



Audit of the LP-01 Training and Development Program

February 15, 2022 (Final)

Internal Audit Branch
Internal Audit and Evaluation Sector

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EXECUTIVE SUMMARY

Introduction

To meet its commitment for the delivery of high-quality legal advisory, litigation, legislative, and policy services, the Department of Justice Canada must ensure that its legal practitioners have the right skills, competencies, and expertise. This requires that the Department have sound human resource practices, and a comprehensive and sustained approach to training and development.

In recognition of the above – and in keeping with its Vision priority of recognizing and building expertise – the Department has developed a new training and development program for law practitioners (LPs). While the LP-01 Training and Development Program (the ‘Program’) is intended to support several strategic goals, its primary objective is to ensure that all legal practitioners are trained, developed, and promoted in a consistent, fair, and transparent manner. The Program also aims to improve human resource practices, to help attract and retain talent, and to support the integration and alignment of the Department’s end-to-end business processes for intake, staffing, and resource management.

The Program is a structured, competency-based scheme for legal practitioners ‘in development’ (i.e., those classified as LP-01s). To guide and assess the development of LP-01s, the Department has created a comprehensive training and development model based on essential skills and knowledge. In order to be promoted to an LP-02, Program participants must demonstrate and document how they meet a series of core, functional, and technical competencies. Learning and work activities serve as the basis for measuring those competencies.

Launched in October 2020, the Program applies to most indeterminate LP-01s at the Department. The Program also applies to indeterminate LP-01s who are hired externally. The LP-01 Program supplements the Department’s Legal Excellence Program for LP-00s, which is designed to meet the articling requirements of provincial law societies for law graduates. Upon being called to the Bar, and upon demonstrating the competencies required for an LP-01, graduates of the Legal Excellence Program become indeterminate LP-01s and full participants in the LP-01 Program.

Responsibility for the Program currently rests with the Department’s Human Resources Branch. The Human Resources Branch is supported by the Legal Practices Branch, the Finance and Planning Branch, and the Program’s Board of Directors. Accountability for the Program rests with the Chief Financial Officer and Assistant Deputy Minister, Management Sector.

Strengths

The Program's training and development model is both comprehensive and robust. Competencies are in keeping with the values of the greater public service, and in-line with the critical skills and knowledge expected of legal practitioners. The Program provides a clear and transparent path to promotion, thereby supporting the management of talent and the recruitment and retention of new hires. The Program has been fully costed and, if successfully implemented, should help to improve staffing, workforce planning, and human resource management.

Areas for Improvement

While the Program is sufficiently well designed, it must be properly implemented and administered to be successful. This will require strong and centralized oversight by the Program's owner, the Human Resources Branch. It will also require the timely input and support of financial advisors, portfolio heads, and directors of business management. To support good governance and management, the Program will require the implementation of human resource and financial controls, and the identification and analysis of performance metrics. Change management expertise is needed to support and better communicate the Program's goals, and to ensure that impacts on legal practitioners and portfolios are properly managed. Although guidelines have been developed to support Program participants in the promotion process, improved tools and instructions will help to ensure that the Program remains agile.

Audit Opinion and Conclusion

Although the LP-01 Training and Development Program is still in its earliest stages of implementation, it is sufficiently well-designed to achieve its stated goals for development and promotion, consistency and fairness, and the sound management of human and financial resources. To improve the Program's success, there is a need for improved Program tools and guidance, continued consultations with equity-seeking groups, strong governance and oversight, and proper change management.

Management Response

Management agrees with the audit findings, has accepted the recommendations included in this report, and has developed a management action plan to address them. The management action plan has been integrated in this report.

1 STATEMENT OF CONFORMANCE

In my professional judgment as Chief Audit and Evaluation Executive, the audit conforms to the *International Standards for the Professional Practice of Internal Auditing*, as supported by the results of the Quality Assurance and Improvement Program.

