



**2018/19 – 2020/21**  
**PUBLIC BUSINESS PLAN**

Legal Aid Ontario (LAO)



LEGAL AID ONTARIO  

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AIDE JURIDIQUE ONTARIO

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# Mandate

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Under the Legal Aid Services Act, 1998 (LASA), LAO was established as a corporation independent from but accountable to the Government of Ontario.

LAO's mandate is to provide consistently high quality legal aid services in a cost-effective and efficient manner to eligible clients. LAO encourages and facilitates flexibility and innovation in the provision of its services, while recognizing the private bar and clinics as the foundation for providing services in criminal, family, refugee and poverty law.

In fulfilling this mandate, LAO is committed to providing services which recognize the importance of diversity, accessibility, equity, creativity and quality.

## Governance

LAO's governance structure is outlined in the LASA, which identifies the agency's accountability relationship with the Province of Ontario; board terms and composition; areas of law where legal aid services are to be provided; methods of providing legal aid; eligibility; corporate powers; finances and administration.

LAO's administration is also governed by a Memorandum of Understanding (MOU) between the Attorney General and the Chair of LAO. The Chair of LAO and the Attorney General signed a new MOU in November 2014. The MOU:

- confirms the accountability relationships between the Minister and LAO through its Chair
- clarifies the roles and responsibilities of the Minister, the Chair, the Deputy Minister, the President and the Board
- establishes the expectations for the operational, administrative, financial, auditing and reporting arrangements between LAO and the Ministry of the Attorney General
- establishes the mutual expectations of information exchanges
- complies with the requirement that an MOU be established, under section 71 of the LASA and the Agency and Accountability Directive

# Overview of programs and activities

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LAO provides legal assistance to approximately one million financially and legally eligible clients annually, through a range of services.

Administratively, LAO consists of a provincial office, located in Toronto, and four regions, which are made up of 10 districts. The regions and respective districts are as follows:

- the Northern Region (Northeast and Northwest districts);
- the Central and Eastern Region (Central and Eastern districts);
- the Greater Toronto Area Region (Toronto Central, Toronto North, and Peel York districts); and
- the Southwest Region (Essex, Lambton and Kent, London and Hamilton-Kitchener Districts).

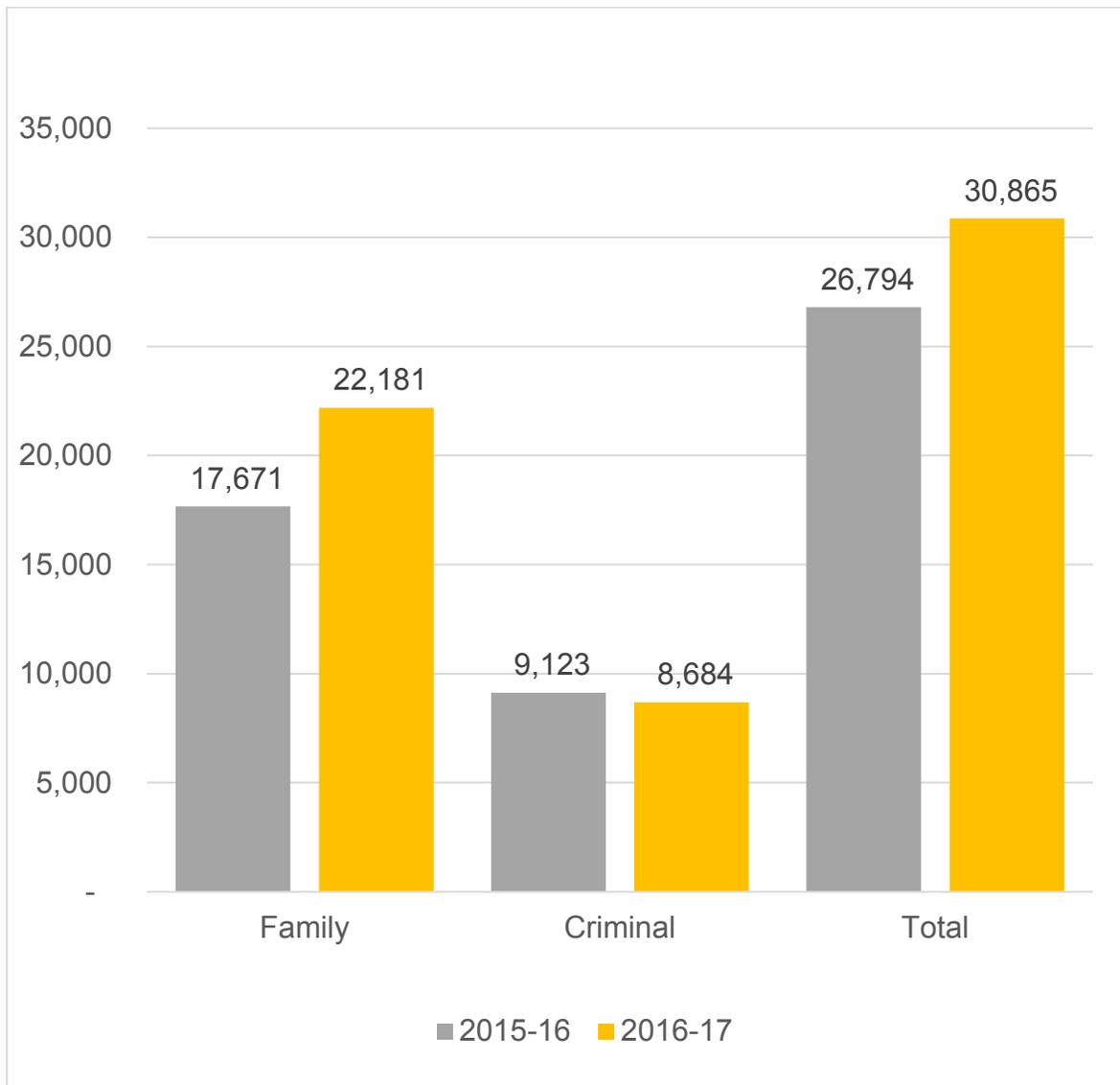
Legal aid assistance is available through:

