



Part 5 - Suspension Consideration and Review

Overview	2
Legislation	2
General	3
Definitions	5
Grounds for Suspension Consideration	6
Responsibilities	7
Recording	7
Law Society Involvement	7
Suspension Consideration	8
Information	8
Suspension Consideration Process	8
Notification of Decision	10
Implementation of decision	11
Review of Suspension	12
Right of Review	12
Information	12
Review of Suspension – Process	13
Nature of the Suspension Review Hearing	14
Notification of Decision	14
Lifting of a Suspension	14
Reporting and Recording Closure	15
Recording Closure	15
Documentation and Filing	15
Reporting	15

Overview

Where grounds exist a Provider will be referred to the Suspension Consideration and Review process. This may result in temporary suspension or cancellation of the Provider's listing approval(s).

Legislation

The Suspension Consideration and Review process is governed by sections 72A¹ and 73² of the Legal Services Act 2000 (Act).

Section 72A – Temporary Suspension of listing

- (1) The Agency may temporarily suspend any 1 or more approvals in a person's listing if:
 - (a) The person is charged with an offence or is subject to disciplinary procedures under the Law Practitioners Act 1982; and
 - (b) the Agency considers that this will have an adverse effect on-
 - (i) the interests of aided persons (whether generally or in a particular case); or
 - (ii) the integrity of legal aid schemes generally.
- (2) The Agency may temporarily suspend an approval under this section for a specified period of time, or until the outcome of the matter that the person is charged with or subject to.
- (3) The effect of the temporary suspension of approval is that the person ceases to be approved to provide the relevant service, and the Agency is not obliged to pay for any services of that kind provided after the date on which the temporary suspension takes effect.
- (4) The temporary suspension takes effect on the date given in a written notice to the person subject to the temporary suspension, which must be a date on or after the date on which the Agency reasonably considers the person will receive the notice.
- (5) The written notice must specify the grounds for the temporary suspension.
- (6) A person who receives a notice of temporary suspension may seek a review of that decision by the Agency, and is entitled to make submissions and be heard at any such review.
- (7) If a review is requested, the Agency must conduct the review as soon as practicable and make a final decision.

Section 73 – Cancellation of listing

- (1) The Agency may cancel 1 or more of the approvals in a person's listing on any of the following grounds:
 - (a) the person has been convicted of an offence under section 111 or section 112;
 - (b) the Agency is satisfied that the approval was given by mistake;
 - (c) the person, in relation to 1 more approvals, does not meet the listing criteria for that approval, whether those criteria were adopted before or after the approval was given;
 - (d) the person is not providing, or has not provided, the service for which he or she is approved to a standard that is acceptable to the Agency;
 - (e) the person has filed for bankruptcy;
 - (f) the person has failed to comply with 1 or more of the conditions of approval imposed under section 69(2):

¹ Section 72A was inserted by the Legal Services Amendment Act 2006.

² Section 73 is a substituted section by the Legal Services Amendment Act 2006.

- (g) the person has failed to comply with or fulfil requirements under any of the sections 66, 67, 68, or 79;
 - (h) the person is convicted of an offence, or subject to an order made under section 106 or section 112 of the Law Practitioners Act 1982.
- (2) The effect of the cancellation of approval is that the person ceases to be approved to provide the relevant service, and the Agency is not obliged to pay for any services of that kind provided after the date on which the cancellation takes effect.
 - (3) The cancellation takes effect on the date given in a written notice to the person subject to the cancellation, which must be a date on or after the date on which the Agency reasonable considers the person will receive the notice.
 - (4) The written notice must specify the grounds for the cancellation.
 - (5) A person who receives a notice of cancellation may seek a review of that decision by the Agency, and is entitled to make submissions and be heard at any such review.
 - (6) If a review is requested, the Agency must conduct the review as soon as practicable and make a final decision.