Submitted by:

Antoine Abourizk
Chief Audit and Evaluation Executive
Department of Justice Canada

Date

2 ACKNOWLEDGEMENT

The Chief Audit and Evaluation Executive would like to thank those individuals who contributed to this engagement, including Program participants, business and resource managers, and representatives of employment equity advisory committees.

3 BACKGROUND

3.1 About the Program

The LP-01 Training and Development Program (the ‘Program’) is a structured, competency-based development plan for legal practitioners at the LP-01 classification level. While the Department’s LP-02 classification is reserved for legal practitioners at a fully functional level, the LP-01 classification is generally intended for legal practitioners still in development. As operating, the Program provides for the progression of LP-01s to the LP-02 level – once qualified – through a non-advertised internal staffing process.

The Program has several important objectives. They include: the training and development of legal practitioners, greater consistency and fairness in promotion practices, and the sound management of human and financial resources. As designed, the Program is expected to provide participants with a clear and transparent path to promotion, thereby improving the Department’s ability to attract, recruit, and retain talent. It is also expected to improve workforce mobility and the strategic and sustainable use of legal practitioners, thereby improving the Department’s service capabilities.

The Program originated within the Department’s National Litigation Sector (NLS) in British Columbia and is comparable to other federal development programs, in particular the Federal Prosecutor Development Program at Public Prosecution Service of Canada. Since its launch in October 2020, the Program has supported two rounds of promotions. The Program is administered by HRB and is governed by a Board of Directors (the ‘Board’) composed of senior-level representatives from each departmental portfolio and sector. The Board also includes a delegate from HRB, the Legal Practices Branch (LPB), the Communications Branch, and the Finance and Planning Branch. Accountability for the Program now rests with the Department’s Chief Financial Officer and Assistant Deputy Minister, Management Sector.

3.2 Why the Program is Important

Legal practitioners are one of the Department's most valued assets. Investing in their training and development supports and encourages excellence in law and the development of critical legal skills and competencies. It also supports the Department's Vision priority of 'recognizing and building expertise'.

Although the Program is first and foremost about developing new lawyers, it also supports several strategic objectives. By training and developing legal practitioners in a manner that is consistent and sustained, the Program helps foster a 'Whole-of-Justice' approach to legal advisory and policy issues, and the delivery of consistent and high-quality litigation and legislative services.

The Program also supports the promotion of a diverse and inclusive workforce by ensuring that promotions take into consideration core departmental and public service staffing values, and that merit-based promotions are awarded in a fair, consistent, and transparent manner.

4 AUDIT OBJECTIVE

The objective of this audit was to assess whether the LP-01 Training and Development Program is sufficiently well-designed to achieve its stated goals for development and promotion, consistency and fairness, and sound human resource and financial management.

5 AUDIT SCOPE

In keeping with the Program's central objectives, the audit focused on three specific areas: training and development, staffing values, and governance and oversight. This meant, among other things, assessing whether:

- The Program's training and development requirements are linked to critical and essential competencies.
- The Program encourages and supports the equal and impartial treatment of Program participants.
- The Program is being managed and administered in a sound and sustainable way.

Given that the Program was still in its infancy at the time the audit was initiated, the focus of the audit was on Program design rather than performance. In the absence of meaningful human resource (HR), staffing, financial, and other data, an audit at this stage of implementation could not reasonably assess specific Program outcomes or impacts with any certainty. An internal evaluation of the Program has been scheduled to address Program results, achievements, and challenges at a more appropriate time later in the Program's lifecycle.

6 AUDIT APPROACH

This engagement was conducted in accordance with the Treasury Board of Canada Secretariat's *Policy on Internal Audit* and *Directive on Internal Audit*, and the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*. These standards require that the engagement be planned and performed in such a way as to obtain reasonable assurance that the objectives of the engagement are achieved.

