

LEGAL SERVICES COMMISSION

PERFORMANCE PLANNING FRAMEWORK 2008 / 2010

<p>STRATEGY 1:</p> <p>DELIVERING AN EFFICIENT AND EFFECTIVE SYSTEM FOR DEALING WITH COMPLAINTS</p>	
<p>Overall performance indicator(s):</p> <ul style="list-style-type: none"> ▪ clearance ratios (number of complaints finalized compared to the number received) ▪ timeliness (the time taken from receiving to finalizing complaints) ▪ complaint outcomes (for example, trends in the numbers of complaints compared to the number of practitioners, and comparisons of that data with like data in other jurisdictions; trends in the numbers of complaints that are summarily dismissed, or assessed to be consumer disputes or conduct matters; trends in the numbers and percentages of conduct matters that are dismissed in the public interest or that result in discipline applications; etc) ▪ extent to which we use complaints to drive systemic change (by driving the development and publication of practice guidelines, for example) ▪ stakeholder feedback 	
<i>activities</i>	<i>specific indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ produce information about the system for dealing with complaints and make it widely available to members of the public ▪ respond to enquiries about, and give help to members of the public in making complaints ▪ receive, assess and decide how to deal with complaints ▪ mediate consumer disputes or refer them to the professional bodies for mediation 	<ul style="list-style-type: none"> ▪ the range of information made available ▪ the usefulness of the information as assessed by consumer feedback ▪ the accessibility of the Commission’s services as assessed by consumer feedback ▪ respond to 80% of inquiries within 1 working day of receipt and 100% within 2 working days ▪ assess 90% of new complaints within 1 month of receipt and 100% within 2 months, in a median time-frame of less than 2 weeks ▪ finalize 90% of consumer disputes within 2 months of receiving the complaint and 100% within 6 months, in a median time-frame of less than 1 month
<p><i>continued overleaf...</i></p>	

EITHER

- investigate conduct complaints and, having investigated them, decide what further action, if any, to take on the complaints

OR

- refer conduct complaints to the professional bodies for investigation, monitor the progress and conduct of their investigations and, after they have investigated the complaints and forwarded their findings and recommendations to the Commission for review, decide what further action, if any, to take on the complaints

- finalize 75% of investigations within 6 months of receiving the complaint and 100% within 18 months, in a median time-frame of less than 4 months

- refer 55% of conduct complaints to the professional bodies for investigation subject to service level agreements
- seek status report at 3 months and at 3 monthly intervals thereafter as appropriate
- receive the professional bodies' findings and recommendations in 75% of the matters referred for investigation within 6 months of referral and 100% within 18 months, in a median time-frame of less than 4 months
- finalize 90% of investigations returned by the professional bodies for review within 1 month of return and 100% within 6 months, in a median time-frame of less than 2 weeks
- the number and percentage of matters in which the Commission agrees / disagrees with the recommendations of the professional bodies

<p>STRATEGY 2:</p> <p>COMMENCING INVESTIGATIONS ON OUR OWN INITIATIVE WHEN WE HAVE REASON TO BELIEVE LAWYERS OR LAW FIRMS HAVE ACTED IMPROPERLY</p>	
<p>Overall performance indicator(s)</p> <ul style="list-style-type: none"> ▪ the number and types of investigation matters as a proportion of all conduct matters ▪ clearance ratios (number of investigations finalized compared to number commenced) ▪ timeliness (time taken from deciding to commence to finalizing investigations) ▪ investigation outcomes (for example, trends in the number of investigation matters compared to the number of conduct complaints that result in discipline applications; etc) ▪ extent to which we use investigation matters to drive systemic change (by driving the development and publication of practice guidelines, for example) ▪ stakeholder feedback 	
<p><i>activities</i></p>	<p><i>specific performance indicators, targets or standards</i></p>
<p>We will:</p> <ul style="list-style-type: none"> ▪ be alert to, seek out and receive information other than by complaint about possible unsatisfactory professional conduct, professional misconduct and related offences ▪ investigate the conduct or refer the conduct to the professional bodies for investigation in the same way as conduct complaints (see Strategy 1) 	<ul style="list-style-type: none"> ▪ number of self-initiated investigations compared to the numbers of conduct matters overall ▪ analysis of what prompts self-initiated investigations ▪ nature and apparent prevalence of the conduct under investigation ▪ as for conduct complaints (see Strategy 1)

