

LEGAL AID ONTARIO  
**2019-20**  
**2021-22**  
PUBLIC BUSINESS PLAN



LEGAL AID ONTARIO  

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Ce document est disponible en français.

Legal Aid Ontario receives financial assistance from the Government of Ontario, the Law Foundation of Ontario, and the Government of Canada.

# 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.

Legal Aid Ontario has a statutory mandate to promote access to justice throughout Ontario for low-income individuals by means of:

- Providing consistently high quality legal aid services in a cost-effective and efficient manner;
- Encouraging and facilitating flexibility and innovation in the provision of legal aid services;
- Identifying, assessing and recognizing the diverse legal needs of low-income individuals and of disadvantaged communities in Ontario; and
- Providing legal aid services to low-income individuals through a corporation that will operate independently from the Government of Ontario but within a framework of accountability to the Government of Ontario for the expenditure of public funds.

In fulfilling this mandate, Legal Aid Ontario is committed to providing services which recognize the importance of diversity, access, 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, and
- complies with the requirement that an MOU be established, under section 71 of the *LASA* and the *Agencies and Appointments Directive*.

# Overview of Programs and Activities

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LAO provides legal assistance to approximately 1 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 ten 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).

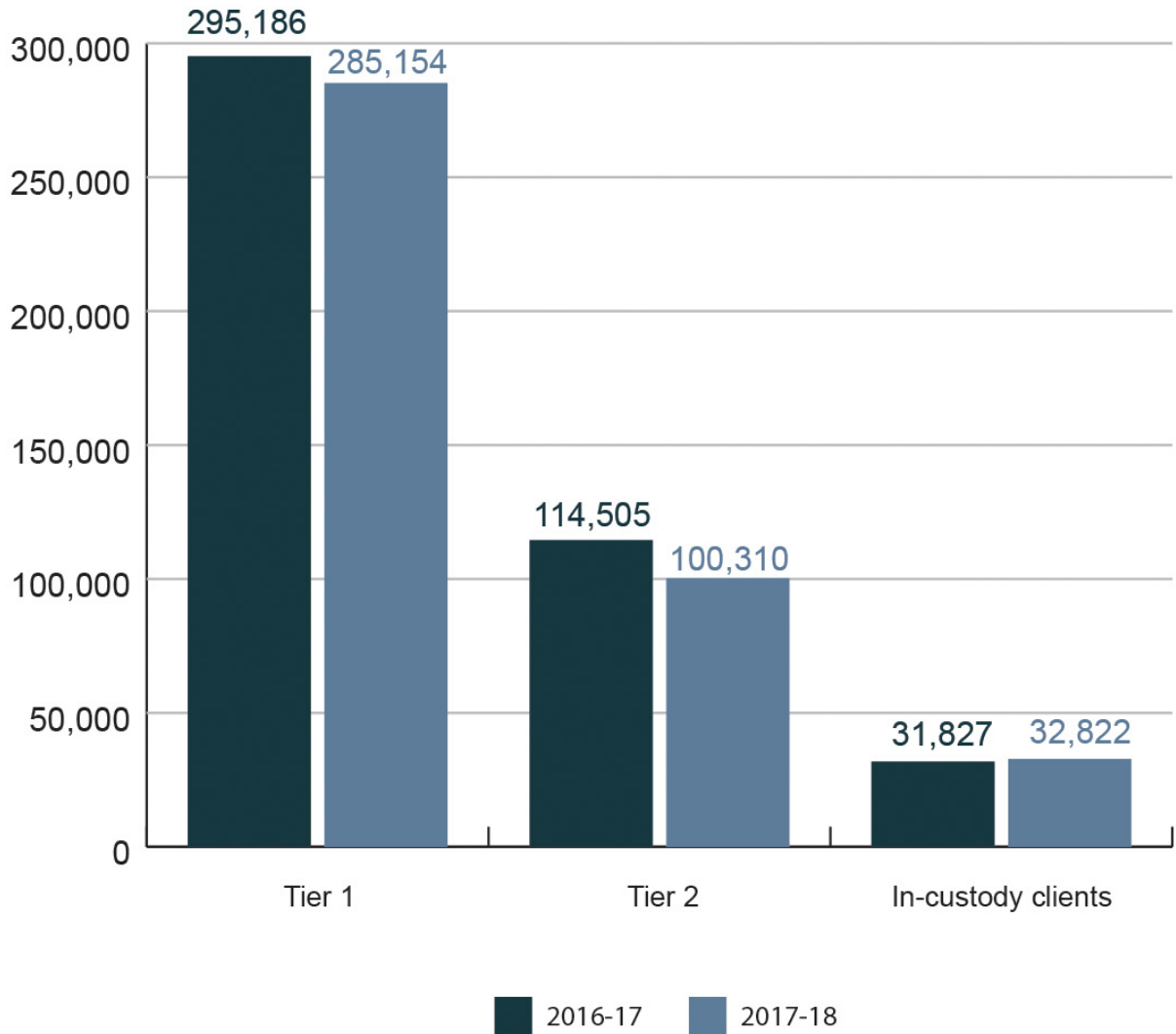
Legal aid assistance is available through:

- 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.

