



**Law
Commission**
Reforming the law

Law Commission Business Plan 2022-23

Chief Executive's Welcome



The purpose of this year's Business Plan is to offer a period of stability and consolidation. Many of the objectives contained within it build upon those already underway or which we wish to develop further.

It is therefore no surprise that there is a significant focus on Equality and Diversity, given that we have been undertaking an independent audit of our current efforts in an attempt to identify what more we can do. I hope we will be able to set out a realistic action plan during 2022/23, building on the significant progress already made in this area.

Likewise, we will continue to progress our Future Ways of Working plan. We have a number of ideas to improve the accommodation we occupy to ensure it is well-suited to hybrid working, but we have needed to take a moment of pause because the politics of flexible working is a very live issue in the Civil Service at the moment. We want to steer a careful course between capitalising on the benefits of more flexible working, while recognising that the wider civil service, of which we are a part, is still debating where the optimum balance lies. I hope the Commission will have sufficient freedom to design a plan which best suits our ways of working.

The wider context also plays a significant part in this plan; the start of this business plan period has, of course, seen considerable political change. We must continue to react positively to events, for example by building relationships

with new Ministers, while ensuring we take a longer-term view of where our law reform work can yield most benefit. We have consulted on a 14th Programme of Law Reform and received a large number of suggestions for law reform projects. We have been able to commence several of these ideas as Ministerial references but will seek to progress discussions with the Ministry of Justice about how best to take forward the 14th Programme.

This Business Plan is, I believe a realistic and challenging plan for the Commission because a key part of it focuses, as ever, on the core task of delivering law reform for the people of England and Wales. We are exceptionally busy in that regard, having taken on a number of important and highly relevant new projects. Our staff are all working incredibly hard, and I know that Commissioners would wish to join me in thanking them for their efforts. I do hope the wider environment in which they work becomes more positive; being blunt, it has been rather dispiriting to hear continued criticism of the Civil Service in recent times. I know from comments made to me just how much this adversely affects morale, despite our best attempts to make the Commission a genuinely inclusive and enjoyable place to work.

I bow out as CEO during the course of this Business Plan. I can honestly say that it has been the privilege of my professional career to date to lead the Law Commission. It is a very special place undertaking incredibly valuable work. I am hugely grateful for all the support I have received from those at the Commission in the six and half years I have been CEO. I hope this Business Plan helps to lay solid foundations for my successor.

A handwritten signature in black ink, which appears to read 'Phil Golding'. The signature is fluid and cursive, written on a white background.

Phil Golding

Chief Executive of the Law Commission

Our priorities

Over the next year, we will focus our work on four priorities



Ensure that the law is fair, modern and clear



How we engage with stakeholders




Developing our future ways of working




Enhancing our approach to Diversity and Inclusion


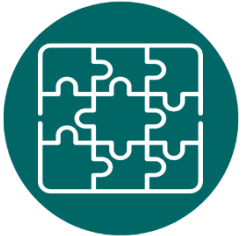
2022-23 Key Outputs

Measure		In 2022-23, we will
 <p>Ensure that the law is fair, modern and clear</p>	Make recommendations to UK and Welsh Governments that improve current law.	<ul style="list-style-type: none"> Continue to progress projects contained within the 13th Programme of law reform or those that have been received as Ministerial References. Continue to progress the 14th Programme of Law Reform following a successful public consultation. Work with the Government in Wales to identify future work of benefit to the people of Wales. Continue to engage with our stakeholders - both within Government and externally - to ensure we have a strong evidence base to support potential inclusion of projects in the 14th Programme of law reform and of those, which can be taken forward as references. Build strong relationships across Whitehall to ensure the Commission makes the strongest possible case for law reform in a challenging and uncertain environment, for example, by engaging effectively with Number Ten, Parliament, judiciary and the Government Legal Department.
	Assist Government with the twin aims of ensuring the law is resilient and also supports growth in the post-EU environment.	
	Ensure that our Programme of law reform is shaped by input from experts, interested stakeholders and members of the public.	
	Continue the transition to the Law Commission's funding model.	<ul style="list-style-type: none"> Work with the Ministry of Justice to ensure the transition to the Commission's funding model continues, building on the strong relationships between the Commission and MoJ which have been cemented since its inception. Ensure that account is taken of the new model when agreeing Ministerial References, whether from MoJ or elsewhere in Whitehall.
	Ensure best law reform practice is shared across all teams and consistency of approach achieved wherever possible.	<ul style="list-style-type: none"> Continue to develop and embed the Law Reform Manual into the working practices of the Law Commission at all levels. Implement a new Programme Board to oversee individual projects, so as to improve transparency and provide support to law reform teams.