- a) Calling LAO's Client Lawyer Service Centre (CLSC) toll-free from anywhere in Ontario, or collect if outside of the province. Service is provided in more than 200 languages, including 18 Aboriginal languages and dialects, through simultaneous interpreting services.

LAO's CLSC provides general information on the range of legal aid services available to eligible clients, how to apply and who is eligible. In addition, the CLSC provides referrals to other programs and services, such as duty counsel, community legal clinics, the Ontario Disability Support Program, Ontario Works, the Family Responsibility Office, Citizenship and Immigration Canada, the Ontario Labour Relations Board, shelters, and other community resources. A client who is financially eligible who calls LAO's toll-free number can talk to a lawyer for up to 20 minutes, and receive advice on criminal, family or immigration issues as well as support to prepare for an in-person duty counsel visit.

Figure 1 illustrates summary legal advice provided by LAO by phone over the past two years.

**FIGURE 1:  
SUMMARY LEGAL ADVICE BY PHONE**

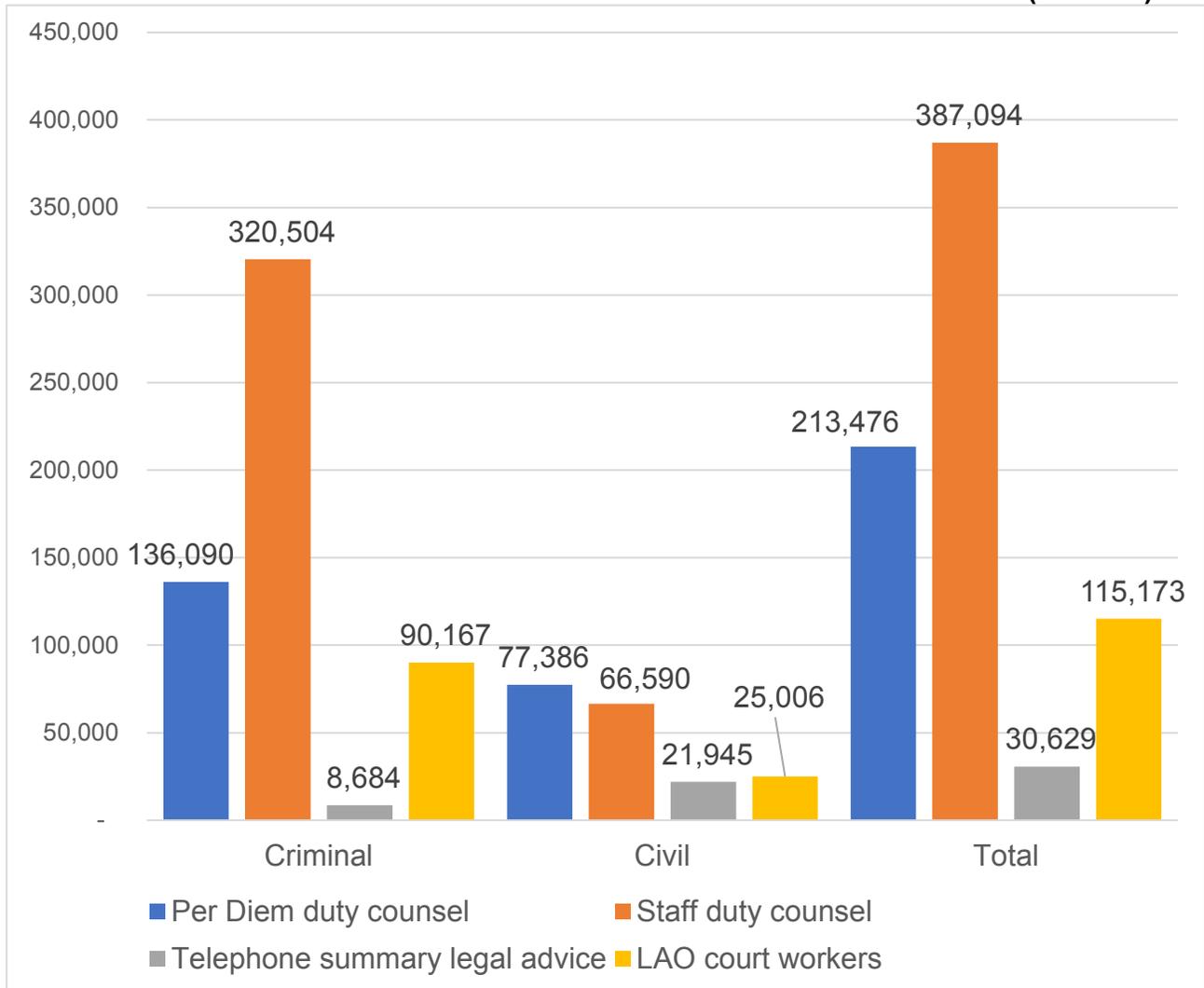


Changes in financial and legal eligibility have affected summary legal advice volumes.