Figure 1 illustrates the number of phone calls answered by the CLSC over the past two years. Calls are streamed into two tiers. On tier 1 calls clients are matched to the appropriate service and referred to other programs. On tier 2 calls clients are assessed for financial eligibility, provided with legal information, or referred to staff lawyers for legal advice in family law, criminal law or immigration law. Clients can also apply for a legal aid certificate.

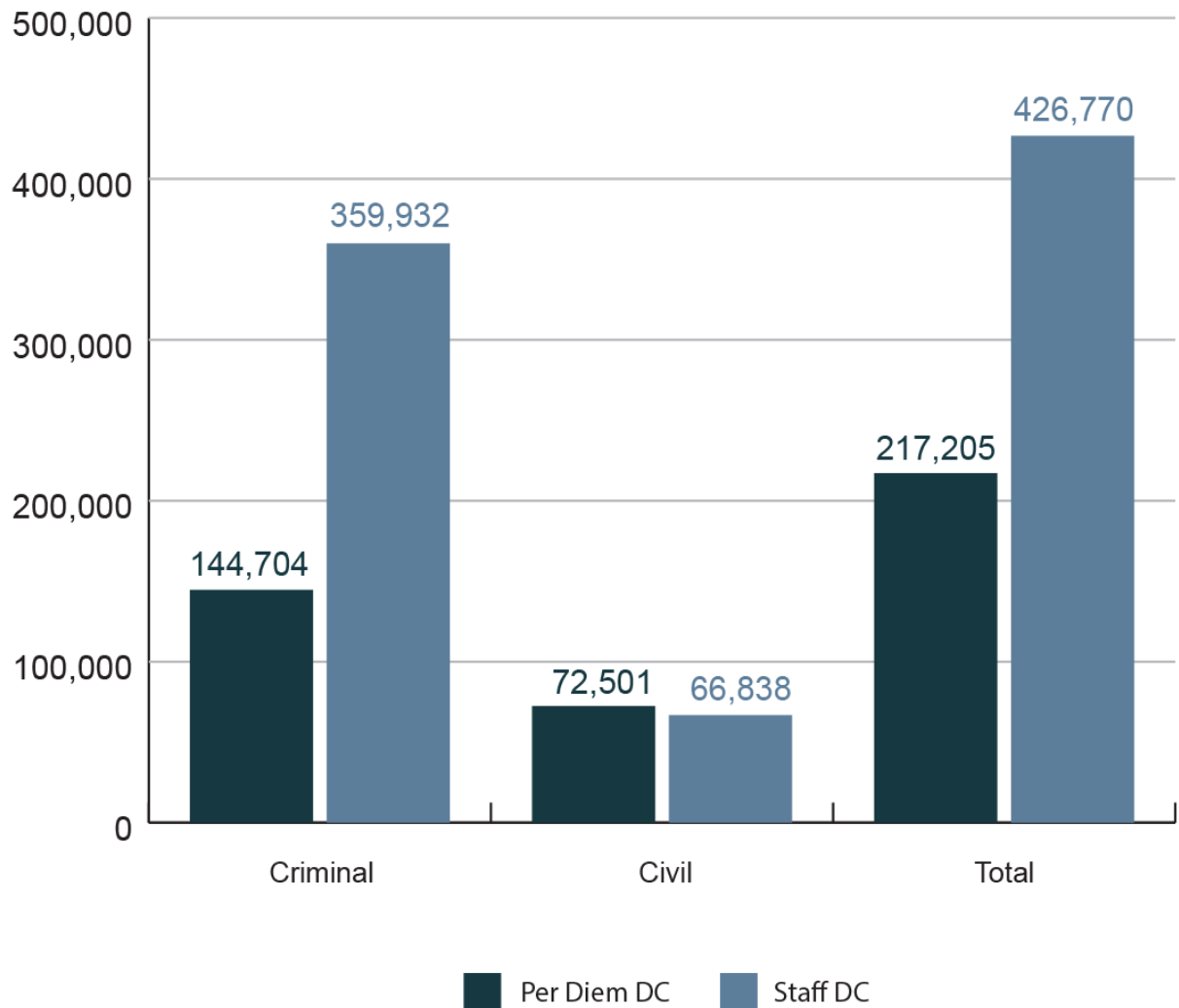
**FIGURE 1: NUMBER OF PHONE CALLS ANSWERED BY TIER**



- 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 DUTY COUNSEL AND AREA OF LAW (2017/18)**