2022-23 Key Outputs

	Measure	In 2022-23, we will
 <p>How we engage stakeholders</p>	<p>To be a more outward facing organisation, influencing opinion at home and abroad.</p>	<ul style="list-style-type: none"> • Consolidate our relationships with academia to continue to foster co-operation between the Law Commission and academia. • Undertake focused international activity, including participation in events concerning the rule of law. • Build on the practice of leading virtual sessions with sister Law Commissions across the globe to share best practice and ideas for law reform, starting with New Zealand and Australia. • Participate in the 5 Nations Law Conference, also involving Scotland, Northern Ireland, Ireland and Jersey, in late 2022. • Consider ways to support the development of the Commonwealth Association of Law Reform Agencies.
	<p>Develop new ways to engage with our stakeholders</p>	<ul style="list-style-type: none"> • Continue to build upon virtual engagement activities brought about by Covid to design new ways to reach wider audiences, for example, online seminars and events. • Develop new guidance to ensure that law reform is shaped by a greater understanding of its potential impact on a diverse range of communities, for example, making sure our Equality Impact work is cemented in law reform practice. • Publish an in-depth stocktake of modern law reform, drawing together our experiences of the last 10-15 years. • Update the “Economic Value of Law Reform” report, to highlight again the advantages of law reform.
	<p>Continue to develop our communications function to help maximise the impact of our work and communicate the benefits of reform to members of the public.</p>	<ul style="list-style-type: none"> • Review our website, including information about the work of the teams. • Improve the social media output to increase engagement with our posts. This includes developing short video clips of each Commissioner discussing potential law reform work and summarising their project proposals for use on social media. • Improving how we secure media coverage of projects, with an enhanced focus on securing coverage throughout the consultation period.

2022-23 Key Outputs

Measure	In 2022-23, we will
 <p>Developing our future ways of working</p>	<p>Work with staff across the Law Commission to identify a new Future Ways of Working model.</p> <ul style="list-style-type: none"> • Commission space planners to set out options for making best use of our workspace. • Hold workshops to draw together themes and seek staff input into new ways of working. • Develop a coherent and sustainable model based on staff preferences, MoJ guidance and best practice from other organisations. • Continue to support the Social Committee in running its popular and successful events for staff – whether in a virtual environment or face-to-face. • Continue to support the work of the Mental Health Allies in promoting wellbeing across the organisation, including ongoing support as staff begin to return to work. • Monitor progress towards new ways of working through People Survey results.
 <p>Enhancing our approach to Diversity and Inclusion</p>	<p>Delivering our Diversity and Inclusion Strategy</p> <ul style="list-style-type: none"> • Update our Diversity and Inclusion Strategy based on information from the ongoing audit. • Re-highlight the Commissioner and lawyer diversity work shadowing schemes to help find our Commissioners and lawyers of the future. • Undertake outreach activities to better target law schools, as well as increase engagement with relevant legal charities and organisations. • Produce an analysis of the Situational Judgment Test which was used to support the 21-22 Research Assistant campaign. • Organise internal L&D events promoting diversity and inclusivity.

