



Law  
Commission  
Reforming the law

# Law Commission Business Plan 2018/19

# Chief Executive's Welcome



I am delighted to introduce this Business Plan for 2018/19. It comes at an exciting time for the Commission. First, we have finalised the 13<sup>th</sup> Programme of Law Reform. This has been a huge achievement on the part of the Commission, not least given the uncertainty which currently prevails in Government. The Programme, agreed by the Lord Chancellor at the end of 2017, represents a diverse and highly relevant series of law reform projects and once again demonstrates the value of the Law Commission.

We are now able to focus our attention on our core purpose – progressing law reform projects. In so doing, I am very aware that, with the increasing pressure to secure income for our projects, the timescales in which we are being asked to deliver are now becoming unremittingly tight. This places staff under considerable pressure and adds risk to our project work as we balance the need to deliver to extremely challenging deadlines with maintaining the levels of consultation and quality on which our reputation has been built.

Second, we have been able to secure sufficient income for project work to create a workable budget for 2018/19. This is a considerable achievement as we have again surpassed expectations by being able to secure sufficient income to offset the cuts from our core budget. This at a time of real financial pressure across Whitehall. But, I am under no illusions that this is an uncertain and unsustainable financial

model and what looks to be a relatively secure position today could quickly change if we are unable to secure income-generating projects in the future. Nevertheless, for 2018/19 at least, some of the immediate pressures are reduced which, I hope, will lessen the distraction which has been a feature of recent years as a result of successive budget reductions. Third, this plan sets out an ambitious programme of improvement, in relation to governance, HR policies, communications and outreach so that we can be sure that our governance is as effective as it can be and that those who are considering working with us are from a diverse range of backgrounds. Finally, and most importantly, this Business Plan is designed to support our people, who are our major asset. Without the dedicated and highly skilled staff of the Commission, the organisation simply would not function.

The Plan builds upon last year's efforts to improve the Law Commission as a place to work. These efforts – by everyone at the Commission – resulted in considerable improvement to our People Survey results. But, I am not complacent. If we are to maintain, or improve upon, those results, we will all need to work together to ensure we remain a great place to work. As ever, I am incredibly grateful to everyone at the Commission for their hard work and support. I look forward to working together to deliver the objectives set out in this Plan.

A handwritten signature in black ink, which appears to read 'Phil Golding'.

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**



**A forward looking  
organisation**





**A great place to work**





**Good corporate  
governance**

# 2018-19 Key Outputs

	Measure	In 2018-19
	<p>Make recommendations to UK and Welsh Governments that improve current law.</p>	<ul style="list-style-type: none"> <li>• We will continue to progress pre-13<sup>th</sup> Programme projects, subject to resource constraints.</li> <li>• We will commence work on projects included within the 13<sup>th</sup> Programme.</li> <li>• We will commence one Welsh-focussed project.</li> <li>• We aim to publish eight reports during 2018-19.</li> <li>• We aim to publish six consultation papers during 2018-19.</li> <li>• We aim to secure at least two project references.</li> </ul>
	<p>Assist Government with the myriad of technical legal challenges associated with Brexit and support the Global Britain agenda.</p>	
	<p>Ensure that our recommendations are shaped by input from experts, interested stakeholders and members of the public.</p>	
	<p>Continue to identify future areas of law reform, working with relevant Government Departments to secure project references.</p>	
	<p>Ensure best law reform practice is shared across all teams and consistency of approach achieved wherever possible.</p>	
	<p>Continue work to build relationships within Government and promote the strategic use of the Law Commission.</p>	<ul style="list-style-type: none"> <li>• We will continue to engage with Parliament and Government, including the Justice Committee.</li> </ul>
	<p>Leverage our strong relationships with academia to encourage mutually beneficial empirical research that will help to further strengthen the evidence base for our recommendations.</p>	<ul style="list-style-type: none"> <li>• We will identify areas of law reform that could benefit from mutual research.</li> <li>• We will engage with leading figures in academia.</li> </ul>
	<p>Embed the communications strategy within the Law Commission, maximising the impact of our work and the benefits of reform to the citizen.</p>	<ul style="list-style-type: none"> <li>• We will put in place an OASIS communications strategy for all projects.</li> <li>• We will review our external website.</li> <li>• We will continue to increase our social media output.</li> </ul>

