

Regulatory Impact Statement

Government response to “Transforming the Legal Aid System”

Agency Disclosure Statement

This Regulatory Impact Statement has been prepared by the Ministry of Justice.

It provides an analysis of options to reform the legal aid system to address poor quality legal services and high compliance costs. Issues that have been identified include:


- legislative impediments that contribute to market inefficiencies;
- the variable quality of legal aid services, including poor performance of a number of lawyers, some of whom are alleged to be acting in a corrupt way; and
- a lack of mechanisms to ensure quality services are provided, including problems with role clarity between the Legal Services Agency and the New Zealand Law Society.

Cabinet agreed to the major reforms to be enacted within this area in December 2009 in order to address concerns with the performance of the legal aid system. A separate Regulatory Impact Statement was prepared at that time. This Regulatory Impact Statement addresses the implications of the more detailed decisions sought in March 2010.

The most significant constraint concerning the analysis contained in this Regulatory Impact Statement is that the proposals contained in this document were developed in response to Dame Margaret Bazley’s review of legal aid within a tight time frame set by the Government.

The proposals arise from Dame Margaret Bazley’s review of legal aid. The conduct of this review involved data analysis, international comparisons, interviews with a range of stakeholders, and many court visits.

The proposed changes are unlikely to have a significant negative impact on either legal aid providers or recipients of legal aid. They will primarily improve service for legal aid recipients, by making it simpler to apply for legal aid, and increasing the quality of the legal advice received. Legal aid providers will also face some reduction in compliance as a result of simpler legal aid applications, but will need to complete a more thorough assessment process in order to be approved to provide legal aid. The proposals will also contribute towards the efficiency of the courts.


Helen Wyn
General Manager, Public Law
Ministry of Justice

Status quo and problem definition

1. The purpose of the legal aid scheme is to assist those who cannot afford legal representation to access legal services when they need them. The legal aid system has a defining role in upholding access to justice; in funding legal aid services the government gives effect to the principles of equality before the law and natural justice. This upholds public confidence in the legitimacy and effectiveness of the justice system. In this respect, there is a clear relationship between justice sector outcomes and the provision of publicly funded legal aid services.
2. There were a number of concerns about the legal aid system that prompted the legal aid review which was initiated in April 2009. These included concerns about rising cost of services, problems with access, and their impact on the justice system, especially the courts.
3. Dame Margaret Bazley's review of legal aid (the Bazley Review), which was released in November 2009, found that the legal aid system is facing serious challenges which threaten its viability into the future; that it is failing on a system-wide level; and that the legal aid system is perceived by many as providing a second-rate service, and as having clients that deserve a lesser standard of service. The review also identified:
 - legislative impediments that contribute to market inefficiencies;
 - variable quality legal aid services, including a number of lawyers who are poor performers, and some who are alleged to be acting in a corrupt way; and
 - a lack of mechanisms to ensure quality services are provided, including problems with role clarity between the Legal Services Agency and the New Zealand Law Society.
4. In December 2009, Cabinet considered an immediate response to some of the most pressing recommendations arising from the review [CAB Min (09) 45/6B refers]. A Regulatory Impact Statement was also prepared to accompany this paper. Cabinet agreed to:
 - disestablish the Legal Services Agency and transfer administration of legal aid to the Ministry of Justice;
 - reconstitute the Legal Aid Review Panel as an independent Tribunal;
 - streamline the eligibility assessment scheme for legal aid for lower cost cases;
 - introduce multiple models for service provision and contracting, in the first instance through expansion of the Public Defence Service and with trials of other purchasing models; and
 - introduce a quality system for legal aid providers.
5. The Cabinet paper this current regulatory impact statement accompanies will seek further decisions, of which the following have legislative implications:
 - design parameters for the quality system agreed to in December;
 - details of changes to simplify and strengthen the legal aid granting process, including amending the threshold at which a streamlined eligibility scheme would apply;
 - details of changes to support new contacting arrangements with community law centres; and

- clarifying the payment of legal aid for Treaty of Waitangi claims and settlement negotiations (to manage any overlaps with grants to cover the costs of reaching a settlement with the Crown)
6. These decisions are consistent with the direction agreed in December. As noted at that time, public confidence in the legal aid system has been severely compromised due to the longstanding issues identified in the Bazley Review. In the absence of further government action, the current wastage in the system (e.g. delays in court efficiency) due to poor quality legal advice, and potentially corrupt practices, would increase in scope, and likely lead to decreasing public confidence in the quality of the advice provided.