**STRATEGY 3:
AUDITING INCORPORATED LEGAL PRACTICES TO HELP THEM DEVELOP AND
MAINTAIN ETHICAL WORKPLACE CULTURES**

Overall performance indicator(s)

- the number of audits, and the number of audits of different kinds and levels of intensity
- audit outcomes, including the longitudinal outcomes
- complaints performance of incorporated compared to un-incorporated firms
- number of publications describing risk factors / outcomes / trends
- extent to which we use compliance audits to drive systemic change (by developing and publishing best practice guidelines, for example)
- stakeholder feedback

activities	performance indicators / targets / standards
<p>We will implement a program of compliance audits comprising:</p> <ul style="list-style-type: none"> ▪ self-assessment audits – requiring the legal practitioner directors of all incorporated legal practices to assess the appropriateness of their firm’s management systems shortly after the firm gives notice of its intention to commence engaging in legal practice and periodically thereafter ▪ web-based surveys – requiring all or representative samples of the different levels of employees of incorporated legal practices to complete confidential on-line surveys testing their understanding and implementation of aspects of their firm’s management systems and supervisory arrangements; 	<ul style="list-style-type: none"> ▪ number of audits commenced and completed (cf. the number of firms) ▪ number of firms assessed to be ‘at risk’ (of non-compliance) ▪ number of firms that volunteer to make and report improvements, and the number of reported improvements ▪ number of firms we require to make and report improvements, and the number of reported improvements ▪ stakeholder feedback ▪ number and range of surveys commenced and completed (cf. the number of firms) ▪ number of and range of partners in survey design ▪ number of firms assessed to be ‘at risk’ ▪ number of firms that volunteer to make and report improvements, and the number of reported improvements ▪ stakeholder feedback <p style="text-align: right;"><i>continued overleaf...</i></p>

Performance Planning Framework 2008 / 2010

<ul style="list-style-type: none">▪ on-site reviews – visiting firms assessed to be most at risk of being non-compliant and reviewing selected or all aspects of their management systems and supervisory arrangements using tailor-made combinations of some or all the following kinds of activities: web based surveys; ‘desk top’ policy and procedure reviews; interviews and focus groups with legal practitioner directors and/or employees and/or clients; reviews of sample client files and/or bills; and mystery or shadow shopping.	<ul style="list-style-type: none">▪ number and range of reviews commenced and completed (cf. the number of firms, and the number of firms assessed to be at risk)▪ number of firms we require to make and report improvements, and the number and nature of the improvements▪ stakeholder feedback
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**STRATEGY 4:
TAKING FAIR AND TIMELY DISCIPLINARY OR OTHER REGULATORY ACTION
AS APPROPRIATE**

Overall performance indicator(s)

- timeliness (time taken from decision to initiate disciplinary or regulatory action to final orders)
- outcomes (for example, number and percentage of discipline applications that are dismissed)
- extent to which we use disciplinary and other regulatory action to drive systemic change (by ‘sending a message’ to the profession and the public about standards of conduct, for example, including by bringing ‘test cases’ to ‘name’ conduct as unacceptable)
- stakeholder feedback