7 FINDINGS, RECOMMENDATIONS AND MANAGEMENT RESPONSE AND ACTION PLAN

This section summarizes the findings and recommendations of the audit, as carried out by the Internal Audit and Evaluation Branch. The audit was performed in keeping with the lines of enquiry and audit criteria identified in the planning phase of the audit, detailed in [Appendix A](#) to this report.

7.1 Training and Development

The Program provides a comprehensive and robust framework for the development of legal practitioners. Learning and development requirements are clearly defined, and core and functional competencies are in keeping with the qualifications expected of practicing lawyers. Certain requirements however, as currently described, could create barriers for external hires, and the manner in which participants are expected to demonstrate and document their achievements could be improved. While training and development requirements are sufficiently broad and universal so as to develop well-rounded lawyers, these requirements alone may not be enough to promote and support the Program's workforce mobility goals.

Clarity and Understanding of Training and Development Requirements

To meet its development goals – that is, to encourage and support the delivery of consistent and high-quality legal services – the Program's training and development requirements must be clear, well defined, and properly communicated. The Department's LP-01 Competencies Guide and Curriculum (the 'Guide'), best summarizes these requirements. It sets out the Program's expectations and the essential qualifications established for LP-01s as they transition into fully functioning lawyers. The Guide was developed by a standing Curriculum Development Committee (CDC) and approved by the Program's Board. The CDC is composed of representatives from all practice areas and portfolios, along with officials from HRB and LPB. The competencies were developed by the CDC in consultation with experienced HR, policy, and legal practitioners, bearing in mind the leadership, proficiency, and value requirements of the public service.

To supplement the Guide, the CDC has developed a Work Plan and Record of Achievements (WPROA) template. It is intended to support participants in planning, documenting, and demonstrating their work experiences and learning activities as LP-01s. The WPROA is a Microsoft Word-based template which, on its own (or unpopulated), totals 46 pages. The length of the template is, in part, a reflection of the sheer number of requirements expected of graduating LP-01s, and a function of the template's format (which can cause redundancies and repetition in a candidate's description of work achievements and learning activities). When completed, WPROAs regularly exceed 100 pages and often total more than 150 pages. While the number of hours required to complete a WPROA will vary by participant and their experiences and documentation approach, those participating in the Program's first two cycles were near universal in describing the level of effort dedicated to the WPROA as onerous. This sentiment was widely shared by managers and members of review panels, who are required to review and approve WPROAs. While it was difficult to determine with sufficient precision the amount of time spent on average by Program participants on the WPROA, time capture information suggests that investments of time exceeding 150 hours were not uncommon.

If investments in time and effort relating to the WPROA currently exceed expectations, it is perhaps because documentation requirements – that is what information should be included in the WPROA, and how that information should be captured – is not well understood. While the Program's Guide

clearly defines learning and development expectations, it does not set out in sufficiently clear and concise terms how participants should best demonstrate their achievements. Examples of potential learning activities and work experiences included in the Guide are often mistaken for competencies or requirements themselves, resulting in onerous and time-consuming efforts to describe work projects rather than professional achievements and abilities. WPROAs also result in the duplication and repetition of accomplishments documented in personnel files and performance appraisals.

Clarifying documentation and certification requirements would alleviate many of the administrative burdens currently associated with the Program, not just for Program participants but for those downstream in the promotion process. These burdens can also be reduced by the development of a better tool or application to track, summarize, and certify participant qualifications. Where possible, a participant's record of achievements should serve as an attestation of their skills and abilities, rather than an inventory of past work assignments. Improvements to Program guidelines and tools would also help refocus the efforts of Program participants and their managers on the Program's training and development goals, rather than on administrative and staffing activities.

Linkage of Training and Development Requirements to Critical Skills

To achieve the Program's training and development goals, development requirements must not just be clear and well understood, they must also be linked to critical legal skills and competencies. To assess whether these requirements were in keeping with the needs of legal practitioners and the operational needs of the Department, the learning and development expectations set out in the Program's competency model were compared with those found in standardized work descriptions for legal practitioners at the LP-02 level. Program competencies were also compared with those established by provincial law societies for practicing lawyers.

