

Ensuring the Quality of Legal Aid Representation Services

Audit at a glance

Why we did this audit

- Legal aid promotes fair and equitable access to justice for people living on a low income. Timely legal aid can reduce time in custody, resolve cases faster, or give protection sooner (through a restraining order, for example).
- Legal Aid BC (LABC) is the Crown corporation responsible for administering the legal aid system. It offers legal information, advice, and representation in criminal, family, child protection, and immigration and refugee law.
- Demand for legal aid representation services, which LABC uses contracted lawyers to provide, has increased nearly 28 per cent since 2021/22.
- Effective oversight by LABC is necessary to ensure some of the province's most vulnerable people receive timely, high-quality legal representation services.

Objective

To determine whether LABC had processes and information to help ensure eligible individuals received timely and high-quality legal representation services.

Audit period:

April 1, 2023 – August 31, 2024

Conclusion

LABC didn't have processes and information to help ensure that eligible individuals received timely and high-quality legal representation services.

LABC has accepted all seven recommendations to update its long-term forecasting and enhance processes and information to ensure intake and eligibility reviews, as well as complaints, are addressed in a timely manner that is consistent with policy.

What we found

LABC determined short-term funding needs but long-term funding forecasts assumed demand would stay the same

- LABC forecasted and managed the funding required to meet demand for the current fiscal year.
- LABC's long-term budget forecast assumed the number of contracts with lawyers would remain the same for the next three years despite consistent annual increases in demand.
- LABC's approach may affect the province's ability to properly plan and fund legal representation services.

Recommendation 1

Audit at a glance *(continued)*

LABC didn't determine the number of lawyers needed to meet demand

- LABC didn't forecast how many lawyers it needed to meet short-term or long-term demand for legal representation services.
- It collected data on its current roster of lawyers and client demand but didn't use the data to forecast demand or identify gaps in availability.
- LABC took steps to expand its lawyer roster through recruitment initiatives and financial incentives but the steps weren't informed by the data it had collected.

Recommendation 2

LABC didn't have processes to ensure staff appropriately applied intake and eligibility review policies in a timely manner

- LABC had intake and eligibility review policies and procedures but didn't ensure staff applied them.
- LABC had timelines for intake and eligibility review processes but didn't ensure staff met the timelines.
- The length of time to issue a contract with a lawyer improved almost 20 per cent since 2022/23, but timelines still exceeded targets, particularly for immigration and refugee cases and family law.
- LABC set a 21-day target to complete applicant eligibility reviews but only completed 65 per cent within the targeted timeframe.

Recommendations 3 and 4

LABC didn't have measures or processes necessary to monitor the quality of legal representation services

- LABC didn't have performance measures for the quality of its legal representation services.
- It also didn't have the processes necessary to monitor the quality of legal representation services it provided.

Recommendation 5

LABC didn't address complaints according to its policy and didn't set timelines to address complaints

- LABC's process for responding to complaints about legal representation services was inconsistent with its policy.
- Complaints were only considered if complainants responded to an acknowledgement letter from LABC (which asked for information they may have already provided in the initial complaint).
- During the audit period, LABC deemed 117 of 206 complaints (56.8 per cent) abandoned because the complainant didn't respond to the acknowledgement letter.
- There were no timelines for addressing complaints, but it took an average of 40 days for LABC to send an acknowledgment letter after it received a complaint.

Recommendations 6 and 7