Ensure that the law is fair, modern and clear

We will continue to deliver law reform work that is high quality, to time and supported by a robust assessment of its impact. We will work closely with our stakeholders and Government so as to make recommendations which have widespread support and, therefore, have the best chance of future implementation.



Recommendations to Government

During the course of 2022-23, we will continue our work on a range of existing projects, which either formed part of a Programme of Law Reform, or have been taken on as references in the intervening period. We will continue to work with the Government in Wales to identify new work, following the completion of our Coal Tips and Tribunals in Wales projects.

Project references

Given the scale of change at the moment, it remains vital that the Commission is able to react flexibly to high priority work which Ministers approach us to undertake. In such circumstances, sponsoring departments will ordinarily be expected to cover the costs of their project. We will, therefore, continue to work hard to identify new projects and, where possible, commensurate funding. As things currently stand, we have been highly successful at identifying new work, but there is always a risk that new work will be harder to attract, especially if the focus shifts to the short-term. As ever, we will continue to be transparent with the MoJ about any difficulties in this area.

14th Programme

In March 2021 we launched our 14th Programme public consultation. It was a highly successful exercise with over 500 responses and well over 200 individual suggestions for potential law reform projects. However, in 2022, the Commission took the difficult decision to extend the timetable for formulation of the Programme. We took the view that it was not the time to set in stone priorities for the next few years. Instead, we would continue to analyse consultation responses, either strengthening the case for reform in a given area or seeking to take on a project as an ad hoc Ministerial Reference. We recognise, however, the importance of our Programmes of Law Reform and we will reinvigorate discussions with the Ministry of Justice, and across Whitehall, so that we are in a position to put a draft 14th Programme before the Lord Chancellor at the appropriate time.

How we engage with stakeholders



We are a valuable resource to Government, providing expert and independent legal and policy analysis.

Influencing opinion at home and abroad

It has, for obvious reasons, been difficult to make as much headway in this area as we had hoped because international visits are only now beginning to take place again. Further, the pace of change in the UK has been such that we have perhaps been more reactive than proactive during 2021-22. However, the picture towards the end of the last business plan period has been much more positive. During Covid we were able to reach new audiences through the use of technology and this, of course, will remain the case moving forward. For example, we have held sessions with law reform agencies around the world to share best practice and strengthen links. We have also held more detailed discussions with law reform organisations in developing countries, offering support wherever possible. We plan also to meet with the Law Commissions of Ireland, Northern Ireland, Scotland and Jersey in November 2022. We very much want to build on these virtual channels over the course of this business

plan. We understand, however, that in many cases it is beneficial to meet our stakeholders in person. Internationally, we have hosted delegations from South Australia and Malaysia. On the domestic front, we have been very pleased to be able to attend meetings with Ministers, Parliamentarians and other stakeholders in person, again demonstrating the importance of our presence in central London. Additionally, we currently participate internationally through, for example, observer status on the American Law Institute and the Uniform Law Commission's Uniform Commercial Code and Emerging Technologies Committee and observer status on the UNIDROIT Digital Assets and Private Law Working Group -- each in relation to law reform to accommodate digital assets. We will seek to expand this aspect of our work in the coming year, making sure we are at the forefront of international legal developments.

Closer to home, we will continue to work with the judiciary, Parliament and

Government to help make the case for law reform generally, and individual law reform projects. Of particular note, we are keen to hold another session with Number Ten to raise awareness of our work, following a successful meeting in 2021. We continue to have very helpful engagement with All-Party Parliamentary Groups and will seek to build on such work during 2022/23. Additionally, as we continue to ensure our work on law reform is of the highest quality, we will continue to consolidate our relationships with academia.

Assessing the equality impact of law reform

During 2022-23 we will finalise our work to develop new guidance to ensure that law reform is shaped by a greater understanding of its potential impact on a diverse range of communities, for example, making sure our Equality Impact process is an integral part of our law reform work and reflects current best practice.

