

LEGAL AID ONTARIO
2022-23
2024-25
PUBLIC BUSINESS PLAN



LEGAL AID ONTARIO

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Approved: March 30, 2022

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français.

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

Executive summary

Legal Aid Ontario's business plan provides an overview of LAO's future direction in the context of its mandate, strategic plan and direction from the Attorney General and Province. This plan also communicates LAO's priorities for stakeholders and staff.

The process for generating the business plan includes:

- a review of past business plans
- an environmental scan discussion with the Board and senior management
- a review of LAO's five-year strategic plan and the 2021 agency mandate letter from the Attorney General
- a review of current and anticipated operations
- gathering three-year plans from the corporate services departments (Finance, HR, IT, Facilities, etc.); and
- a risk assessment and review.

Key developments in 2021 that have influenced the development and content of this business plan include:

- The proclamation of the [Legal Aid Services Act, 2020](#) (LASA, 2020), through which the inaugural set of Rules came into force. Over the last two quarters of 2021-2022, policies have been finalized and the process of implementing LASA, 2020 is largely complete.
- LAO and the broader justice system have started the process of recovering from the COVID-related lockdowns. This has involved the review of various infection control measures and workplace issues along with updated processes that are the result of remote work.
- The agency mandate letter, received Sept. 20, 2021, outlining the government's direction to LAO. In this letter, the minister has emphasized how LAO must work to ensure core services are delivered efficiently to eligible Ontarians, and further, that LAO work with justice partners to re-establish court services and address COVID-related backlogs.
- The progress LAO has made towards a full array of digital first services for clients as well as partners in the legal profession. In doing so, this business plan will include priority initiatives that satisfy LAO's modernization mandate and the [Ontario Onwards: Ontario's COVID-19 Action Plan for a People Focused Government](#).

LAO mandate

While LAO is governed at arm's length from the Ministry of the Attorney General (MAG), it is central to the ministry's effort to provide "...a fair and accessible justice system that reflects the needs of all Ontarians."¹

The recently proclaimed LASA, 2020 gave rise to a review of LAO's mandate. This review confirmed that LAO is mandated to provide essential legal services to low-income Ontarians in the areas of law set out in the legislation (Section 3). Further, that LAO directs employees and partners with various service providers (individuals and entities) to meet client needs.

While ensuring the sustainability of the programs, LAO is expected to oversee services that:

- promote access to justice
- are efficient, effective and high-quality
- are provided in a client-focused, innovative, transparent and accountable manner
- are responsive to the needs of low-income individuals and disadvantaged communities in Ontario
- promote early resolution, where appropriate, and
- are co-ordinated with other aspects of the justice system and with community services.

LAO acts on its legislative mandate with careful regard for its Statement of Principles (full text in Appendix D) which includes:

- Respecting and advancing the principles of human rights and equity
- Living out our organizational values and achieving our strategic plan
- Complying with the letter and spirit of the *Accessibility for Ontarians with Disabilities Act* and the *French Language Services Act*; and
- Fostering a shared commitment to our clients with all the legal service providers who share this mandate and these principles with LAO.

1 <https://www.ontario.ca/page/ministry-attorney-general>. "What we do"

Strategic overview

In this business plan, Legal Aid Ontario continues its pursuit of strategic goals through the final years of the corporation's [Five-Year Strategic Plan](#) (*Strategic Plan*) that was first adopted in 2018 and reviewed in 2020. This plan is also informed by the direction received from the Attorney General in the agency mandate letter of Sept. 20, 2021.

The strategic goals that guide the organization's work include:

1. Client-centred focus
 - We will put clients at the centre of everything we do and measure the impact of our services for clients.
2. Demonstrated 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 the supports they need to provide services to clients.
5. Effective collaboration
 - We will partner with the justice system to improve the coordination and effectiveness of services.

In July 2020, Ontario passed the new LASA, 2020. This Act was proclaimed into force on Oct. 18, 2021. Ensuring the final implementation of the inaugural Rules and policies under this new act is the priority work of the first phase of this business plan.

LAO continues its work to establish more stable funding of its core programs. After reducing expenditures in 2019-20 and experiencing reduced accounts payable that are attributed to reduced court activity in 2020-21, LAO must now look at creating stable revenues that can sustain the expected return to normal court volumes and the attendant expense over this plan horizon. The focus of these efforts is the variable funding from the Law Foundation of Ontario (LFO). For context, in 2019-20, LFO funding totalled \$105 million, which was over 20% of total revenue for that fiscal year. The current forecast (as at November 2021) is \$48 million for 2022-23, with LFO revenue increases forecast in the next two years.

The agency mandate letter from the Attorney General sets direction for LAO in both general terms (as an agency in Ontario) and specifically outlines the minister's expectations as to how LAO will meet its mandate.

Part of LAO's response to the opportunities of the new legislation, our fiscal challenges, and the agency mandate letter continues to be our Modernization Strategy. This initiative sees LAO finding ways to improve client service, improve administrative efficiency, and add

more modern digital tools to LAO's service menu.

The business plan that follows is generated from a review of the organization's operating environment, ministry priorities, the strategic plan and consultations with LAO's Board and senior management. Our objectives are organized to show how they support the achievement of strategic goals as set out below.

Strategic goal 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.

Deliverables and measures

- In 2022-23, LAO will focus on bringing the client voice into decision-making through:
 - consultation under the new legislated policy that will be tracked and reported to the Board and MAG
 - an update to the mandate and approach to Board Advisory Committees where there will be an increase in the participation on each committee by clients and agencies that can bring the client voice to LAO's policy conversations; and
 - developing additional ways of receiving direct client feedback either through client surveys or town hall sessions.
- LAO will measure the effectiveness of different service channels through a combination of quantitative and qualitative analysis for the purpose of ensuring services are most effectively meeting client needs. This process will include:
 - expansion of client satisfaction measures and indices
 - analysis of costs and effectiveness of various services. Measures will include assessment of costs against client outcomes
 - continued review of client access to LAO services. Simpler, more widely available, and user-friendly client access will be the key measure of success
 - creation of communications for stakeholders that describe the value of access to legal services; and
 - implementation of a customized client-centred approach for marginalized communities and vulnerable client groups (policy strategies, including prevention and early intervention programs).

Strategic goal 2: Demonstrating value for money

LAO will maximize every dollar spent on activities that will most benefit LAO clients. 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 on a regular basis.

Deliverables and measures

LAO will:

- design and deploy a risk-based clinic assessment process to focus attention on high-risk clinics
- work with MAG to achieve fiscal stability and cash flow management. Success will be the degree to which LAO is able to forecast stable sources of income for an increasing proportion of the total budget. Currently, 60% of the total revenues can be understood as stable (long term, non-variable commitments)
- evaluate LAO's leasing portfolio and make changes appropriate to post-COVID work arrangements. Success will be measured by reduction in the lease footprint
- continue to refine key corporate performance indicators to guide measurement and analysis and report to stakeholders quarterly; and
 - In 2022, LAO will be adding performance measures for clinics
- continue LAO's review of internal control policies to ensure transparency and rigour in financial management and reporting.

Strategic goal 3: Innovating services

LAO must be responsive to evolving needs and decisive in our leadership and delivery of services. LAO needs 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.

Deliverables and measures

LAO will:

- develop and deploy an intake plan that leverages innovative technology, new in-person service arrangements, and updated policies to eliminate barriers for client service. Success is measured by data showing how quickly clients are connected to the service they need
- build advanced public legal education and information (PLEI) services in concert with partners to make information and basic self-service available to more Ontarians. Success will be measured by the availability of new PLEI services for all

Ontarians; and

- continue to build the infrastructure necessary for proper oversight and deployment of all aspects of LASA, 2020. In particular, LAO will develop and roll out a process to manage consultations under Section 33 and will implement new policy development processes that reflect the changing relationships that LAO will have with service providers and stakeholders under LASA, 2020.

Strategic goal 4: Engaging staff

LAO will work collaboratively to ensure that we are consistent, deliberate and focused on supporting our staff to be in the best position to move the organization forward into the future.

Deliverables and measures

LAO will:

- design and deploy post-COVID hybrid work arrangements, specifically:
 - updating policies and processes related to remote work
 - identifying all accommodations and restrictions related to in-person work; and
 - developing various programs and policies to support employee wellness.
- advance its succession programs and targets:
 - build on its mentorship program by initiating two new instances of the program in 2022-23; and
 - foster the creation of internal candidate pools for all director level positions and above.
- establish Equity Diversity and Inclusion (EDI) measures in human resources policies such as succession, training and recruiting; and
- respond and communicate action plans related to both the EDI survey and the Employee Engagement Survey with specific measures that address key drivers of concern raised in the surveys.

Strategic goal 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.

Deliverables and measures

This will include:

- sharing information with academics, government and other stakeholders through open data initiatives to support research and evidence-based decision-making. Specifically, LAO will continue projects related to bail and evaluation of services for indigenous and racialized clients
- remaining a valuable and innovative partner in courts re-opening and backlog reduction efforts
- creating a community council consisting of Elders/Knowledge Keepers, youth, and representatives of different Indigenous Nations and Indigenous staff across Ontario to advise on all matters of policy and training
- responding to the recommendations of the Gladue Evaluation report and the review being led by Dr. Beverly Jacobs on delivering legal aid services to Indigenous communities in Ontario; and
- establishing and participating in a province-wide working group of agencies supporting victims/survivors of domestic violence to address client concerns and streamline access to emergency advice services.

Key environmental considerations for 2022-25 business plan

LAO's three-year business plan includes consideration of the following environmental factors:

Pandemic recovery

LAO is a key partner in the justice system's efforts to return to in-person services and, where appropriate, making some remote services permanent. In this plan, LAO moves from managing services under pandemic-related restrictions toward recovery-based measures and policies that include the return of in-person services (and the continuation of remote services in some areas of court/tribunal operations). Specifically, LAO will be working with the ministry to address court system backlogs that have emerged during the pandemic. Some recovery initiatives, like eliminating the backlog, are driven by other actors in the system and, consequently, resources may end up being diverted from planned initiatives to meet the demands of these initiatives.

Structural funding/demand imbalance

LAO depends on the contribution from the LFO to support operational expenditures. This funding source is highly variable because it is generated by interest-rate sensitive trust accounts. Over the last fourteen years, funding from this source has ranged from just under \$5 million (2010-11) to almost \$105 million (2019-20). In four years of the fourteen noted above, LFO funding from this source decreased between 28% and 83%.

During this planning period, LAO will continue its work to achieve funding stability that will increase its ability to proactively plan its services and support LAO being a reliable partner to our service providers and clients.

In order to sustain services at 2020-21 levels (court-based staff, clinic, and certificate services were reduced to address the first \$133 million provincial base funding reduction in 2019-20). LAO expects that, over the next two fiscal years, it will require additional funding to cover LFO shortfalls to cover core operational expenses.

In the first year of this plan (2022-23), one-time support from the provincial government at the end of the fiscal year 2021-22 will reduce the likelihood of cash flow issues that could potentially lead to service cuts. Specifically, in March 2022, the government has provided \$20 million in support of LAO core services. In the forecast for the following two years, it is expected that continued increases in mixed trust account balances and interest rate increases will result in significantly greater LFO revenues that will close the funding gap

and allow LAO to maintain services at immediate pre-pandemic levels.

Legal Aid Services Act, 2020 (LASA, 2020)

The *Legal Aid Services Act, 2020* (LASA, 2020) was proclaimed into force on Oct. 18, 2021. As at that date, the new rules regime came into force along with policy tools that ensure that the rules can be properly applied. The work of implementing policies and processes will continue in the coming year and is coordinated through the Modernization Office.

LAO has completed agreements with all clinics and will be working with LAO's entity service providers (including Nishnawbe Aski Legal Services Corporation) to create an application process for future years.

Further, LAO is developing roster standards that will become part of LAO's satisfying the need to ensure that clients are receiving the best services from the best of the legal profession.

Equity, Diversity, and Inclusion

LAO has built client-focused programming along with initiatives inside the organization that have helped leadership understand the challenges that our diverse client and employee groups face as they receive or deliver LAO services.

In addition, LAO is refining and finalizing a multi-year EDI Strategic Framework and Operational Plan. Key activities in the coming year will include:

- embedding inclusion principles, practices and goals into everyday HR management
- being deliberate about diversity goals when hiring for all levels of the organization, including management and executive roles; and
- identifying learning opportunities, resources and tools for all employees.

Modernization and digital strategy

LAO's Modernization Strategy (Modernization) continues to build on the Strategic Plan, the 2018 Auditor General of Ontario's Annual Report recommendations, the new LASA, 2020, and recommendations and proposals received through LAO's various town halls, consultations and surveys. Modernization will also leverage the work undertaken by LAO's design teams, which were tasked with developing modernized service delivery proposals.

Initial modernization efforts have focused on the implementation of LASA, 2020, and will

expand their focus in 2022-23 to include clinic modernization, tariff modernization, universal intake, redesigning the lawyer billing portal, and other projects aimed at service reforms and transformation, including continuing to enhance a client online application.

Modernization also builds on the rapid adoption and implementation of technology and digital services throughout the justice system resulting from the pandemic. LAO's digital strategy aims to achieve the adoption of [Ontario's Digital Service Standard](#) within Legal Aid Ontario. Success will be a combination of long-term and short-term approaches. The focus of long-term work will be to foster greater digital service literacy, develop the capacity of necessary digital skillsets and ensure alignment across multiple digital initiatives. In the short-term, the focus of the strategy will be to work alongside the team responsible for the Client Portal to pilot the adoption of digital best practices including, user-research, agile development, and service design.

Governance

LAO's board governance structure includes four committees (Audit & Finance, Operations, Human Resources, and Nominating & Governance). These committees review matters brought forward by management, and make recommendations to the board of directors in their respective areas of responsibility. Each committee has a charter setting out its mandate, with the chair responsible for reporting to the full board of directors.