Activities	performance indicators / targets / standards
We will:	
<ul style="list-style-type: none"> ▪ decide whether to initiate disciplinary or other regulatory action in accordance with our published <i>Prosecution Guidelines</i> ▪ decide whether to conduct each disciplinary or other regulatory action in-house or to brief-out ▪ case manage the progress of the matter from settling the discipline or other application through preparing the matter for hearing, appearing or instructing at the hearing and any subsequent appeal to monitoring compliance with the disciplinary body’s or court’s final orders ▪ update the discipline register as appropriate 	<ul style="list-style-type: none"> ▪ stakeholder feedback ▪ number, nature and dollar cost of disciplinary or other regulatory action we decide to brief out ▪ the number of contested applications ▪ the number, nature and percentage of unsuccessful discipline applications and /or disciplinary charges <p>Timeliness targets (note: some factors which influence the timeliness of disciplinary and other regulatory action will be beyond the Commission’s control):</p> <ul style="list-style-type: none"> ▪ from decision to initiate disciplinary or other regulatory action to filing: 80% within 3 months and 100% within 4 months ▪ from filing to serving: 80% within 2 weeks and 100% within 1 month ▪ from decision to initiate disciplinary or other regulatory action to the matter being heard and finally decided (including on appeal): 80% within 12 months and 100% within 18 months ▪ register kept strictly up to date

**STRATEGY 5:
COMMUNICATING WHAT WE LEARN AS WE GO ABOUT OUR WORK,
CONTRIBUTING TO RELATED POLICY DISCUSSION, AND
UNDERTAKING PROJECTS AND RESEARCH DIRECTED TO HELPING LAWYERS AND
LAW FIRMS DELIVER LEGAL SERVICES TO HIGH ETHICAL STANDARDS**

Overall performance indicator(s)

- the number and range of speaking events, publications, projects and research activities
- the number and range of partnerships with other legal services stakeholders in projects and research
- stakeholder feedback

activities	performance indicators / targets / standards
<p>We will:</p> <ul style="list-style-type: none"> ▪ publish and disseminate information describing our past experience and future plans for dealing with complaints and conducting compliance audits ▪ analyze our experience and data base to identify the practitioners, firms and aspects of legal practice most at risk of complaint and/or non-compliance; and publish and disseminate our findings ▪ contribute speakers to and otherwise support undergraduate and continuing legal education programs directed to helping lawyers and law firms to deliver legal services to high ethical standards ▪ undertake and facilitate, broker and partner the professional bodies, law schools and others in undertaking practical projects and research directed to helping lawyers and law firms to deliver legal services to high ethical standards ▪ contribute to the development of legislative and regulatory reforms and policy directed to helping lawyers and law firms deliver legal services to high ethical standards 	<ul style="list-style-type: none"> ▪ the number and range of publications ▪ the accessibility and effectiveness of the website in conveying information and perspective ▪ stakeholder feedback ▪ the number, nature and range of publications ▪ the number, nature and range of research projects identified by the analysis ▪ stakeholder feedback ▪ the number of speaking engagements ▪ the types and range of audiences ▪ audience and stakeholder feedback ▪ the number, nature and range of projects / research activities commenced and completed ▪ the number and range of project and research partners ▪ stakeholder feedback ▪ the number and range of submissions

**STRATEGY 6:
CREATING AND MAINTAINING A PRODUCTIVE AND
MOTIVATING WORK ENVIRONMENT**

Overall performance indicator(s)

- our overall performance
- being recognized as a good place to work, both inside and outside the Commission
- staff feedback

<i>activities</i>	<i>specific performance indicators, targets or standards</i>
<p>We will:</p> <ul style="list-style-type: none"> ▪ build and maintain a collegiate workplace culture characterized by open communication ▪ monitor team climate, identify aspects of the work environment that might require improvement, plan the appropriate improvements and implement those plans ▪ have effective and efficient management systems and supervisory arrangements in place to support us in our work ▪ support continual learning through both in-house mentoring and planned continuing professional development 	<ul style="list-style-type: none"> ▪ staff feedback ▪ staff turnover and sick leave ▪ team climate assessed by staff feedback ▪ improvements identified as desirable ▪ improvements achieved ▪ staff feel empowered and supported ▪ reliability of systems ▪ take up of appropriate office systems and technology ▪ stakeholder and staff feedback ▪ all staff to have at least 1 professional development planning meeting and 1 review meeting with their managers per year ▪ all staff to undertake at least 2 days of professional development activities per year