Communications

The Law Commission ensures that its projects have end-to-end communications strategies based on best practice in government. Recent developments have seen greater use of infographics and designed summaries, all of which aim to make our law reform projects more accessible to a wider audience. In 2022-23, we will seek improvements to the process of launching major publications, refining internal tools and systems in order to ensure we are well placed to maximise positive coverage of our proposals and recommendations. There will be a continued focus on more corporate-facing information, including greater efforts to communicate the work of our law reform teams. Our digital communications will be reviewed, and where appropriate, we will expand the use of content such as infographics, short videos and social media assets. We will also begin the first phase of improvements to the website. A website redesign, led by MoJ Digital, is expected to begin in 2023.

Developing a Future Ways of Working Model

We need to apply best practice from the last year to develop a new model which best supports the organisation's objectives while also providing a working environment which works for our staff.



New ways of working

Like most organisations, Covid forced a change in working practices upon the Law Commission. We adapted well to this new environment; however, it was also a challenge for many at an individual level. It is also the case that expectations within government are that a greater presence in the office is an essential component of life as a civil servant. Our job is to achieve the correct balance between in-person contact and taking advantage of technology to improve efficiency and effectiveness. The Commission has done a great deal of work to identify the best approach for the organisation, recognising that meeting with our stakeholders is a vital part of our work but, at the same time, also acknowledging that our staff benefit from getting their heads down in peace and quiet to work through extremely challenging legal issues. Working patterns are relatively settled, however, the next stage is to take a fresh look at our working accommodation, seeking to provide the optimum environment to support hybrid working. This work will be a priority for 2022-23 and a working group has already started to work through floorplans to identify what might work best for the Commission.

There are practical constraints, such as noise levels in an open-plan environment where virtual meetings are taking place as a matter of routine. There are also issues outside of our control, for example, ministerial views on office-based working and the potential for changes to terms and conditions.

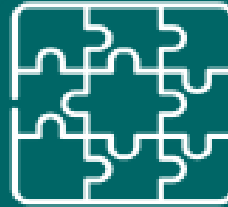
We will continue to take a consultative approach, asking staff for their opinions and holding more workshops so that everyone has an opportunity to contribute their views to the future model, recognising that there will be a wide range of personal perspectives which must be balanced with what works best for the organisation.

It is also important that we monitor progress. Our People Survey results – which have been positive in recent years – will be of particular importance as we seek to identify how staff feel about new working practices. Of particular concern will be to ensure that the vital relationship between staff and their line managers is preserved

and, hopefully, enhanced. 360-degree feedback will be a helpful mechanism for gauging how relationships may be affected by greater virtual engagement.

Finally, we must make sure that we do not lose the very real value provided by the Social Committee in terms of making the Law Commission an enjoyable place to work, as well as the work of the Mental Health Allies in making sure that nobody slips below the radar. This latter aspect will be of particular importance if people are spending more time at home, which could result in feelings of isolation.

Enhancing our approach to Diversity and Inclusion



The Commission should use our positive reputation to provide opportunities to those traditionally under-represented in the law.

Diversity and Inclusion Strategy


While we made significant progress on our Diversity and Inclusion Strategy in 2021-22, we recognise that there is always more to be done. We are currently conducting a diversity and inclusion audit to assess our current strategy against best practice and to identify areas where we can make improvements. One of our key priorities for 2022-23 is to update our Diversity and Inclusion Strategy based on the results of this audit and feedback on our work so far.

We are also continuing our outreach work across various legal roles at the Commission. Following the success of the relaunch of our Commissioner and lawyer work shadowing schemes last year, we will continue promoting these opportunities to the public in the hope of giving more lawyers an opportunity to experience the work of the Commission. At the research assistant level, we are conducting outreach work both in-person and virtually, after over 1000 people attended our first online outreach event last year.


We are also currently refreshing our research assistant outreach approach to better target law schools.