Objectives

7. The overall objective of the package of changes advanced through this and the December 2009 Cabinet decisions is to enhance access to justice by ensuring that defendants have access to good quality legal advice. This objective will be achieved by:
- granting legal aid in a cost-effective manner that minimises compliance costs on legal aid recipients and their lawyers; and
 - strengthening the quality and value for money of the legal aid system by increasing the quality requirements for legal aid providers and developing new purchase arrangements.

Regulatory impact analysis

8. The next section focuses on four areas of recommendations of the Bazley Review. The introduction of a quality system was agreed to in December 2009; this section will provide further details on how this system will operate. It also focuses on the following recommendations of the Bazley Review that were not addressed in the December 2009 cabinet paper:
- legal aid processes;
 - supporting new contracting arrangements with community law centres; and
 - legal aid for Treaty of Waitangi claimants.

Quality system

Option 1 – preferred option

9. The Bazley Review recommends improvements to the quality of the legal aid system by raising entry standards, easing the removal of poorly performing lawyers and encouraging feedback and peer review.
10. To address these quality issues a new quality framework is proposed that will:
- ensure that lawyers entering the legal aid system have an appropriate focus on the interests of their clients and the courts;
 - create incentives for legal aid providers to meet the needs of their clients and the courts on an ongoing basis, through effective monitoring, auditing and peer review, and through regular scrutiny of performance through a reappointment process;
 - address performance failure by legal aid lawyers quickly and decisively; and

- enable the Ministry of Justice, as the government department to be responsible for procuring legal aid services, to exercise choice over the providers with whom it will enter into contracts and to hold those providers to account for the quality of their services.
11. The new quality framework will contain three major components:
- *approval and re-approval to provide legal aid* – lawyers will have to meet objective criteria based around experience, competence, and customer service in order to be appointed to panels, which is a pre-requisite to providing legal aid services. Regular reappointment will be necessary, to enable ongoing scrutiny of experience, competence, and customer service;
 - *monitoring of legal aid lawyers' performance* – a programme of auditing and monitoring, including court observation and client feedback, will be used to monitor performance. Poor performance will be referred to a review process and, if necessary, to the complaints and disciplinary system for lawyers administered by the New Zealand Law Society; and
 - *review and enforcement* – a review process will be initiated where there are concerns about lawyers' performance. That process will focus on limiting the effect of poorly performing lawyers on vulnerable legal aid clients and on the court system. Depending on the outcome of the review process, lawyers may be made subject to supervision, or may be removed from the legal aid system. In particularly serious cases, lawyers may be barred from re-entering the legal aid system for a period of time.
12. A further review mechanism will be established to give lawyers an avenue to seek reconsideration of appointment and performance review decisions, thereby reducing the risk of expensive judicial review proceedings.
13. To bridge the gap between the legal aid quality framework and the lawyers' complaints and discipline system, certain orders from that system will trigger reviews under the legal aid quality framework. Information sharing protocols will be established between the Ministry of Justice and the New Zealand Law Society, supported by some necessary amendments to the Lawyers and Conveyancers Act 2006.
14. The Legal Services Agency's general listing criteria for the provision of legal services requires that a lawyer must hold a current practising certificate; have not had their practising certificate suspended in the last five years; not have a criminal conviction; and no history of upheld complaints. Under this option lawyers will now be required to regularly reapply (typically every three years) to remain listed as a provider. This should not be an overly onerous task; other professions also require regular registration. Furthermore this requirement will only apply to lawyers who provide legal aid services.
15. The new quality system should not impose any significant cost on lawyers who want to provide legal aid services. Any additional compliance burden will fall on the Ministry of Justice (who will absorb these costs) and the selection committees (who will be remunerated for it). There may be indirect costs associated with auditing because lawyers will need to maintain proper records. This is not an additional burden as lawyers should already be maintaining proper records as a matter of professional standards as required under the Lawyers and Conveyancers Act 2006. They should also be maintained as a part of good business practice.