General

The consideration and review of the suspension of a Provider's listing approval(s) is a three-stage process. The stages are as follows:

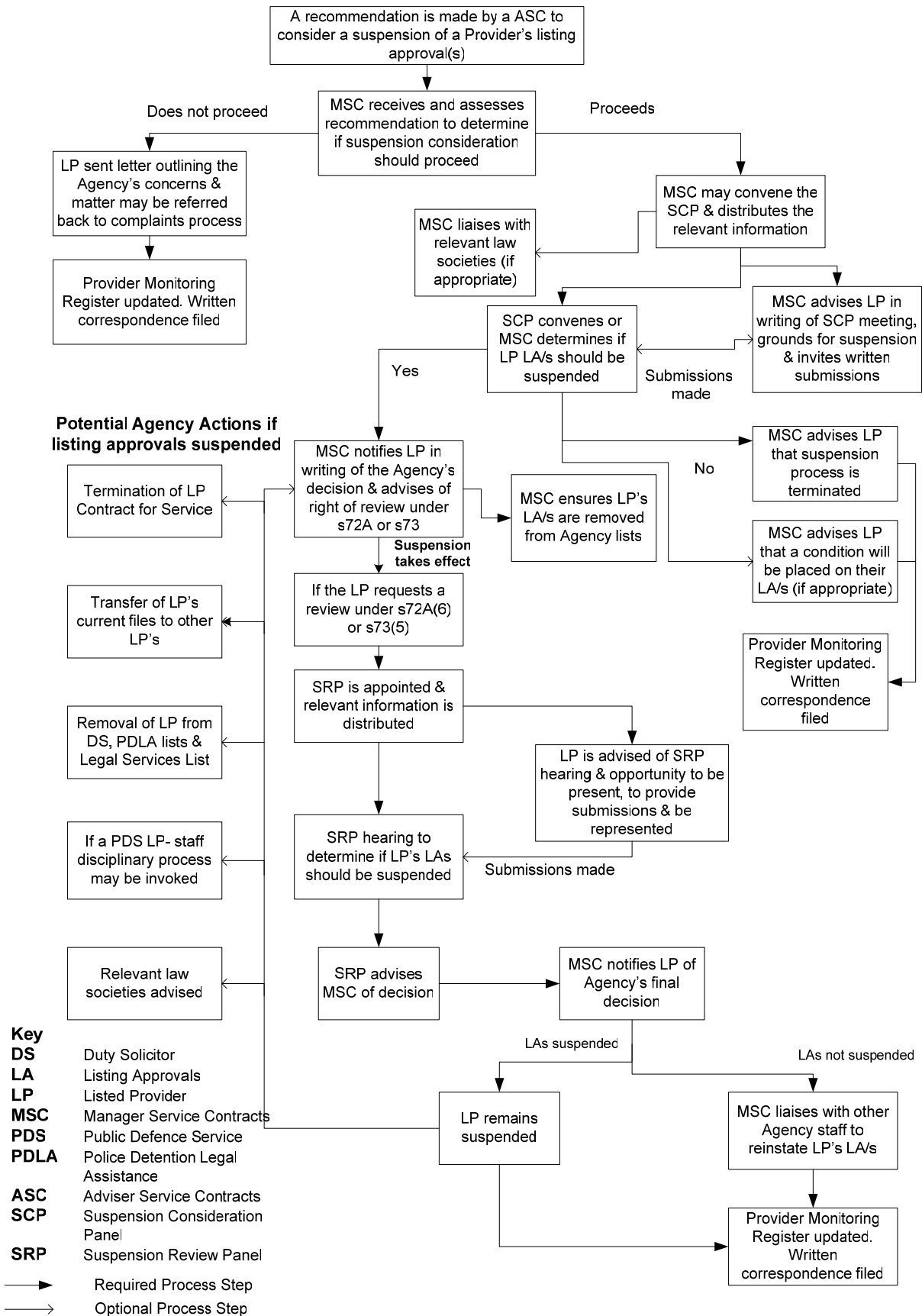
- An initial assessment by an Adviser Service Contracts of the Provider's file to determine if a ground for considering a suspension may have been established. If so, a recommendation is made to the Manager Service Contracts to refer it to the Suspension Consideration Process;
- The possible convening of a Suspension Consideration Panel to decide if the Agency should or should not proceed with the suspension of the Provider's listing approval(s); and
- In the case of a Suspension, and if requested by the Provider the convening of a Suspension Review Panel to review the Agency's decision.

