

# What to expect during a legal aid provider audit

## Guidance for legal aid providers

### Introduction

We audit all legal aid providers yearly to ensure they are meeting our quality and value expectations.

This fact sheet gives you an overview of our audit programme and what to expect when you are audited.

There are two types of audit - limited or full audit.

- A *limited audit* involves Ministry staff checking five of your files against expectations set in the practice standards.
- A *full audit* involves an auditor, who is an experienced legal aid provider, checking the quality of the legal representation you provide to legal aid clients.

### Sending us your files

For all limited audits, and for some full audits, we will ask you to send us some of your case files.

Files can be provided in electronic or hard-copy format. We will email you to let you know where to send the files.

You are required to meet the cost of couriering/sending the requested files for audit. We will pay the costs of returning the files to you.

When sending files for limited or full audit, please note the following:

- portable devices such as USBs should have extra security measures such as encryption, password locks, remote wipe ability and physical security
- emailed files should be encrypted and password protected
- physical files should be marked 'CONFIDENTIAL' and have tracked postage.

### What happens during a limited audit

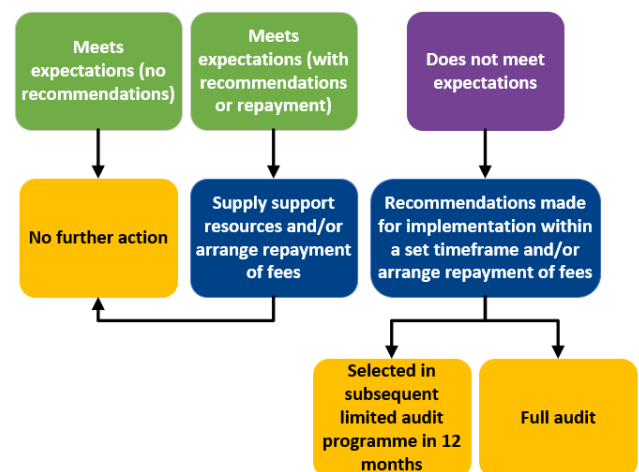
Limited audits are used to:

- provide assurance to you and to us that your legal aid work meets the expectations set in the practice standards
- identify any development opportunities to support your legal aid practice
- ensure fees and fixed fees are correctly claimed
- identify any providers that would benefit from a full audit.

The limited audit process:

- we will ask you for five recent case files and request that you will send them to us within 10 working days
- a Ministry staff member will assess your files against the limited audit checklist for your area of law
- within six weeks of receiving your files, we will email you to let you know the outcome of the audit.

The diagram below outlines the possible limited audit outcomes.



If the audit outcome is 'does not meet expectations' you can request a copy of the limited audit checklist. If you would like us to review the audit outcome, please email [legalaidaudits@justice.govt.nz](mailto:legalaidaudits@justice.govt.nz) within 10 working days. Please tell us why you disagree with the decision and provide reasons/documents to support your view.

We will review the audit result in light of the information you send and issue an updated decision letter within 10 working days of accepting the request for review.

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## What happens during a full audit

Full audits are used to evaluate the quality of the legal representation you provide to legal aid clients, as well as compliance with your professional, legislative, and contractual obligations.

Full audits can be conducted in person (where the auditor will visit your place of work), or remotely (where the auditor will talk to you using video conferencing).

Full audits will usually be completed within 55 working days from when we let you know about the audit.

We will contact you to agree a date for the audit, let you know which files have been selected and where the audit will take place.

On the day of the audit, the auditor will:

- interview you to get an understanding of how you manage your cases
- review your case files
- meet with you again at the end of the day to outline the high-level findings, give you an opportunity to offer additional information, and explain the next steps.

If the initial audit findings raise concerns, the auditor may conduct additional interviews with judicial officers, other providers or support staff, the client or their support people, or any other parties.

The auditor may also arrange to observe you in court, your interactions with a client or talk to your client about their experience of working with you.

The auditor will then prepare a draft report that sets out the overall rating, key findings and observations, any recommendations for improvement or any corrective actions required.

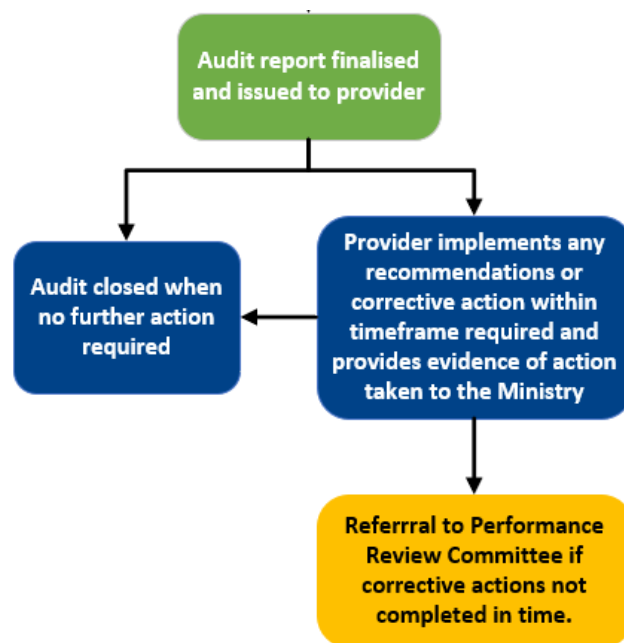
After we issue the draft report, you can arrange to meet with the auditor and the Ministry to discuss it. This meeting is to discuss any points of interest and ensure that you have a good understanding of the findings.

You will have 10 days to provide written feedback or further audit evidence as required. The auditor will assess your response and submit a final audit report to the Ministry. We will also return your files to you.

## Recommendations and corrective actions

If the audit report includes recommendations or corrective actions, you will be expected to complete the required activity within the timeframe indicated, and let the Ministry know when you have done it.

The chart below shows an overview of the process after the audit report is finalised.



Please note that the Ministry may refer you to the Performance Review Committee if you do not complete corrective actions within the agreed timeframe.

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### **What to do if you can't meet the timeframes**

Files must be sent within 10 working days' from when you are notified that you have been selected for a limited audit. If you cannot send the files within the timeframe, please contact the Ministry to arrange an extension. An acceptable reason must be provided.

Similarly, if you are unable to complete the required corrective actions within the timeframe specified, please let us know why and request an extension.

Please note that non-compliance with the audit process may result in the termination of your approval.

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### **Support resources**

We have prepared a number of support resources to help with understanding our expectations of good practice. We may send you these in response to our audit findings, and they are also available online [here](#).

The support resources consist of templates to help with file keeping or recording information, as well as informative learner guides.

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### **Further advice**

The Ministry is committed to supporting legal aid providers to meet their contractual obligations. The audit programme is an opportunity for any issues or areas of improvement to be identified in order to increase the capability of legal aid providers.