Department of Public Expenditure and Reform to ensure as far as possible, timely sanction for expenditure 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;
- Inform and involve the Board in any activities related to the role that the Board plays or may be required to play within the Department;
- Provide monthly financial reports and general financial advice via the Department's Financial Management Unit (FMU);
- Provide assessment and sanction of IT expenditure through the ICT Governance Group;
- Ensure that the State Boards process is initiated at an early stage (when vacancies arise or are anticipated).

6. Inputs

6.1 Financial Inputs

The following table summarises the Board's operating budget allocation for 2017.

Departmental Funding	
Pay	€19,419,000
Non-Pay	€19,569,000
Sub-Total	€38,988,000
Other Income	€2,5 71,50 0
Funds on hand at 01/01/2017	€1,343,000
Total	€42,902,000

6. 2 Staffing Resources

Grade	Staffing Level Jan 2017	WTE
CEO	1	1
Principal Officer	5	5
Regional Manager	5	5
Assistant Principal Officer	5	5
Solicitor I	6	5.8
Solicitor II	33	32
Solicitor III	95	85.3
Mediators	34	21.3
Higher Executive Officer &		
Librarian & LSO	14	12.7
Executive Officer & Staff		
Officers	22	19.5
Clerical Officer	207	175.7
Service Officers	2	2
Paralegals	56	52.2
Total	485	422.5

7. 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 mediation services;
- 2. Integrating family mediation and civil legal aid services to the greatest extent possible;
- 3. Working with the Department of Justice and Equality to finalise the transfer of responsibility for all elements of legal aid to the Board.

7.1 Strategic Objective 1 – Civil Legal Aid (*Estimated Cost of Delivery - €28.5M)

Goals	Actions	KPIs	Target
Ensure the efficient and effective delivery of Legal Aid	Optimise the throughput of cases in the law centre network to include ensuring that every eligible applicant for legal services gets a full appointment or a preliminary meeting within an acceptable timeframe.	All eligible applicants receive full appointment within four months or preliminary meeting within 6 weeks.	Ongoing
	Conduct a review of the manner in which information, advice and aid is provided to persons.	Formal review conducted.	Q3 2017
	Introduce an on-line applications facility.	On-line application available through website.	Q4 2017
Develop a more integrated model of delivery of civil legal aid services.	Transfer responsibility for the administration of legal aid in mental health tribunal cases to the Board. Respond to commencement of Assisted decision making provisions in the Assisted Decision Making (Capacity) Act.	Provisions in the Assisted Decision Making (Capacity) Act 2015 to transfer responsibility from the Mental Health Commission to the Board ready to be commenced.	Q4 2017
Examine the financial eligibility and contributions criteria for civil legal aid and propose to the Minister any changes that are considered appropriate.	Review the financial eligibility criteria and the financial contributions regime and submit proposals for changes.	Proposals for change to financial and other criteria submitted.	Q2 2017
Review the quality assurance mechanisms the Board uses to ensure a quality service to the client.	Conduct a review of the manner in which the quality of the legal service is assured.	Formal documented review of quality assurance mechanisms completed.	Q4 2017
Ensure the efficient delivery of Legal Aid	Revise the manner of service delivery in international	Streamlined process in place with	Q3 2017

in international	protection case to include clear	documented
protection cases	guidelines on how services are to	procedures and best
	be delivered.	practice guidelines.

7.1 Strategic Objective 2 – Family Mediation (*Estimated Cost of Delivery - €3.98M)

Goals	Actions	KPIs	Target
Ensure the efficient and effective delivery of mediation services	Undertake a value for money exercise in relation to the provision of family mediation services.	Value for money exercise completed.	Q3 2017
	Continue to provide court- based mediation services at District court locations around the country.	Court based initiatives are in place and are subject to ongoing review in relation to their efficiency and effectiveness.	Ongoing
	Seek to optimise the throughput of cases in the family mediation network.	All applicants offered appointment within two to three months of application.	Ongoing
	With the availability of a new database, improve the quality and use of management information.	Significantly improved management information reports available.	Q4 2017
Develop the co- location of family mediation offices and law centres	Progress the colocation of law centres and family mediation offices.	Following co-located centres to be progressed in 2017 Kilkenny Dundalk Letterkenny Tallaght Portlaoise Finglas	Operational Q4 2017 Q2 2017 Q4 2017 Q4 2017 2018 2018
Contribute to the development of legislation in the mediation area	Engage with and support the Department in the development of the proposed mediation legislation.	Timely submissions to the Department.	Q4 2017 and ongoing
Review the merits of introducing financial eligibility and contributions criteria for family mediation.	Conduct a formal review at Board / Board Committee level in relation to the merits of introducing financial eligibility and / or financial contributions	Formal review conducted.	Q4 2017

for family mediation services and make proposals to the Department if considered appropriate.	
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7.1 Strategic Objective 3 – Criminal Legal Aid (*Estimated Cost of Delivery - €1.18M)