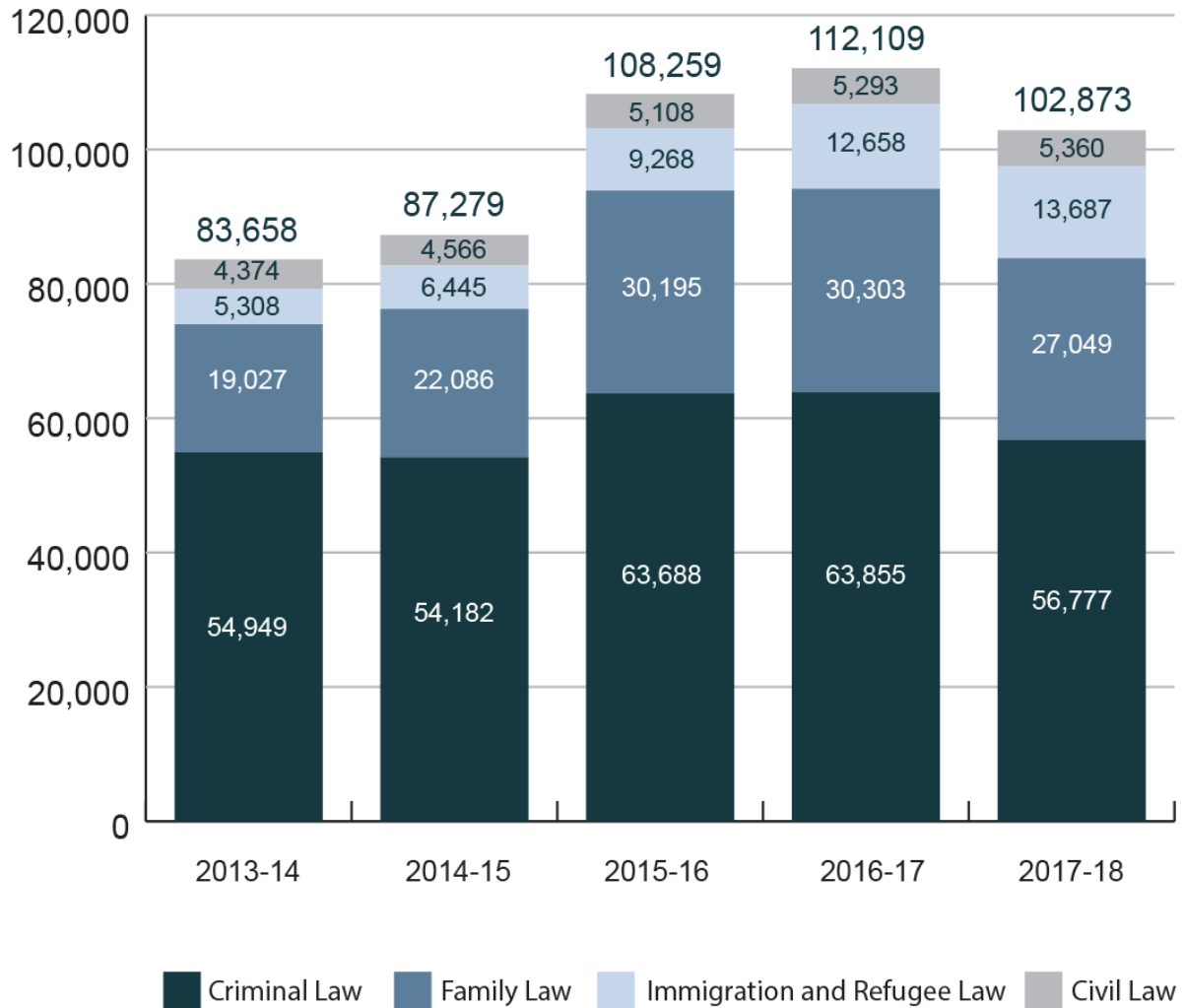


- c) Receiving a legal aid certificate issued by LAO staff in district offices, court locations and through LAO's CLSC, to retain a private lawyer to represent them in proceedings before criminal or family courts and administrative tribunals, including the Immigration and Refugee Board.

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 BY AREA OF LAW**



After three consecutive years of increases in certificates issued, 2017-18 saw a decrease from the previous year. The biggest contributing factors were a decrease in the issuance of certificates for minor criminal offences and a decrease in the issuance of domestic family law certificates.

In contrast, the number of immigration and refugee certificates increased for a fourth year in a row reflecting the increasing number of asylum seekers arriving in Ontario. Since 2013-14, the number of certificates issued for immigration and refugee law has increased by 158%.

