

New 'Applying to be a legal aid provider' guidelines

What is new?

Justification

New prescribed manner criteria for applying to be a legal aid provider.

The proposed application form only asks questions that are required by Selection Committee members when assessing an application. Therefore, the prescribed manner is that all required questions must be answered.

Applications will only be accepted if they are completed and submitted electronically. This is in line with the Ministry's goal to modernise our processes and limit paper interaction. If an application is submitted in handwriting, it will be returned.

Where possible it is requested that the application form and supporting documentation is sent in one email. This will avoid omission of information to the Selection Committee. This is mentioned on page 1.

Experience and competence criteria table.

The Secretary must be satisfied an applicant is sufficiently experienced and competent to provide the relevant services. The table on page 2 provides an indicative number of cases or proceedings that is likely to satisfy the Secretary that an applicant is sufficiently experienced and competent. However, this is a general guide and each application must be determined on its own merits.

A clear definition of the term 'substantial and active'.

The term 'substantial and active' involvement in the Legal Services (Quality Assurance) Regulations 2011 (Regulations) has room for interpretation. This led to some confusion around what an applicant must demonstrate to meet this requirement. Page 8 now clarifies the Secretary interpretation of this term.

It is no longer a requirement to obtain independent references. However, two work-related references are required.

The project's initial findings identified that many applicants find it hard to nominate an independent referee, and when one was found it was a person who they knew in a limited capacity and could only comment on certain aspects of their work. As a result, many of these referees could not provide adequate references for the applicant.

An 'Additional Information' section of the application and the guidelines demonstrates instances where it is relevant.

This section allows applicants to include relevant information for the Selection Committee to consider when assessing their application. On page 10 of the guidelines there are examples of what may be considered relevant. While this list isn't conclusive, it indicates the type of information that the Selection Committee may be interested in assessing.