Current board appointees and terms of office

Name	Title	Nomination/ appointment	Term of office	Lawyer	Effective date	End date
Steve Pengelly	Chair	Attorney General	3 years	Yes	April 14, 2022	April 10, 2025
Judy Mintz	Board Member	Attorney General	3 years	No	March 5, 2020	March 4, 2023
Jennifer Gold	Board Member	Law Society	2 years	Yes	Dec. 10, 2020	Dec. 9, 2022
Peter Johnson	Board Member	Attorney General	2 years	Yes	Jan. 7, 2021	Jan. 6, 2023
Deborah Moriah	Board Member	Law Society	2 years	No	Jan. 7, 2021	Jan. 6, 2023
John Callaghan	Board Member	Law Society	2 years	Yes	Jan. 14, 2021	Jan. 13, 2023
Bryn Gray	Board Member	Law Society	2 years	Yes	Jan. 14, 2021	Jan. 13, 2023
Christopher Uwagboe	Board Member	Attorney General	2 years	Yes	April 8, 2021	April 7, 2023
Julia Bailey	Board Member	Attorney General	2 years	Yes	April 29, 2021	April 28, 2023
David Field	President & CEO / Ex Officio Board Member	LAO Board of Directors	N/A	No	Jan. 1/16	N/A

Current committee membership

Audit and finance	Operations	Human resources	Nominating and corporate governance
<p><u>Chair</u> Jennifer Gold</p> <p><u>Vice Chair</u> John Callaghan</p> <p><u>Membership</u></p> <ul style="list-style-type: none"> • Judy Mintz • Julia Bailey • Steve Pengelly, non-voting member • David Field, ex-officio non-voting member 	<p><u>Chair</u> Christopher Uwagboe</p> <p><u>Membership</u></p> <ul style="list-style-type: none"> • Deborah Moriah • Bryn Gray • Steve Pengelly, non-voting member • David Field, ex-officio non-voting member 	<p><u>Chair</u> Vacant</p> <p><u>Membership</u></p> <ul style="list-style-type: none"> • Judy Mintz • Peter Johnson • Steve Pengelly, non-voting member • David Field, ex-officio non-voting member 	<p><u>Chair</u> Steve Pengelly</p> <p><u>Membership</u> Full Board of Directors</p>

Overview of programs and activities

LAO provides approximately one million legal services annually through staff, certificate, and clinic service providers.

Administratively, LAO consists of a provincial office, located in Toronto, and six districts based on the Ontario judicial districts. The districts are as follows (with court locations noted in brackets):

- **North District** (Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Timiskaming, Sudbury, and Parry Sound)
- **East District** (Hastings, Lennox and Addington, Frontenac, Leeds and Grenville, Lanark, Renfrew, Ottawa, Carleton, Prescott and Russell, Stormont, Dundas and Glengarry)
- **Central East District** (Haliburton, Bracebridge, Peterborough, Cobourg, Durham, Kawartha Lakes, Orillia, Newmarket, and Barrie)
- **Central West District** (Norfolk, Haldimand, Brant, Hamilton, Niagara, Halton, Peel and Dufferin)
- **West District** (Essex, Lambton, Chatham-Kent, Bruce, Grey, Huron, Perth, Oxford, Elgin, Middlesex, Guelph/Wellington and the Region of Waterloo)
- **Toronto District** (East York, Etobicoke, North York, Scarborough, Old Toronto).

Intake and eligibility services

Legal aid intake and eligibility services are available through:

- a) Calling LAO's contact centre toll-free from anywhere in Canada. Service is provided in more than 300 languages, including 18 Aboriginal languages and dialects, through simultaneous interpretation services.

LAO's contact centre provides general information on the range of legal aid services available, how to apply and who is eligible. In addition, the contact centre provides referrals to other programs and services, such as duty counsel, community legal clinics, Student Legal Service Organizations, 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.

Lawyers who do legal aid work can call the contact centre for information on, including but not limited to: tariff, billing, account status and technical support. The contact centre serves as a first point of contact for most lawyers' inquiries.

Figure 1 illustrates the number of phone calls answered by the contact centre. 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 and refugee law. Clients can also apply for a legal aid certificate.

FIGURE 1: Number of calls answered over the phone

Service level/type	2016-17	2017-18	2018-19	2019-20	2020-21
Phone - Tier 1	295,186	285,154	288,469	283,636	260,784
Phone - Tier 2	114,505	100,310	111,694	111,049	89,762
Phone - In-custody clients*	31,827	32,822	34,842	37,295	27,773
Phone - Lawyer Service Centre*	44,409	46,538	44,230	40,058	32,519

In-custody clients

LAO also offers a service dedicated to helping people who are incarcerated across the province. Staff take calls directly from inmates to determine legal aid eligibility, process applications, and issue certificates as well as conduct status checks on submitted applications.

Lawyer Service Centre (LSC)

Lawyers who do legal aid work can contact the call centre for tariff, billing, account status and technical support. This group serves as a first point of contact for most lawyers' inquiries.

- b) Applying for a limited **online certificate**, via an online portal launched in May 2021. Eligible clients can apply and also check the status of their application(s), submit documentation, and update their contact information.

Immigration and Refugee law continues to be the predominant area of law applied for online. Immigration and Refugee calls are longer due to the required level of assistance with interpreters, so having the ability to apply online alleviates service barriers for these clients contacting by phone.

Family applications where domestic violence is involved is the second most

predominant area of law applied for online, highlighting that online access to services is vital for vulnerable or at-risk clients.

Client Portal data from May to November 23, 2021

- Number of applications successfully initiated and submitted online since launch: 1,408
 - Number of clients who visited to upload documents, review status of application or change profile information: 2,718
 - Tasks completed by Portal users:
 - **46%** are status checks, uploading documents, changing profile information
 - **42%** are applying for a certificate
 - **12%** Other
 - Client satisfaction survey results:
 - **85%** of survey respondents indicated it was very easy or somewhat easy to complete their goal.
 - **60%** of survey respondents indicated they were very satisfied or somewhat satisfied with their experience.
- c) Receiving a **legal aid certificate** issued by LAO staff in district offices, court locations and through LAO's contact centre or online through the Client Portal, to retain a private bar lawyer to represent them in proceedings before criminal or family courts and administrative tribunals, including the Immigration and Refugee Board.

Each year, thousands of lawyers across the province provide legal services as part of LAO's certificate program. Throughout the lifetime of a court case, LAO manages the financial cost of the lawyer's work. LAO provides billing guidelines about the work covered by a certificate, the hourly rate payable, and the maximum hours that LAO will cover for different legal matters. Certificates can be amended to authorize additional work and to cover other costs.

LAO also provides oversight and support throughout the case as part of its obligation to its clients and the taxpayers who fund the legal aid system. LAO staff working at courthouses or on the phone assess whether an individual qualifies for legal help from LAO, and what kind. A formal application is then created, and, if approved, a certificate is issued.

Certificates state the type of service and length of time LAO will pay for a lawyer to complete the service based on the typical amount of work required for the service. Once a certificate is issued, a client can choose any LAO-roster lawyer to represent them. The overall proportion of certificates where a client obtains a lawyer is high but shows some variance between different areas of law.

When clients receive a legal aid certificate, they can take it to one of more than 3,200 private bar lawyers in Ontario who accept legal aid certificates.

The average lifetime of a certificate can be influenced by court scheduling, legislative changes, the duration of legal proceedings (e.g., matters that go to trial have a longer lifetime), and a lawyer’s billing practices (there is an 18-month billing deadline from the day a certificate is issued).

Figure 2 illustrates the total number of legal aid certificates issued by year, and by area of law.

FIGURE 2: Legal aid certificates issued by area of law

Area of law	2016-17	2017-18	2018-19	2019-20	2020-21
Criminal	63,855	56,777	60,408	60,097	52,068
Family	30,303	27,049	29,401	24,055	28,302
Immigration and refugee	12,658	13,687	16,181	15,502	6,750
Other*	5,293	5,360	5,598	5,654	7,789
Total certificates issued	112,109	102,873	111,588	105,308	94,907

* Other includes matters before the Consent and Capacity Board, prison law matters, and those matters before other civil tribunals

The following service changes were implemented starting in March 2020 to increase supports for those hit hardest by the social, health, and economic impact of the pandemic. The following provisions are being monitored to determine how long they may be required:

- Revised measures for financial and legal eligibility testing, including the waiving of financial and legal assessments for in-custody accused, victims of domestic violence, families with Children’s Aid Society matters, and detained psychiatric patients.
- Expanded certificate coverage for psychiatric patients, including for emergency/urgent treatment applications on Consent and Capacity Board appeals to the Superior Court.
- New three-hour certificate authorization to respond to June 2020 Immigration and Refugee Board and Refugee Appeal Division requests for specific or updated submissions.
- Additional coverage for lawyers attending new mandatory judicial pre-trials to address the backlog of adjourned criminal law cases.
- Extending certificate eligibility to inmates, under both provincial and federal legislation,

seeking early release due to the high-risk of contracting COVID-19 while incarcerated.

Figure 3 illustrates the number of private bar lawyers who acknowledge LAO certificates and represent legally-aided clients in court.

FIGURE 3: Number of lawyers acknowledging LAO certificates

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of lawyer	3,440	3,430	3,418	3,326	3,266

LAO monitors the quality of the work of its legal service providers by setting quality standards for different rosters, requiring lawyers to submit an annual self-report, conducting spot audits of roster members, 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 roster lists.

Legal services

Legal aid's legal services are delivered through:

- a) Speaking with a **duty counsel** lawyer or an LAO staff worker. Duty counsel services safeguard the rights of clients and provide assistance at all stages in the court process. Duty Counsel have an integral role in the overall administration of the courts, in cooperation with court services and judiciary staff. Duty counsel services are provided remotely either by staff lawyers, or by private bar lawyers who are paid on a per diem basis, via courthouses in Ontario including more than 30 remote and fly-in locations. Duty counsel lawyers provide frontline advice, information and representation to individuals who would otherwise be unrepresented and unassisted.

Duty counsel assist eligible clients who appear on the day of their hearing without private legal representation. Often they help the same client multiple times on different occasions and for different matters. In recording the number of clients served, duty counsel may report up to three services provided through an assist.

In appropriate cases, especially vulnerable clients facing criminal charges, clients can be referred to the Senior Counsel Program. This program provides full-service representation including trials and appeals, through a staff lawyer model across the province, to clients who meet the duty counsel financial guidelines and who are unable to access justice without this assistance.

Figure 4 illustrates the total persons assisted by duty counsel, by year, and by area

of law.

FIGURE 4: Total persons assisted by duty counsel and area of law

Area of law	2016-17	2017-18	2018-19	2019-20	2020-21
Criminal	460,988	508,679	516,160	516,759	377,694
Civil*	144,989	139,977	138,063	101,927	55,544
Total	605,977	648,656	654,223	618,686	433,238

**This category consists largely of people assisted in family law courts.*

- b) Assistance from one of the 72 independent, LAO-funded community legal clinics, assisting low-income Ontarians with issues such as income maintenance and landlord and tenant disputes. Details can be found in the Initiatives Involving Third Party section of this document (page 39).
- c) Receiving public legal education or legal advice and representation from volunteer law students at one of the seven university-operated Student Legal Service Organizations that LAO funds. Minor criminal matters, landlord and tenant disputes, immigration issues, workers' rights and tribunal matters are among the issues that these organizations deal with.
- d) 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.
- e) Speaking with staff lawyers in the Summary Legal Advice program who provide limited legal advice and public legal information over the phone. LAO continues to expand this model.
- f) Calling a toll-free Francophone legal advice line for French-speaking clients, if in the Greater Toronto Area (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 in French.

- g) The Senior Counsel Program (SCP) is an LAO service that sees LAO clients represented by staff lawyers through the life of the qualifying legal matter, from bail through resolution, trial or appeal.
- The typical Senior Counsel Program client profile includes clients with multiple vulnerabilities, including homelessness, alcoholism, physical illness, addiction issues, cognitive issues, chronic ailment issues, and are frequently members of racialized groups. The profile also indicated that the clients had multiple charges that resulted in several cases being open per client. The program represents clients facing all types of charges under the *Criminal Code*, *Youth Criminal Justice Act* and *Controlled Drugs and Substances Act*.
 - In fiscal year 2020-21, the case inventory for the SCP started at 780 active files and, over the course of the year, dropped to 541 by the end of the fiscal year. This is a consequence of reduced court activity during the pandemic along with personnel changes in the program that reduced capacity to take on cases.

Providing service continuity in a pandemic environment

Fiscal year 2020-21 was a year that presented unprecedented challenges posed by the COVID-19 pandemic. As a result of these obstacles, LAO was preoccupied with bridging its regular in-person services to a remote mode of service delivery, coupled with conducting advance planning for a safe return to in-person services. These challenging circumstances have also presented remarkable opportunities for modernizing service delivery and meeting LAO's clients in a virtual realm, where they are becoming more comfortable. LAO is well positioned to demonstrate its flexibility and ability to adapt to the changing needs of its clients and the justice sector in the intermediate future.

While the criminal courts continue to operate below pre-pandemic levels (16% fewer cases received in first months of 2021 compared to same period in 2019), LAO's operations have returned to near pre-pandemic levels (8% fewer assists than 2019). In terms of volumes served, LAO has re-opened and can expect that volumes will exceed pre-pandemic levels when courts become fully operational.

LAO's family duty counsel program has continued as it was prior to COVID-19 with modifications as required for remote operations. In response to the challenges presented by moving to a remote model, LAO developed and implemented several service enhancements, including introducing temporary financial eligibility waivers and expanding document preparation services. The move to remote services created challenges for LAO, its clients and its stakeholders including engaging clients to use remote services, duty counsel's access to clients and documents the day of court, and recognition of the services

duty counsel provides for clients even though it is now remote and no longer visible to the court and others. While many challenges have been resolved, others continue to be worked on in collaboration with stakeholders.

Supporting the court recovery process

Case Management Court (CMC)

The Ministry of the Attorney General (MAG) shifted to virtual proceedings for Case Management Court beginning Aug. 10, 2020. Since that time, all duty counsel services have been provided remotely. The role of LAO duty counsel has been to assist eligible accused with disclosure review, crown pre-trials, resolutions and referrals to the certificate program or to Senior Counsel. For accused who are not financially eligible, duty counsel provide legal information and referrals to other resources.

Judge-led Intensive Case Management Court (JICMC)

There is currently a backlog of approximately 15,000 cases in the Ontario Court of Justices' (OCJ) case management courts that are approaching the Jordan timelines. In order to clear this backlog, the OCJ has created a new Judge-led Intensive Case Management Court (JICMC). The aim of this court is to either get matters resolved or set for trial. The OCJ has requested that LAO services be provided to all self-represented accused in these courts regardless of financial eligibility. LAO and MAG have collaborated to find a solution which involves the issuance of limited scope retainer certificates. The new JICMC certificates will pay LAO roster members a block fee of \$1055.19 to provide legal services in JICMC leading to either a plea or the setting of a trial date.

Planning for return to in-person services

In August 2020, LAO retained a third-party agency to lead risk assessments conducted on LAO workspaces to ascertain the readiness and capability to facilitate a return to in-person services. In total, the LAO assessment process included 92 locations (72 courthouses and all LAO staff spaces).

The scope of the risk assessments includes all areas where LAO staff worked within a courthouse or office space, and included, where relevant, a verification of MAG controls already in place. The Risk Assessment process has been a multi-departmental project within LAO, led by the Regional Services Division and with significant assistance and support from other key departments within the organization, including Occupational Health and Safety, General Counsel, Human Resources, Facilities and Communications. Currently, LAO is working towards having staff begin to return to LAO-designated spaces in April 2022, working within a hybrid model. Details can be found in the Facilities Strategy section of this document (page 42).

Other client service programs and initiatives

Community Justice Centres program pilot

MAG Community Justice Centres (CJCs) move justice out of the traditional courtroom and into a community setting. These centres bring together under one roof: justice, health, employment, education and social services to address the root causes of crime, break the cycle of offending, and improve public safety and community well-being. Services are tailored to the local community needs, and client participation is voluntary. LAO staff duty counsel provide duty counsel services including: intake, bail/release planning, case management, resolution, guilty pleas, withdrawals, and diversion. Currently the pilot is being run in London, Kenora, Toronto Downtown East and Northwest, Ontario.