- b) Speaking with a duty counsel lawyer or a LAO staff worker at one of the 57 courthouse locations.

Duty counsel services are provided either by staff lawyers or by private practice lawyers who are paid on a *per diem* basis in courthouses in Ontario, including more than 30 remote and fly-in locations. Duty counsel lawyers provide front line advice, information and representation to individuals who would otherwise be unrepresented and unassisted. Figure 2 shows the number of duty counsel assists provided by area of law.

**FIGURE 2:  
TOTAL PERSONS ASSISTED BY AREA OF LAW AND TYPE OF SERVICE (2016/17)**

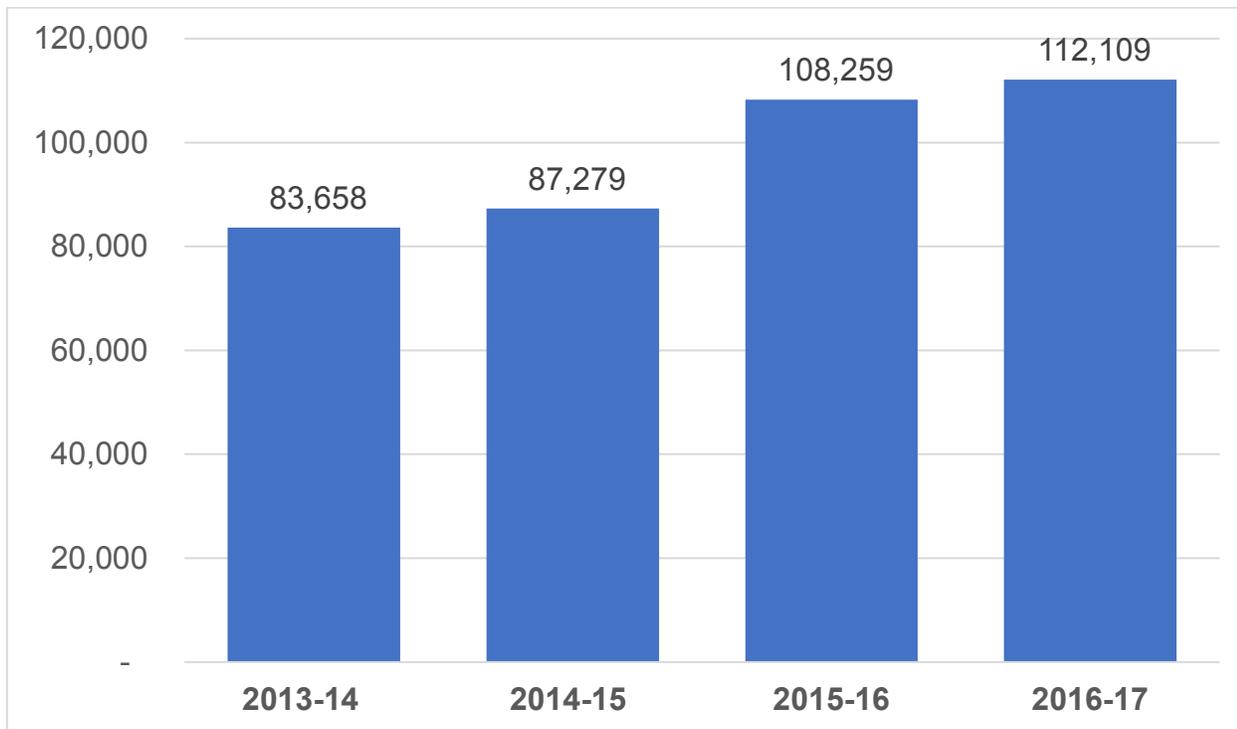


- c) Receiving a legal aid certificate issued by LAO staff in district offices, court locations and through LAO’s CLSC, to retain a private lawyer to represent them in proceedings before criminal or family courts and administrative tribunals, including the Immigration and Refugee Board.

When a client receives a legal aid certificate, he or she can take it to one of more than 4,000 private practice lawyers in Ontario who accept legal aid certificates.

The number of certificates issued annually is illustrated in Figure 3.

**FIGURE 3:  
LEGAL AID CERTIFICATES ISSUED**



The 2015/16 fiscal year saw a substantial increase in certificates issued overall as a result of expanded financial and legal eligibility. The most significant increases in certificates issued were noted for domestic family law certificates (52%) and minor criminal matters (29%). The majority of the difference in the number of certificates issued in 2016/17 was an increase in the number of refugee certificates.