16. While the changes may have some small cost to providers, this can be justified as the government needs to ensure that it makes efficient and effective use of public money. The Bazley Review identified significant concerns about the quality of some providers in the legal aid system. A new quality system will contribute towards increasing the quality of providers in the legal aid system and ensure that standards are maintained. It will provide the Government with greater certainty about the quality of the legal services that it is purchasing.

Option 2 – not recommended

17. The status quo could be maintained but the significant concerns about the quality of some legal aid providers would remain unaddressed and would continue to undermine public confidence in the legal aid system. The current system is not identifying poor performing providers and either assisting them to improve or removing them from the system. The Legal Services Agency also has a limited ability to remove providers from its list. Listed providers are able to remain on the list without any additional requirements; this includes many providers who do not actively take cases. This does not allow the Agency to efficiently manage the provision of high quality legal services.

Option 3 – not recommended

18. Consideration was also given to an enhanced quality system over the one described in option one. This would involve shifting responsibility for the quality of the legal aid system to the New Zealand Law Society and enhancing the regulation of lawyers. This would operate in a similar fashion to the proposed changes. It could be undermined because legal practitioners have demonstrated a long-standing unwillingness to hold each other to account for the quality of their services. It would also limit the administering body's ability to exert quality control over which lawyers enter into and remain inside the legal aid system. The Law Society would be unlikely to be able to absorb the costs of maintaining a auditing and peer review process, so this cost would be passed on to lawyers. Under the preferred option the cost of this process will be absorbed by the Ministry of Justice. For these reasons this option has not been progressed.

Improving legal aid processes

19. A number of changes are proposed that will contribute to improved legal aid granting processes:

- expanding the Public Defence Service;
- streamlined eligibility assessment;
- changes to the duty solicitor scheme;
- enhanced case management strategies; and
- simplifying administrative processes.

20. The expansion of the Public Defence Service and the streamlined eligibility assessment were agreed to by Cabinet in December 2009 and were addressed in the regulatory impact statement prepared to accompany that paper.

Changes to the duty solicitor scheme

Option 1 – preferred option

21. The Legal Services Agency has trialled changes to the duty solicitor scheme in the metropolitan Auckland courts alongside the Public Defence Service. These reforms have focussed on measures to improve performance management and accountability structures. The trial has proved successful and the reforms will be extended nationwide in 2010.
22. Providing supervision, and with it, the ability to manage the quality and performance of duty solicitors will make the single biggest impact on the efficiency and quality of the duty solicitor scheme. Where the volumes warrant it, clerical staff would be introduced to complete legal aid forms, thus freeing duty solicitors to spend their time providing legal advice. Whilst the extent of the reduction in compliance costs has not been quantified, it is clear that a reduction in the length of forms to be completed and additional support from clerical staff will reduce compliance costs. Further expansion of these changes will contribute towards the efficiency of the scheme and ensure that lawyers are providing legal advice and not performing administrative tasks. It does not impose any additional costs or tasks on lawyers providing services and will have positive benefits for clients who are receiving services. These changes are operational in nature and can be made independently of legislative change. The Legal Services Act 2000 will, however, be amended to support the changes that are being made. The Act will also be amended to enable the duty solicitor scheme to be expanded into other areas of law (for instance, family law) in the future when further work has been undertaken to determine the viability of such an expansion.

