

18 April 2006

Legal Services Agency Board

Report on Public Defence Service Pilot against the Statement of Service

Purpose

- 1 This report informs you of the performance of the Public Defence Service pilot (PDS) against the Statement of Service for the period 1 January to 31 March 2006.

Performance against Planning Forecast and Budget

- 2 Under the Statement of Service, from 1 July 2005 the maximum percentage of cases to be assigned to PDS is 33%. Actual assignments from 1 July 2005 to 31 March 2006 are at 24% in Auckland and 25% at Manukau.
- 3 Attached to this report are tables showing the total assignments made against those forecast from 1 July 2005 to 31 March 2006.
- 4 As previously advised, the PDS has been unable to maintain its rostered duty solicitor sessions due to staffing issues arising from delays in recruitment and allocation of resources to serious and lengthy trial matters. While a strategy has been developed to meet the ongoing duty solicitor hours, it will not be possible for PDS to make up the shortfall that has accumulated. The number of duty solicitor hours provided as at 31 March 2006 is 925 against a forecasted 1512. In this respect, PDS will not meet the projections set out in the Statement of Service.
- 5 As assignment numbers generally in Auckland and Manukau are greater than those initially projected and the duty solicitor hours not done have been utilised on assignments generally, any impact on notional revenue has been minimised.
- 6 PDS expenditure continues to be within forecasted expenditure levels allocated to the PDS.

Service delivery

- 7 The increase in assignment numbers generally in Auckland and Manukau has impacted on the workloads of PDS staff. In order to manage workloads for the balance of 2005/06, PDS will limit assignments to the number used to calculate the expected notional revenue underpinning the budget, pro rated on a monthly basis. In other words, when assignments in any month have reached this level, further on rotation assignments will not be accepted until the following month. PDS

will continue to accept PDS preferred assignments. This will result in notional revenue being maintained in line with the operating budget.

- 8 In all other respects, case management, operational and administrative systems and processes continue to work well and professional standards are being maintained in terms of the Professional Code of Conduct and the Code of Conduct for PDS Lawyers and Other PDS Employees.

Communications

- 9 The New Zealand Law Society (NZLS) has been advised of the above strategy for managing workloads through limitation on assignments.
- 10 The development of a reporting regime for various groups, including the Auckland District Law Society, the Criminal Bar Association, and the NZLS remains outstanding due to resource issues and other work priorities.

Risks

- 11 While current assignment percentages in both Courts continue to be below the forecasted maximum percentage, the number of total assignments has been greater than initially projected. Should the number of total available assignments reduce and the assignment percentages remain at their current level, then there is the risk that this would adversely impact on notional revenue. In any event, where additional work can be assimilated, additional on rotation assignments are made in accordance with the Agency's PDS Assignment Guidelines.
- 12 While the shortfall in duty solicitor hours is not likely to adversely impact on notional revenue, there is a risk that the Agency/PDS is vulnerable to criticism that the PDS prioritises criminal assignments over duty solicitor commitments.
- 13 Assignment reports continue to be monitored closely.

Recommendations

- 14 It is recommended that the Board

a) **note** the content of this status report

YES/NO

Margaret Pearson
Manager Service Contracts

Assignments for the period 1 July 2005 to 31 March 2006

Auckland Court	Number of cases and assignment type					Assignment percentages		
Case Category	Private Preferred	PDS Preferred	Private On -Rotation	PDS On-Rotation	Total number of cases	% Private Providers	% PDS	% available on rotation
1	1,717	172	899	686	3,474	75%	25%	46%
2	133	4	46	36	219	82%	18%	37%
3	96	2	39	27	164	82%	18%	40%
4	56	1	8	7	72	89%	11%	21%
Grand Total	2,002	179	992	756	3,929	76%	24%	44%

Manukau Court	Number of cases and assignment type					Assignment percentages		
Case Category	Private Preferred	PDS Preferred	Private On -Rotation	PDS On-Rotation	Total number of cases	% Private Providers	% PDS	% available on rotation
1	1,322	110	955	644	3,031	75%	25%	53%
2	56	2	32	23	113	78%	22%	49%
3	100	6	35	33	174	78%	22%	39%
4	17	3	4	5	29	72%	28%	31%
Grand Total	1,495	121	1,026	705	3,347	75%	25%	52%