Overall, the Program's training and development requirements were found to be both critical and comprehensive. Program competencies reflect those expected of practicing lawyers (as invariably stated in departmental statements of merit criteria for LP-02s and the practice requirements of governing law societies). They were also in keeping with the principles, values, and expectations of the Department and the broader public service. This was especially true of the Program's core competencies (such as acting with integrity, working effectively with others), and functional requirements (such as oral and written communication skills, and the ability to analyze legal issues).

Although all of the Program's competencies support the Department's training and development objectives, some of the Program's technical competencies or knowledge requirements, as employed at the time of our audit, could create barriers for the recruitment of external candidates. This is important to note, as the Program is intended to help attract, recruit, and retain legal talent from outside the Department, and consistency is expected in the staffing and promotion of LP-02s internally and externally. In some cases, the Program's technical competencies reflect qualifications that may only be possible to acquire through previous employment with the Department – or at least might be interpreted as such. For example, the requirement for “knowledge in public law relevant to the practice of law at Justice” or the requirement for “knowledge of the role of Justice counsel within the departmental and governmental context”. These two technical competencies could arguably be acquired by candidates on the job, and yet if improperly read or applied might discourage quality candidates from applying to the Department. Requirements such as these might also impede the Department from recruiting quality candidates that do apply.

The Program's competencies would be best expressed in a manner that reflects LP-02 qualifications without creating barriers for external candidates. This means ensuring that Program competencies and merit criteria are focused on abilities rather than experience. While experiences and abilities

often provide complementary information, a focus on experience (rather than ability) could provide false assurances of a candidate's ability to perform a certain task. Evidence of an individual having 'done something' is not always proof that he or she is 'good at something'. Finding a balance between experience and ability is important, taking into consideration the requirements of the LP-02 position and the pool of candidates that the Department intends to draw from.

Mobility of Legal Practitioners

Training and development practices, as prescribed by the Program, are intended to support the consistent and sustained development of legal practitioners across the Department. In doing so, it is hoped that the Program will further the goal of promoting and enhancing employee mobility, a strategic objective of the Department. Developing lawyers in a more consistent and sustained manner, it is argued, will create a better-trained and more well-rounded legal workforce – one that can be deployed strategically, in keeping with the needs of the Department and its clients.

While the use of a common set of competencies in training and development – and a sustained approach to training legal practitioners still in development – should result in a stronger legal foundation for Program graduates, improving the mobility of the Department's legal practitioners will require more strategic and concerted efforts by the Department. While it is still too early in the Program's implementation to measure its contributions to employee mobility, the Program as designed will not itself create a more mobile workforce. As it stands, the Program's mobility goals are not fully appreciated, creating a tension between the desire for a mobile workforce and the need for specialization. If mobility remains a central goal of the Program, there will need to be some clarity on how mobility objectives are to be achieved through LP-01 training and development. Adjustments to current management practices may also be needed.

To improve the mobility of legal practitioners, the Department will need to manage expectations surrounding employee mobility, and to make the case for cultivating generalists at the LP-01 level and practice-area specialization at the LP-02 level. Improving workforce and talent mobility will also require a reassessment of other practices, including staffing, budgeting, and resource management. This requires, in turn, that HR, performance management, and talent management practices surrounding the Program are consistent throughout the Department (a matter we address more directly in section 8.3 of this report).

Recommendation # 1

It is recommended that the Chief Financial Officer and Assistant Deputy Minister, Management Sector:

- a) Develop guidelines and tools that better support Program participants, their managers, and review panel members in the promotion process, and which simplify and streamline documentation requirements.
- b) Periodically review and update the Program's training and development model to ensure that merit criteria and competencies remain effective and avoid potential barriers.
- c) Consider ways in which the Program might further the Department's mobility goals, bearing in mind impacts on current management practices.