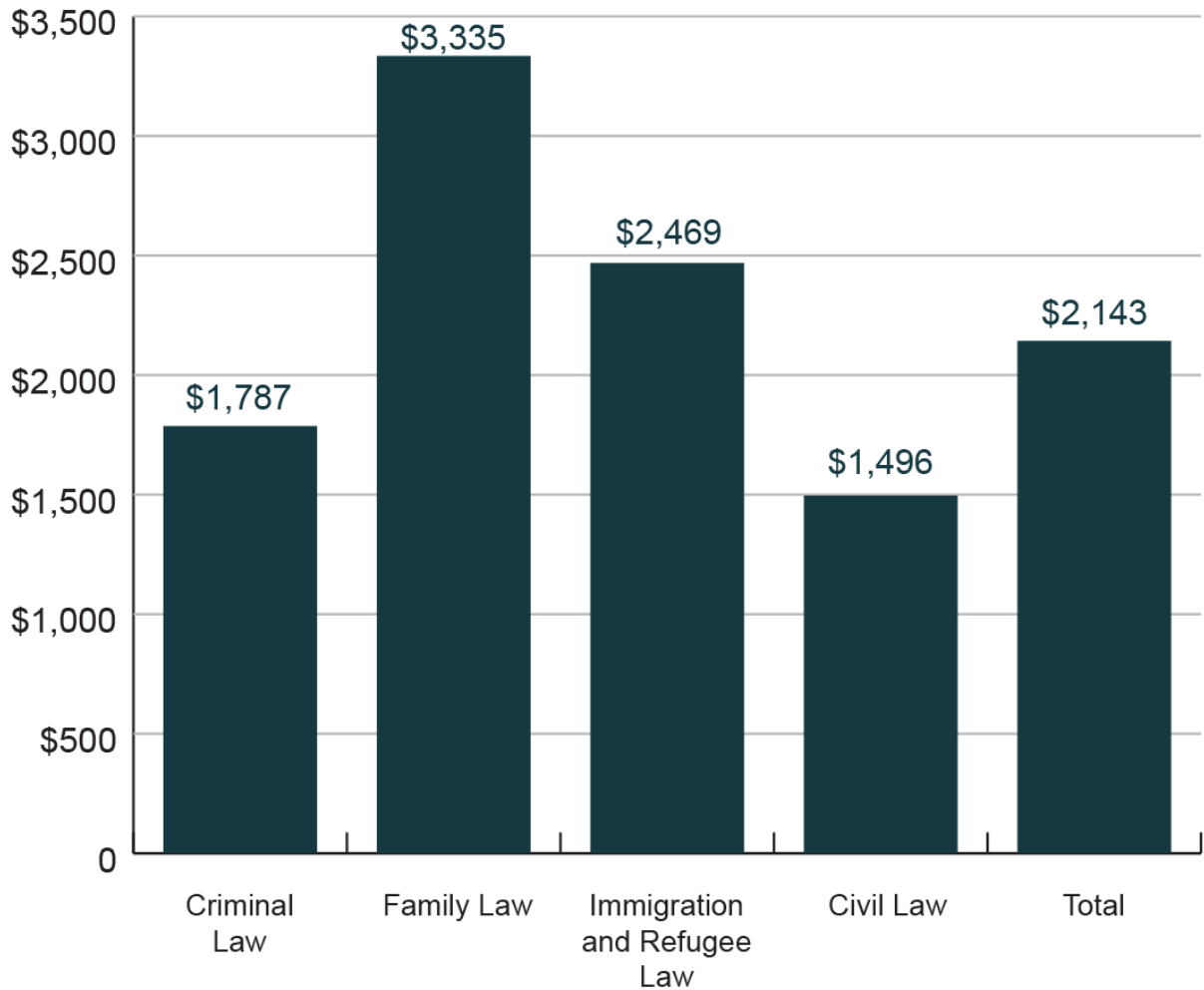
Prior to 2014/15, there was an overall decline in certificates due to the decline in criminal charges laid. This trend has slowed in the most recent years as the number of

criminal matters in court has remained consistent for two years.

On April 1, 2018, LAO's financial eligibility thresholds were increased by 6%. This was the fifth such increase to LAO's financial eligibility; the first took place on November 1, 2014 and financial eligibility has increased on April 1 of each following year.

Figure 4 summarizes the average cost of a certificate by area of law for 2017/18.