Core client strategies

A key priority for LAO in 2022-25 is to continue the transformational work outlined in the Racialized Communities Strategy and Aboriginal Justice Strategy Consultation Report.

Both of these LAO Board-approved strategies, developed through extensive consultations with communities across Ontario, provide LAO with a roadmap to address systemic access to justice issues. These strategies will continue to support key government priorities and the achievement of key aspects of LAO's 2022-23 Mandate Letter by ensuring high quality services to people in Ontario.

The transformational nature of these strategies will require LAO to continue to partner with the provincial government and other stakeholders to ensure their success through appropriate resourcing. The following provides a high-level overview of LAO's key priorities for both strategies in 2022-25:

LAO's Racialized Communities Strategy

In 2020, LAO released the Racialized Communities Strategy (RCS), which commits LAO to 17 specific objectives to be achieved over 10 years. The RCS has developed a province-wide plan to achieve measurable improvements in the effectiveness of LAO's services for members of Black and racialized communities and to improve access to justice.

The RCS aims to address the barriers to accessing LAO's services, concerns regarding the quality of legal services provided to racialized people, and the need for concerted efforts to address individual and systemic racism in the justice system.

Racialized Communities Strategy: Key projects

LAO aims to deliver several key RCS projects during 2022-2025 that will have significant impact on Black and racialized communities, and that align with and support the government's priorities set out in Ontario's Anti-Racism Strategic Plan. Specifically (a) support and report on race-based data collection; and (b) give Black, Indigenous and racialized young people an equal opportunity to succeed.

The collection of race-based information

Similar to the Anti-Racism Directorate and the Directorate's Anti-Black Racism Strategy, LAO believes that the collection of race-based data will lay the groundwork for long-term change. It allows LAO to identify and monitor systemic racial disparities, and develop and measure the impact of programs intended to eliminate systemic racial barriers.

Since 2018, as part of LAO's commitment to better service, LAO has asked its clients to voluntarily indicate if they self-identify as part of a racialized group, and if so, to provide details about which racialized group(s) they identify with. LAO currently collects race-based data when an individual applies for a legal aid certificate and/or when they access services from criminal duty counsel in the courthouse. The RCS plans to continue to build on LAO's collection of race-based information over the next few years in order to identify and address racial disparities in outcomes and services. The RCS will:

- **Expand data collection to include bail and case outcomes**

Effectively measuring outcomes based on Indigeneity and race is the first step in addressing systemic barriers faced by Indigenous, Black and racialized people in Ontario.

Since July 2021, LAO has started to build on the information that it already collects from clients by normalizing collection and standardizing the completion of bail outcome information in bail proceedings in its tools and programs.

The aim of these initiatives is to allow LAO to marry outcome data with the data it collects on race in order to identify and report on racial disparities in bail proceedings and case outcomes in Ontario. The information gathered will allow LAO and justice sector actors to better address the systemic barriers faced by Indigenous, Black and racialized clients in bail proceedings, through training for staff and legal service providers and the judiciary. It would also inform the development of policy, legislation and programs or services aimed at removing systemic discrimination in the justice system and advancing racial equity.

The ongoing ability to report on this will also allow LAO and other justice sector actors to better measure and evaluate the progress and outcomes of any programs or policies developed to address disparities.

- **Expand LAO’s focus on overrepresentation and racial disparities to include child welfare**

The RCS will increase anti-racism training in family law services. Training will specifically focus on the real-world implications of systemic anti-Black racism, and the role that racism plays in the overrepresentation of Black and racialized children in the child welfare system. This training will include the importance of collecting race-based data as well as how to collect this data in a culturally safe manner.

LAO will work with community and justice sector partners to develop Public Legal Education and Information, lists of resources, and additional supports for Black and racialized families.

- **Develop and encourage diversity and inclusion**

As outlined in LAO’s 2022-23 Mandate Letter, developing and encouraging diversity and inclusion initiatives and promoting an equitable, inclusive, accessible, anti-racist and diverse workplace will be a key priority.

LAO’s long-term goal is to ensure the percentage of employed racialized people at all levels of LAO is at least equal to representation of racialized people among low-income Ontarians. In order to achieve this, LAO will update recruitment policies and create recruitment training and a toolkit for managers with resources to support unbiased practices in recruitment.

- **Expand access to interpretation services**

The RCS aims to improve access to interpretation services across the services LAO funds. This includes those available to duty counsel and to clinic lawyers who appear before tribunals, which do not generally provide interpreters. The current interpretation disbursement rates for roster members are low, which can discourage roster lawyers from accepting certificates.

A lack of interpretation services can lead to delays as clients can be detained for longer periods because Justices of the Peace need to ensure that the accused understands the terms of their bail conditions.

- **Improve digital delivery**

The RCS will aim to support LAO’s digital modernization strategies for online service delivery through expanding LAO’s Find a Lawyer tool to allow lawyers to self-identify race, and to allow clients to search by race. This change will enable improved client service through the provision of culturally safe and responsive services for particularly vulnerable individuals.

LAO's Aboriginal Justice Strategy (AJS)

LAO plays a critical role in the justice system in Ontario through the provision of legal aid services to Indigenous Peoples and funding to Indigenous service providers.

In 2016, LAO committed to working with Indigenous communities and all levels of government to implement the Truth and Reconciliation Commission's (TRC) 94 Calls to Action, particularly those addressed to the justice community.

In June 2021, LAO's Aboriginal Justice Strategy (AJS) released *Relationships First, Business Later: Part I*. The first part of LAO's province-wide consultation report focused on the effectiveness of the AJS and LAO.

Relationships First, Business Later: Part II, will be drafted along with recommendations that will be focused on the unique experience and reality of the communities within the Nishnawbe Aski Nation (NAN) territory once the pandemic no longer poses a threat to the health and safety of all those involved.

In order to continue to improve legal aid services to Indigenous clients and communities and meet LAO's commitments related to the TRC and those set out in *Relationships First, Business Later: Part I*, the following key initiatives have been launched by LAO:

- An independent review of how to improve legal aid services to Indigenous Peoples led by Dr. Beverly Jacobs, a member of the Mohawk Nation of the Haudenosaunee (Iroquois) Confederacy, Bear Clan and Associate Dean at the Faculty of Law, University of Windsor. The report will determine the most appropriate LAO organizational structure to respond to Indigenous community feedback, increase access to justice for Indigenous Peoples, and strengthen LAO relationships with Indigenous Peoples.
- A comprehensive review of LAO's Gladue report writing services. Since 2014, LAO has invested approximately \$10 million for the funding of Gladue report writing services through transfer agreements to Indigenous organizations that hire report writers to provide these Gladue services.

The recommendations from these two reviews will provide LAO with a clear roadmap to continue to meet the organization's commitments to the following reports and declarations:

- Truth and Reconciliation Commission's (TRC) Calls to Action
- National Inquiry into Missing and Murdered Indigenous Women and Girls (and Two-Spirit people) Calls for Justice (MMIWG2S)
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

In order to address community feedback from *Relationships First, Business Later: Part I*,

LAO anticipates the recruitment of a senior Indigenous leader will be a priority in 2022-23.

LAO will also continue to work with the provincial government to address the essential task of renewing and rebuilding our relationships between all Indigenous Peoples, communities and governments as outlined in *The Journey Together: Ontario's Commitment to Reconciliation with Indigenous Peoples*.

Modernization

To support LAO's strategy to modernize its programs, services and infrastructure, we will:

- Execute post-proclamation opportunities and improvements that were identified as part of the implementation of LASA, 2020, including:
 - improve the oversight and quality of lawyers who do legal aid work by consulting on and establishing new minimum roster standards.
- Enhance LAO's oversight of community legal clinics, and engage with clinics to identify and deploy opportunities to streamline and modernize the clinic system's administrative infrastructure.
- Improve and expand the functionality of the client portal to enable all Ontarians to submit an application online for legal aid services, and enable two-way secure digital communication between LAO and the client.
- Expand digital information services by:
 - enhancing LAO's knowledge platform capability to allow expansion of information and integration with other digital channels;
 - introducing a live chat service to support web information and future digital channel search/support; and
 - developing a service location finder tool that will match clients' needs with available services and locations.
- Create an improved, seamless and integrated experience for lawyers to make it easier for them to do business with LAO by:
 - redesigning the lawyer billing portal;
 - implementing cost-neutral tariff reforms such as conducting a red tape review of existing billing policies and processes to lessen and streamline billing administration; and
 - enhancing online content and access points for lawyers.

Modernization governance

To bolster the delivery of strategic modernization initiatives — which have high organizational value and high visibility — the following project governance improvements

and tools will be deployed:

- A project identification and evaluation process for modernization initiatives; a key deliverable of this work will be the development of a standardized and robust project business case and assessment template;
- A prioritized and scalable project pipeline that displays the high level deliverables that underpin each strategic modernization initiative;
- Enforcement of project gates (checkpoints) between key project life cycle phases;
- A standardized project management and delivery methodology for modernization projects.

Environmental scan

Introduction

The 2021-22 environmental scan summary is an overview of internal and external factors that can impact the work done by LAO. The scan was compiled by the Corporate Planning & Reporting Office with contributions from departments throughout the organization in the spring of 2021 and reflects the status of these internal and external environmental factors at that time. The scan was presented to the Board in July and contributed to senior management discussions in September 2021.

Key considerations for LAO

While considering the five environmental factors below, LAO also took into account the impact of:

- **LASA, 2020** – Specifically, what new features of the legislation and rules regime will need to be addressed as LAO plans for the next three years (i.e. Section 33 consultation).
- **Equity, Diversity & Inclusion** – LAO has committed to addressing systemic EDI issues both inside the organization and with respect to our services. LAO will consider how this will affect planning choices and be reflected in upcoming plans.
- **Funding uncertainty** – LAO funding (particularly the LFO portion) is unstable. This instability has an impact on planning and service levels. What steps can be taken to address this instability?
- **Long-term COVID impacts** – As pandemic-related operational and service challenges relent, are there any long-term or permanent changes that LAO needs to consider for our three-year plan?

Environmental scanning has been done in each of the following areas. The sections below summarize the presentation made to senior management and the Board.

Political, regulatory and stakeholder environment

As LAO develops the three-year plan, it must consider the potential impact of the political environment. In particular, the potential impact, if any, of elections at the provincial and federal level on LAO's finances.

The September 2021 federal election did not result in a change in government so the risk

of significant changes in immigration policy and new approaches to criminal law reform was reduced.

The provincial election is scheduled to take place in spring 2022. Provincial finances and the possibility of restraint following the increased spending during the pandemic could have an impact on LAO.

The other aspect of the political environment that must be considered through LAO's planning will be the continued implementation of LASA, 2020. Rules have been developed and approved so LAO has the foundation for operations under this new legislation. Work continues to complete and implement the agreements between LAO and its third-party service providers (primarily legal aid clinics) and LAO will be developing new processes to live up to the requirements under the Section 33 Consultation Policy.

Our clients

The two factors that drive changes in the populations that LAO serves are shifts in the demographics of people who financially qualify for LAO services and the increase or decrease in legal matters that are within LAO's mandated scope.

In terms of changes in population demographics, the aspects that are most interesting for LAO include:

- Overall population increase: Ontario is growing relatively quickly compared to other jurisdictions, and with that growth there will be an increase in eligible populations.
- Shifts in age demographics: Ontario's population is aging. In some areas of LAO work (like criminal law), that can result in less demand for LAO services, while in others, there may be greater demand (poverty and civil law matters).
- Employment: Employment can have an impact on both financial eligibility and changes in volume of legal matters. Through the COVID pandemic, unemployment increased but in the latter half of 2021, employment has been returning to pre-pandemic levels.
- Financially eligible population: The financial eligibility thresholds have not changed since 2018. As incomes increase (especially among the working poor), a smaller proportion of the population will be eligible for legal aid services. In the absence of increases to financial eligibility, it can be assumed that more litigants will be self-represented.

With respect to changes in legal matters, we have considered the following:

- Criminal cases dropped during the pandemic, but the expectation is that they will rebound as the pandemic abates and courts fully reopen. Further, the government is funding additional crowns and court services to address the pandemic backlog. In the short term, that could have a significant effect on the demand for LAO services.

- Non-child protection family law matters dropped in 2019-20, but fully rebounded for 2020-21.
- Child protection law matters dropped going into the pandemic period and remained stable at the lower rate throughout 2020-21. LAO will continue to monitor this to see whether the number of matters rebounds over the coming months.

Our services

LAO's mandate includes service for legal matters in criminal, family, immigration, civil, and poverty law. There have been developments in each of these areas that are considered as part of LAO's planning for the coming years. Across all areas of law, the emergence of remote service delivery as a result of COVID-19-related changes is having an impact that is taken up in a number of sections of this plan. As a result, the corporation is considering how to respond to temporary and permanent changes in the legal system.

- **Criminal Law** – There are two main drivers for changes in LAO services in this area. One is practice and precedent in the courts where the influence of COVID saw a reduction in arrests and cases launched in the Ontario Courts of Justice. It is expected the minor adult charges that form the bulk of criminal matters will return to pre-pandemic levels. LAO will also continue monitoring and analyzing the practice of bail, where a combination of case law and COVID-related process changes are having an impact on detention and bail dispositions.

The second driver is legislative change (esp. *Criminal Code*) that has an impact on charges laid, sentencing, and related legal aid eligibility/services. LAO will monitor and respond to the *Criminal Code* and *Controlled Drugs and Substances Act* changes passed through C-22.

- **Child Protection** – For the last two years child protection cases have continued to decline while LAO service in this area remains stable. LAO is issuing as many certificates as there are new proceedings reported. LAO will be reviewing how this area of practice is evolving for service providers and whether there are policy or program responses that LAO may wish to consider in this area of law.
- **Family Law** – While new matters in court remained lower than pre-pandemic levels, in 2021, certificates issued returned to and exceeded pre-pandemic levels. In part, this increase was a consequence of LAO's COVID-related eligibility changes that relaxed income testing for people asserting that they were victims of domestic violence.
- **Immigration & Refugee** – Refugee certificates dropped by almost two thirds in 2020/21. Watching for the rebound in certificate applications once borders are re-opened and whether the renewed demand can be served is a planning focus for the coming year.

- **Poverty Law** – While there is considerable complexity that needs to be considered by the system as a whole and the needs assessments for each area of the province, the environmental scan highlighted the following three areas:
 - Housing – Issues around the changes in regulations relating to evictions (in COVID context) and process changes at Landlord and Tenant Board
 - Income – Static income levels since 2019 and disproportionate impacts of COVID including fewer available services
 - Employment – *New Employment Standards Act* regulations regarding COVID and sick leave. Provisions changed as of July 4, 2021
 - Issues of economic vulnerability (particularly in racialized communities) and increased anti-Asian racism are magnifying the effects of COVID in communities served by clinics.