Option 2 – not recommended

23. The Bazley Review also recommended that people be able to meet a duty solicitor prior to their first appearance in court. The current legislation does not prevent defendants from meeting a duty solicitor prior to appearing in court. However, people typically do not attend court until the day of their first appearance. The duty solicitor scheme is also intended to deal only with matters that can be resolved on the day. If more time is needed, then a legal aid lawyer is more suitable. Therefore, further measures are not considered necessary to address this particular concern.

Option 3 – not recommended

24. The placement of duty solicitors in community law centres was also considered. This option was not progressed, however, for a number of reasons:
 - community law centres are not always located close to the local court;
 - additional duty solicitors would be required as those located in the community law centre would be unable to easily move into the court for the representative functions of the role (due to being based in different locations); and
 - there may be conflict of interest issues between the clients of community law centres and some users of the duty solicitor scheme (for instance a community law centre is assisting a domestic violence victim and the accused comes to access duty solicitor services).

Option 4 – not recommended

25. Duty solicitor services could also be bulk contracted with private firms. This proposal should only be implemented alongside similar arrangements in the legal aid scheme. While this has been proposed for the legal aid scheme it is not currently being progressed in order to allow a number of other changes to be implemented without adversely affecting the system. Legislation will be amended to allow the administering body to be flexible in its procurement of services and bulk funding may be explored in the future. Bulk funding of duty solicitor services could be explored at that stage. It is better not to progress bulk funding now to allow the proposals to bed in and to ensure that the current system continues to operate effectively without being overly burdened by change.

Enhanced case management strategies

26. The Bazley Review recommended a stringent case management system for repeat users of the legal aid system or clients who seek reassignment of their legal aid lawyer.

Option 1 – preferred option

27. There is merit in ensuring the administering body has tools to manage clients who demonstrate a pattern of repeatedly dismissing their lawyers, or who consistently behave in such a way that their lawyers withdraw from representing them. In some circumstances it may be reasonable for a client or their lawyer to request reassignment. However, reassignment is also requested because:

- clients have unreasonable expectations of their lawyer;
- clients wish to delay their case to remain on bail or in a remand prison and therefore refuse to co-operate with their lawyer; or
- the appointed lawyer is overcommitted.

28. This behaviour increases cost in the legal aid system (through both administrative costs and the costs of a replacement lawyer) and can create delays in the court system.

29. In order to address this problem the Legal Services Act 2000 will be amended to specify that the administering body is not required to approve a request for reassignment, except where there is a conflict of interest or there are exceptional circumstances (for instance the lawyer is incompetent). This means reassignments will not need to be agreed where a legally aided person is behaving unreasonably. This will also align with changes likely to be made under the Criminal Procedure Simplification Project introducing incentives and sanctions to facilitate more efficient court processes.

30. This proposal will provide the administering body with greater power to manage clients who attempt to delay court processes. It should help to facilitate more efficient court processes by reducing the number of adjournments due to the reassignment of counsel and the administrative cost of managing the multiple reassignment of cases.

31. The Bazley Review raised concerns about the management of high cost cases, primarily due to the Agency's ability to actively control expenditure on these cases. In order to manage these cases a number of measures will be introduced into legislation, including:

- the power to prescribe timeframes for submitting interim and final bills and any other invoicing requirements (and waive the requirements where satisfied that they are not reasonable or practicable);

- the discretion to impose any additional requirements regarding invoicing and work relating to grants and amendments to grants at any stage of proceedings;
 - provision that grants of legal aid cannot be made retrospectively for indictable offences or civil or family proceedings, other than without notice domestic violence proceedings, except in exceptional circumstances; and
 - the establishment of a simple process for terminating legal aid after an interim grant.
32. These measures will allow the administering agency to become aware of costs before they arise and to have the ability to manage high cost cases in consultation with counsel. They will also provide certainty to counsel and the flexibility to take the particular circumstances of the case into account, where appropriate.
33. This proposal may add some additional compliance costs for lawyers providing services in cases that fit within the programmes. Many of the requirements should, however, be a part of normal businesses practices and already occurring. The requirements will encourage: the careful management of public money; lawyers to maintain up-to-date billing; and to keep the administering body informed on the progress and requirements of cases. Whilst the changes are small (and in line with normal business practice), it is not possible to quantify the extent of the change in compliance costs, because no information exists about the current business practices of legal aid providers.