# 2018-19 Key Outputs

	Measure	In 2018-19
	Work with staff across the Law Commission to identify actions to improve the organisation, making use of the People Survey scores to support the action plan.	<ul style="list-style-type: none"> <li>We will improve People Survey scores across the areas identified in the Action Plan.</li> <li>We will deliver 90% of People Survey actions by October 2018.</li> </ul>
	Develop a diversity policy which ensures that the Commission is able to draw on the widest possible pool of candidates for research assistant, lawyer, Commissioner and corporate roles.	<ul style="list-style-type: none"> <li>We will publish a Diversity and Equality strategy by October 2018.</li> <li>We will undertake outreach activity to target more law schools, as well as continued engagement with relevant legal charities.</li> </ul>
	Achieve professional excellence through expanding the learning and development programme to help support staff in developing themselves and their career.	<ul style="list-style-type: none"> <li>We will arrange lunch time lectures covering both legal and corporate topics.</li> <li>We will ensure that all staff to have an agreed development plan by November 2018.</li> </ul>
	Strengthen the relationship between the Board and staff, ensuring that all colleagues are aware of the role of the Board.	<ul style="list-style-type: none"> <li>We will publish internally Board reporting packs and decisions.</li> <li>We will increase opportunities for staff and Board members to discuss matters of common concern and highlight areas of work, for example through increased use of team presentations.</li> </ul>
	Successfully appoint a new Chair for the Commission, seamlessly integrating them into the organisation and fully utilising their skills and experiences.	<ul style="list-style-type: none"> <li>We will support the induction of a new Chair by Summer 2018.</li> <li>We will prepare and complete a successful induction for the new Chair.</li> </ul>
	Ensure that the Commission continues to deliver effectively and efficiently, underpinned by good corporate governance.	<ul style="list-style-type: none"> <li>We will work with MoJ to complete a Tailored Review during 2018.</li> </ul>
	Successfully embed new ways of working following changes to the Law Commission's accommodation in 102PF.	<ul style="list-style-type: none"> <li>We will introduce smarter ways of working by making best use of technology, such as Skype.</li> <li>We will develop a remote working policy.</li> </ul>
	Ensure that the Law Commission complies with its obligations under the new General Data Protection Regulation (GDPR).	<ul style="list-style-type: none"> <li>We will ensure that all GDPR requirements to be met by May 2018.</li> </ul>
	Ensure a robust financial position by keeping the variance against total budget under control.	<ul style="list-style-type: none"> <li>We will ensure annual budget variance of +/- 3%.</li> </ul>

# 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.



## 13<sup>th</sup> Programme Projects

In December 2017, we published the 13<sup>th</sup> Programme of Law Reform with 14 projects selected.

The projects selected for the 13<sup>th</sup> Programme are designed to address a wide range of issues: improving the way in which the law works for the public or business (for example, Surrogacy and Residential Leasehold), boost Global Britain and help enhance competitiveness (Smart Contracts and Modernising Trust Law), and support emerging technology (Automated Vehicles).

This will represent much of the Commission's workload over the coming three to four years. During 2018-19 we expect to be working on at least 6 of these projects.

## Earlier Programmes of Law and references

During the course of 2018-19, we will continue our work on a range of existing projects, which either formed part of an earlier Programme of Law, or have been taken on as

references in the intervening period.

A number of factors outside of the control of the Law Commission impact on when we can publish consultation papers and reports but a list of our upcoming publications based on current planning can be found at **Annex B**.

## Pipeline of work

It is important that we can attract new income-generating references. As part of our spending review settlement in 2015, our core budget will continue to reduce until the end of the spending review period in 2019-20.

As existing income generating projects come to an end, they will need to be replaced. We will aim to secure two income generating references in 2018-19 with a view to starting the projects in 2019-20.

## Representing the UK

We feel strongly that we should be as relevant to the Welsh Government as we are to the UK Government. We are currently undertaking a project for the devolved administration in Wales on Welsh Planning Law and will seek

to obtain a reference this year for another Welsh focussed project.

Responsibility for law reform in Scotland lies with the Scottish Law Commission. However, we will work closely with our Scottish counterparts when potential law reform will have an impact across the UK. The 13<sup>th</sup> Programme identified two such areas, Automated Vehicles and Surrogacy, and we look forward to jointly developing proposals with the Scottish Law Commission.

# A forward looking organisation



We are a valuable resource to Government, providing expert and independent legal and policy analysis targeting areas of the law that are not fit for purpose.

## Strategic use of the Commission

During 2018-19, we will continue to develop relationships with other Government departments and Parliamentarians.

We will leverage these relationships to promote the use of the Law Commission to consider complex areas of law and to ensure that our work has the widest possible reach and impact.

We anticipate that the skill-set of the Law Commission will mean that we are well-placed to assist Government with the myriad of technical legal challenges associated with Brexit.

## Working with Academia

It is essential that we ensure that our law reform projects maximise their reach and have input from as many interested parties as possible. Over the course of the year, we will adopt a proactive approach to encouraging academic stakeholders to become involved in Law Commission projects.

This involvement could take the form of undertaking research designed to assist with our law reform projects or to help inform our recommendations.