The contractual dispute process in the Provider Contract for Services is subservient to the statutory process for suspension provided for by the Act and therefore does not apply to situations where suspension is considered.

The suspension consideration and review process must be performed in accordance with the Act and in a manner that is fair and incorporates the principles of natural justice.

The suspension consideration and review process applies to both temporary suspension and cancellation. The following diagram gives an overview of the suspension consideration and review process:

Listed Provider Suspension Consideration and Review Process



Definitions

Throughout this document the terms suspend and suspension may mean either temporary suspension or cancellation as is appropriate in the context used.

**Suspend/
Suspension** If any one or more of a Provider's listing approvals are suspended, the Provider is no longer approved to provide those legal aid services. There are two types of suspension – temporary suspension and cancellation.

**Temporary
Suspension** If any one or more of a Provider's listing approvals are temporarily suspended, the Provider is no longer approved to provide those legal aid services for a specific period of time, or until the outcome of the matter that the person is charged with or subject to.

Cancellation If any one or more of a Provider's listing approvals are cancelled, the Provider is no longer approved to provide those legal aid services.

De novo Where the suspension review hearing is *de novo*, the Suspension Review Panel will consider the decision to suspend a Provider's listing approval(s) anew and will make a fresh decision.

**Head Office
Managers** In terms of the suspension review process they are the Agency's senior management team based at Head Office with the exception of the Manager Information Services.

Review In accordance with s72A and s73 of the Act following a notice of suspension, the Provider may seek a review of that decision by the Agency and is entitled to make submissions and be heard at any such review.

**Suspension
Consideration** An assessment undertaken of the matter by the Agency to determine if any one or more of a Provider's listing approvals should be suspended.

**Suspension
Consideration
Panel** A panel that may be convened to consider the suspension of any one or more of a Provider's listing approvals.

**Suspension
Review Panel** A panel that may be convened to undertake the review of the suspension of any one or more of a Provider's listing approvals.

Grounds for Suspension Consideration

As previously outlined, s72A and s73 of the Act allows the Agency to suspend any one or more of a Provider's listing approvals. A number of grounds exist for the Agency to take into account when referring a Provider to the suspension consideration process. Outlined below are examples of these grounds, it should be noted that the list is not exhaustive.

Potential grounds for referral – Temporary Suspension:

- The Provider is charged with an offence or is subject to disciplinary procedures under the Law Practitioners Act 1982 and the Agency considers that this will have an adverse effect on –
 - the interests of aided persons (whether generally or in a particular case); or
 - the integrity of legal aid schemes generally.

Potential grounds for referral – Cancellation

- The Provider has been convicted of an offence under section 111 or 112
- The Agency is satisfied that the Provider's listing approval(s) was effected by mistake
- The Provider, in relation to 1 or more approvals, fails to meet the General Listing Criteria and/or the specific listing criteria for a given area of law, whether those criteria were adopted before or after the approval was given
- The Provider is not providing, or has not provided, the service for which he or she is approved to a standard that is acceptable to the Agency if:
 - They have significantly breached an obligation or have a history of breaching their obligations as outlined in Part 4 of the Act and/or;
 - Their conduct or history of conduct puts the integrity and credibility of the legal aid schemes at risk or adversely affects the Provider's relationship with legal aid clients and/or;
 - An audit undertaken by the Agency of the Provider raises issues about the quality and value of the legally aided services being provided.
- The Provider has filed for bankruptcy
- The Provider has failed to comply with 1 or more of the conditions of approval imposed under section 69(2)
- The Provider has failed to comply with or fulfil requirements under any of sections 66,67,68 or 79
- The Provider is convicted of an offence, or subject to an order made under section 106 or section 112 of the Law Practitioners Act 1982.