Option 2 – not recommended

34. The Bazley Review recommended that repeat users of legal aid have their access to legal aid restricted through a more stringent application of the interests of justice test for criminal legal aid and the merits test for family and civil legal aid. The reforms described above will more closely manage access to legal aid, reducing the cost of repeat small claims (through the streamlined eligibility assessment process), and more effectively managing high cost claims. Further, where legal aid is sought for family and civil matters, the Agency can take previous proceedings into account. This will be sufficient to address the Bazley Review recommendations. Further changes (e.g. to restrict legal aid on the basis of the number of prior legal aid claims) would raise a risk that defendants would not be represented in court, undermining their right to a fair trial.

Option 3 – not recommended

35. Consideration was also given to allowing the administering body to restrict access to legal aid where a client has repeatedly sacked their lawyer and sought reassignment of counsel. This power has not being progressed, however, as it would have a detrimental effect on the ability of the court to operate efficiently. This outweighs any benefits that could be achieved through proceeding with the proposal.

Simplifying administrative processes

36. In the course of developing the range of proposals to improve legal aid processes, a number of areas have being identified where the current legislation is not operating as intended, and minor changes could be made that would simplify the administration of the scheme, whilst benefiting or not affecting claimants.
37. For example, at present, the Legal Services Agency is required to identify the maximum amount that a person could be required to repay in legal aid, even where they are sure that the actual amount will be much lower. This results in unnecessary communication and contact with the claimant who can become confused or needlessly concerned.

38. The amending legislation will therefore include changes to simplify the administration of legal aid, while ensuring they do not disadvantage legal aid recipients, and are aligned with the government's overall objectives for legal aid.

Supporting new contracting arrangements with community law centres

39. Community law centres have a lot of flexibility in the services they choose to provide. They each identify needs within their own communities. This approach has resulted in services tailored to the skill sets of people who work in community law centres but has left gaps in services in some areas. For instance some community law centres do not provide family law services, which is a significant area of need in most regions.

40. The reporting requirements do not provide the administering body with information on the quality of services. There is often confusion about the correct approach to recording the volume of service delivered. The lack of information affects the ability of the administering body to accurately assess the services that it is purchasing.

41. The Bazley report identified the need to make better use of community law centres in ensuring good access to initial advice and assistance. It recommended developing stronger national oversight of community law centres, standardising the range and quality of services provided, and building closer links to social services. The Bazley report recommended achieving this through more active purchase and monitoring arrangements.

Option 1 – preferred option

42. In order to support new contracting arrangements with community law centres, two legislative amendments are proposed:

- Under the current legislation, each community law centre must identify a particular community it can serve, and there is scope for debate about whether this allows for the provision of some services on a national basis. It is proposed that the legislation be amended to clarify that this is allowable.
- In order to support the establishment of standards and reliable performance reporting, the administering body may need to audit community law centres. In the past, community law centres have refused to allow the administering body to conduct audits and legislative change is sought to provide for audits in future.

43. These changes will allow the administering body greater flexibility in the way it chooses to contract for services with community law centres and a greater ability to monitor their contracts. While there will be some additional requirements, it should not impose significant requirements on community law centres as they should already be producing the information required as a part of good practice (as above, community law centres already report on a number of measures). The change will ensure greater accountability for public money. Whilst the change is a marginal one, it is not possible to quantify its impact, because the cost of current reporting practices is not known.