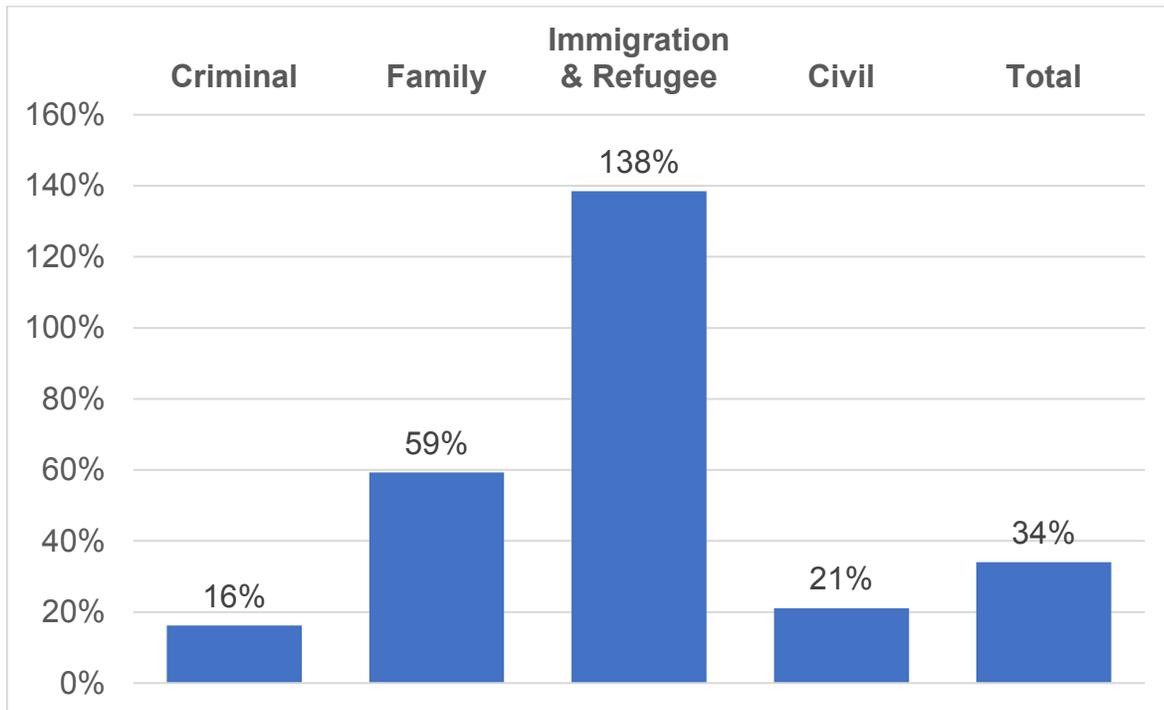
Prior to 2014/15, there was an overall decline in certificates due to the decline in criminal charges laid. This trend has slowed in the most recent years as the number of criminal matters in court has remained consistent for two years.

At the same time, the number of new refugee claims has increased significantly for three consecutive years, nearly a 140% increase since 2013/14. This number of refugee claims has been growing every year since a historic low in 2013/14, which was largely as a result of the introduction of new refugee legislation. The demand for refugee certificates is now approaching levels previously seen between 2008/09 and 2011/12.

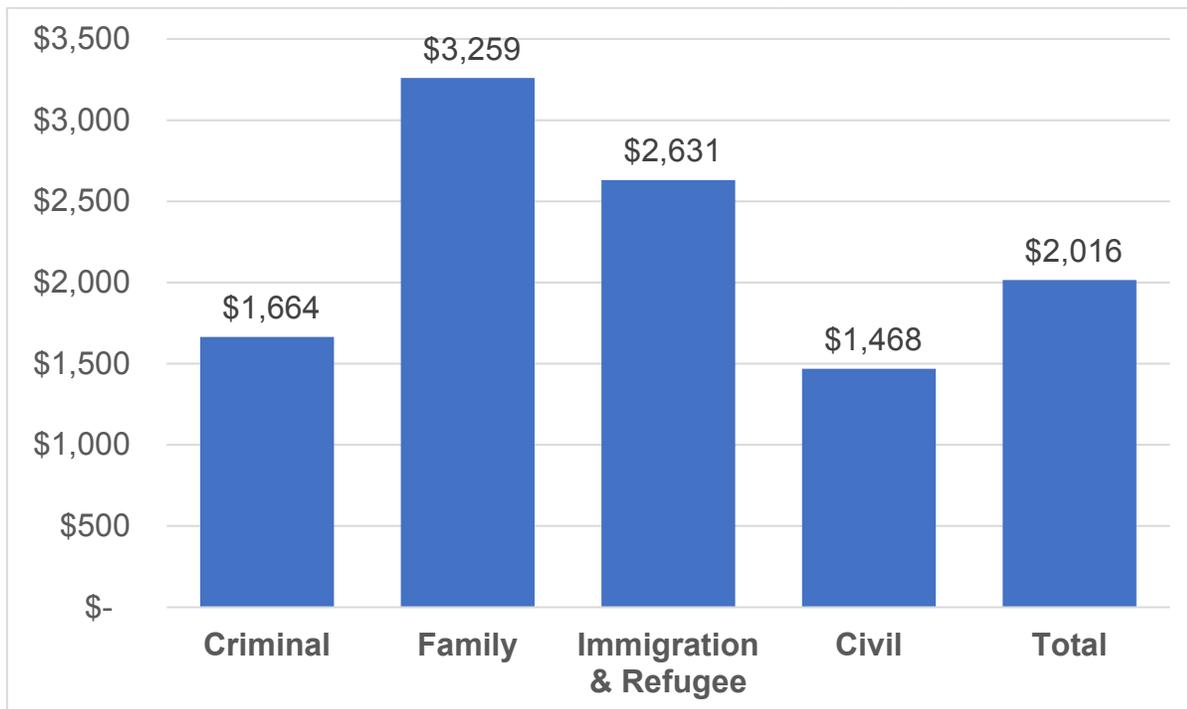
On April 1, 2017, LAO's financial eligibility thresholds were increased by a further 6%. This was the fourth such increase to LAO's financial eligibility; the first took place on November 1, 2014, the second on April 1, 2015, and the third on April 1, 2016.

Figure 4 summarizes the change in certificates issued by area of law from 2013/14 to 2016/17.