Our service providers

The pandemic has had little impact, so far, on participation by lawyers in legal aid services with the number of lawyers declining by less than 10% over the last five years. If there is no rebound in lawyers acknowledging certificates after the pandemic, LAO will need to analyze the causes more thoroughly. There are still healthy levels of participation by lawyers in the early years of their career, with 40% of lawyers within their first ten years of call. Finally, lawyer satisfaction increased last year for the first time in five years. This is likely the result of LAO shortening the time to pay and making other changes for lawyers and clients that were seen as positive.

Our organization

In this section, the environmental scan considers the resources and structures LAO has available to address the issues and considerations remarked on in other sections. Most of the organizational strengths and challenges are addressed in other sections of the plan and can be summarized as follows:

- **Fiscal challenges** – The difficulty of forecasting in an environment of funding instability and various changes in court operations, demand for services, and payment patterns
- **Technology** – Ensuring that systems are appropriate in the context of remote work, increased concerns around cybersecurity, and enhancing digital tools for staff, service providers, and clients
- **Workforce** – Ensuring LAO has an inclusive and diverse workforce that is able to meet the challenges of a rapidly changing environment and a potential increase in retirements.

The organization must also consider how to meet these challenges in the context of post-COVID courts recovery and under a new legislative regime.

Prioritization, resourcing and implementation plan

Supporting the successful achievement of our plans

The Modernization Office (MO) and Corporate Planning and Reporting Office (CPRO) are jointly responsible for the prioritization framework and ranking matrix methodology for key corporate projects and initiatives. During the most recent prioritization exercise, twelve modernization and seven enterprise projects were ranked using a prioritization matrix that assessed initiatives across four categories: strategy, impact, feasibility and external.

Through the use of project management tools and techniques, LAO assesses the amount of resource effort required to complete each prioritized project initiative and how much corporate resource capacity is available to deliver them. The process identifies potential gaps and conflicts in corporate resources that could impede the implementation of Modernization and other enterprise projects.

The MO has a team of project delivery consultants with expertise in project management who work with divisional project leads to conduct or assist with implementation analysis and planning for projects within the Modernization stream. The MO's approach to implementation planning is through an implementation analysis framework that encompasses a three-step process:

1. Defining what is changing;
2. Defining how it is changing; and
3. Developing implementation delivery plans that include:
 - identifying the desired outcomes and goals for each deliverable;
 - identifying resources required to implement the deliverables, including necessary funding, staffing, and administrative, operational and systems changes; and
 - the creation of roll-out plans.

Enterprise risk management

LAO is required to manage and report on risk as set out in the Agencies and Appointments Directive and the Ontario Public Service's Enterprise Risk Management Directive. This includes having in place an effective process for the identification, assessment, and mitigation of risks to the achievement of objectives across strategy, operations, project, and business continuity domains. LAO works together with the Ministry of the Attorney General (MAG) to ensure that risk assessment, evaluation and reporting requirements are fully supported and met, and that comprehensive analysis of known risks informs LAO's planning process.

We will continue efforts this year to build our Enterprise Risk Management (ERM) program, and to grow a proactive, "risk-aware" culture at LAO through a focus on training and engagement. An important element of our work will be the ongoing scanning of the broader legal services, judicial and social services environment, assessing emerging risks, trends and needs among our justice system partners, and as uniquely experienced by the vulnerable populations we serve.

The long-term effects of the COVID-19 pandemic represent a significant risk to access to justice in Ontario. LAO agrees that the Ontario justice system "can't go back to the old way of doing things", and is committed to being an active participant in the Ontario government's agenda for moving the justice system forward through innovation, transformational technology investments, and modernizing court processes and procedures². A focus on risk and opportunity management will be key to ensuring we deliver on our important mandate despite the ongoing challenges of this time.

Significant enterprise risks

LAO's portfolio of significant enterprise risks includes risks that may impact LAO's strategic, operational and project objectives. Significant risks are managed by LAO, monitored by LAO's senior management and ERM group, and reported to Board Committees. LAO also provides a quarterly risk report to the Ministry of the Attorney General. (See Appendix B)

² Ontario Onwards - <https://www.ontario.ca/page/ontario-onwards>

Human capital plan

Human Resources (HR) vision

- Drive the execution of LAO's business plan through people by maintaining excellent partnerships with management, employees, and our bargaining agents to continuously promote a culture that values all employees.
- Foster an inclusive and respectful workplace with a diverse talent pool and ensure that human resources services, policies and systems align with LAO's values, strategy and mission.

The proclamation of the *Legal Aid Services Act, 2020* (LASA, 2020), coupled with the changes which arose as a result of the COVID-19 pandemic, has provided us with the opportunity to rethink the future of work as we continue to modernize our policies, processes and practices. It also requires LAO to assess whether we have the skills and capacity to deliver on these modernization initiatives.

Strategic directions

HR continues to provide advice to LAO's executive team and core supports to the organization in the following areas:

- Capacity (recruitment and workforce planning)
- Capability (leadership and professional development); and
- Culture (compensation and total rewards, labour relations, safety, health and well-being, diversity and engagement).

Deliverable 1: Develop and implement a hybrid work model

As LAO considers a gradual return to physical workspaces, the majority of our employees have indicated a preference for some form of a hybrid model which will allow them to continue to work remotely for a portion of their work week.

As we consider a hybrid work model, HR must support the executive leadership team in considering the following:

- Creating connection
- Building trust
- Driving performance

- Supporting employee growth/Career development
- Embracing diversity; and
- Maximizing employee health, safety and well-being.

It is anticipated that we are moving into an environment in which there will be strong competition for talent. Demonstrating strength in all of these areas will be critical in ensuring LAO is an employer of choice in attracting and retaining staff who have the skills needed to achieve its business objectives.

In addition to developing a hybrid work model, the following deliverables will drive the work of the HR team over the next three years to help position LAO as a workplace primed to attract and retain top talent in the social justice sector.

Deliverable 2: Continue to support employee engagement

Following the completion of our second employee engagement survey, LAO continues to meet with employees in various forms to better understand the survey results and also to action plan how LAO can improve the employee experience.

Key activities include:

- hosting focus groups with employees to discuss themes and generate possible solutions
- identifying opportunities for members of the executive team to interact with front-line employees
- developing and launching “pulse” surveys on specific topics impacting employees; and
- reporting regularly to the executive team and to LAO’s Board of Directors regarding progress.

Deliverable 3: Integrate Equity, Inclusion & Diversity into all areas of the organization

LAO continues to evolve into a highly inclusive and diverse culture known for excellence and public service orientation. LAO strives to have a workforce that is reflective of the population and of our clients. This deliverable requires LAO to ensure that all employees have access to the supports they need to bring their whole selves to work, be accommodated and safe.

Key activities include:

- embedding inclusion principles, practices and goals into everyday HR management
- being deliberate about diversity goals when hiring for all levels of the organization, including management and executive roles; and
- identifying learning opportunities, resources and tools for all employees.

Deliverable 4: Implement the succession planning program

As the majority of LAO's executive team looks to retire within the next three to five years, we recognize the importance of identifying key internal talent in order to ensure continuity of operations and success in achieving the goals in LAO's strategic plan.

Key activities include:

- identifying key competencies for leadership roles;
- having the current executive assess their direct reports against those competencies; and
- identifying top talent for each executive role and developing targeted and comprehensive development plans for these staff.

Deliverable 5: Continue to build LAO's health and safety program with a focus on COVID-19, mental health and workplace violence

In recent years, there has been an increase in the awareness of the scope of mental health issues that Ontarians are facing on a daily basis. LAO continues to see an increase in short-term disability cases, especially in the areas of stress and psychological claims. In addition, as we prepare for a gradual return to in-person services, staff have expressed concerns related not only to possible COVID exposure but also to the hazard of workplace violence.

Key activities include:

- focusing attention on disability management, including the introduction of sustainable wellness programs
- updating LAO's occupational health and safety program, with a particular focus on the risks faced by staff engaged in direct client service, by developing the expertise of frontline health and safety roles and providing them with the supports they need to prevent workplace injuries and illness; and
- exploring the possibility of initiating a Psychological Health and Safety Program,

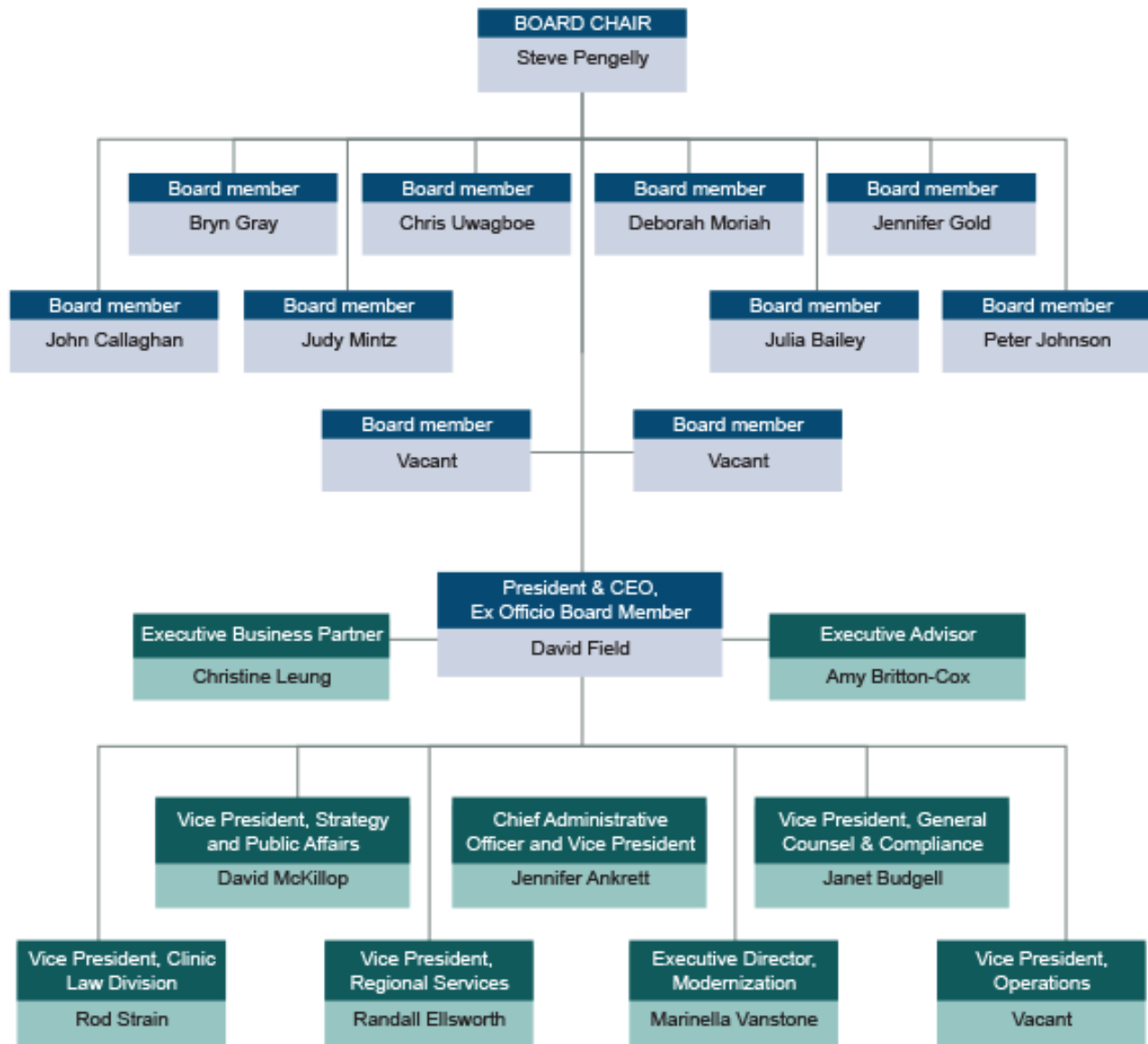
aspiring to the National Standard of Canada for Psychological Health and Safety in the Workplace.

LAO workforce data

Employee group	Employee count	
	December 31, 2020	December 31, 2021
OPSEU	382	460
Society lawyer	318	304
Non-management, non-union employees	121	102
Management	120	137
Total	941	1,003

LAO saw an increase in overall headcount in part due to increased hours in the client contact centre. These employees account for the increase in the Ontario Public Service Employees Union (OPSEU) group.

LAO organization chart (as of April 19, 2022)



Initiatives involving third parties

Clinics and Student Legal Service Organizations

Background

LAO funds 72 independent community legal clinics, which assist low-income people with issues such as income maintenance, housing, employment, immigration, workers' rights, human rights, Indigenous law and many others. LAO also funds seven university-operated Student Legal Service Organizations (SLSO), which provide advice and representation through experiential learning by volunteer law students on minor criminal matters, housing, family and other areas. LAO also provides funding for a student family program through Pro Bono Students Canada.

Context

LAO's oversight and governance of entity service providers

There are two parts to LAO's governance of and relationship to clinics under LASA, 2020:

- LAO's accountability to deliver poverty services throughout Ontario for which clinics are the foundation; and
- LAO's oversight of individual clinics – the one-to-one transfer payment relationship between LAO as funder and the clinic as funding recipient.

New contractual agreements came into effect on the day of proclamation, October 18, 2021.

As a result of LASA, 2020 coming into force, LAO's focus will be on working closely with entity service providers to:

- establish a risk framework that will create a shared understanding between LAO and entity service providers on what creates a high-risk entity
- work with entity service providers to establish performance measures that allow for clinic boards and LAO to monitor risks to service and the entity; and
- consult with entity service providers and other stakeholders to develop a funding formula that can provide equitable and stable services across the province.

2022-23 - 2024-25 priorities, initiatives, and outcomes

Priority 1: Continue LAO's relationship with entity service providers under the new legislative framework

Initiatives:

- Develop and implement a new clinic board portal to improve communication between LAO and clinic boards; and
- Continue to clearly identify service level expectations and accountabilities, where LAO provides supports to clinics (e.g., integrating clinics into LAO's IT strategy).

Outcomes:

- An improved accountability framework for clinics
- Defined objectives, functions, eligibility criteria and obligations for transfer payments to clinics
- Focus on results achieved for funds provided
- Increased transparency through improved reporting requirements; and
- Clearer roles, responsibilities and expectations for LAO's relationship to the clinic system.

Priority 2: Enhance LAO's governance and oversight of clinic and SLSO

Initiatives:

- Engage with clinics to ensure focus on effective and efficient service delivery
- Continue to implement recommendations of the Governance and Accountability of Clinics Operational Review to strengthen risk-based management practices in LAO's oversight of clinics
- Develop a risk-based framework for proper oversight of clinics, including developing remedial action steps to mitigate those risks
- Develop a Risk Policy as required under LASA, 2020 and the Rules
- Develop proportional reporting requirements based on risk
- Develop streamlined reporting and annual funding process, for low risk-clinics
- Review and revise SLSO financial and statistical reporting requirements

- Continue to identify, prioritize and implement design and functionality enhancements to Clinic Information Management System (CIMS); and
- Design and implement clinic performance measures (to be reported through CIMS).