**FIGURE 4: AVERAGE CASE COST BY AREA OF LAW (2017/18)**



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



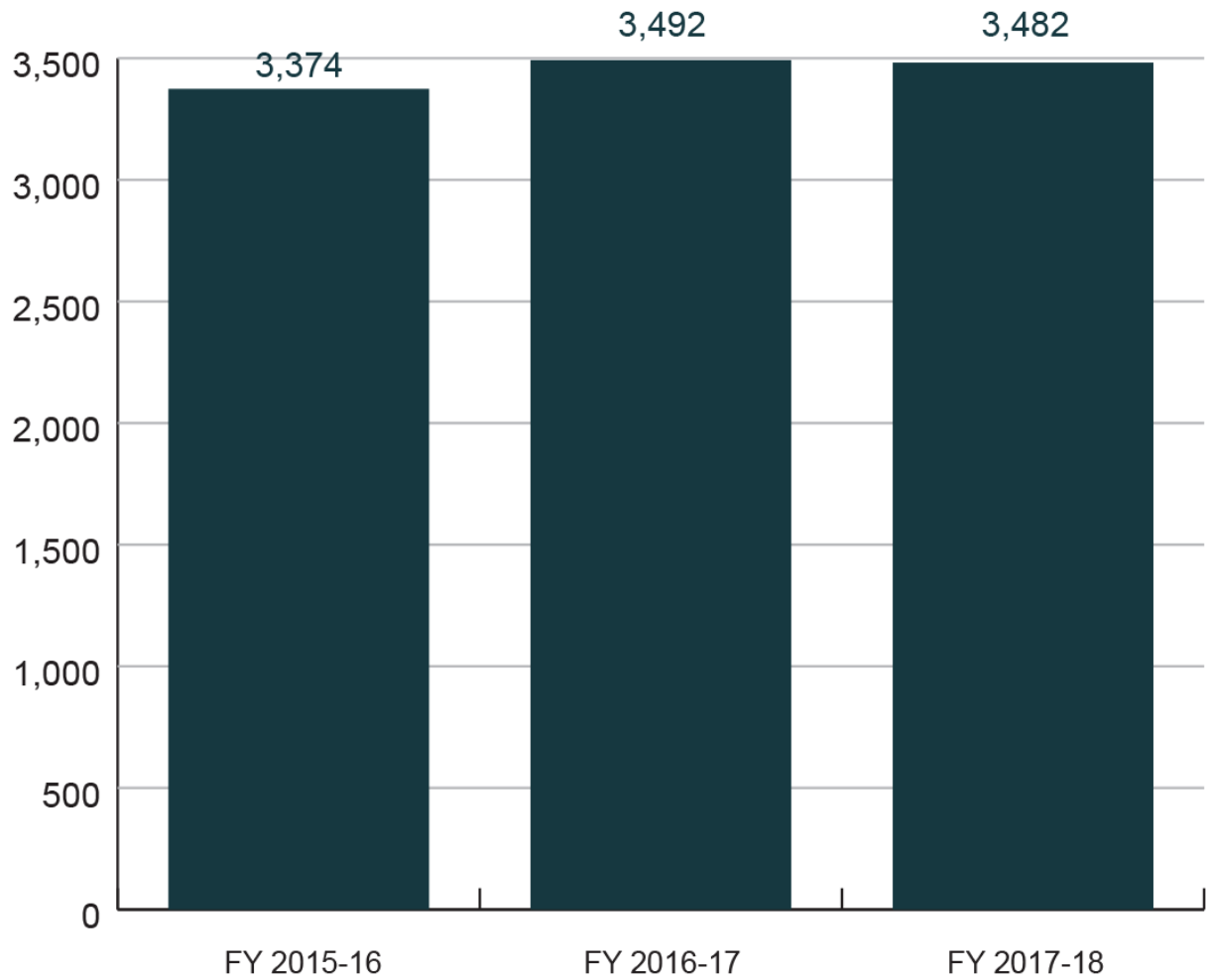
- d) Assistance from one of the 74 independent, LAO-funded community legal clinics, which assist low-income people with issues such as income maintenance and landlord and tenant disputes.
- e) Receiving public legal education or legal advice and representation from volunteer law students at one of the seven university-operated Student Legal Aid Services Societies 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.

- h) Contacting a private bar lawyer who is a member of one of LAO's legal aid panels for representation on a certificate matter. Each year, thousands of lawyers across Ontario acknowledge legal aid certificates and represent legally-aided clients in court.

**FIGURE 5: NUMBER OF UNIQUE LAWYERS ACKNOWLEDGING A LEGAL AID CERTIFICATE**



LAO monitors the quality of the work of its legal service providers by setting quality standards for different panels, requiring lawyers to submit an annual self-report, conducting spot audits of panel lawyers, as well as addressing complaints received from legal aid clients about legal service providers. In some instances, LAO takes action to remove lawyers from its panel lists.

# LAO priorities

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The 2019-21 Business Plan supports LAO's key strategic goals:

1. Client-centred focus
  - we will put clients at the centre of everything we do and measure the impact to clients
2. Demonstrate value for money
  - we will develop metrics, measures and report outcomes
3. Innovative services
  - we will research and develop more innovative ways to improve access to services
4. Engaged staff
  - we will provide staff with supports they need to provide service to clients
5. Effective collaboration
  - we will partner with the justice system to improve the coordination and effectiveness of services

## Priority 1: Client Centred Focus

LAO will put clients at the centre of everything we do, and measure the impact to clients. LAO will deliver culturally appropriate services and be sensitive to the specific needs of client communities. LAO will:

- implement service changes made possible by expanded financial eligibility and investments in bail to meet unmet client need and measure the impact of those services to LAO clients.
- strengthen relationships with clinics and Student Legal Aid Societies (SLASS) by updating foundational documents that govern clinic and establish requirements for reporting on performance measures that focus on the impacts and outcomes of clinic and SLASS service
- improve the management of LAO lawyer panels to ensure quality service to clients. LAO will work the Law Society of Ontario to ensure LAO is able to have panel lawyers subject to periodic quality review
- consult with marginalized communities and vulnerable client groups and implement approaches that meet their unique needs
- work with Aboriginal communities and the provincial and federal governments to implement the Truth and Reconciliation Commission's 94 Calls to Action, particularly those addressed to the justice community
- renew the Aboriginal Justice Strategy and set goals in consultation with Aboriginal communities and leaders to improve meaningful access to justice for Aboriginal Persons

## Priority 2: Demonstrating value for money

LAO will maximize every dollar spent on the most valuable activities that will benefit the people of Ontario. We will be accountable and transparent in how we spend money, and ensure funds are allocated efficiently and effectively. We will measure the impact of all of our investments and report our progress to the people of Ontario on a regular basis including:

- identifying and prioritizing key processes for improvement
- defining desired outcomes of all services and initiatives with material costs
- developing key performance indicators to measure outcomes of all services and initiatives with material costs
- publishing key performance indicators, service statistics, and expenditures quarterly

## Priority 3: Innovating services

LAO needs to be responsive to evolving needs and decisive in our leadership and delivery of services. We want to invest in the right technology to help us reduce costs, save time, and to make it easier for the people of Ontario to access legal aid services. LAO will:

- align services to client needs and efficiency goals
- identify service improvement opportunities based on client feedback, evolving needs, input from staff, stakeholders, and service providers, and best practices from other jurisdictions
- foster a culture of innovation and ensure effective decision-making
- implement a comprehensive digital strategy focused on interactive client services
  - Providing for the ability for clients to receive and submit documents through a secure portal, and
  - Permitting where possible access to legal aid services through an on-line application process

## Priority 4: Engaging staff

LAO will stand together as a united front and work collaboratively to ensure that we are consistent, deliberate and focused on supporting our people to be in the best position to move the organization forward into the future by:

- Implementing a comprehensive talent management strategy
- developing and implement mechanisms for engaging, communicating with and encouraging feedback from staff at all levels and locations

- continuing learning and development program for all staff
- fostering an inclusive and diverse workplace that reflects the people, cultures and languages of the communities we serve

## Priority 5: Collaborating effectively

LAO will collaborate with communities and other organizations to ensure that our services and resources are coordinated to work seamlessly across the justice system to achieve the best client outcomes. This will include:

- reviewing and clarifying Board Advisory Committee functions, roles and responsibilities to maximize participation from Board Advisory Committee members
- sharing information with academics, government and other stakeholders to support research and evidence-based decision-making
- facilitating prevention and early intervention programs for high-risk individuals and communities

### 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 portfolio and quarterly business plan reporting. The prioritization and resourcing of specific initiatives to address each of LAO's strategic priorities will be established in early 2019.

# Environmental Scan Highlights

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This section offers a selection of key implications that have been drawn from a more comprehensive environmental scan exercise. Each sub-section is intended to provide a high-level description of something that represents a particular risk or opportunity for LAO as it relates to business planning.

## Sustainability of financial eligibility

Sustainability is an important consideration for LAO, especially in the context of strategic planning. One aspect of sustainability for LAO is the financial eligibility thresholds for people seeking legal assistance. LAO has now implemented five increases to its thresholds as part of its proposed 10-year plan to increase financial eligibility thresholds to the low-income measure.

These increases have undoubtedly helped to address the gap between financial eligibility and what is considered the international standard for defining low-income. However, there is a maximum level that the thresholds will reach and, in the instance of duty counsel thresholds, that maximum has already been reached. The question of sustainability arises in the longer term (five to ten years) as LAO's thresholds will, once again, remain stagnant and the number of people who can qualify for legal aid services will continue to erode.

## Immigration and refugee

For the last several years, the most unpredictable area of law, as it relates to LAO, has been refugee law. The most impactful factor has been the multi-year trend of increasing number of refugee claimants in Ontario. This has seen the number of certificates issued by LAO more than double in the past four years. As LAO nears the historically high levels of certificate issuance, it remains uncertain whether the demand for services will level out or continue to rise.

The challenges with the legal aid determination process are not solely experienced by LAO. A federally commissioned review of the IRB had identified a number of recommendations for improving the efficacy of the system. The recommendations aim to align the work of the different agencies responsible for refugee determination, improve the efficiency of the system as a whole and make it more responsive to the highly variable flow of claimants to Canada. It will be important for LAO to monitor the federal government's response to the report as any changes to the system are likely to affect LAO.