Alongside this, we are finding new ways to engage with relevant legal organisations, not only to strengthen our research assistant outreach work, but also to give aspiring lawyers from a diverse range of backgrounds access to the Law Commission. Consequently, we will continue organising initiatives with these charities as well as supporting the Government Legal Department's summer diversity scheme with our time and resources. Internally, we will continue organising learning and development events promoting diversity and inclusion and encouraging staff across the Commission to get involved with this work.


Annex A Business Plan 2021-22 review

	Target	Actual
 <p>Ensure that the law is fair, modern and clear</p>	Make recommendations to UK and Welsh Governments that improve current law.	<p>The Law Commission has had an exceptionally busy 2021-22, continuing to deliver law reform consultations and recommendations, as well as attracting new work, including a raft of work focused on the digital economy and emerging technologies. It has also been gratifying to see law reform proposals being taken forward by Government, for example, our communications offences recommendations feature in the Online Safety Bill, while our espionage recommendations feature in the National Security Bill. Recommendations in our report on charities law were implemented in the Charities Act 2022, which was enacted through the Law Commission Special Procedure.</p> <p>We took the decision to extend the timetable for formulation of the 14th Programme, taking the view that now was not the right time to set in stone law reform priorities for the next five years and beyond. However, in practical terms, this has not impacted adversely on our ability to attract new work which has instead been taken on through ad hoc Ministerial references. The Commission is, therefore, currently working at capacity and is likely to remain at or near capacity for some time given the future pipeline of work. It is also the case that the engagement we have had with stakeholders and members of the public as a result of the 14th Programme consultation has been enormously helpful in identifying potential new strands of work. We continue to analyse these ideas and will either make the case for inclusion in a future Programme or, where possible, take them on as ad hoc ministerial references. We are grateful to everyone who took the time to correspond with us.</p> <p>We have continued to discuss with Government whether we can assist in technical, uncontroversial, aspects of legal reform arising following the decision to leave the EU. Those discussions are ongoing.</p>
	Assist Government with the twin aims of ensuring the law is resilient and also adapts positively to the post-EU environment.	
	Ensure that our Programme of law reform is shaped by input from experts, interested stakeholders and members of the public.	

	Implement the Law Commission's new funding model.	The funding model has now been fully implemented and we remain grateful to everyone at the Ministry of Justice for the help they have given us in bringing about this new approach. We have continued to realise income from other Government departments and have agreed processes with MoJ for returning excess income to the department at year-end. We are transparent with the MoJ on all aspects of our finances, having designed and implemented a monthly report demonstrating clearly the financial circumstances under which the Commission is operating.
	Ensure best law reform practice is shared across all teams and consistency of approach achieved wherever possible.	The Law Reform Manual is now a core part of the way we work, with an editorial board, overseen by the Head of Legal, regularly reviewing content to ensure that it reflects the latest best practice in relation to our law reform projects.

Targets		Actual
 <p>How we engage stakeholders</p>	To be a more outward facing organisation, influencing opinion at home and abroad.	<p>The Commission has undertaken a number of engagement activities with international law reform organisations, for example, hosting a delegation from Malaysia, or providing direct support to the Law Commissions of Eswatini and Somaliland.</p> <p>We also continue to work closely with academia to ensure strong links with academic priorities, such as the REF process, which in turn can help to align research with law reform projects.</p>
	Develop new ways to engage with our stakeholders.	As with many organisations, COVID brought about a need to consider afresh how best we could consult with our stakeholders making more effective use of technology. This has now become embedded in the way that we work, and we routinely host online events where engagement is likely to be enhanced. That said, it has been important to reconnect with some stakeholders where in-person engagement is more effective. In short, we have worked hard to adapt successfully to new ways of working, sharing best practice across the organisation, for example, hosting an online Research Assistant awareness campaign attended by over 1000 potential applicants.
	Continue to develop our communications function to help maximise the impact of our work and communicate the benefits of reform to members of the public.	We have improved how we secure media coverage of projects, refining the process for planning major report launches and continuing to focus on securing coverage throughout project consultation periods. We have also made improvements to our digital communications, expanding the use of content such as infographics, short videos and social media assets.