Outcomes:

- Improved, proportionate oversight of clinics by LAO
- Promotion of continuous improvement and transparency through performance measures
- Risk-based approach to transfer payment accountability, including identification of risks and development of plans to manage risks; and
- Updated, clear and transparent operational standards for clinics through an updated policy framework.

Risks and mitigation strategies

Clinics may be resistant to changes in accountability to LAO and process changes under LASA, 2020. Aggravating factors can be a lack of clarity with regard to future roles and expectations, and perception of ability to reverse direction/decisions.

Mitigation strategies

LAO will continue discussions and consultations with the Association of Community Legal Clinics of Ontario (ACLCO) and clinics on changes moving forward. Where applicable, LAO will go through the public consultation process.

Facilities Strategy

LAO's Facilities Strategy calls for a modern, cost-effective, flexible, safe and efficient workplace for its employees. LAO's vision is to create a workplace infrastructure that utilizes modern workspace configurations for increasing collaboration along with the creation of a virtual/hybrid organization, where employees can work from anywhere LAO needs them to work. LAO will continue to improve its client access points and services through modern workspace configurations and service models that support increased accessibility and privacy and at the same time provide a safe working environment in light of protocol constraints resulting from COVID-19 and Workplace Violence Risk Assessments.

LAO's leased space is a significant administrative expense where potential savings may be realized. However, additional investments are required to modernize workspace configurations and ensure the organization has secure and robust digital collaboration tools to operate virtually, while meeting clients service requirements. LAO's Information Technology Service Delivery Plan addresses the ability of its employees to work from anywhere based on LAO's service provisions and client needs, as well as increasing LAO's virtual administration and workforce in support of optimizing LAO's office space usage.

LAO will continue to measure its Facilities Strategy progress through various measures, such as space occupancy statistics, optimal lease arrangements and realized administrative savings. The Facilities Strategy will link closely to a flexible, agile workplace strategy.

Key drivers of the Facilities Strategy are as follows:

- Provincial Head Office Lease Strategy: opportunity to assess lease options, leased space market patterns, modernization, cost-effectiveness, and ongoing leased space requirements as the current Atrium on Bay (Provincial Office) lease progresses and the landlord determines its future directions
- LAO's Space and Digital Strategy: opportunity to utilize every square foot of space strategically and conducive to productivity – digital, secure, effective access to workspaces
- Agile Workplace Strategy: executive interest and impetus in developing flexible workplace options, hybrid work models and policies, and guidelines
- External space use to achieve efficiencies and safe working environments: opportunity to include LAO's space requirements, security and standards in space used by LAO in courts or other external premises; and
- Lease Space Standards affecting regional and clinic leases: use expiry of existing leases as opportunity to promote efficiency and effectiveness of space usage, including co-location, space standards, accessibility, and security.

Key risks that may impact components of the strategy are as follows:

- Financial/capital budget impacts
- Degree of change management and readiness
- Human resources implications
- COVID-19 protocols and implementation of safety measures
- Policy development implications: supports, increased work at home implications, use of common areas, boardrooms, agile strategy, hybrid work arrangement roll-out, etc.
- Staff engagement
- Technology gaps
- Resource capacity and competing priorities
- Leased space market fluctuations; and
- Priority sequencing with partners/departments.

Key components of the multi-year Facilities Strategy include the following:

- Provincial Office reconfiguration projects
- New Requests for Proposals (RFP) developed and vendors acquired for design, construction, and furniture
- Ongoing market research information developed and discussions on corporate direction held to prepare for options for renegotiation of existing space and future relocation, if necessary
- Continued oversight of lease expiry and renewal options with regional offices and the provincial office
- Enhancement of boardroom technology with IT support to improve usability and effective Teams and presentation functionality
- Accessibility requirements reviewed and facilities upgraded to ensure compliance with the *Accessibility for Ontarians with Disabilities Act (AODA)*
- Development and support of facilities related components of Agile Workforce policies
- Communications and posting of client and staff resources and signage related to Facilities, Supports, and Security protocols
- Confirmation of regular facilities compliance with Occupational Health and Safety Reports
- COVID Risk Assessments, related action plans, and implementation of safety protocols for LAO workplaces to minimize transmission and infections due to COVID-19 and prepare facilities, checklists, staff briefings, and guidelines for the safe return of staff in 2022
- Annual Threat Risk Assessments completed, posted, and related action items implemented

- Emergency, security, threat and disaster protocols and processes developed, communicated, and annually updated
- Development and annual updating of LAO Continuity of Operations Plans for essential/critical services, with annual review and refinements
- Communication to LAO staff working in non-LAO premises regarding local security facilities standards, issues, and resolution protocols
- Review and refinement of leased premises space standards; and
- Implementation of capital projects to respond to key security needs.

Information Technology (IT) service delivery plan

LAO's corporate strategy is striving to provide service innovation and client-centred technologies that deliver value to clients. To support this, LAO has an IT Strategy designed with the goal of delivering responsive client, service provider, and enterprise digital services. Throughout the COVID-19 pandemic, LAO had enabled a fully virtual organization for its administration and has confirmed this strategy remains intact to further expand secure online legal services per LAO's Modernization.

The IT Strategy consists of a core technology foundation that ensures platforms are secure and provide the organization with modern capabilities to meet the needs of clients, service providers, and the enterprise.

Over the past two years, LAO has completed various modernization and transformational technology initiatives that continue to advance:

- 1. Expansion of Client Digital Services:** Provide clients multiple access points of their choice for services through secure responsive web, video, messaging, and mobile technologies
- 2. Enhancement of Service Provider Digital Services:** Empower LAO's service providers and legal workers through secure and responsive support platforms
- 3. Effective Enterprise Digital Services:** Improve organizational effectiveness and responsiveness towards client and service provider needs through robust information management, collaboration and mobility; and
- 4. Modernization of Clinic Technologies:** Enable Clinics with secure, reliable and modern technology to meet their client and enterprise needs.

A full description of this IT Service Delivery plan is contained in Appendix C.

Communications and stakeholder relations

The Communications and Stakeholder Relations Group (CSRG), a department within the Strategy and Public Affairs Division, is responsible for developing and disseminating the organization's internal and external communications, facilitating and coordinating the exchange of information between Legal Aid Ontario (LAO) and its stakeholders, the government and the public-at-large, stewardship of LAO's online presence and digital products, and overseeing the organization's stakeholder and media relations programs.

The Communications branch is responsible for creating, designing and implementing strategic communications products and solutions, providing expertise on approaches and strategies to deliver internal and external messages, and developing and enforcing communications standards, best practices and LAO's visual identity.

The Digital Services branch is responsible for managing, maintaining and monitoring LAO's online presence (public website, intranet, social media), developing and enforcing standards for the use of LAO's online services, providing direction in the creation, development and design of digital products, and using analytics and emerging digital technologies to propose improvements to the way that online services are delivered.

The Stakeholder and Media Relations programs are responsible for building, fostering and maintaining strong partnerships with external stakeholders including the government, creating opportunities to increase outreach, engagement and dialogue with the media, monitoring the public and political landscapes across multimedia and social media channels, and keeping the organization apprised of concerns and opportunities through proactive issues management.

The CSRG also administers the activities of the Association of Legal Aid Plans of Canada, whose members are the heads of the principle legal aid programs across Canada.

Other initiatives managed by the CSRG team include the public legal education and client information program along with the Open Government initiative.

For this business planning period, CSRG will:

1. Deploy a public website improvement plan to enhance access to LAO's services and users' overall online experience
2. Redesign LAO's intranet to better support staff, promote staff engagement, and facilitate communications needs across the organization
3. Continue to implement the Open Government strategy

4. Develop a plan to expand public legal education and client information; and
5. Raise awareness about Legal Aid services and supporting stakeholder engagement.

Equity, Diversity & Inclusion

LAO values the diversity of its staff, stakeholders and clients across Ontario. The Equity, Diversity & Inclusion (EDI) initiative was established in 2019-20 to guide LAO's efforts to foster an inclusive and diverse workplace that reflects the people, cultures and languages of the communities we serve.

LAO's Diversity Officer continues to support the organization in creating and implementing a Multi-Year Strategic EDI Plan that will integrate EDI into all areas of our work. The following are the five key EDI priorities and upcoming plans:

1. EDI Roll-out Strategy (top-down)

The Board has reviewed and applied LAO's EDI vision. The CEO and VPs have been engaging in promoting EDI and EDI initiatives. This work will continue with the Diversity Demographics Survey and all future EDI initiatives, leveraging the top-down framework to ensure that an EDI lens is engrained into the fibre of the organization.

2. EDI Committee Structure (bottom-up)

The EDI Committee has been created and is composed of members whose job functions represent the various job types, geographical locations, and focus areas of diversity dimensions. The monthly meetings engage the committee in important EDI issues and work towards completing initiatives. The committee has courageous conversations about current EDI topics that have been affecting LAO staff, clients, and stakeholders, while concurrently engaging in solutions. The committee will continue to address EDI issues within LAO and is working closely with the Diversity Officer to continue to create the Multi-Year Strategic EDI Plan.

3. EDI Communications, Learning & Development Framework

LAO has rolled out two mandatory EDI trainings: Micro-aggression Training and Unconscious Bias Training. EDI will continue to provide relevant training for all LAO staff. Training topics have been recommended by the EDI committee and LAO will continue to provide communications on EDI and learning opportunities for employees. There will be continued engagement of both EDI and Accessibility committees to provide guidance on relevant communications.

Over the past year, EDI has collaborated with different areas of the organization to bring many learning opportunities for all staff. EDI lunch and learn presentation topics were:

- Anti-Black racism and policing with Black Legal Action Centre (BLAC)
- Mental health week – yoga and meditation
- Canadian Black history “Confronting Anti-Black Racism”
- Anti-Asian racism “Challenging Anti-Asian Racism during COVID and beyond”

- Implicit bias and racial profiling; and
- Pride month – Racialized Trans experience and the justice system.

4. EDI Staff Survey: Demographics, perceptions, priorities

LAO has hired the Canadian Centre of Diversity and Inclusion (CCDI) to conduct an internal EDI Census Demographics Survey that will help LAO:

- Better understand how employees self-identify across a broad range of diverse dimensions
- Better understand the attitudes, experiences, perceptions and perspective of staff across the organization; and
- Establish priorities for the Multi-Year Strategic EDI Plan.

Following the survey results and recommendations from CCDI, EDI followed up on the survey with focus groups to gain a deeper understanding of employees' experiences at LAO and to gather information on how staff would like to see change. The survey results identified five areas that would be beneficial for focus groups:

- Harassment and discrimination
- Career advancement
- Accommodation
- Unique value known and appreciated
- EDI Competency and LAO Culture

The focus groups were held from August through September with the ability to participate anonymously through an online survey, or virtually in-person groups and one-on-ones with the diversity officer. Approximately 200 staff interacted in the focus groups. The feedback received via focus groups will guide EDI policy changes, initiatives and programs.

5. LAO Multi-Year EDI Strategic Framework & Operational Plan with milestones, measures, evaluations

The Multi-Year EDI Strategic Framework and Operational Plan is in development. LAO's diversity officer is engaging with the EDI committee to set objectives, goals, and measures. The Multi-Year Strategic EDI Plan will align with LAO's EDI vision, and Diversity and Inclusion Business Plan.

6. AODA Compliance

LAO is committed to ensuring equitable access to our services for all by making accommodation and accessibility a key consideration. Recently, LAO closed the AODA audit file with the compliance board as LAO is up to date with current AODA

requirements.

LAO's Accessibility Committee has re-created the Multiyear Accessibility Plan for LAO and it will be posted on our internal and external websites by the end of the year.

The Accessibility Committee is meeting regularly to discuss LAO's Accessibility Plan and review LAO's Accessibility Policy and Human Resources Accessibility Policy. LAO will be rolling out additional training on AODA standards and accessibility for all staff, as well as a new Multi-Year Accessibility Plan.

Three-year financial plan

Overview

Legal Aid Ontario (LAO) faces uncertainty in terms of its financial situation over the next several years. Due to reduced Law Foundation of Ontario (LFO) revenue, LAO forecasts operational deficits in at least two of the next three years and will require additional revenue to remain financially viable.

Background

In response to the pandemic, the Bank of Canada reduced interest rates by 150 bps in March 2020, causing an \$80 million revenue pressure from the Law Foundation of Ontario (LFO)³. This was offset in 2020-21 by reduced courtroom operations (beginning in April 2020), leading to a modest year-end deficit of (\$10 million)⁴.

Current State

Reduced courtroom operations provided a temporary reduction in expenses to offset LAO's revenue shortfall. By February 2021, case dispositions have returned to pre-pandemic levels⁵ resulting in an estimated \$60 million⁶ in increased expenses (primarily certificates and per diem duty counsel) for fiscal year 2021-22. Strength in the housing market (leading to increases in LFO revenue⁷) provided a partial offset to these increased expenses as did additional year-end funding by the Ministry so that current forecasts indicate a deficit of \$13.2 million for 2021-22.

Three-year outlook

Operational deficits are expected to continue in 2022-23, but potential increases to LFO revenue could balance expenses by 2023-24. LFO revenue is predicted to steadily grow, supported by a strong housing market and anticipated interest rate increases by the Bank of Canada. LAO will continue to have revenue shortfalls in 2022-23 with a (\$16.4 million) deficit, and (\$4.3 million) deficit in 2023-24, with a small surplus of \$4 million in 2024-25.

3 In fiscal year 2019-20, LFO revenue was \$105.7 million; March 2020 estimates of 2020-21 revenue were \$25.5 million

4 In fiscal year 2020-21, Year End Deficit was (\$9.7 million)

5 February 2021 Mag Criminal OCJ case dispositions were 16,964, -1% for prior year.

6 Total Expenses in 2020-21 were \$396 million vs Forecasted Expenses of \$455 million as of November 2021

7 LFO revenue projected for 2021-22 to be \$45.7 million as of February 2022

Business plan forecasts for LFO revenue projections are dependant upon external rate changes announced by the Bank of Canada. Given the current guidance provided by the Bank of Canada, rate changes are planned to address inflationary pressures, although the depth and timing of these changes are uncertain. The Bank of Canada guidance may signal possible increases in revenue, but forecasts are difficult and relying on this revenue source can put operations and strategic objectives at risk.

In early 2022, the Ministry committed funding to LAO to ensure that core services could be maintained while revenues from the Law Foundation remain depressed. Specifically, LAO will receive \$20 million in March 2022 to help address revenue shortfalls in the 2022-23 fiscal year.