Responsibilities

Manager Service Contracts:

- Where appropriate acts as the Agency to make decisions under s 72A and s73;
- Appoints and usually chairs the Suspension Consideration Panel, where convened;
- Manages the implementation of the Agency's decisions in respect to Suspension Consideration and Suspension Review;
- Manages suspension related communication between the Agency and the Provider and/or their legal counsel;
- Manages suspension related communication between Agency staff; and
- Liaises with the relevant Law Society or other professional bodies when appropriate.

The Suspension Consideration Panel:

- Acts as the Agency to make decisions under s72A and s73; and
- May convene to consider the suspension of a Provider's listing approval(s).

The Suspension Review Panel:

- Acts as the Agency to make decisions under s72A and s73;
- If a review is requested, must convene to review the decision of the Agency to suspend a Provider's listing approval(s); and
- Makes the Agency's final decision on the suspension of a Provider's listing approval(s).

Recording

Each consideration of suspension of a Provider's listing approval(s) will be entered in the Agency's confidential Provider Monitoring Register.

Key information relating to the matter is recorded in the register, including the Provider's name, details of the ground/s for suspension, the make up of the panels and the location of the Provider's file.

Whether the Provider's listing approval(s) are suspended or not, all information will be retained in the register for reporting and auditing purposes.

Law Society Involvement

The degree of the Agency's participation with the relevant Law Society may be determined after the initial assessment of the matter is made by the Manager Service Contracts and discussions with the Law Society have been held (if appropriate).

Where the matter relates directly to a Provider's professional conduct, the matter may be referred to the appropriate Law Society.

So as to avoid duplication of Law Society investigations, the Agency may in some circumstances wait for the outcome of the Law Society investigation before deciding to proceed with the suspension consideration process (if appropriate).

The matter may be of such a nature that the Agency may decide that the suspension consideration process will be undertaken independent of any Law Society investigation. The Agency will keep the Law Society informed of the outcome (if appropriate).

Where a Law Society has been involved in the process, the Manager Service Contracts will liaise with the Law Society during the course of the process as required.

Suspension Consideration

Information

Information to be considered by the Agency may come from:

- The substantive investigation into the matter through the Investigating and Managing Provider Conduct process, which may include:
 - Copies of all correspondence from the Agency to the Provider in respect of the matter;
 - Copies of all correspondence from the Provider and/or their legal counsel in respect of the matter;
 - Copies of file notes of any verbal communications in respect of the matter between Agency staff and the Provider;
 - Copies of file notes of any verbal communications in respect of the matter between Agency staff and relevant third parties; and
 - Copies of all correspondence from third parties in respect of the matter.
- The report of a random or special audit of the Provider;
- The report of the decision of the relevant Law Society following its investigation (where provided by the Law Society or Provider);
- Other information held by the Agency or brought to the Agency's attention that relates to any of the grounds provided for by s72A(1) and/or s73(1) of Act;
- The written submissions of the Provider and/or their legal counsel; and
- The oral submissions of the Provider and/or their legal counsel (if appropriate).

Suspension Consideration Process

An Adviser Service Contracts will commence the suspension consideration process by making a recommendation to the Manager Service Contracts that the Provider's listing approval(s) should be suspended. This will usually occur when the initial investigation of the Provider has been completed by the Agency through the Investigating and Managing Provider Conduct and/or audit processes. It should be noted that in some instances it may be inappropriate or not necessary for the matter to be fully investigated through these processes.