Option 2 – not recommended

44. The status quo could be maintained, but this would not provide certainty for the administering body in its ability to be flexible in its contracting arrangements and in monitoring contracts. It would maintain the current situation in which the Agency has difficulty monitoring some aspects of contracts with community law centres. New monitoring processes will provide more certainty for both the administering body and community law centres in terms of what is expected of them. Therefore the status quo is not proposed.

Option 3 – not recommended

45. The creation of a national structure to provide some services nationally and provide stronger support for the services of community law centres was also considered. Establishing such a structure would be costly, and within the current funding environment for community law centres, divert money away from other services. Therefore the establishment by government of a national structure is not currently being pursued.
46. If community law centres are able to come together, independently of government, to better coordinate some of their services where possible, this would achieve many of the same benefits. There are some co-operative national arrangements among service providers but these arrangements do not entail provision of services on a national basis, nor any co-ordination role over the services of community law centres. Both of these roles would be an important part of the role of a national structure.

Legal aid for Treaty of Waitangi claims and settlements

47. Funding for legal representation for claimants engaged in the Waitangi Tribunal process is currently only provided by the Legal Services Agency. Funding for settlement negotiation is available through the Legal Services Agency, the Office of Treaty Settlements and the Crown Forestry Rental Trust. This is administratively complex, and raises the possibility of double-dipping by claimants or lawyers.

Option 1 – preferred option

48. Funding for legal representation for claimants engaged in the Waitangi Tribunal process is currently only provided by the Legal Services Agency. Funding for historic Treaty settlement negotiations is available through the Legal Services Agency, the Office of Treaty Settlements and the Crown Forestry Rental Trust. In order to make the funding process more efficient and avoid the risk of duplication the two government funding streams for settlement negotiations (the Agency and the Office of Treaty Settlements) will be combined and administered by the Office of Treaty Settlements. This will address the concern of the Bazley Review that there is a lack of clarity over funding in this area. Funding for the Waitangi Tribunal process will be maintained, as it currently is, with the legal aid administering body and separate from the funding for settlement negotiations.
49. This proposal will reduce compliance costs for applicants as they will only need to deal with one government agency for funding of settlement negotiations. It will reduce the risk of duplication of funding as one agency will be responsible for providing funding. There will be no reduction in access for claimants as the current funding will be maintained, but through one source.

Option 2 – not recommended

50. The status quo could be maintained – that is having two separate streams of funding in this area, administered through the independent statutory officer (in place of the Agency) and the Office of Treaty Settlements. This would, however, not address the current concerns with funding in this area: it would maintain the possibility of duplication of funding (a specific concern of the Bazley Review); it is also administratively inefficient (due to having multiple agencies involved in the funding in one area); and it is more complex for claimants (who are required to deal with multiple funders who have different requirements for receiving funding). Therefore the status quo is not proposed.

Option 3 – not recommended

51. Consideration was given to integrating all of the funding for legal aid within the Waitangi Tribunal process to one body (i.e. the administering body or the Office of Treaty Settlements). It is important, however, that this role remains independent from government (i.e. with the administering body) given that the funding sought is for iwi laying claims against the Crown. It would be inappropriate for the Crown (through the Office of Treaty Settlements) to have a direct role in deciding funding for claims in which it is a litigant and often the respondent.

Consultation

52. Consultation was undertaken as a part of Dame Margaret Bazley's review. A discussion document was publicly released, and submissions were received from the Law Society, members of the legal profession, community law centres and others. In addition, the review involved:

- visits to most of the courts in New Zealand;
- meetings with judges, lawyers, police and Crown prosecutors, and court registrars and their staff; and
- visits to community law centres and Citizens Advice Bureaux.

53. The Ministry of Justice has also consulted with the Legal Services Agency, Ministry of Education, Ministry of Pacific Island Affairs, Ministry of Social Development, Ministry of Women's Affairs, New Zealand Police, Office of Treaty Settlements; State Services Commission, Treasury, and Te Puni Kōkiri, during the preparation of the Cabinet paper associated with this regulatory impact statement. The Department of Prime Minister and Cabinet was informed. The current proposals reflect the results of consultation and are agreed with officials.

