



AN INSPECTION OF CRIMINAL LEGAL AID PROCESSING

THE EFFECTIVENESS OF THE LEGAL AID MANAGEMENT SYSTEM IN SUPPORTING THE ACHIEVEMENT OF STRATEGIC BUSINESS OBJECTIVES AND IMPROVED SERVICE DELIVERY

JUNE 2022

WHAT WAS THIS INSPECTION ABOUT?

- ▶ This inspection examined how the Legal Services Agency Northern Ireland (LSANI) administers criminal Legal Aid payments to solicitors and barristers (suppliers).
- ▶ Criminal Legal Aid is the use of public money to pay for legal advice and representation from suppliers for people accused of, or convicted for, a criminal offence.
- ▶ It looked at how effective the information technology investment in the Legal Aid Management System (LAMS), implemented in 2019 and costing £9.7m by October 2021, was in processing payments, cutting running costs, providing better statistics and management information to the LSANI, the Department of Justice (DoJ) and the legal profession.
- ▶ This was CJI's first inspection of the LSANI since 2015.

HOW DID YOU CARRY OUT THIS INSPECTION?

- ▶ Inspectors undertook fieldwork in the LSANI and spoke with a range of leaders, managers and staff.
- ▶ The Public Prosecution Service for Northern Ireland (PPS) and the Northern Ireland Courts and Tribunals Service were also involved in fieldwork. Inspectors also engaged with DoJ officials in the Enabling Access to Justice Division.
- ▶ Inspectors spoke with representatives of the Law Society of Northern Ireland, the Bar Council and members of the judiciary to hear their views.
- ▶ Inspectors observed LSANI staff processing applications in real time on the LAMS for Magistrates' Court, Crown Court and other types of cases like Extradition and cases involving unusual or novel points of law or factual issues (known as Exceptional Preparation).
- ▶ Inspectors undertook a mix of on-site and off-site fieldwork and reviewed evidence and documentation to check and validate inspection findings. All in-person fieldwork was carried out in line with COVID-19 public health guidance.

WHAT DID INSPECTORS FIND?

- ▶ £1.4m and 42 staff headcount savings and reduced annual operating costs were achieved after the LAMS IT system was implemented.
- ▶ Significant progress had been made by the LSANI to reduce the level of error in payments made to suppliers. The official error rate for 2021 was 4.3%, a reduction of 10.6 percentage points from the previous year.
- ▶ The LSANI's Counter Fraud Unit had been working hard since January 2021 to establish effective systems for reporting and investigating fraud and to identify potential areas of fraud.
- ▶ The LSANI had improved how it estimated the money needed to cover a probable future expense (provisions) by closing inactive cases on the LAMS. From August 2020 to 31 December 2021, 174,468 cases had been closed leaving 67,927 for provision purposes.
- ▶ The LSANI had developed new Key Performance Indicator targets to reflect the new business practices.
- ▶ The effectiveness and efficiency of the LAMS and the LSANI staff who operated it were impacted by the availability of Legal Aid funding with targets for processing payments extended to match available funding.

WHAT NEEDS TO BE BETTER?

Inspectors have made six recommendations for improvement including:

At a strategic level (leadership level):

- ▶ The DoJ and LSANI should carry out a review of Exceptional Preparation (work substantially in excess of the amount done for similar cases because the case involved a very unusual or novel point of law or factual issue).
- ▶ The LSANI should update all relevant guidance for Criminal Legal Aid processing, the LAMS and LAMS Support.
- ▶ The LSANI should develop a training strategy and an action plan to improve the delivery of training.

At an operational level (on the ground level):

- ▶ The PPS and the DoJ should provide the LSANI with a list categorising the different types of criminal offences where Legal Aid can be paid that can be updated as new offences are introduced.
- ▶ The LSANI should develop and implement a job description for the LAMS Support Manager role.
- ▶ The LSANI should develop a strategy to prevent, detect and respond to fraud and an operational plan for its delivery.