If the recommendation indicates that one or more of the grounds for the consideration of suspension may have been established then:

- Where a Provider has been struck off or has not obtained a current practising certificate, the Manager Service Contracts will notify them that the Agency has suspended their listing approval(s) – refer to Notification of Decision.

- Where any of the other grounds for temporary suspension or cancellation exist then a Suspension Consideration Panel may be convened if the Manager Service Contracts considers this appropriate to determine Agency action.
- Where a Suspension Consideration Panel is not convened the Manager Service Contracts will determine Agency action.

Where a Suspension Consideration Panel is convened it will be appointed by the Manager Service Contracts. In most instances the panel will consist of an Agency Head Office Manager as chair and the Senior Adviser Service Contracts.

The panel may also involve an external lawyer. The external lawyer will participate in and provide the panel with his/her views on the matter as a legal practitioner. The external lawyer will not take part in the decision making.

Notification to the Provider that the Agency is considering suspension

The Manager Service Contracts will advise the Provider in writing that the Agency is considering suspending their listing approval(s) under s72A or s73 of the Act. The notification will include the ground(s) on which the Agency is considering temporary suspension or cancellation and the process for considering suspension. The Provider will also be invited to provide written submissions on the matter. The submissions are to be received by the Agency by the date specified in the letter.

Where a Suspension Consideration Panel is convened the Provider will also be advised of the date and time of the panel's meeting, as well as the panel's membership. While the Provider will be able to provide submissions, he/she will not necessarily be heard or present at the panel meeting.

If the Provider requests to be heard the Agency will consider their request and determine if it would be appropriate to allow them to be heard. In instances where the Agency determines the ground(s) for suspension consideration can be easily dealt with or addressed in written submissions from the Provider, their request to be heard will not be allowed. Examples of matters where it is unlikely that the Agency will agree to a request to be heard include but are not restricted to, the Provider failing to meet a condition attached to their listing approval(s), the Agency being satisfied that the Provider's listing approval(s) were effected by mistake or the Provider has been convicted of an offence under ss111 and 112 of the Act.

The Suspension Consideration Panel will convene in Wellington. Where a Provider is permitted to be heard by the panel their expenses will not be met by the Agency.

Where a Suspension Consideration Panel is convened all documentation to be considered by the panel will be made available to the panel members and the Provider and/or their legal counsel at least 10 working days before the panel meeting.

Decision of the Suspension Consideration Panel

The Suspension Consideration Panel makes its decision based on the information provided and any written and/or oral submissions made by or on behalf of the Provider. If the panel is unable

to make a unanimous decision then the decision will be that of the chair, where there are two panel members, or the majority, where there are three or more panel members.

The decision of the Suspension Consideration Panel will be finalised within 10 working days of the panel meeting. Each panel member will be offered the opportunity to comment on the written decision before it is finalised. The panel may seek the external lawyer's comment on the written decision before it is finalised.

If the Provider is permitted to be present at the meeting of the Suspension Consideration Panel the Agency may determine that the hearing will be recorded, with the permission of the Provider (if appropriate), to allow a full transcript of the hearing to be maintained. An Agency staff member will also act as note-taker during the Suspension Consideration Panel meeting. Their role is to record the reasons for the Agency's decision.

Decision of the Manager Service Contracts (where a Suspension Consideration Panel is not convened)

Where the Manager Service Contracts is to consider suspension, all documentation to be considered will be made available to the Provider.

The Manager Service Contracts will make their decision based on the information provided and any written and/or oral submissions made by or on behalf of the Provider.

The decision of the Manager Service Contracts will be finalised within 10 working days of the date on which they considered suspension.

Options for Agency action

The decision of the Agency may include one or more of the following options:

- Terminate the suspension process;
- Seek further information from the Provider;
- Place a condition over one or more of the Provider's listing approval(s). Examples of conditions could include supervision, the completion of training courses, submission of time sheets of work undertaken, further audits;
- Temporary Suspension of one or more of the Provider's listing approval(s) for a specified period of time or until the outcome of the matter that the person is charged with or subject to;
- Cancellation of the Provider's listing approval(s).