**FIGURE 4:  
% CHANGE IN CERTIFICATES ISSUED BY AREA OF LAW (2013/14 COMPARED TO 2016/17)**



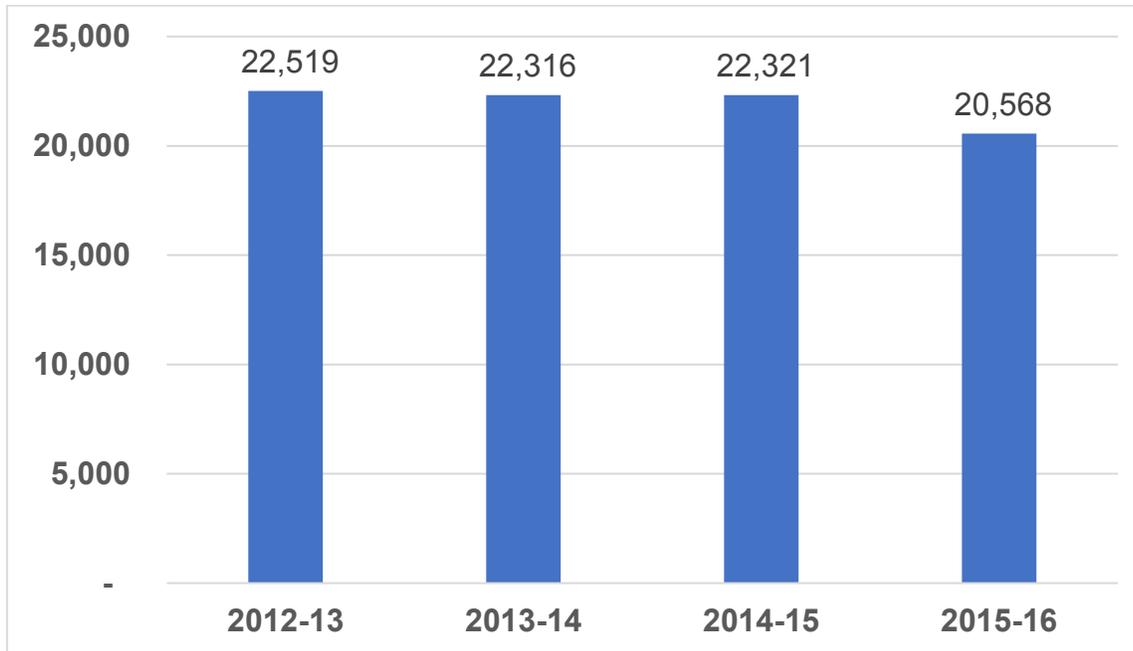
**FIGURE 5: AVERAGE CASE COST BY MAJOR AID (2016/17)**



The average certificate cost has increased, reflecting the tariff rate increase as well as changes in the complexity of certificate cases.

- d) Assistance from one of the 74 independent, LAO-funded community legal clinics, which assist low-income people with issues such as income maintenance and landlord and tenant disputes.

**FIGURE 6:  
NEW CLINIC CASES**



- e) Receiving public legal education or legal advice and representation from volunteer law students at one of the seven university-operated Student Legal Aid Services Societies (SLASS) that LAO funds. Minor criminal matters, landlord and tenant disputes, immigration issues, workers' rights and tribunal matters are among the issues that these societies deal with.
- f) Family law service centres provide a one-stop resource for clients with family law matters. The centres offer a broad range of services from document preparation, mediation and summary legal advice to full representation for clients who qualify for certificates.
- g) Calling a toll-free Francophone legal advice line for French-speaking clients, if in the GTA, Eastern and Northern Ontario and parts of Central Ontario.

This service operates through a partnership with three legal clinics/community centres (Sudbury Community Legal Services, Vanier Community Services and the Centre Francophone de Toronto).

This advice line permits hundreds of Francophone clients living in non-serviced or under-serviced parts of the province to receive poverty law assistance.

# LAO priorities

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In 2017/18 LAO successfully implemented a balanced budget plan. After two years of deficits, LAO is projected to have a balanced budget in each of the next three years (2018/19, 2019/20, and 2020/21). While addressing its financial challenges, LAO has continued to be successful in achieving its key performance targets with respect to client service, organizational health, and service provider satisfaction.

From a business planning perspective, 2018/19 is expected to be a year of transition for LAO, as it is set to execute a comprehensive process to develop a new strategic plan. In the interim LAO will continue to implement many of the strategies that it has been executing over the past several years.

LAO's business planning and decision making has been guided by four strategic objectives:

- Delivering value for clients. LAO will provide access to justice for low-income Ontarians through a range of high quality, timely and cost-effective services focused on assisting more clients to achieve resolution of their legal issues,
- 
- Supporting service providers. LAO's service providers will have the support and tools required to deliver services,
- 
- Value for the investment of funds. LAO will provide value for money in providing client-focused services that are mindful of the public's interests, and
- 
- Institutional excellence. LAO will build capacity to enable the organization to deliver high quality service and to ensure that it meets its mandate and transformation goals.

In 2018/19, to support the achievement of its strategic objectives, LAO will address four key priorities:

1. Deliver on provincial investment in financial eligibility,
2. Enhance existing services,
3. Enhance LAO's workplace to increase engagement, inclusion and diversity, and workforce agility, and
4. Develop an enterprise strategic plan.

These priorities are associated with a number of specific initiatives, as highlighted below.