Management Response and Action Plan

Management Sector agrees with the Audit of LP-01 Training and Development Program report and its recommendations. The Human Resources Branch has developed the below-noted action items to respond to these recommendations.

- a) To better support employees, managers and the various committees involved in the program's management:
 - i. Offer short information sessions on an on-going basis in the different sectors to answer questions from LP-01s and supervisors/managers.
 - ii. Develop guidelines to clarify and standardize the evaluation of experience (integration of legal and non-legal experiences gained outside the program and calculation of long-term leave periods).
 - iii. Develop specialized and tailored trainings for the Program to clarify expectations in the demonstration of Program requirements.
 - iv. Continue the work in developing a web tool or an application which could be shared and integrated with Talent management needs.

- b) To ensure that expertise is properly recognized in the recruitment and development of legal practitioners and that the appropriate skills and Statement of Merit Criteria are in place to meet the operational needs of the Department:
 - i. Obtain clear direction and guidance from senior management on the approach to external recruitment and hiring, particularly on the use of the Program's merit criteria.
 - ii. Review the Competencies Guide and Curriculum to keep it in line with Bar, and departmental business requirements and to minimize duplication and adjust the Work Plan and Record of Achievements.

- c) In order to achieve the Department's mobility goals of preparing LP-01s to work anywhere in the Department upon graduation, the Program will ensure that competencies required are developed through appropriate and meaningful work and learning activities, and are closely and regularly monitored by management:
 - i. Review the Competencies Guide and Curriculum to keep it in line with Bar and departmental business requirements and to minimize duplication and adjust the Work Plan and Record of Achievements.

Office of Primary Interest

Chief Financial Officer and Assistant Deputy Minister, Management Sector

Due Dates

- a)
 - i. Q1 (April-June 2022)
 - ii. Q2 (July-September 2022)
 - iii. Q3 (October-December 2022)
 - iv. Q4 2021-2022 – Q4 2022-2023

- b)
 - i. Q4 (January-March 2022)
 - ii. Q2 (July-September 2022)

- c)
 - i. Q1 (April-June 2022)

7.2 Values

The Program incorporates core departmental and public service staffing values in its promotion practices so as to support a diverse and inclusive workforce. While the Program provides a clear and transparent path to promotion, Program participants and managers are unclear about the Program's practice duration requirements. While Program competencies and curriculum support the consistent and equitable treatment of all participants, they may not themselves address individual discrimination, improve the success of employment equity groups in promotion processes or remove potential systemic staffing barriers at the Department. Continued consultations are needed as the Program evolves to ensure that Program practices, tools, and guidelines are accessible, and that the Program does not adversely impact equity-seeking groups going forward.

Transparency and Clarity of Promotion Processes and Practices

The Program is designed to support consistency and fairness in promotion practices. It is intended to do so, in part, by establishing a common, open, and transparent roadmap for participants with respect to the Program's promotion process. Openness and transparency are fundamental components of the *Public Service Employment Act* and core principles in public service staffing. Together they improve accountability and promote sound decision-making.

To assess whether the Program is sufficiently open and transparent, a range of Program policy and communication materials were reviewed. This included information posted to the Program's digital workspace and home page, messaging, and announcements from Program officials about the Program, frequently asked questions and answers, and a variety of training and awareness materials. A small sample of stakeholders from different practice areas and portfolios were also consulted to solicit their views and opinions on how the Program was being administered. Interviewees included participants and managers from different regions across the country in NLS, Public Law, Legislative Services Sector, and the Policy Sector. They also included members of the Program's Departmental Review Panel (DRP), which is responsible for assessing whether documentation submitted by a participant properly supports their promotion, and whether promotion decisions are being made in a transparent and consistent manner across the Department.

Overall, it was determined that the Program is open and transparent about promotion practices and the manner in which legal practitioners are to be assessed for promotion. These practices were set out in several policy documents and guidelines, including the *Program Framework* and the LP-01 Guide. Program objectives, processes, and evaluation practices are also set out in various stakeholder orientation materials. Roles and responsibilities are well defined, and expectations of Program participants and their managers are clearly communicated.