Goals	Actions	KPIs	Target
Actively manage the three Ad-hoc Legal Aid Schemes already under the Board's remit.	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.	Ad-hoc Schemes subject to internal annual review along with Departmental and Board audits.	Review Goal at end of 2017 to determine progress and any new steps that may be required.
	Engage with the Department on the Review of the Garda Station Scheme and rewrite the Scheme and implement any operational changes required as a result of that review.	Garda Scheme Review commenced and proposals developed to update the Scheme as required.	Ongoing
	Engage with D / PER and the FSS to ensure that the new Shared Payments System complements the processing of payments under the Ad-hoc Schemes and the main Criminal Legal Aid Scheme.	Work commenced with D / PER and the FSS on designing the new Shared Payments System.	Ongoing
	Engage with the Department and other State bodies on the development of the Criminal Justice Sector IT Interoperability Hub to ensure that the delivery of Criminal Legal Aid is fully factored into the process.	First stages of the IT Hub's development underway.	Ongoing
	Quantify the resource requirements to deliver on the above functions.	Department and LAB agree on the required resources.	
Actively manage the process of taking over responsibility for the	Actively engage with the Department in relation to the drafting of criminal legal aid legislation.	Board makes a full contribution to the Bill.	Ongoing

two remaining Criminal			
Legal Aid Schemes not			
yet under the Board's			
remit.			
	Quantify the resource requirement to	Department and	Q3 2017
	deliver on new function.	LAB agree on	
		the required	
		resources.	

7.1 Strategic Objective 4 – Corporate Support and Other Services (*Estimated Cost of Delivery - €9.2M)

Goals	Actions	KPIs	Target
Develop IT systems	Engage with the Department for the purpose of reviewing the feasibility of the Board moving its network on to the Department's ICT shared service network.	Submit business case to ICT Governance Group for project to carry out due diligence of Board's ICT systems.	Q3 2017
	Introduce an on-line payments process.	Complete pilot phase.	Analysis Q4 2017, with rollout in Q1 2018
	Establish an inter-face with the Mental Health Commission to facilitate the transfer of responsibility for the administration of the Commission's legal aid scheme to the Board.	Complete workflow designs and communications links to MHC database in co- operation with MHC and appointed contractors.	Q3 2017
	Contribute to the development of an IT interoperability hub in the criminal justice area and to the development of a civil / public service wide Financial Management Shared Services system.	First stages of the IT interoperability Hub development underway.	Q4 2017
Develop property management expertise and outsource where necessary	Ensuring that the Board is getting value for money in relation to its property portfolio and, within that context, ensure that properties acquired or retained maximise the potential for co-location of services both within the Board and with external bodies such as the Courts Service.	Property Solutions delivered in line with Property Asset Management Reform Plan and OPW guidelines	Ongoing

Review the progress on actions that arising foot of the Civil Service Employee Engagement Survey completed in 2015 and the Board's staff engagement survey completed in 2016	Identify the knowledge and expertise that Board staff require and enhance the capacity of every staff member to perform their role more effectively.	Training for Board staff to be aligned with service objectives and need to enhance performance and prospects of staff.	Q4 2017 and annually
	Improve the use of the PMDS system.	Training in performance management to take account of all available data on the operation of the PMDS system to date.	Q2 2017
	Introduce a mentoring programme for staff in the Board.	Mentoring programme in place initially for new staff.	Q2 2017
	Publish significantly more information in order to create greater transparency in its operations and services.	Information on standard processes operative in law centres and family mediation offices and enhanced information about the services available via the Board's website.	Q2 2017
	Review compliance with the Department of Public Expenditure and Reform issued Codes of Practice for the Governance of State Bodies and for the conduct of Audit and Risk Committees.	As this has to be in place from 2018, liaise with Department for guidance via civil agencies group Develop a programme of compliance reviews.	Q4 2017

Potential Risk Factors 8.

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 are:

- Professional Negligence within the law centre network
- A failure, malfunction or problem with key IT systems
- Breach of client confidentiality
- Failure of internal financial controls
- Poor property decisions
- Failure to operate within budget
- Health & Safety issues

The Audit and Risk Management 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.

9. Flexibility and Amendment of Targets

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

10. Monitoring Arrangements

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.

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.

11. Duration and Signatories to the Agreement

John McDaid, Chief Executive Officer, Legal Aid Board and Oonagh McPhillips, Assistant Secretary, Department of Justice and Equality agree that the arrangements as set out in this Agreement will apply with effect from the date signed hereunder until 31st December 2017.

John McDaid

Chief Executive Officer

Legal Aid Board

Date:

1 JULY 2017

Oonagh McPhillip

Assistant Secretary

Department of Justice and Equality

Date: 14 July 2017