For the last two years, LAO has benefited from one-time funding from the Federal government to address the increased costs of providing refugee services. However, the reactive one-time approach to resolving funding shortfalls does not enable LAO to effectively plan for future years.

## Private bar

During any given year, LAO interacts with thousands of private bar lawyers in the course of its regular business. Whether it is connecting clients with a certificate lawyer for representation, seeking advice for an area committee decision or scheduling for a duty counsel shift, LAO relies on the availability of private bar resources to be able to offer legal assistance across the province.

All available data, internally and externally, shows that there is a sufficient supply of lawyers across Ontario to provide legal aid services. Although there may be some localities where this is not the case, availability of private bar resources is an area of strength for LAO.

## Client focus

In 2018, LAO successfully tested a new method of obtaining feedback from LAO's certificate clients. Clients who have indicated that they wish to receive communication from LAO electronically will now receive an email survey from LAO, six months after being issued a certificate.

This allows LAO to obtain feedback directly from clients who have experienced LAO's certificate process from the application stage to receiving representation from a private bar lawyer. The ability to directly measure the certificate client experience means that LAO can monitor the impact of service changes on overall client satisfaction over time.

At the same time, LAO will also be collecting verbatim comments from clients which can provide additional insight about the client experience as written by the clients. Although the survey is limited to certificate clients only, it is a big step forward in terms of being able to receive direct client feedback about LAO's services.

## Indigenous Population and LAO Clients

According to Statistics Canada, there are about 374,000 people in Ontario who identify themselves as indigenous, the majority of whom (63%) are First Nations. One third of indigenous peoples live in Northern Ontario.

There were 260,550 indigenous people who could speak an indigenous language in 2016, up 3.1% from 2006.

The 2016 census reaffirmed indigenous people are both, young in age and growing in number. Since 2006, the indigenous population has grown 42.5% - more than four times the growth of non-indigenous population in same period. Statistics Canada expects this trend to continue.

This growth is attributed to increased life expectancy and relatively high fertility rates, but

also to changes in self-reported identification –that is more people are newly identifying as indigenous on the census

Although only 2.8% of the population in Ontario identify as indigenous more than one in five (21%) LAO criminal certificate clients identify as indigenous. That percentage is 16% for all other areas of law.

As an organization that directly serves people who are over-represented in the justice system, LAO has a unique opportunity to be part of the conversation about how this over-representation can be addressed.



# Inclusion and Diversity Plan

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Recognizing the need for our workforce to be reflective of the population we serve, LAO established an Inclusion and Diversity Committee in 2014. 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

## 2019/20 Priorities

- **Policy & Operations**
  - conduct a baseline demographic survey of all employees
  - determine what metrics can be improved
  - determine the right programs/supports required to achieve the goals
  - consult on interim diversity policy
  - implement all recommendations from LSO *“Working together for change report”*
  
- **Education**
  - host future inclusion symposiums
  - continue with monthly awareness campaigns
  - train to support frontline staff aligned to vulnerable client group strategies

# 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 (AODA)* and ensure LAO is accessible to all Ontarians with disabilities.

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,
- 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 materials into accessible formats (large font, Braille, audio, etc.) as required or requested,
- Meeting the requirements of the internationally endorsed Web Content Accessibility Guidelines (WCAG) 2.0, and
- Incorporating feedback mechanisms relating to accessible services to find out whether people are satisfied with our services, and if not, how we can improve.

LAO completed mandatory AODA compliance reporting for December 2017, noting in its submission to the Accessibility Directorate the following priority areas requiring action:

- **Policy documentation:** A refresh of LAO's AODA policy framework of public and staff-facing policies, procedures and guidelines,
- **Multi-year Accessibility Plan:** A renewal of LAO's strategy for preventing and removing barriers and meeting its AODA obligations, and
- **Training:** A review of LAO's accessibility training program.

# Budget summary

## Statement of Operations

(\$000s)	Budget 2018/2019	Forecast 2018/2019	Forecast 2019/2020	Forecast 2020/2021	Forecast 2021/2022
Government of Ontario	\$344,549	340,349	340,349	340,349	340,349
Financial Eligibility	86,320	86,320	106,400	120,100	120,100
Additional Gov't	20,862	18,012	9,565	13,105	12,387
Law Foundation	42,000	74,709	74,709	74,709	74,709
Other income	12,900	11,929	13,601	13,870	14,091
<b>TOTAL REVENUES</b>	<b>506,631</b>	<b>531,320</b>	<b>544,624</b>	<b>562,134</b>	<b>561,637</b>
Certificates	\$254,406	249,176	275,988	285,995	278,400
Clinics	97,802	96,592	101,645	101,645	101,645
Duty Counsel	60,733	58,306	61,218	61,191	61,178
Administration	41,050	36,116	41,396	41,658	41,652
Program Support	26,706	25,620	26,706	26,706	26,706
Other	25,933	22,996	37,671	44,938	52,055
<b>TOTAL EXPENDITURES</b>	<b>506,631</b>	<b>488,806</b>	<b>544,624</b>	<b>562,134</b>	<b>561,637</b>
<b>ANNUAL OPERATING SURPLUS/(DEFICIT)</b>	<b>\$0</b>	<b>\$22,514*</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$0)</b>