## Communications Strategy

Last year, we transformed our approach to communications. We promoted a more proactive approach to media engagement and ensured that projects had end-to-end communications strategies based on best practice in Government.

As we commence a number of new projects this year borne out of the 13<sup>th</sup> Programme, we will ensure that the new communications tools that we have developed are fully embedded within each project. This will allow our projects to maximise their reach and impact.



# A great place to work

We are proud of our continuously high Civil Service People Survey scores but we are aware that we cannot remain satisfied with what we have so far achieved. So we will continue to engage with our staff to identify how we can continue to develop the Law Commission to provide a rewarding, supportive and stimulating place to work.



## People Survey

The Law Commission takes part in the Civil Service People Survey, with the results providing a valuable way for staff to input into the development of the organisation. In 2017, 73% of staff completed the survey with a 72% engagement index. This places the Law Commission at 7% above the high performing Civil Service benchmark as well as 9% above the MoJ's other ALBs. This was also a 3% increase from the 2016 score although there is still a little way to go before matching 2015's engagement index of 75%.

Our improved scores this year reflect the great work from colleagues to implement the staff survey action plan. We have again worked with staff to create another action plan based on the survey results and face-to-face feedback. The plan focuses on three areas, where we make tangible suggestions for improvement: My Manager, My Team and Inclusion and Fair Treatment.

## Diversity

The Law Commission is committed to

encouraging diversity. Our aim is that our people will, as far as possible, be representative of all sections of society and for each individual to feel respected and able to give their best. We will commit to continue building on the strong work we have undertaken to support the 2018 Research Assistant campaign. This work specifically targeted more diverse law schools who the Commission may previously have missed which resulted in an increase of 27% in the number of universities that candidates attended.

We will develop a strategy which will ensure we provide equality and fairness for all in our employment and as part of our recruitment process.

## Learning and Development

Learning and Development was one of the target areas in the previous people survey action plan. As a result, we saw our Learning and Development scores increase by 20% to 54%. While this was fantastic progress, Learning and Development still represents one of our lower scoring areas.

The development of our staff is key to making the Law Commission a great place to work – both to ensure that we support our staff in building fulfilling careers but also to ensure that we continue to provide a high quality service to the public.

Last year we created a Learning and Development guide, with positive feedback received across the Commission. This year we must ensure that the guide is fully developed and continues to evolve to remain a relevant and effective tool.

## Our Board

Feedback from the recent People Survey highlighted a need to strengthen the relationship between staff and the Board. This year we will help to strengthen the connection between the role of the Board, how decisions are made and how this influences the strategic direction of the organisation by making more Board papers and the project reporting pack available to colleagues and exploring ways to increase opportunities for teams to interact with the Board.



# Good corporate governance



The Law Commission strives to be a modern, world class law reform body. In order to achieve this, we will commit to implementing improvements in the way the organisation is operated and governed.

## New Chair

In July 2018, the Rt Hon Lord Justice (Sir David) Bean, will have completed his term as the Chair of the Law Commission. The recruitment process for his replacement is underway.

We will ensure that the new Chair is properly inducted within the organisation so that they can begin work quickly and effectively. We will ensure that there is no delay to our current project work and the decision making where responsibility lies with our Chair and the Commissioners.

## Continuous Review

This year, we will work with MoJ to complete a tailored review of the Law Commission, looking at the way that the organisation is run and how we deliver our projects. We welcome the opportunity to complete a proportionate review, recognising the benefits of challenge from a third party. We are confident of a positive outcome and will work with MoJ to implement any recommendations.

## Implementing Corporate Change

In order to contribute to MoJ's requirement to make efficiency savings, we have agreed to reduce the floorspace that we occupy in 102 Petty France. This year we will implement the modifications to our office space and embed new ways of working that will be required to ensure that changes to our accommodation are a success.

GDPR is due to come into force in May 2018 to strengthen data protection and privacy for individuals within the EU. We will ensure that we are fully compliant with the regulation and take the opportunity to review and refresh our data processes.

## Finance

Our core funding for this year, which is provided to us by Parliament and received via the Ministry of Justice, is £2,227,000. This represents a 10% reduction on the core funding of the Commission as compared to 2017-18. This will mean an increased reliance on income from projects we take from across Government. This income is not guaranteed and is seen as a significant risk for the Law Commission.

Our financial forecast for the year is outlined in **Annex C**.

