

12 October 2005

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 July to 30 September 2005.

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%.
3. Attached to this report are tables showing the total assignments made against those forecast from 1 July 2005 to 30 September 2005.
4. Actual assignments from 1 July to 30 September 2005 at the Manukau office are at 27%. The actual assignments at the Auckland office for this period are at 25%.
5. While assignment percentages continue to be below the forecasted percentages, the impact on notional revenue has been minimised as a result of the assignment numbers generally in Auckland and Manukau being greater than those initially projected.
6. PDS expenditure continues to be within forecasted expenditure levels allocated to the PDS.

Service delivery

7. The recruitment programme for additional legal staff based on the PDS Business Model and in accordance with the expenditure budget, has been completed. Three additional junior lawyers have commenced in Manukau and one in Auckland in this quarter. In addition, one lawyer from the Manukau office has relocated to the Auckland office.
8. All 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. Various groups, including the Auckland District Law Society, the Criminal Bar Association, and the New Zealand Law Society (NZLS) have regularly asked for information regarding the PDS. The Agency has investigated the types of reports available and explored the options. It is expected that an appropriate reporting regime and format will be available in October.
10. As previously advised, the NZLS asserted that the PDS has breached the Agency's Policy on Assignment, Termination of Assignment and Reassignment (Policy). The investigation of these alleged breaches relating to the delegation of matters by the lead provider has been completed. The points raised by the NZLS highlighted areas where the Agency's Policy lacks clarity, particularly in the area of delegation and supervision by lead providers. In order to obtain greater clarity across assignment generally and to provide greater certainty for all providers, including PDS, the Agency has placed a review of the Policy on its 2005/06 work programme as a matter of priority. The draft policy was reviewed by the September Board and it will be revisited further before consultation with the NZLS.

Evaluation

11. The first interim report of the evaluation of the PDS, prepared by the Crime and Justice Research Unit at Victoria University has been completed. The interim report provides some initial findings on the operations of the PDS and identifies a number of issues for consideration in the ongoing evaluation.

Risks

12. 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.
13. Assignment reports continue to be monitored closely.

Recommendations

14. It is recommended that the Board

- **Note** the content of this status report. **Yes/No**

Margaret Pearson
Manager Service Contracts

Assignments for the period 1 July 2005 to 30 September 2005

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	536	68	256	248	1,108	71%	29%	45%
2	44		9	13	66	80%	20%	33%
3	26		9	7	42	83%	17%	38%
4	16		3	3	22	86%	14%	27%
Grand Total	622	68	277	271	1,238	73%	27%	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	474	39	315	219	1,047	75%	25%	51%
2	17		8	8	33	76%	24%	48%
3	28	2	4	8	42	76%	24%	29%
4	6		1	1	8	88%	13%	25%
Grand Total	525	41	328	236	1,130	75%	25%	50%