Notification of Decision

If the suspension process is terminated

If the Agency decides to terminate the suspension process, the Manager Service Contracts will advise the Provider that the suspension process is terminated. The relevant Law Society will be advised of the Agency's decision, if appropriate.

The matter will then either be closed or referred back to the Investigating and Managing Provider Conduct or post audit processes for follow up.

If one or more conditions are placed over the Provider's listing approval(s)

If the Agency decides to place one or more conditions over the Provider's listing approval(s), the Manager Service Contracts will notify the Provider. The notification will include details of the

nature of the condition, the length of time the condition will be imposed, and how the Provider can apply for the condition to be discharged once they have met the requirements, if appropriate.

If one or more of the Provider's listing approvals are to be suspended

Where the Agency decides to suspend one or more of the Provider's listing approval(s), the Manager Service Contracts will notify the Provider in writing within 5 working days of the decision being finalised.

The notification will specify the grounds for the Agency's decision, the date on which the temporary suspension or cancellation will take effect, the length of the temporary suspension and the details of what action/s the Agency will take. The Agency will also place a condition on the provider's listing approval/s which excludes the provider from being assigned new matters from notification of the decision until the effective date of suspension.

The Provider will be required to:

- advise the Agency of any files that have securities that require registration, which have yet to be effected; and
- forward any client repayments or proceeds outstanding to the Agency.

The Provider will be informed that they have 10 working days from the receipt of the notification to request a review of the decision by the Agency under s72A(6) and s73(5) of the Act. They will have the right to make submissions and be heard at the review.

Implementation of decision

Date of Suspension

The decision on the date of the effect for the suspension is made by the Manager Service Contracts. The suspension will not be delayed pending the outcome of a review. The date of its effect will be determined on a case by case basis and having regard to:

- The impact of reassignment on the legal aid clients; and/or
- The seriousness of the matter that resulted in the consideration of suspension of the Provider's listing approvals; and/or
- The Provider's legal aid client base; and/or
- If there are any hearings in the immediate future and it is impractical for a new counsel to be briefed; and/or
- The impact of reassignment on the relevant Grants Office; and/or
- Any other matters that the Agency considers relevant.

Putting into effect the suspension of the Provider's listing approval(s)

The Manager of Service Contracts will:

- Advise the Adviser(s) Service Contracts of the date from which suspension of the Provider's listing approval(s) is effective;
- Ensure that a condition is placed on the Provider's listing approval(s), from date of notification until the effective date, which excludes the provider being assigned new matters;

- Ensure that the Provider's listing approval(s) are removed from the internal Provider register, the Legal Services List and the Provider's Contract for Services from the date of the effect of the suspension;
- Advise Provider List Administration of the decision, who will update the Agency's databases;
- Advise and assist the Regional Manager(s) and relevant Grants office(s) to transfer current files relevant to the suspended listing approval(s) to another Provider. Assistance will include:
 - Providing lists of the Provider's current legal aid files relevant to the suspended listing approval(s); and
 - Providing draft letter(s) to be sent to the legal aid clients;
- Advise and assist the Regional Manager(s) and relevant Grants office(s) to remove the Provider from the Duty Solicitor and Police Detention Legal Assistance rosters, where applicable, otherwise this will be effected at Head Office;
- If the suspension of the Provider's listing approval(s) was made as a result of an audit, the Internal Auditor will be informed of the outcome;
- If appropriate, advise the relevant Law Society.

Further Agency action may also include

If all listings approvals have been suspended indefinitely the Provider's Contract for Services with the Agency may be terminated in accordance with the relevant clauses of the contract.

Where the Public Defence Service Pilot employs the Provider whose listing approval(s) have been suspended, a separate disciplinary process may be undertaken as provided for in Section 3, Part 6 of the Agency's Human Resources Policy Manual.