## Priority 1:

### Deliver on provincial investment in financial eligibility and bail

LAO will implement service changes made possible by expanded financial eligibility to ensure that funding levels are maintained, and that the legal needs that complement the changes in financial eligibility are addressed.

LAO will continue to deliver enhanced duty counsel services with the support of increased investment in bail.

LAO will consider options to reinstate services that were suspended in December 2016 considering the advice contained in the report of the independent review and implement changes gradually to ensure that services are aligned with available funding.

Provided that LAO receives incremental refugee and immigration funding, and that Law Foundation of Ontario revenue maintains slow growth, there will be opportunity for policy expansion in each of the next three years. LAO will be seeking board direction to expand the Legal Eligibility Certificates policy in a sustainable way once its funding is confirmed.

LAO will delay any decisions on refugee services or restoring other services until after the next federal budget is confirmed.

## Priority 2:

### Enhance existing services

LAO will adopt technology to enhance organizational capacity and improve client service to make everyday life easier for those accessing legal aid services.

LAO will continue to support vulnerable client groups by developing and implementing targeted strategies pertaining to aboriginal justice, domestic violence, mental health, racialized communities, prison law, and bail, among others issues.

LAO will renew its relationship with clinics within a transfer payment accountability framework, and enhance its governance and oversight of clinics.

### Priority 3:

## Enhance LAO's workplace to increase engagement, inclusion and diversity, and workforce agility

LAO will enhance its workplace by addressing the findings of its recently completed employee engagement survey, and by continuing to implement an inclusion and diversity strategy, as well as a multi-phase plan for increasing its work space effectiveness.

### Priority 4:

## Develop an enterprise strategic plan

LAO will re-establish and validate its vision, values, and priorities by engaging in an 8-12 month process of developing a new strategic plan. The process will be led by LAO's Board of Directors and Executive and will include extensive consultations with the service providers, justice system partners, other external stakeholders, management, and staff. The resulting strategic plan will determine the actions that LAO will take over the next five years to promote access to justice.

### **How will LAO integrate these priorities into its current operational plans?**

- A portfolio of projects will be planned, executed and evaluated throughout the year to advance key organizational initiatives
- Every employee will be expected to support and deliver on key organizational priorities.
- VP mandates and commitments will include and specifically identify the VP's role in:
  - delivering on LAO's strategic priorities,
  - continuing to operationalize LAO initiatives already underway, and
  - ensuring that the corporate culture at LAO evolves to successfully implement its strategic and program priorities.

The implementation of key LAO business plan initiatives is tracked via a portfolio and quarterly business plan reporting. The table below summarizes LAO's key portfolio initiatives.

## LAO'S 2018/19 PORTFOLIO

PRIORITY AREA	INITIATIVE	DESCRIPTION
Deliver on provincial investment in financial eligibility and bail	2018/19 financial and legal eligibility implementation	An initiative to ensure the effective and efficient expansion of services, including clinic services, in line with expanded funding
	Bail Strategy	A multi-stakeholder initiative to address delay and unfairness in bail courts across Ontario. MAG funded the creation of 10 new Crown Bail Vectors, 10 new Duty Counsel Bail Coordinators, and 6 new Institutional Duty Counsel to address these issues.
	Refugee and immigration initiatives	Refugee and Immigration program improvements and efficiencies to reduce the cost of providing services
Enhance existing services	Prison Law Strategy	Potentially to include: increasing internal knowledge and building capacity for service provision; improving and expanding legal aid services for inmates; and addressing needs through advocacy, partnerships, outreach and collaboration
	Service Integration	Aims to integrate LAO service data to improve the quality and efficiency of client service. The deployment of technology in courthouses across the province has been a focus.
	Clinic oversight	LAO will renew its relationship with clinics within a transfer payment accountability framework and enhance its governance and oversight of clinics.
	Serving the Legal Aid client of the future	Integrate technology to enhance organizational capacity and improve client service
	Vulnerable client strategies	Multi-year and multi-faceted strategies to improve and expand the services that LAO offers. Discreet strategies address a number of issues including: aboriginal justice, domestic violence, mental health, and racialized communities.
Enhance LAO's workplace to increase	Agile workforce	Exploit technology for the purpose of creating greater flexibility for staff, and enabling work from anywhere practices

PRIORITY AREA	INITIATIVE	DESCRIPTION
engagement, inclusion and diversity, and workforce agility	Employee engagement	A process for better understanding LAO's diverse work environment and creating priorities that respond to the organization's needs
	Inclusion and diversity	Objectives to be set pending final approval of a new Inclusion and Diversity Strategy
	Knowledge Information Management Project	To implement LAO's first client service-focused knowledge base, founded on a new repository and database application, which fully supports the knowledge needs of intake/assessment staff
Develop an enterprise strategic plan	LAO's Five-Year Enterprise Strategic Plan development	A process to determine the actions that LAO will take over the next five years to promote access to justice

## Environmental scan highlights

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### Key implications to LAO

#### Financial eligibility expansion

The provincial government has committed to support LAO's expansion of financial eligibility for at least three more years (through 2020-21). By that time, eligibility for any of LAO's services will be virtually the same from a financial standpoint. LAO will have to develop methods to determine how clients are directed to different services.

#### Criminal law

LAO's recent experience in expanding legal eligibility criteria demonstrated that there is a close relationship between cases resolved by duty counsel and those resolved by certificate. In fact, there is potentially a subset of cases that can be resolved by either program. As LAO's financial eligibility thresholds increase, the question of the most appropriate level of service will become more and more pressing for LAO's criminal services.