## Revenue

(\$000s)	Budget 2018/2019	Forecast 2018/2019	Forecast 2019/2020	Forecast 2020/2021	Forecast 2021/2022
Provincial Government	\$344,549	340,349	340,349	340,349	340,349
Base Funding	86,320	86,320	106,400	120,100	120,000
Provincial Base Funding	4,000	4,000	4,000	4,000	4,000
Federal Criminal Funding	4,114	4,114	5,585	9,105	8,387
Federal Refugee funding (One Time)	11,000	8,150	0	0	0
Federal Refugee Funding (Two Year)	1,748	1,748	0	0	0
<b>Total Government Funding</b>	<b>451,731</b>	<b>444,681</b>	<b>456,314</b>	<b>473,554</b>	<b>472,837</b>

Client contributions	\$11,300	10,068	11,701	11,870	12,091
Client and Other recoveries	700	1,002	800	800	800
Investment Income	400	560	600	700	700
Miscellaneous Income	500	300	500	500	500
Law Foundation	42,000	74,709	74,709	74,709	74,709
<b>TOTAL REVENUE</b>	<b>506,631</b>	<b>531,320</b>	<b>544,624</b>	<b>562,134</b>	<b>561,637</b>

## Expenses

<b>Client Programs</b>	<b>Budget 2018/2019</b>	<b>Forecast 2018/2019</b>	<b>Forecast 2019/2020</b>	<b>Forecast 2020/2021</b>	<b>Forecast 2021/2022</b>
Certificate Program	\$254,400	249,176	275,988	285,995	278,400
Clinic Program	97,800	96,592	101,645	101,645	101,645
Duty Counsel Program	60,700	58,306	61,218	61,191	61,178
Service Innovation	2,800	2,591	2,755	2,755	2,755
Program Support	26,700	25,620	26,706	26,706	26,706
<b>Total Client Programs</b>	<b>442,400</b>	<b>432,285</b>	<b>468,313</b>	<b>478,293</b>	<b>470,685</b>

Service Provider Support	\$7,300	6,750	7,350	7,350	7,350
Administration	41,100	36,116	41,396	41,658	41,652
Provisions, Depreciation, Bad Debt	15,800	13,655	27,566	34,833	41,950
<b>Total Expenditures</b>	<b>506,600</b>	<b>488,808</b>	<b>544,624</b>	<b>562,134</b>	<b>561,637</b>

# Organizational Health Performance Measures

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## Financial Indicators

Measure	Target	Current Assessment (As of Q2 2018/19)
<b>Balanced Budget</b>	No deficit	\$12.4M surplus (forecasted year-end)
<b>Debt Position</b>	Elimination of accumulated deficit	Net debt position of \$6.1M (forecasted year-end)
<b>Cash Flow</b>	\$15 million cash balance	\$88M cash balance (forecasted year-end)
<b>Administrative Efficiency</b>	Administrative costs as a % of total expenditures. 10% of total expenditures.	10.3% (forecasted year-end)

## Organizational Health Indicators

Measure	Target	Current Assessment
<b>Turnover</b>	10% exit rate is considered an optimal balance between a stable workforce and enough movement to allow growth and new experience.	12.18% (Oct. 1, 2017 to Sept. 30, 2018)
<b>Staff: Management Ratios</b>	Meet target of 10 to 1	Net debt position of \$6.1M (forecasted year-end)
<b>Sick Days</b>	Maintain average sick days below OPS average (10.1)	10.53 days/person
<b>Employee Engagement</b>	Public Sector Benchmark 72%	67% (2017)

## Client Service Indicators

Measure	Target	Current Assessment (Apr. 1, 2018 – Sept. 30, 2018) (unless otherwise noted)
<b>Timeliness of Service</b>	<b>Service Levels</b> Level 1 Client Service Centre – 80% of calls answered within 3 mins	Level 1 - 68%
	Level 2 Client Service Centre – 80% of calls answered within 20 mins	Level 2 - 51%
	80% same-day certificate decisions	76.1%
	80% of area office appeals heard within three days	57.9%
	87% application acceptance rates for certificates	86.1%
<b>Client Satisfaction</b>	Overall client satisfaction (target under review)	77% positive
<b>Access to Justice</b>	50% - Percentage of clients who would self-represent if not for LAO	45%
	1.7 million persons in Ontario are financially eligible for all of LAO's services	1.7 million

## Service Provider Satisfaction Indicators

Measure	Target	Current Assessment
<b>Lawyer Satisfaction</b>	60% Overall lawyer satisfaction	53% (Q3 2017/18)

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