## Annex A – Business plan 2017-18 review

	Target	Actual
<b>Ensure that the law is fair, modern and clear</b>	We will launch our 13 <sup>th</sup> Programme of Law Reform by October 2017.	Complete – December 2017.
	We are due to publish six reports during 17-18.	Three reports were published in 2017-18.
	We are due to publish five consultation papers during 17-18.	Complete – five consultation papers.
	Publish our Welsh Language Policy by October 2017.	Complete – September 2017.
<b>An outward facing organisation</b>	Continued engagement with Parliament and Government, including the Justice Committee.	Complete – regular meetings with Parliamentarians and Government.
	Produce a “Working with the Law Commission” document by October 2017.	Complete – February 2018.
	Implement a new stakeholder database by December 2017 to ensure we have the widest possible representation when making law reform recommendations.	Complete – December 2017.
	We will develop a new Communications Strategy by October 2017, with the primary aim of bringing greater clarity to the work of the Commission and the benefits of reform to the citizen.	Complete – May 2017.
	20% increase in social media output by March 2018.	15% more retweets per post and 16% increase in Twitter followers.
	Undertake comparative research into the potential benefits of digital-by-default approach by December 2017.	Incomplete — carried over.

## Annex A continued

	Target	Actual
<b>Developing the Law Commission</b>	Publish L&D strategy by October 2017.	Complete – September 2017.
	All staff to have an agreed development plan, highlighting mandatory, legal and development training by November 2017.	Ongoing.
	Publish Diversity and Equality strategy by October 2017.	Incomplete – carried over.
	Undertake outreach activity to target more law schools, as well as continued engagement with relevant legal charities.	Complete – 27% increase in the number of universities that applicants applied from.
	Improve People Survey scores across the areas identified in the Action Plan.	Complete – L&D (+20%), Leadership & Managing Change (+24%), Inclusion & Fair Treatment (+4%).
	Deliver 90% of People Survey actions by October 2017.	Complete.
	Publish Information Management policy.	Ongoing.
	All staff trained on JustStore by July 2017.	Complete – October 2017.
	All new projects opened in JustStore by November 2017.	Complete – October 2017.
<b>Promote Integrated Performance</b>	Produce a Law Reform Manual by March 2018.	Complete – June 2018.
	Produce a guide to using the Special Procedure by December 2017.	Incomplete – carried over.
	Implement new Programme Planning approach, including redesigned Board report and financial planning documentation, by December 2017.	Complete – July.
	Recruitment to be completed within MoJ recruitment timeframes.	Complete.
	Ensure all new Research Assistants are in post by September 2017.	Complete.
	100% of FOIs completed within 20 day MoJ deadline.	Complete.
	Ensure annual budget variance of +/- 3%.	Incomplete – 11% overspend due to delays to 13 <sup>th</sup> Programme as a result of the General Election.

## Annex B – Upcoming publications

	Consultation	Report
<b>Criminal Law</b>	<ul style="list-style-type: none"> <li>• Anti-money Laundering (July 2018)</li> </ul>	<ul style="list-style-type: none"> <li>• Misconduct in Public Office (late 2018)</li> <li>• Breaches of Protected of Government Data (Autumn 2018)</li> <li>• Sentencing Code (Autumn 2018)</li> <li>• Search Warrants (December 2018)</li> <li>• Anti-money Laundering (December 2018)</li> <li>• Abusive and Offensive Online Communications scoping paper (October 2018)</li> </ul>
<b>Commercial and Common Law</b>	<ul style="list-style-type: none"> <li>• Electronic Execution of Documents (August 2018)</li> <li>• Right to Manage (November 2018)</li> </ul>	<ul style="list-style-type: none"> <li>• Insurable Interest (late 2018)</li> </ul>
<b>Property, Family and Trust Law</b>	<ul style="list-style-type: none"> <li>• Enfranchisement, Residential Leasehold (September 2018) – to be preceded by an options paper on leasehold houses (July 2018)</li> <li>• Commonhold, Residential Leasehold (October 2018)</li> </ul>	<ul style="list-style-type: none"> <li>• Land Registration – including draft Bill (July 2018)</li> </ul>
<b>Public and Welsh Law</b>	<ul style="list-style-type: none"> <li>• Simplification of Immigration Rules (Autumn 2018)</li> <li>• Automated Vehicles (September 2018)</li> </ul>	<ul style="list-style-type: none"> <li>• Planning Law in Wales (Autumn 2018)</li> <li>• Simplification of Immigration Rules (Spring 2019)</li> </ul>

## Annex C – Financial forecast

	<b>Budget 2017/18 (£000)</b>
Commissioners' Costs	560
Legal Staff Costs	2,263
Non-Legal Staff Costs	305
Other Costs, including: <ul style="list-style-type: none"> <li>• Design, print and reprographics</li> <li>• Events and conferences</li> <li>• Telecommunications</li> <li>• Travel and subsistence</li> <li>• Stationery and office</li> </ul>	237
<b>Total Expenditure</b>	<b>3,365</b>
<b>RDEL</b>	<b>2,227</b>
<b>Minimum Required Income</b>	<b>1,138</b>