From an external trend perspective, there has been a long-term decreasing trend in crime across Canada since the early 1990s and it is expected that this trend will persist over the next five years despite the recent influx in cases received in courts in 2016-17.

#### Family law

LAO is a major stakeholder in child protection proceedings across the province, providing legal representation to the majority of persons in courts. This is an opportunity for LAO to

use its role to be a strong voice at the table for the interests of citizens facing proceedings as well as the lawyers representing them in terms of systemic improvement to the way such cases are handled within the system.

## **Immigration and refugee**

LAO has seen the demand for refugee certificate services grow for a fourth consecutive year. Despite the consistent increase, the total number of certificates is still within the range of historical highs experienced between 2008-09 and 2011-12.

Looking ahead, there is little evidence to indicate whether the current trend will stay in line with historic highs or surpass them. The ongoing displacement of populations across the globe, including the increase in asylum seekers crossing the US border to Canada, suggests that LAO could face its highest demand for immigration and refugee services in more than 12 years.

LAO is not the only organization in Canada to face the challenge of increased demand for refugee services and it will be important to monitor how the same questions are addressed by other levels of government and what effect it may have on the refugee claimant process as a whole.

## **Clinic law services**

The introduction of the new clinic information management system (CIMS) is a long-awaited upgrade for all clinics. However, the system implementation will require work to be done to develop a robust reporting strategy to replace traditional reports from the client management tool (CMT). One of the major challenges will be to understand how historical data can be compared against CIMS data and how LAO can best track the impact of new funding that has been directed to the clinic system.

## **Service providers**

As the number of certificates issued by LAO drastically increased starting in 2015-16, there was no significant shortage of lawyers to take on the additional certificate work. The number of lawyers actively acknowledging certificates has increased over the last two years, demonstrating that there is additional capacity among the private bar for taking on legal aid work.

## **Human resources**

LAO workforce has decreased by 83 FTE in 2016-17, as LAO made deliberate efforts to create vacancy savings. Staff turnover has increased by 6.4% to 13.8% from the same period last year. 50% of the workforce is currently represented by a union and it is anticipated that this will increase to 80% by the end of next year.

## **International scan: trends and developments**

In recent years many legal aid plans have experienced cuts to funding across multiple countries. This has sparked pushback in several countries as well as criticism over cuts in others.

The US incarceration rate is still the highest globally. Scandinavian countries have the lowest levels of incarceration due to their investment in rehabilitation programs.

Interactive websites and artificial intelligence are being utilised in numerous ways to assist individuals with legal issues. For example, 'chatbots' can now help refugees fill in an immigration application in the US and Canada. In British Columbia, a 'pathways' website provides tailored advice and legal information. Such technology offers potential opportunities for expanding and improving legal aid service delivery. This is particularly relevant in an age of austerity where expanding technological solutions can be a cost-effective way to improve and/or expand service delivery.

## **Inclusion and Diversity Plan**

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LAO has established an Inclusion and Diversity Committee to be responsive to, and inclusive of, the diversity of Ontario, as demonstrated through our people and processes. The goal is to create a diverse, engaged workforce that reaches its full potential in an inclusive and healthy environment, with a strong foundation of commitment, support and accountability.

### **Committee goals:**

- promoting awareness on diversity, inclusion, and accessibility through communications, training, workshops, and other collaborative events
- assisting with outreach, recruitment, research and the sharing of best practices
- providing training specifically related to inclusion and diversity practices
- providing strategic and proactive advice on diversity and inclusion to the executive and staff of LAO
- helping change behaviours to value differences in the workplace and better respond to the needs of Ontario's diverse population
- promoting the notion that diversity and inclusion is more than employment equity

### **Measures of success**

- number of learning events held for all staff
- number of communications distributed regarding diversity and inclusion
- number of workplace discrimination and harassment prevention complaints within LAO

### **2018/19 priorities**

The committee is creating a business plan that focuses on the following areas:

## **People**

- expand recruitment to partner with agencies that target and support diverse groups such as immigrants, people with disabilities and Indigenous People
- intentionally provide development plans and experiences that support diverse employees, namely visible minorities and employees with disabilities, to successfully compete for management positions

## **Processes**

- invest in technology to allow employees to self-identify anonymously and confidentially demographic data related to various dimensions of diversity
- commit to reviewing internal communications for clear, plain and inclusive language

Some of the specific activities to be addressed are:

- Defining the committee member role and promoting the committee internally—relaunch of The Source page, developing a communications template, etc.
- Consulting with employees to share the plan and solicit input and ideas
- Continue to promote awareness of cultural and religious days of significance both province-wide and locally
- Secure funding to address all or parts of the proposed business plan

# Multi-Year Accessibility Plan

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LAO is on schedule to meet and, in some instances, exceed the requirements of the Accessibility for Ontarians with Disabilities Act and ensure LAO is accessible to all Ontarians with disabilities by 2025.

LAO's ongoing accessibility initiatives ensure respect and dignity for all. Current activities to meet the accessibility needs of LAO's clients and staff include:

- accessibility training for all LAO staff
- compliance with building accessibility requirements at all LAO locations, including new buildings and those that require renovations, by 2025
- provision of accessible technology to clients and employees, including accessible web access, phone services and computer accessories
- due consideration to accessibility needs during purchase order processes (procurement)
- putting all materials into accessible formats (large font, Braille, audio, etc.)
- meeting the requirements of the internationally endorsed Web Content Accessibility Guidelines (WCAG) 2.0
- putting in place feedback mechanisms relating to accessible services to find out whether people are satisfied with our services, and if not, how we can improve.