Review of Suspension

Right of Review

In accordance with s72A(6) and (7) and s73(5) and (6) of the Act once the Provider is advised of the suspension decision in writing, s/he may seek a review of that decision and is entitled to make submissions and be heard at any such review. On receipt of the Provider's notification that they seek a review, the Agency will as soon as practicable arrange for a Suspension Review Panel to conduct a review. The decision of the Suspension Review Panel will be the Agency's final decision.

Information

Information to be considered by the Suspension Review Panel may include:

- All of the information considered by the Suspension Consideration Panel or Manager Service Contracts;
- The full written transcript of the Suspension Consideration Panel hearing (if appropriate and if available);
- The decision of the Suspension Consideration Panel or Manager Service Contracts (if appropriate);
- Any new correspondence from the Agency to the Provider and/or their legal counsel;

- Any new correspondence from the Provider and/or their legal counsel to the Agency;
- Correspondence relating to the termination of the Provider's Contract for Service, if appropriate;
- The written submissions of the Provider and/or their legal counsel (if provided);
- The written submissions of the Agency's legal counsel (if provided);
- The verbal submissions of the Provider and/or their legal counsel; and
- The verbal submissions of the Agency's legal counsel.

Review of Suspension – Process

Where the Provider requests a review of the decision by the Agency, the Manager Service Contracts will convene a Suspension Review Panel as soon as practicable, and normally with 20 working days of the request. In determining the date of the review hearing the Agency will take into account the availability of the panel members, an external lawyer, the Agency's legal counsel, the Provider and their legal counsel.

The Chief Executive appoints the Suspension Review Panel and the chair will be an Agency Head Office Manager. The Suspension Review Panel will consist of, in most instances two Agency Head Office managers. The Suspension Review Panel may also involve an external lawyer. As with the Suspension Consideration process, the role of the external lawyer is to provide a legal practitioner's view on the matter. Neither members of the Suspension Review Panel nor the external lawyer will have been involved in the Suspension Consideration Panel or any previous consideration or decision making related to the suspension. Other Agency managers may also form part of the panel if Head Office Managers cannot take part due to involvement in the matter.

All documentation to be considered by the Suspension Review Panel will be made available to the panel members, the external lawyer, the Agency's legal counsel and the Provider and/or their legal counsel at least 10 working days before the review hearing.

Prior to the review hearing, the Provider will be notified that they have the opportunity to be present, provide written submissions and/or be legally represented. All written submissions made by the Provider and/or their legal counsel should be provided to the Agency at least 5 working days prior to the review hearing. Any written submissions received will then be provided to the Suspension Review Panel, an external lawyer and the Agency's legal counsel.

The review hearing will be held in Wellington. The Provider will be advised of the date, time and location of the review hearing as well as the panel's membership. The Provider's expenses will not be met by the Agency.

The Agency may have legal representation present at the review hearing. The role of the Agency's counsel is to advise the Agency and represent its interests.

The Suspension Review Panel may decide that the review hearing will be recorded, with the permission of the Provider, to allow a full transcript of the hearing to be maintained. An Agency staff member will also act as note-taker during the review hearing. Their role is to record the reasons for the Agency's decision.

The Suspension Review Panel makes its decision based on the information provided, the Provider's and/or their legal counsel's written and oral submissions, and the oral, and if provided, the written submissions of the Agency's legal counsel.

If the panel is unable to make a unanimous decision then the decision will be that of the chair, where there are two panel members, or the majority where there are three or more panel members.

Nature of the Suspension Review Hearing

The Suspension Review Panel will either review the decision of the Suspension Consideration Panel or Manager Service Contracts or will hear the matter *de novo*. The Suspension Review Panel will make the decision on the nature of the review.

