

April 2015

Legal Aid News is your official regular communication from Legal Aid Services on all matters related to legal aid. *Legal Aid News* is generally published in the last week of every month.

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Proposed changes to the provider audit and complaints policy

Legal Aid are currently seeking comment from the legal profession on proposed changes to Part 3 of the Legal Aid Provider Manual – Auditing and Monitoring (the Audit Policy), the Terms of Reference for Quality and Value Audits (Terms of Reference) and Part 4 of the Provider Manual – Complaints Management (the Complaints Policy).

Overall, the proposed changes to the policies are designed to increase their transparency and improve administration of legal aid provider auditing and complaints management processes. We are also proposing some minor technical changes. The current policies and Audit Terms of Reference were introduced in 2011 after the Legal Services Act 2011 was enacted. They provide the operational policy basis for our annual Quality and Value Audit programme and Special Audits, and our complaints management process. The Policies have not been reviewed since 2011. The consultation documents can be found at the below link:

<http://www.justice.govt.nz/services/service-providers/information-for-legal-professionals/information-for-legal-aid-providers/whats-new-for-legal-aid-providers>

Comment on the proposed policy is due with Legal Aid at legalaidprovider@justice.govt.nz by 29 May 2015.

Finalised Re-approval Policy

The finalised *Re-approval policy for Legal Aid Providers* is now published on our website following consultation with the legal professional bodies.

The new re-approval policy, which is now Chapter 4 in [Part 1 of the Provider Manual](#), focuses on the ability of the Secretary for Justice to waive certain information requirements on a case-by-case basis, so long as there is no cause for concern about a provider's performance since their most recent approval.

Under the new policy which we will start to implement during May 2015, we will send providers a reminder that their approval about to expire together with a re-approval form.

There are two possible tracks for an applicant for re-approval:

- Where there are no concerns or need for further information indicated. The majority of providers fall under this streamlined track.
- Where further information is required and/or there is cause for concern.

Before we send the reminder we will check available records for: a current practising certificate, sufficient legal aid cases, any substantiated complaints and/or adverse audit results.

If there is no cause for concern or need for additional information we will waive certain information requirements and place the provider on the streamlined track. The re-approval form will seek only confirmation the provider is a fit and proper person. For supervised providers we will seek confirmation of current supervision arrangements.

Where further information is required or there is cause for concern, for example where providers have not been active in legal aid or there is a history of substantiated complaints, we will seek further information to ascertain whether/how the provider may meet the statutory approval criteria.

Queries?

If you have queries about any article in this newsletter, please contact legalaidnews@justice.govt.nz.