# Budget summary

LAO's Balanced Budget Plan (BBP) was successfully implemented. This, along with increased revenue from the federal government and Law Foundation enabled LAO to emerge from an extremely challenging fiscal situation. After two years of deficits 2015/16 (\$13.8M) and 2016/17(\$25.5M), LAO is projected to have a balanced budget in each of the next three years.

STATEMENT OF OPERATIONS	2017-18 BUDGET	2017-18 FORECAST	2018-19 DRAFT BUDGET	2019-20 ESTIMATE	2020-21 ESTIMATE
<b>REVENUES</b>					
Total government funding	418,867,826	427,715,910	451,730,814	460,553,643	477,754,448
Other revenues	36,150,000	53,450,000	54,900,000	57,400,000	57,900,000
<b>TOTAL REVENUES</b>	<b>455,017,826</b>	<b>481,165,910</b>	<b>506,630,814</b>	<b>517,953,643</b>	<b>535,654,448</b>
<b>EXPENDITURES</b>					
<b>CLIENT PROGRAMS</b>					
Certificate Program	241,506,730	254,524,000	263,725,083	265,972,283	276,166,901
Clinic Program	85,454,082	86,337,000	94,005,848	97,983,279	98,855,311
Duty Counsel Program	58,084,133	57,752,000	58,971,582	58,712,679	58,905,401
Service Innovation Projects	2,417,613	2,354,000	2,917,613	2,417,613	2,417,613
Program Support	28,054,648	25,710,000	27,954,648	27,954,648	27,954,648
<b>TOTAL CLIENT PROGRAMS</b>	<b>415,517,206</b>	<b>426,677,000</b>	<b>447,574,774</b>	<b>453,040,503</b>	<b>464,299,874</b>
Service provider support	6,391,751	6,565,000	6,391,751	6,391,751	6,391,751
Administration	34,394,352	36,110,000	35,733,249	35,215,445	35,600,888
Other expenditures	9,921,517	10,046,000	16,931,040	23,305,945	29,361,935
<b>TOTAL EXPENDITURES</b>	<b>466,224,826</b>	<b>479,398,000</b>	<b>506,630,814</b>	<b>517,953,643</b>	<b>535,654,448</b>
<b>ANNUAL OPERATING (DEFICIT)/ SURPLUS</b>	<b>(11,207,000)</b>	<b>1,767,910</b>	<b>0</b>	<b>0</b>	<b>0</b>

# Organizational health performance measures

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## Financial indicators

MEASURE	TARGET	CURRENT ASSESSMENT (AS OF Q2 UNLESS OTHERWISE INDICATED)	RATING
<b>Balanced Budget</b>	No deficit	\$1.8M surplus (forecasted year-end)	Green
<b>Debt Position</b>	Elimination of accumulated deficit	Net deficit of \$30M (forecasted year-end), LAO is on track to eliminating deficit	Green
<b>Cash Flow</b>	\$15 million cash balance	\$22M cash balance (forecasted year-end)	Green
<b>Productivity</b>	Cost per legal service (duty counsel, certificate program and clinics) – maintain current level of \$242/assist	\$296 cost per assist. The target for this measure was set in 2014 and is currently being reviewed.	Green
<b>Administrative Efficiency</b>	Administrative costs as a % of total expenditures. 10% of total expenditures.	10.4%	Green

## Organizational health indicators

MEASURE	TARGET	CURRENT ASSESSMENT (AS OF Q2 UNLESS OTHERWISE INDICATED)	RATING
<b>Turnover</b>	10% exit rate is considered an optimal balance between a stable workforce and enough movement to allow growth and new experience.	13.73%	Green
<b>Staff: Management Ratios</b>	Meet target of 10 to 1	8.4 to 1	Yellow
<b>Sick Days</b>	Maintain average sick days below OPS average (10.1)	9.91 days per employee (Oct. 1, 2016–Sept. 30, 2017)	Green
<b>Employee Engagement</b>	Under development	Survey results pending	

## Client service indicators

MEASURE	TARGET	CURRENT ASSESSMENT (AS OF Q2 UNLESS OTHERWISE INDICATED)	RATING
<b>Timeliness of Service</b>	Service levels Level 1 and Lawyer Support Centre (LSC) – 80% of calls answered within 3 mins	Level 1 - 63% LSC - 68% Worklist/In-Custody – 70%	Yellow
	Level 2 and Summary Legal Advice (SLA) – 80% of calls answered within 20 mins	Level 2 - 63% SLA Family - 68%	
	80% same-day certificate decisions	77.9%	Green
	80% of Area office appeals heard within three days	50.0%	Yellow
	87% application acceptance rates for certificates	84.7%	Green

MEASURE	TARGET	CURRENT ASSESSMENT (AS OF Q2 UNLESS OTHERWISE INDICATED)	RATING
<b>Client Satisfaction</b>	Overall client satisfaction 86%	93.3% positive – In person Duty Counsel survey (+/- 7.1%) (2016)	Green
<b>Access to Justice</b>	50 % - percentage of clients who would self-represent if not for LAO	49.0% (+/- 7.3%) (2016)	Green
	1.54 million persons in Ontario that are financially eligible for all of LAO's services	1.54 million (2017)	Green

### Service provider satisfaction indicators

MEASURE	TARGET	CURRENT ASSESSMENT	RATING
<b>Lawyer Satisfaction</b>	60 % overall lawyer satisfaction	53% (2017)	Green