The review will be heard *de novo* if the Agency is required to cure a breach of the principles of natural justice. For example, an irrelevant consideration was taken into account in the original decision or the process at suspension consideration was not applied correctly. It may also be heard *de novo* where the decision to suspend was made in a case of urgency and the Provider did not have the opportunity to provide comments.

If the review is not to be heard *de novo* the Suspension Review Panel will review the original decision of the Suspension Consideration Panel or Manager Service Contracts. The panel will look at the reasons for the original decision and assess whether the decision was made correctly having regards to the submissions of the Provider.

Notification of Decision

The decision of the Suspension Review Panel will be finalised and provided to the Manager Service Contracts within 10 working days of the panel meeting. Each panel member will be offered the opportunity to comment on the written decision before it is finalised. The panel may seek the external lawyer's comment on the written decision before it is finalised.

The Manager Service Contracts will then notify the Provider of the Agency's final decision and the Agency's subsequent action(s) within 5 working days of the decision being finalised.

If the Provider's listing approval(s) are not suspended

If the Suspension Review Panel makes the decision that the Agency should not suspend the Provider's listing approval(s), the Manager Service Contracts shall liaise with the relevant Regional Manager(s) and Grants office(s) as well as Provider List Administration to reinstate the listing approval(s) and if appropriate, advise legally aided clients.

The relevant Law Society will be advised of the Agency's final decision, if appropriate.

If the Provider's listing approval(s) are suspended

If the Suspension Review Panel makes the decision that the Provider's listing approval(s) should be suspended then the previous action(s) undertaken by the Agency will continue to apply.

Lifting of a Suspension

The lifting of the suspension of a Provider's listing approval(s) will depend on the nature of the suspension.

Where the suspension is for a set period of time, the suspension on the listing approval(s) will automatically be lifted on the date of expiry of that period of time.

Where the suspension includes a condition on the listing approval(s), it will be lifted when the Provider has demonstrated to the Agency that they have met or satisfied the condition.

Where all of the Provider's listing approvals have been cancelled they may reapply for listing. In assessing a provider's application for listing the Agency will take into account the reason/s for cancellation, the General Listing Criteria and any other relevant factors since cancellation occurred.

Reporting and Recording Closure

Recording Closure

The Agency's Provider Monitoring Register will be updated. The date of the outcome and the result of the suspension consideration and review should be included in the appropriate fields.

Documentation and Filing

The paper copies of all correspondence related to the suspension consideration and review process will be kept in a file during the period that the process is underway. The location of this working file will be recorded in the Provider Monitoring Register.

When the suspension consideration and review process is completed the following information may be placed on the Provider's individual file at Head Office:

- Copies of all correspondence from the Agency to the Provider;
- Copies of all correspondence from the Provider and/or their legal counsel;
- Copies of file notes of any verbal communication with the Provider and relevant Agency staff;
- Copies of all correspondence from third parties in respect of the matter;
- The written submissions of the Provider and/or their legal counsel; and
- The written decisions of the Suspension Consideration Panel or Manager Service Contracts, and Suspension Review Panel (if appropriate).

Where there is a large volume of documents, only the written decisions of the Agency and the letters of notification of the Agency's decision(s) will be placed on the Provider's file. All other information will remain in the working file. The location of this file will be recorded in the Provider Monitoring Register and on the Provider's file.

Where the Provider's Contract for Services has been terminated their file will be stored with other inactive Provider files. If Provider List Administration has not already been advised they will be notified to effect changes in LA Office, the Legal Services List and any other register.

Where it is decided that the Agency should not suspend the Provider's listing approval(s) the written information relating to the matter will be held by the Agency for 10 years, after which it will either be archived (if this has not occurred earlier) or disposed of in accordance with the appropriate disposal procedures.

Reporting

Suspension of Providers may be reported, in an anonymous format. The reports will include the ground(s) under 72A (1) and s73 (1) of the Act on which the suspension was based and whether the Provider's Contract for Services has been terminated.