Targets		Actual
 <p data-bbox="174 592 407 699">Developing our future ways of working</p>	<p data-bbox="483 245 1086 308">Work with staff across the Law Commission to identify a new Future Ways of Working model.</p>	<p data-bbox="1261 260 1982 699">We have involved staff in all aspects of our Future Ways of Working model, taking a collaborative approach to setting out core principles about how the Commission best adapts to more flexible working arrangements, while protecting the benefits of all being in the office together. These principles have been agreed at all levels and work has now begun to look at how our accommodation might be adapted to suit these new approaches. Obviously, cost will be a factor, together with the need to align with wider MoJ Facilities Management restrictions, but the early work undertaken so far indicates we will be able to make a number of improvements to our working environment for the benefit of all staff.</p>

	Targets	Actual
 <p>Enhancing our approach to Diversity and Inclusion</p>	<p>Delivering our Diversity and Inclusion Strategy</p>	<p>In 2021-22, the Law Commission made significant steps in diversity and inclusion.</p> <p>In July 2021 we recruited a Diversity and Inclusion Coordinator to oversee and support the delivery of our Diversity and Inclusion Strategy, published in June 2021. The Diversity and Inclusion Coordinator has played an active role in encouraging involvement from staff at the Law Commission to deliver the strategy objectives, including organising a Diversity and Inclusion Group to allow for a greater range of input into our strategy. As part of our ongoing focus on learning and development, staff have undertaken training, including on gendered language, imposter syndrome and neurodiversity, and we will continue to grow our programme of events promoting diversity and inclusion.</p> <p>In November 2021 we relaunched the Commissioner Work Shadowing Scheme, expanding it to cover lawyer roles. We are delighted to have been able to offer nine of the 18 applicants opportunities to talk with or meet Commissioners during this reporting year. Alongside this, we have continued our engagement with legal organisations and universities to raise awareness of research assistant opportunities at the Commission. Taken together, this means that we now undertake outreach work for all our legal roles.</p> <p>We believe that, as a public body, the Law Commission should use its position and reputation to offer opportunities to people who may otherwise struggle to progress their legal career. Therefore, we have worked with a number of organisations to offer</p>

		<p>internships to those who are traditionally under-represented in the law. We also recognise the impact of our work on the wider society and have therefore commenced work designed to strengthen our approach to Equality Impact Assessments.</p>
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Annex B – Upcoming publications

The Law Commission anticipates publishing the following consultations and reports in 2022-23.

	Consultations	Report
Commercial and Common Law	<ul style="list-style-type: none">• Digital assets• Review of the Arbitration Act 1996• Decentralised autonomous organisations (DAOs) (call for evidence)	
Criminal Law	<ul style="list-style-type: none">• Evidence in Sexual Offence Prosecutions• Contempt of Court (joint project with Public Law and the Law in Wales)	<ul style="list-style-type: none">• Corporate Criminal Liability options paper (joint project with Commercial and Common Law)• Intimate Image Abuse• Confiscation of the proceeds of crime
Property, Family and Trust Law		<ul style="list-style-type: none">• Weddings• Surrogacy
Public Law and the Law in Wales		<ul style="list-style-type: none">• Remote driving (advice to Government)

	Budget 2022-23 (£000)
Commissioners' Costs	565
Legal Staff Costs	3,888
Non-Legal Staff Costs	533
Other Costs, including: <ul style="list-style-type: none"> • Design, print and reprographics • Events and conferences • Telecommunications • Travel and subsistence • Stationery and office supplies 	262
Total Expenditure	5,248
Core Funding	4,498
Minimum Required Income	750