54. The quality system was developed in collaboration with the New Zealand Law Society, and the design was jointly agreed.

Conclusions and recommendations

55. It is recommended that the following options are progressed:

- a new quality system is introduced, along the lines above;
- the piloted duty solicitor reforms are expanded alongside the Public Defence Service;
- enhanced case management strategies are introduced;
- greater legislative certainty is provided surrounding community law centres; and

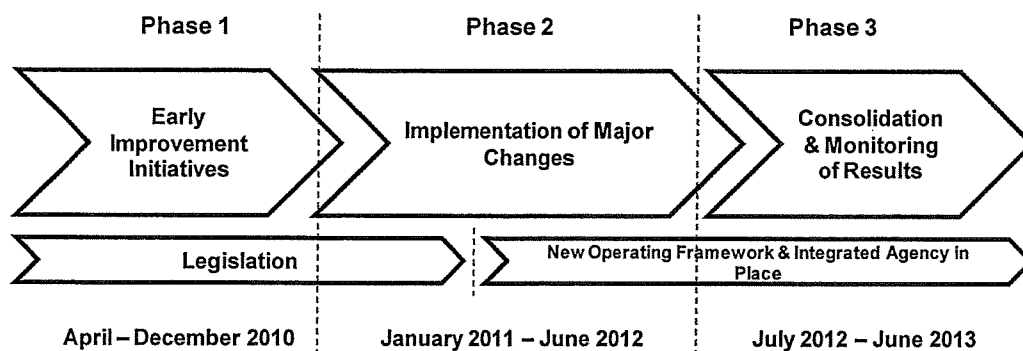
- funding for the Treaty of Waitangi settlements negotiation process is simplified.

56. These options are designed to improve the operation of the legal aid system – in both the efficiency and the quality of the system. They will reduce the compliance costs that providers face when dealing with the legal aid system and improve the service that clients receive from providers. More efficient management of the system will also contribute towards the efficient operation of the court system.

57. The proposed changes will not have a significant negative impact on the legal aid system. The changes will primarily improve services for legal aid recipients by making it simpler to apply for legal aid and increasing the quality of the legal advice provided. Legal aid providers will also face some reduction in compliance as a result of simpler legal aid applications. However they will need to complete a more thorough assessment process before they can be approved to provide legal aid.

Implementation

58. Following Cabinet decisions on the proposals in this paper, the Ministry of Justice and the Legal Services Agency will agree a joint implementation plan. The implementation plan will guide the design, development and implementation of changes until the Agency becomes part of the Ministry in January 2011. The plan will identify accountabilities and phasing of implementation tasks. Implementation will occur in three phases as depicted in the diagram below:



59. The 'early improvement initiatives' in phase 1 do not require legislative change, and are intended to address the most significant problem areas, and maintain the momentum for change. These initiatives include:

- establishing the Public Defence Service at the North Shore, Pukekohe and Papakura Courts, and planning expansion to other main centres;
- implementing duty solicitor reforms at Manukau, North Shore, Pukekohe and Papakura and planning for their expansion to Hamilton and Christchurch;
- initiating a process for removing the choice of lawyer when assigning criminal cases;
- introducing measures to further control the costs of high cost cases; and
- new funding and contractual arrangements with community law centres.

60. Implementation of the Cabinet decisions in response to the recommendations of the Bazley Review will continue over the next two years, alongside other major changes such as the Criminal Procedure Simplification project. The Ministry of Justice will employ a programme manager to ensure that appropriate integration of initiatives occurs across the Agency and Ministry in the next 12 months.

Monitoring, evaluation and review

61. The Ministry of Justice will monitor the impacts of the changes as a part of business as usual. The Ministry will report to the Minister of Justice by March 2011 on improvements in the quality of legal services and the proposed scope of a further review of legal services if required.