Forecast and three-year projection (\$'000's)

(\$'000s)	2021/22 Forecast	2022/23 Plan	2023/24 Outlook	2024/25 Outlook
Revenue				
Government Funding	\$387,072	\$371,892	\$364,764	\$364,764
Law Foundation	45,688	82,000	119,100	132,500
Other revenue	8,540	11,700	12,300	12,300
TOTAL REVENUE	\$441,301	\$465,592	\$496,164	\$509,564
Expenses				
Certificates	\$212,580	\$228,200	\$241,700	\$241,700
Duty Counsel	92,367	95,000	95,000	95,000
Clinics	100,456	102,000	102,000	102,000
Aboriginal Justice Strategy - Gladue	1,960	2,100	2,100	2,100
Administration	43,103	44,000	44,000	44,000
<i>Provision for cost increases</i>	<i>0</i>	<i>5,200</i>	<i>10,200</i>	<i>15,200</i>
<i>Bad debt expense</i>	<i>3,000</i>	<i>3,000</i>	<i>3,000</i>	<i>3,000</i>
<i>Depreciation expense</i>	<i>1,000</i>	<i>2,500</i>	<i>2,500</i>	<i>2,500</i>
Other expenses	4,000	10,700	15,700	20,700
TOTAL EXPENSES	\$454,466	\$482,000	\$500,500	\$505,500
NET OPERATING SURPLUS (DEFICIT)	(13,165)	(16,408)	(4,336)	4,064

The business plan includes the following major assumptions:

1. The Provincial transfer payment is LAO's primary funding and will remain at 2021-22 funding levels for all three years
2. Federal criminal funding will continue at current levels (despite federal funding agreements expiring in 2020-21 and 2021-22)
3. LFO revenue is budgeted with an assumption of two 25bps interest rate increases in each of the next two years (in July and September) and,
4. LAO will work with the province to ensure fiscal stability and protect core services in the event that LFO revenue is not sufficient to meet expenses.
5. Certificate expenses will return to pre-pandemic levels by 2022-23
6. All other expenses expect to remain flat with the exception of provisions for cost increases
7. Annual provisions include 1% payroll increases each of the three years in the plan
8. Annual provisions include a 2% increase for clinics in anticipation of increases in demand for poverty law services due to the effects of the pandemic

Revenue

(\$000s)	FY 2021/22 Forecast	2022/23 Plan	2023/24 Outlook	2024/25 Outlook
Revenue				
Federal Criminal Funding	\$51,700	\$51,700	\$51,700	\$51,700
Federal I&R Funding	38,229	42,000	45,000	45,000
Federal One-Time	3,379	10,127	-	-
Federal I&R Prior Year	(1,300)	-	-	-
Provincial One-Time (Modernization)	7,000	-	-	-
Provincial One-Time (Cash Flow)	20,000	-	-	-
Provincial Funding	268,064	268,064	268,064	268,064
Total Government Funding	\$387,072	\$371,892	\$364,764	\$364,764
Law Foundation	\$45,688	\$82,000	\$119,100	\$132,500
Client Contributions	5,600	9,600	10,200	10,200
Client and Other recoveries	1,900	1,500	1,500	1,500
Investment Income	140	100	100	100
Miscellaneous Income	900	500	500	500
TOTAL REVENUE	\$441,301	\$465,592	\$496,164	\$590,564

Revenue assumptions

Provincial funding

LAO's primary source of revenue is the Provincial Government Transfer Payment, which is forecasted at \$268 million for 2021-22 and is assumed to remain flat over the next three fiscal years.

Federal funding

LAO's second largest source of revenue is federal funding (Criminal and I&R). Funding is comprised of the following:

- Criminal Funding and Immigration Base Funding are set out in the *Agreement Respecting Criminal Legal Aid and Immigration and Refugee Legal Aid*. This agreement expires on March 31, 2022. It is assumed this agreement will continue at current funding levels.
- Federal criminal funding includes one-time payments of \$10million for 2022-23.

- On July 23, 2019, the federal government committed to three-year funding on I&R of an additional \$8.1 million annually, but this agreement expires in 2021-22.
- In April 2019, the province directed LAO to only use federal funding for Immigration and Refugee services. Since then, the federal government has fully funded I&R services on an annual basis. For 2021-22, the federal government committed to total I&R funding of \$37 million. Based on our current I&R expenses projections, the federal government will continue to fund \$42 million in 2022-23 and \$45 million in 2023-24 and 2024-25 respectively, to enable LAO to deliver the full level of immigration and legal aid services.

Law Foundation of Ontario (LFO) volatility

LFO revenue is the largest risk for LAO as it is highly volatile and unpredictable. The strong housing market has supported historically high mixed trust balances, and the Bank of Canada has provided forward guidance that interest rates may begin to increase in the middle of 2022 to address inflationary pressure⁸.

LAO's business plan projects two rate changes of 25bps in each of the next 2 fiscal years⁹ with slowing balance growth of 10%, 5%, and 0% in each of the next 3 fiscal years. This will result in revenue of \$82.0 million in 2022-23, and historically high revenue of \$119.1 million in 2023-24 and \$132.5 in 2024-25. These projections remain highly speculative and are subject to revision based on rate change decisions yet to be announced by the Bank of Canada.

Bank of Canada rate changes will significantly affect LFO revenue as will any changes in the housing market that impact mixed trust balances (as demonstrated below):

2022/23 LFO Revenue	2022/23 Rate Change				
	0	0.25%	0.50%	0.75%	1%
Balance Growth					
-10%	n/a	55.8	65.4	77.7	83.1
0%	n/a	62.9	73.7	87.5	93.6
5%	n/a	66.4	77.8	81.0	98.8
10%	n/a	69.9	82.0	97.3	104.1
20%	n/a	77.0	90.2	107.1	114.6

⁸ "Bank of Canada maintains policy rate and forward guidance, ends quantitative easing" <https://www.bankofcanada.ca/2021/10/fad-press-release-2021-10-27/>

⁹ Rate changes are assumed to occur in March and September of 2022-23 and 2023-24

The Ministry of the Attorney General (MAG) has addressed a large portion of this shortfall related to depressed LFO revenue in 2021-22, and due to continued variability in LFO revenue LAO anticipates similar assistance may be needed for 2022-23.

Expenditures

(\$000s)	FY 2021/22 Forecast	2022/23 Plan	2023/24 Outlook	2024/25 Outlook
Expenses				
Certificate Program	\$197,000	\$212,500	\$226,000	\$226,000
Central Operations	4,638	4,700	4,700	4,700
Client Service centre	10,942	11,000	11,000	11,000
Central Operations	212,580	228,200	241,700	241,700
Regional Services	92,367	95,000	95,000	95,000
Clinic Services	100,456	102,000	102,000	102,000
AJS - Gladue	1,960	2,100	2,100	2,100
Strategy and Public Affairs	6,452	6,500	6,500	6,500
CEO and Board	2,200	2,300	2,300	2,300
General Counsel	6,421	6,000	6,000	6,000
Corporate Services	28,029	29,200	29,200	29,200
Administration	43,103	44,000	44,000	44,000
Other	4,000	10,700	15,700	20,700
TOTAL EXPENDITURE	\$454,466	\$482,000	\$500,500	\$505,500

Expenditure assumptions

Certificate program - criminal, family, immigration and refugee and civil

With current policy criteria and due to COVID-19, the certificate issuance forecast for the 2021-22 fiscal year estimate is 100,866, including 10,347 for I&R. The remaining 90,519 is for criminal, family and civil. This certificate issuance forecast for 2021-22 will impact the expenditure forecast for 2022-23 and future years as certificates are usually billed over three years.

The certificate issuance for 2022-23 is estimated to be 108,030 with the assumption that courts will continue to increase capacity towards pre-pandemic levels. The 2022-23 certificate expenses will be impacted disproportionately from the cases pending inventory of 2020-21 and 2021-22 as these pending cases will delay those issued in 2022-23. The

estimated certificate costs for 2022-23 is \$212.5 million.

Certificate forecast FY 2021-22 and budget FY 2022-23

	FY 2021/22 forecast		FY 2022/23 budget	
	Certificates	Cost	Certificates	Cost
Criminal	56,899	\$99,000,000	59,389	\$108,000,000
Family	25,972	\$67,000,000	25,699	\$70,000,000
I&R	10,347	\$23,000,000	15,171	\$25,000,000
Civil	7,648	\$9,000,000	7,771	\$9,500,000
TOTAL	100,866	\$198,000,000	108,030	\$212,500,000

Certificate costs are expected to start increasing in 2022-23 and return to pre-pandemic levels by 2023-24.

Duty counsel program

Duty counsel program expenses are expected to remain flat with an increase in per diem expenses commensurate with certificate growth. Per diem expenses are expected to return to pre-pandemic levels starting fiscal year 2022-23.

Clinic program

Clinic investment will increase 1% in 2022-23 (due to an unusually large surplus recovery in 2021-22) with base funding budgeted to remain flat for the next three years.

Aboriginal Justice Strategy (AJS) - Gladue

No additional spend has been budgeted.

Administration

Administration costs will continue at <10% of expenses starting in 2022-23, driven by the 10% reduction in staff in 2019 as part of the savings program. Administrative expenses are planned to be \$44 million in 2022-23.

Other expense provisions

- A provision for compensation increases has been budgeted in each of the next three years for union and non-union employees; grid increases will remain 1% in each of the next 3 years (reflecting the Bill 124 moderation period)
- Clinics are to receive 2% for cost increases, including pay equity, bargaining agent increases, rent increase and other operational increases.

Bad debt expense

- This expense originates from Client Contribution Agreement revenues. Bad debt is projected to remain stable at \$3.0 million.

Depreciation

- Depreciation expense is budgeted to be \$2.5 million for the next three fiscal years. The rise in depreciation expenses is due to capitalization of planned IT projects.

Capital budget

- Capital budget is planned at \$3 million per year from 2021-22 through 2023-24. This will vary depending on actual capital expenditure by IT.

Risks

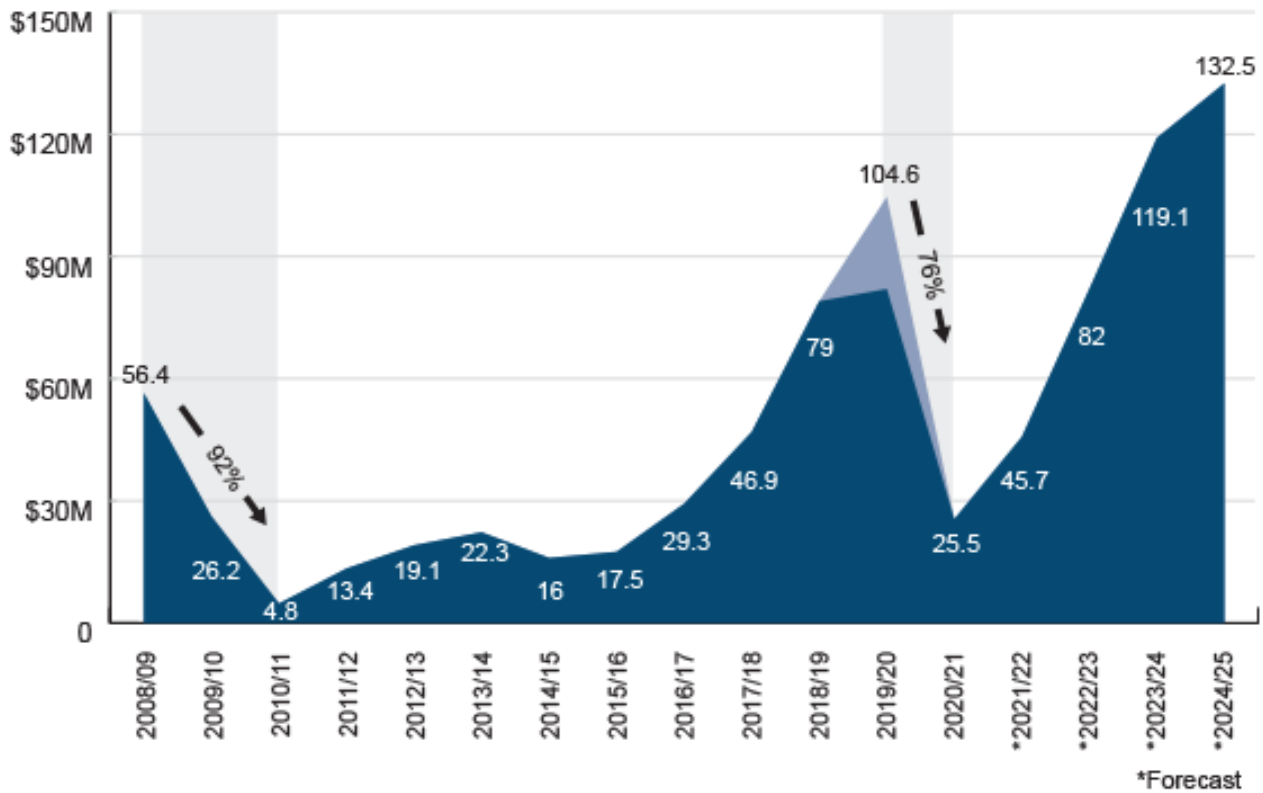
LFO revenue is highly uncertain and introduces significant risk to the business plan.

Law Foundation of Ontario (LFO)

The uncertainty around LFO revenue is the largest single factor in determining financial viability in the next 3 years. While LAO has assumed modest growth in balances and interest rates in the next 2 years, the pace and extent of this growth is highly uncertain.

LFO revenue is extremely unpredictable and sudden changes to interest rates can lead to immediate and continuing operational deficits. In 2019-20, LAO's second-largest source of revenue was from LFO, representing over 20% of total revenue (\$105 million). In March 2020, the Bank of Canada reduced interest by 150bps eliminated \$80 million in revenue. Despite the predicted recovery of LFO revenue due to a strong housing market and anticipated Bank of Canada interest rate increases, the future is uncertain.

LFO funding 2008/09 - 2024/25



COVID-19 aftermath

The duration and ultimate impact of the COVID-19 pandemic continues to remain unknown. Even if the pandemic does not return, changes to courtroom operations have drastically altered LAO operations. It is uncertain if these changes will remain or how courtroom services will be delivered in the future. Economic uncertainty from the pandemic has increased demand for our services and this may continue.

Provincial funding

LAO's primary source of revenue is the Provincial Government Transfer Payment. In 2018-19, LAO forecast a surplus at the end of the year due to higher LFO revenues. The final transfer payment for that year was withheld and LAO was not then able to clear its accumulated deficit. In 2019-20, LAO was further impacted by significant in-year reductions in funding. Although not anticipated, governmental budgetary pressures could recur in the future. These reductions and uncertainty impact LAO's ability to meet organizational deliverables and mandate, especially as operations and expenses return to pre-pandemic levels.

Federal funding

The federal funding agreement, Agreement Respecting Criminal Legal Aid and Immigration and Refugee Legal Aid, expires on March 31, 2022. Although predicted to continue, the current funding allocation is not guaranteed.

Additionally, the federal I&R program is not permanently funded and is dependent upon in-year funding allocations. Since the provincial government has mandated that the I&R program must be fully funded by the federal government, this future uncertainty in funding could impede LAO's ability to provide consistent I&R services and introduces a tremendous administrative drain on planning and operational resources.

Organizational health performance measures

LAO's performance indicator targets were established prior to the beginning of the 2020-21 fiscal year. The ability to achieve those targets was impacted by the COVID-19 pandemic.

