

20 March 2007

## **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 November 2006 to 28 February 2007.

### **Statement of Service**

- 2 The second annual review of the Statement of Service has been completed and the revised Statement of Service has been posted on the Agency's website.

### **Performance against Planning Forecast and Budget**

- 3 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 November 2006 to 28 February 2007 are at 21% in Auckland and 19% at Manukau. This represents 376 assignments in Auckland and 368 in Manukau.
- 4 **Attached** to this report are tables showing the total assignments made from 1 November 2006 to 28 February 2007. Assignments are currently on track to reach forecast levels for the year.
- 5 Duty solicitor hours are on track to achieve the agreed performance measure, albeit at the lower end of the performance range.
- 6 PDS notional revenue is currently below year to date planned notional revenue. The main contributors to the shortfall (aside from the change in methodology for calculation of notional revenue) are that a fewer number of files were closed than planned and fewer than planned category 3 and 4 cases were assigned. While work in progress will account for a portion of this shortfall, the assignment ceiling (ie the number of assignments that the PDS will take per month) has been increased.
- 7 PDS expenditure is within forecasted expenditure levels allocated to the PDS.

## **Service delivery**

- 8 Case management, operational and administrative systems and processes continued to work well. Professional standards were maintained in terms of the Professional Code of Conduct and the Code of Conduct for PDS Lawyers and Other PDS Employees.
- 9 An internal audit of the systems and processes of the PDS was conducted in November 2006 and included business planning, risk management, financial management, quality assurance and client service. The objective of this audit was to provide assurance that controls over the PDS are adequately designed and operating effectively to ensure:
  - Reliability and integrity of financial and operational information
  - Effectiveness and efficiency of operations
  - Safeguarding of assets
  - Compliance with laws, regulations and contracts
- 10 The conclusions reached were that overall processes and controls were appropriate. The report suggested that the quality management processes utilised by PDS be formalised. The report also suggested some changes to the management of administrative processes. The Agency will follow up on the recommendations of the audit, including the area that has not been agreed.
- 11 The fit out of the new premises at Manukau has been completed and they were occupied on 24 February 2007 and formally opened on 23 March 2007.
- 12 The Public Defender appeared in the Supreme Court in relation to a 2005 murder case.

## **Communications**

- 13 PDS staff attended the Criminal Law Symposium in Wellington in November 2006.
- 14 The Public Defender participated in a meeting under the auspices of the Interagency Group on Summary Court Improvement, looking at improved processes and possible standards for police disclosure and instructions.
- 15 As previously advised, 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. Resources that would ordinarily have been available to complete this work have been fully deployed in completing the work required for the implementation of the Legal Services Amendment Act 2006. As the Amendment Act has now been implemented, this work will be progressed as a matter of priority.

## **Risks**

- 16 There is a risk that the PDS will not meet planned notional revenue with the resultant impact on overall financial performance. This will be monitored.



**Recommendations**

17 It is recommended that the Board

- a) **Note** the content of this report

**YES/NO**

Margaret Pearson  
Manager Service Contracts

**Assignments for the period 1 November 2006 to 28 February 2007**

<b>Auckland Court</b>	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	774	72	491	263	1,600	79%	21%	47%
2	51	5	30	14	100	81%	19%	44%
3	51	1	16	17	85	79%	21%	39%
4	21	2	2	2	27	85%	15%	15%
Grand Total	897	80	539	296	1,812	79%	21%	46%

<b>Manukau Court</b>	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	859	62	594	281	1,796	81%	19%	49%
2	35	2	10	7	54	83%	17%	31%
3	52		16	12	80	85%	15%	35%
4	29	1	5	3	38	89%	11%	21%
Grand Total	975	65	625	303	1,968	81%	19%	47%