Organizational health

KPI	Measurement frequency	Last measured	Target	2019-20	2020-21
Turnover	Annual	Q3 2020-21	10%	5.3%	4.2%
Staff to management ratio	Annual	Q4 2020-21	10 to 1	7.6 to 1	7.5 to 1
Average sick days used per employee (incidental + short term)	Annual	Q3 2020-21	10.1 days	11.8 days	9 days
Employee engagement	Annual	Q4 2020-21	72%	67%	*56%

*A new vendor conducted LAO's engagement survey in 2020 using a different methodology to calculate engagement. LAO's engagement score is in line with a benchmark score of 56.6%

Financial indicators

KPI	Measurement frequency	Last measured	Target	2019-20	2020-21
Balance budget	Annual	2020-21	No deficit	\$14.4M surplus	\$9.6M deficit
Debt position	Annual	2020-21	No accumulated deficit	\$10.4M accumulated surplus	\$0.6M accumulated surplus
Cash flow	Annual	2020-21	\$15M cash	\$68.0M balance	\$59.3M balance

KPI	Measurement frequency	Last measured	Target	2019-20	2020-21
% of expenditures spent on administration	Annual	2020-21	11%	9.7%	9.5%

Service

KPI	Measurement frequency	Last measured	Target	2019-20	2020-21
% of area office appeals heard within 3 days	Annual	Q4 2020-21	80%	68.9%	53.7%
Acceptance rate for certificate applications	Annual	Q4 2020-21	87%	88.1%	91.2%
% of calls answered within 3 minutes (L1*)	Annual	Q4 2020-21	80%	57.1%	50.8%
% of calls answered within 3 minutes (LSC*)	Annual	Q4 2020-21	80%	92.9%	68.0%
% of calls answered within 3 minutes (in-custody)	Annual	Q4 2020-21	80%	71.9%	59.3%
% of calls answered within 20 minutes (L2*)	Annual	Q4 2020-21	80%	69.5%	54.0%
Overall client satisfaction (% positive responses)	Annual	Q4 2020-21	80%	80.1%	79.3%
Overall lawyer satisfaction (% positive responses)	Annual	Q2 2020-21	45%	43.0%	57.0%

*Please see the call centre section of this report for descriptions of the roles and responsibilities of L1, L2, In-custody, and lawyer service centre agents.

Appendix A: Agency mandate letter

Attorney General
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Our Reference #: M-2021-13862

September 20, 2021

Mr. Charles Harnick
Chair, Board of Directors
Legal Aid Ontario

Dear Mr. Harnick:

As you begin planning for 2022-23, I am pleased to write to you in your capacity as Chair of Legal Aid Ontario (LAO). Pursuant to the requirements of the Agencies and Appointments Directive, this letter sets out my expectations for LAO for the 2022-23 fiscal year. Ontario's board-governed agencies are vital partners in ensuring the delivery of high-quality services to people in Ontario. The work that you and your fellow Board Members undertake to establish the goals, objectives, and strategic direction for LAO ensures access to justice for low income people in Ontario. It is important that this direction is consistent with government priorities, your agency mandate, key policies and directives and my directions, where appropriate. I thank you for your willingness to serve. As part of the government of Ontario, agencies are expected to act in the best interests of people in Ontario by being efficient, effective, and providing value-for-money to taxpayers. Our government's primary focus is to protect every life and every job we possibly can. Without healthy people, we cannot have a healthy economy.

This includes:

1. Competitiveness, Sustainability and Expenditure Management

- operating within your agency's financial allocations
- identifying and pursuing opportunities for revenue generation, innovative practices, and/or improved program sustainability
- complying with applicable direction related to supply chain centralization and Realty Interim Measures for agency office space

- leveraging and meeting benchmarked outcomes for compensation strategies and directives
- working with the ministry, where appropriate, to advance the [Ontario Onwards Action Plan](#)

LAO has forecast budgets that include prudent expenditures and limited revenue generating opportunities in order to ensure sustainability of mandated programs. Law Foundation revenues have made up a substantial portion (>20%) of LAO's total revenue and this has diminished significantly since spring 2020. Given our low-income client base and the already generous though unstable contributions from service providers (LFO funding is generated through lawyer trust accounts) there are no reliable sources for new revenue that would be sufficient to make up the LFO revenue shortfall.

Further, LAO is pursuing service delivery innovations through the Modernization Strategy. See Executive Summary and Three Year Financial Plan.

2. Transparency and Accountability

- abiding by applicable government directives and policies and ensuring transparency and accountability in reporting
- adhering to requirements of the Agencies and Appointments Directive, accounting standards and practices, and the Public Service of Ontario Act ethical framework, and responding to audit findings, where applicable
- identifying appropriate skills, knowledge and experience needed to effectively support the Board's role in agency governance and accountability

LAO abides by all required directives and policies and will be reviewing, training and improving internal policy instruments to ensure that the organization adheres to the most current versions of said directives and policy. This work is overseen by Corporate Planning and Reporting Office, Internal Audit Unit, and General Counsel's Office

3. Risk Management

- developing and implementing an effective process for the identification, assessment and mitigation of risks, including planning for and responding to health and other emergency situations, including but not limited to COVID-19
- developing a continuity of operations plan that identifies time critical/essential services and personnel

LAO has reviewed and is applying the Enterprise Risk Management Directive from February 2020. This includes an executive Enterprise Risk Management committee and improved reporting to the Board of Directors and MAG. Improved reporting to the Board includes reports to each Board committee for all risk areas within the committee's mandate. In 2022-23 LAO will continue to rollout training with support and advice of the Ontario Chief Risk Officer.

4. Workforce Management

- optimizing your organizational capacity to support the best possible public service delivery
- modernizing and redeploying resources to priority areas when or where they are needed

LAO reviews client service measures to seek out improvements both as part of routine business planning and in the Modernization Strategy. See Overview of Program and Activities. LAO is developing succession programs with a focus on senior management roles.

5. Data Collection

- improving how the agency uses data in decision-making, information-sharing and reporting, including by leveraging available or new data solutions to inform outcome based reporting and improve service delivery
- supporting transparency and privacy requirements of data work and data sharing with the ministry, as appropriate

LAO has initiatives that are underway to satisfy the Open Data Directive as well as updates and improvements to Corporate Health Measures. This work is overseen by LAO's Policy and Communications Departments

along with the Corporate Planning and Reporting Office.

6. Digital Delivery and Customer Service

- exploring and implementing digitization or digital modernization strategies for online service delivery and continuing to meet and exceed customer service standards through transition
- adopting digital approaches, such as user research, agile development and product management

LAO has an array of initiatives underway through the Modernization Strategy that will improve digital services to clients and service providers. Chief among these are the refinement of LAO's online application process and updates to the LAO lawyer online services. LAO deployed a client portal in 2021 and will continue upgrading this new service channel.

7. Diversity and Inclusion

- developing and encouraging diversity and inclusion initiatives promoting an equitable, inclusive, accessible, anti-racist and diverse workplace
- demonstrating leadership of an inclusive environment free of harassment
- adopting an inclusion engagement process to ensure all voices are heard to inform policies and decision-making

Following work to educate and build awareness over the last two years, in 2022-23, LAO will be updating recruitment and succession programming and policies to reflect and live out LAO's continuing commitment to equity, diversity, and inclusion.

8. COVID-19 Recovery

- identifying and pursuing service delivery methods (digital or other) that have evolved since the start of COVID-19
- supporting the recovery efforts from COVID-19

LAO has developed or refined remote access to services to accommodate client and service provider needs during the pandemic. Many of these systems will continue beyond the pandemic as part of LAO's continuing efforts to increase access to our services. LAO is also collaborating with

justice system partners to provide appropriate support for COVID recovery work as resources permit.

In addition to these government-wide priorities, I expect LAO to focus on:

1. Achieving its Core Mandate and Modernization

- delivering core, essential, and high-quality legal aid services via certificates, duty counsel, Indigenous legal services organizations, and community legal clinics that meet clients' needs in a cost-effective and efficient manner, and also providing support for the ministry's strategy to reduce court backlog, set out below, appreciating this goes beyond LAO's core mandate
- reviewing programs and expenditures monthly to consider opportunities to achieve savings
- modernizing core legal aid services and streamlining processes in the legal aid sector to reduce duplication, achieve savings and efficiencies and expand access to justice across the province

Through this Business Plan and other planning activities, LAO Board and Management have identified priorities and set objectives to meet our legislated mandate. Consultation with service providers and stakeholders help us ensure alignment with LAO's mandate. Further, LAO is seeking opportunities for streamlining and efficiencies through the Modernization initiatives.

2. Responsible and Sustainable Management of Funds

- providing consistent, comprehensive, and monthly financial forecasts that are consistent with OPS forecasting practices and, in a format, agreed to by both organizations
- prioritizing essential services and activities that align with LAO's core mandate when considering the management and distribution of funds
- ensuring value for money while providing efficient, effective, and high-quality legal aid services
- ensuring that LAO manage within its budget allocation
- ensuring that community legal clinics and other service providers under the *Legal Aid Services Act, 2020* have appropriate, sustainable funding to deliver vital poverty law services to low-income Ontarians
- identifying innovative approaches for revenue generation to address unpredictable

and unstable revenues from the Law Foundation of Ontario

LAO continues to work with MAG to provide regular fiscal updates so that plans can be formulated to address funding shortfalls that may occur as a result of unstable LFO funding. These funding shortfalls can be exacerbated by changes in demand for LAO services and changes in billing patterns related to COVID.

3. Open and Transparent Engagement

- developing a consultation approach that includes transparent and substantive engagement with key stakeholders and partners, including community legal clinics, Indigenous communities, and other racialized communities
- sharing policy-making and rule-making processes with relevant stakeholders in accordance with the *Legal Aid Services Act, 2020*

The new LASA 2020 includes requirements that LAO develop and employ a consultation policy. Now that LAO has a consultation policy, LAO will in FY 2022-23 continue developing the processes that support the organization's Section 33 obligations. LAO will continue our work to lead transparency within the justice sector.

4. Supporting the Court Recovery Process

- working collaboratively with the ministry as it plans and executes strategies to reduce the court backlog

LAO will continue to collaborate with all justice system partners in pursuit of workable and appropriately resourced re-opening plans. This includes working with the Ontario Court of Justice process changes that are intended to address backlogs for clients in criminal cases.

5. Equity, Anti-Racism and Reconciliation

- engaging, collaborating, and supporting Indigenous, racialized and marginalized communities to address the unique systemic barriers that they face in the justice system

- working collaboratively to respond to the Truth and Reconciliation Commission of Canada’s “calls to action”
- ensuring that the collection of any race-based data is in accordance with the requirements and principles of the Anti-Racism Act, 2017 and Ontario’s Anti-Racism Data Standards
- developing and supporting distinct policies and programs that address the overrepresentation of Indigenous and Black people in the criminal justice system and child welfare system
- ensuring that digitization and other modernization strategies do not create access to justice barriers for marginalized people who may not have access to technology.

As above, LAO remains committed to Equity, Anti-Racism, and Reconciliation. The Business Plan names specific initiatives that LAO is undertaking as part of our core client strategies. These multi-year initiatives are premised on achieving full access to justice for racialized, Indigenous, and other justice seeking groups.

Through these measures, we can continue to ensure that LAO is fulfilling its mandate of promoting access to justice for low-income Ontarians.

I thank you and your fellow Board Members for your continued support, and for your valuable contributions. Should you have any questions/concerns, please feel free to contact Ms. Jane Mallen, Assistant Deputy Attorney General, Policy Division, either by telephone at 647-622- 5147 or by email at jane.n.mallen@ontario.ca.

Sincerely,

A handwritten signature in black ink that reads "Doug Downey". The signature is fluid and cursive, with the first name "Doug" and last name "Downey" clearly legible.

Doug Downey
Attorney General

Appendix B: Risk register

The following section summarizes risks and associated mitigation plans as they affect the business plan over the planning time horizon.

1. Insufficient funding / revenue

High

Risk description and impact

LAO is at risk of insufficient financial resources to deliver all of its core mandated and priority discretionary client services, as well as strategic initiatives; cashflow and current payables risk. This as a result of reduced provincial base funding resources, Law Foundation revenue reductions, and uncertainty regarding ongoing federal funding for refugee and immigration services.

Risk mitigation

LAO builds careful monitoring of payables obligations, extends payable terms, and alerts Board and MAG of issues with as much lead time as possible. LAO is closely monitoring changes to expenditures resulting from COVID-19 contingency measures. LAO is: working with its funding partners to stabilize LAO's future revenue projections; prioritizing essential services and activities that align with LAO's core mandate; identifying approaches to address unpredictable and unstable revenues from Law Foundation; reviewing programs and expenditures to identify areas that do not align with LAO's core mandate; considering opportunities to achieve savings.

2. Meeting implementation deadlines for LASA 2020 and other LAO and clinic modernization initiatives

Medium-high

Risk description and impact

Significant scope of work relative to timelines related to the implementation of *LASA 2020* means LAO may be at risk of not meeting announced expectations or commitments. Root causes include staffing and skills shortages due to ongoing pandemic conditions, unpredictable service demand, staff burnout etc.

Risk mitigation

LAO continues to monitor and measure effect of reduced staff capacity and impact

of pandemic through staff survey. Address staffing pressures using a variety of methods. LAO has established a Modernization unit with a lead executive to ensure prioritization and coordination of modernization initiatives in consideration of other priority projects, transition to *LASA 2020*, compliance activities and day to day service delivery pressures. Allocates resources to priority initiatives; project management accountability processes in development.

3. Safely returning to in-person workplaces and staff service locations

Medium-high

Risk description and impact

Ensuring the possibility of COVID-19 transmission is mitigated in LAO workplaces such as courts and tribunals will require the installation and implementation of a wide range of controls. These preventative measures join longstanding health and safety issues unique to the work and spaces of LAO staff in courthouses and other in-person workplace locations. There is a risk that LAO is unable to return to many workplaces without expending significant health and safety mitigation efforts and costs (financial and human resources). Health and safety risks related to continued work from home contingency arrangements (mental health, ergonomics).

Return to work could create additional litigation risk related to safety of workplace conditions.

Risk mitigation

LAO will follow best practices and take all reasonable precautions to address risks. LAO will work with unions to identify issues and discuss possible solutions. Planning is on-going for a return to in-person services. The date of the beginning of return has and may continue to be pushed back as the situation evolves. Comprehensive framework resource packages have been developed in preparation for the return. The return is expected to be a slow roll-out return with critical in-person staff returning first. Many services and staff are expected to remain remote in varying capacities.

An internal cross-functional working group has been established. LAO is conducting detailed site assessments together with MAG court services, LAO staff, and health and safety representatives at all court and non-court locations. Decisions on return to work will be made on a location by location basis.

4. Addressing uncertain demand for services

Medium

Risk description and impact

LAO experienced multiple shifts in demand for services as a result of provincial and federal responses to the pandemic. There remains considerable uncertainty regarding changes in the volume and timing of future demand for service across all areas of law due to complex and changing environmental factors. The unpredictability of service demand, including court and tribunal backlogs, may create financial pressures impact staff capacity.

Risk mitigation

Enhanced environmental scanning, modelling and scenario planning will support decision making and service delivery response. LAO is monitoring client needs and service caseloads relative to financial position.

LAO will continue to make decisions that support the functioning of the courts and the administration of justice, including supporting MAG initiatives to reduce court backlogs.

5. Emergency COVID certificate policy changes

Medium

Risk description and impact

Potential for significant increase in the volume of certificates issued to ineligible individuals resulting from waiving legal and financial eligibility testing, leading to excessive cost and negative public perception vis-a-vis legislative authority.

Risk mitigation

LAO is monitoring and reporting on effectiveness and sustainability of COVID policy changes to determine what measures can be continued, cancelled or adjusted. LAO is decommissioning changes to service delivery where determined they are no longer necessary to address risk. Collecting applicant information; tracking and analyzing trends in certificate issuance and program costs; conducting a formal, evidence-based assessment of the initiatives launched in response to COVID to inform recommendations to the board.

6. Expiry of LAO staff union's collective agreements (labour relations)

Medium

Risk description and impact

Two LAO OPSEU collective agreements and the Society of United Professionals lawyers' collective agreement expire on March 31, 2022.

Risk mitigation

LAO has commenced discussions with Treasury Board in regards to its bargaining mandate. LAO will seek a bargaining mandate from LAO's Board as appropriate in the fall of 2021.

7. Sufficiency of management information

Medium

Risk description and impact

Risk that information and data produced or used provides inadequate or incomplete support for business needs; risk that information and data does not support accurate planning and service delivery decision-making; risk that LAO has inadequate data for information sharing and outcome-based accountability reporting. Risk that LAO data does not support government goals regarding the identification of systemic racism.

Risk mitigation

LAO has initiatives underway to improve strategic information and data management; Corporate Health Measures; performance measurement. LAO is: working with MAG to implement Anti-Racism Action Plan questions / data requirements; updating corporate metrics; conducting data management strategy needs assessment.

8. Service providers and/or stakeholders resist or contest new rules regime and corresponding policy changes

Medium

Risk description and impact

LAO is building new rules framework to replace regulations. There is the potential that negative stakeholder reaction to LAO's proposed or approved direction for LASA 2020 rules framework and subsequent implementation results in media attention, disruptive actions, delays and/or a change in direction.

Risk mitigation

Active consultation with justice system partners and stakeholders, including LAO advisory committees, to ensure LAO receives input from outside the organization and understands stakeholder concerns, and to ensure transparency and clear notice of potential changes.

9. Information and IT system security (cyber security)

Medium

Risk description and impact

Possibility of a significant breach of privacy, of client information disclosure, and/or of having information systems compromised. Root causes include utilization of new technology to maintain business operations and client service delivery as a result of COVID-19 contingency plans, security issues derived from work from home arrangements (home based networks, bring your own device (BYOD)), in context of a global increase in external security incidents - attacks on organizations by criminal actors. In addition, LAO's objectives include significant digital transformation.

Risk mitigation

LAO's infrastructure is maintained for security updates and receives active intrusion detection and prevention monitoring. LAO engages third parties periodically to complete internal and external penetration tests in order to confirm LAO's security posture strength and provide recommendations for areas for improvement. LAO conducts thorough Personal Information Assessments-Threat Risk Assessments for new initiatives and significant changes to existing systems. Additional mitigations include enhanced training for staff, and having sufficient

procedures in place to address existing or emerging risk scenarios. LAO's Microsoft 365 cloud deployment includes advanced security tools to help IT better manage software distribution, updates and device management. This will help address this risk based on the increased number of remote workers that IT now supports.

10. Addressing emerging client needs

Low

Risk description and impact

There is a risk of service gaps for vulnerable client groups due to pandemic conditions. Barriers to LAO's ability to provide timely access to services and justice for vulnerable populations (e.g. incarcerated, domestic violence) under COVID-19 measures results in increased risk of harm (e.g. death, injury, abuse) to clients and/or eligible individuals. E.g. delays in accessing LAO and the courts could result in incarcerated individuals remaining in institutions longer, and possibly being exposed to COVID-19. E.g. a victim of domestic violence may have added challenges accessing LAO services while isolated at home with an abuser.

Risk mitigation

LAO made significant efforts to minimize the impact on particularly vulnerable and at-risk communities for survivors of domestic violence, persons in jail, psychiatric patients, and families engaged with the CAS.

Enhanced environmental scanning, modelling and scenario planning will support decision making and service delivery response.

Appendix C: Details of Information Technology (IT) service delivery plan

LAO's corporate strategy is striving to provide service innovation and client-centred technologies that deliver value to clients. To support this, LAO has an IT Strategy designed with the goal of delivering responsive client, service provider, and enterprise digital services.

The IT strategy consists of a **core technology foundation** that enables **four strategic technology segments**, as outlined below.

Core Technology Foundation	Strategic Technology Segments
<p><i>Simplify, secure and optimize technologies to accelerate digital adaptation for client, provider and enterprise needs.</i></p> <ol style="list-style-type: none">1. Ensure systems are secure;2. Ensure systems are highly available;3. Keep systems current; and4. Efficient and effective IT.	<p><i>Enable digital modernization and transformation.</i></p> <ol style="list-style-type: none">1. Expand client digital services;2. Enhance Service Provider Digital Services;3. Effective enterprise digital services; and4. Clinic Technology Modernization.

Since 2019, LAO has completed various infrastructure, security, and platform upgrades that continue to ensure LAO's core technology foundation is secure, highly reliable, scalable, and responsive to LAO's and community legal clinics' technology needs. Importantly, this **core technology foundation** assists LAO and community legal clinics with their **operational and transformational technology** initiatives that are critical for their client needs and supports. Through COVID-19, LAO had enabled a fully virtual organization for its administration and has confirmed this strategy remains intact to further expand secure online legal services per LAO's modernization mandate(s).

Over the next few years, LAO will further advance modernization and transformation within the core technology foundation and the strategic technology segments. LAO has adopted a Cloud-first strategy to accelerate these changes and is looking to use machine learning, artificial intelligence and distributed ledger technologies to provide secure automation of its legal services.

Strategic technology segments

1. Expand client digital services

Client needs: LAO clients require services through secure access points of their choice, such as web, mobile, video, email, and instant message.

- a) Enhance LAO's contact centre client support capabilities through increased client and service provider multi-channel supports;
- b) Enhance LAO's public facing external websites;
- c) Enhance LAO's intake process through increased simplified client online self-access;
- d) Enhance Public Legal Information across client access points; and
- e) Implement online services using video, chat, instant messaging and other means.

2. Enhance service provider digital services

Client needs: LAO needs to provide its legal workers and service providers support tools that make it easier for them to receive, triage and support clients. Clients need supports that are accommodating, responsive and assuring.

- a) Continued enhancements of the Lawyer Billing Portal to enable lawyers to focus on the client supports and streamline the billing administration;
- b) Continued support and client support improvement release(s) of Service Integration (SI) to the Duty Counsel program in the courts;
- c) Continue to assess and enhance LAO's case management platforms for meeting client legal support needs; and
- d) Continue to enhance LAO's case management through integrated knowledge management and mobility.

3. Effective enterprise digital services

Client needs: Through increased digitization and optimization of LAO's business processes, LAO can increase its capacity to support clients along with improving its ability to direct resources to where they are most needed:

- a) Improve transactional efficiencies across LAO's client, service provider and enterprise through increased digitization and optimization of supports and processes;
- b) Improve LAO's client, service provider and enterprise performance through robust data analytics, reporting and decision support tools;
- c) Redirect manual transactions that clients would prefer to self-access;
- d) Continue to expand the usage of various online video based technologies (Microsoft Teams, Zoom, others) for legal workers, mediation and direct client supports;

- e) Expansion of light weight mobile computing for legal workers using secure virtualization technologies; and
- f) Expansion of knowledge management and collaboration tools in support of an agile workforce.

4. Clinic technologies modernization

Client needs: Receive secure, reliable, and accessible community legal services.

- a) Continued support of the clinic case and information management system;
- b) Continued support of clinic collaboration, sharing and mobility; and
- c) Continued support of approved/funded clinic IT projects.

Core technology foundation

1. Sustain core technology foundations

Client needs: Receive secure, highly available, and modern legal services from LAO and Community Legal Clinics.

1. Ensure systems are secure;
 - a) Upgrade security management devices and software tools;
 - b) Third party penetration tests to validate security posture; and
 - c) Ongoing privacy and security training for employees.

2. Ensure systems are highly available;
 - a) Infrastructure upgrades to increase redundancy via on-premise or cloud agreements;
 - b) Increased disaster recovery coverage for critical business services; and
 - c) Increased secure wireless access points.

3. Keep systems current;
 - a) Upgrade of LAO's client, service provider and administrative support platforms;
 - b) Assessment for third party cloud services where applicable along with migration or new acquisition;
 - c) Ensure business and systems are supported; and
 - d) Ongoing virtualization of infrastructure along with data centres for consolidation or acquisitions where applicable.

4. Efficient and effective use of Information Technology;
 - a) Increase privacy and threat risk assessment skills;
 - b) Reduce information management risks through IT policy, guidelines and formal agreements;
 - c) Improve LAO's compliance with the AODA across systems;

- d) Establish a data consolidation plan for consideration using secure third party cloud services;
- e) Align IT supports, structures and resources to meet LAO and Community Legal Clinics priority needs; and
- f) Perform research and development through immersive technology engagement (Cloud, Machine Learning, Artificial Intelligence, Augmented Reality, Blockchain, others).

Transformational technology initiatives: 2020-2025	
Expand Client Digital Services (Phone, Web, Video, Instant Messaging/Chat, Email, Self-Service Portal, etc.)	Enhance Service Provider Digital Services (Modern Client Support, Case and Knowledge Support Tools)
Effective Enterprise Digital Services (Improved information management, collaboration and mobility)	Clinic Technologies Modernization
Sustain Core Technology Foundation Security + High Availability + Keep Current + Efficient and Effective IT	

Appendix D: LAO's statement of principles

LAO's services promote access to justice. We provide legal aid services to eligible individuals in Ontario. We are a vital part of a strong justice system.

We are committed to our clients, our work and our important role. We have a foundational framework of values and commitments that we have built over time and which we continue to strengthen. This framework informs our work on a daily basis, and we are proud of it.

We are presenting the framework in this statement of principles as LAO transitions from its founding statute, the *Legal Aid Services Act, 1998*, to updated legislation, the *Legal Aid Services Act, 2020*. Our principles and commitments are part of our strong tradition of service and they will continue to be foundational to our work under our new statute. This transition is an opportunity for us to reaffirm and to celebrate our principles.

Applying our principles

We put clients at the centre of all we do.

We deliver client-focused services in accordance with our mandate and the principles established in LASA 2020. We are accountable to the province of Ontario for ensuring value for money in the expenditure of public funds.

As set out in LASA 2020, LAO's mandate is to provide high quality legal aid services that consider the needs of clients and communities in Ontario, including Indigenous and Francophone individuals and communities. We must also be mindful of the cost of the services and our financial resources.

Our statutory principles are in s. 17(2) of LASA 2020, which says that LAO should make continual efforts to maintain and improve the effectiveness and quality of legal aid services while ensuring value for money and that legal aid services should:

- promote access to justice;
- be efficient, effective and high-quality;
- be provided in a client-focused, innovative, transparent and accountable manner;
- be responsive to the needs of low-income individuals and disadvantaged communities in Ontario;
- promote early resolution, where appropriate; and
- be co-ordinated with other aspects of the justice system and with community services.

Equity and human rights

LAO strives to uphold the values of equity, diversity, and inclusion within our organization and in our client services.

As a provider of services to low-income Ontarians—many of whom are Indigenous, Black, racialized, and members of other equity-seeking communities—we recognize that our clients face barriers in accessing justice because of systemic racism and other forms of discrimination, such as those faced by people with disabilities and who are 2SLGBTQIA+.

LAO works to combat these impacts by:

- respecting and advancing the principles of equity and human rights;
- following the letter and spirit of the Ontario Human Rights Code;
- providing legal aid services through service providers who are respectful, recognize the dignity and worth of every client, and are free of bias, discrimination, harassment, and racism, including anti-Indigenous and anti-Black racism;
- applying an equity analysis, including race equity, to our work; and
- strengthening our organizational capacity and client service by fostering an inclusive and diverse workplace that reflects the clients and communities we serve.

LAO actions these values in a variety of ways:

- We have implemented a client-centred approach for reducing barriers and improving service quality for our core clients, including individuals and communities who are Indigenous, Black, or racialized, and people with disabilities;
- We are committed to working with Indigenous communities and the provincial and federal governments to advance the goals of truth and reconciliation and to implement the Truth and Reconciliation Commission of Canada's Calls to Action, particularly those addressed to the justice community;
- LAO's rules and policies require service providers and staff to deliver services in a manner that is respectful, recognizes the dignity and worth of every client, and is free of bias, discrimination, harassment, and racism, including anti-Indigenous and anti-Black racism; and
- We have established an equity, diversity and inclusion committee. We value the broad range of diversity in our staff, service providers, stakeholders and clients across Ontario, and are committed to building inclusion and supporting equity and a sense of belonging. Through the committee, LAO has developed a multi-year strategic plan to address barriers and move LAO closer to its vision.

LAO's values and strategic goals

Our values are leadership, excellence, creative thinking, and respect. We lead by being a strong voice in representing our clients and promoting access to justice. We continuously work to improve what we do. We respect our clients, our service providers and all others with whom we interact.

Our strategic goals include:

- a client-centred focus;
- value for money;
- innovative services;
- engaged staff; and
- effective collaboration.

We advance these goals by:

- focusing on client-centred service delivery;
- supporting the community legal clinic system, Indigenous legal services organizations, and student legal services organizations, in serving legal aid clients and communities; and
- listening to our clients, service providers and staff.

Accessibility

We are committed to a proactive approach to accessibility in communication and customer service by developing and implementing accessibility policies and procedures in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*.

Our Accessibility Policy sets out LAO's policies and procedures to promote the core principles of dignity, independence, inclusion, integration, responsiveness and equality of opportunity for people with disabilities.

French language services

We are committed to meeting the needs of French-speaking clients and ensuring that legal aid services are readily available in French, in keeping with the principle of active offer and in accordance with Ontario's *French Language Services Act (FLSA)*.

LAO's French Language Services (FLS) strategic plan, created as part of the overall FLS Strategic Plan for the Justice Sector in Ontario, sets out our ongoing commitments and priorities for FLS.

Service providers

LAO carries out its mandate with the dedication and commitment of its staff and its service providers, including roster lawyers who deliver legal aid services, community legal clinics, Indigenous legal services organizations, and student legal services organizations.

They share our commitment to serving low-income individuals and disadvantaged communities in Ontario. Each individual and organization plays an integral part in helping LAO to deliver on its mandate. We value their work, the important role they play, and the relationships that we have with them.

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