Given that the Program is still very early in its implementation, it was difficult to determine whether there had been any inconsistencies in the treatment, assessment, or promotion of Program participants. In the course of interviews with Program stakeholders however, significant concerns were raised about perceived tenure requirements and the impact of those requirements on LP-01s who take leave due to family, disability, or other needs. Setting aside the question of whether a minimum tenure for LP-01s is discriminatory, and whether leaves of absence should be included or excluded from tenure calculations, a question arose as to whether an individual's years of service as an LP-01 were in fact being considered as an evaluation practice. While the answer to that question rests on an understanding of the Program as a competency-based scheme (i.e., that participants are being evaluated based on knowledge, abilities, and merit – not on time), Program practices and guidance on the matter have at times been inconsistent.

Inclusivity for Equity-Seeking Groups

A key expectation of the Program is that it supports the equitable treatment of all LP-01s and does not adversely impact equity-seeking groups. As such, a key component of the audit was to assess whether the Program is designed in such a manner to help support and promote the equitable and impartial treatment of participants, regardless of age, race, gender, national origin, disability, religious beliefs, or sexual orientation.

To assess whether the Program was equitable in its treatment of all Program participants, Program policies, practices, procedures, and requirements were reviewed to ensure that they were consistent with federal directives and guidelines supporting workplace equity and accessibility. Interviews with representatives of employment equity advisory committees at the Department were also held to identify Program practices, procedures or requirements that might result in the unequitable or unfair treatment of certain individuals or groups.

While the audit confirmed a need to ensure that Program materials are accessible for the visually impaired, it did not uncover any instances of systemic or embedded discrimination in the design of the Program. The Program's training and development model is based on an objective set of competencies and curriculum which incorporate core departmental and public service staffing values. This is not to say that the Program will prevent individual discrimination or remove potential systemic barriers in staffing at the Department – or for that matter improve the likely success of employment equity groups in promotion processes – it may not. Consultations with representatives of equity-seeking groups must run their course and remain ongoing throughout the Program's lifecycle.

Recommendation # 2

It is recommended that the Chief Financial Officer and Assistant Deputy Minister, Management Sector:

- a) Review and revise all Program materials to ensure that they are accessible.
- b) Continue to inform the Program's decision-making in its implementation by appointing representatives from equity-seeking groups as members of the Program's committees (i.e. BoD, CDC, and DRP). Targeted consultations with equity-seeking groups should be maintained periodically throughout the life of the Program, in particular when there are substantial modifications to the Program's policies, practices, procedures, or requirements.
- c) Identify, collect, and analyze performance data to assess impacts on equity-seeking groups, and use that data to adjust and improve Program policies, practices, procedures, and requirements over time.

Management Response and Action Plan

Management Sector agrees with the Audit of LP-01 Training and Development Program report and its recommendations. The Human Resources Branch has developed the below-noted action items to respond to these recommendations.

- a. & b. In order to ensure that Program materials and practices are accessible and free of negative impacts on EE in the future:
 - i. Review the Program itself and the material to strengthen Equity, Diversity and Inclusion in collaboration with the Anti-Racism Secretariat.

- ii. Revise the membership of the Board of Directors and the Departmental Review panel to ensure that equity-seeking groups members are included in this membership.
 - iii. Continue to consult existing forums or Committees and engage in discussions on Program issues related to Equity, Diversity and Inclusion.
- c. In order to assess the impacts of the Program on the equity-seeking groups:
- i. Obtain and analyze statistics on Program promotions on a bi-annual basis and present them to Senior Management.

Office of Primary Interest

Chief Financial Officer and Assistant Deputy Minister, Management Sector

Due Date

a) & b)

- i. Q3-Q4 (October 2022-March 2023)
- ii. On-going basis

c)

- i. Q4 2021-2022 (January-March 2022) & Q2 (July-September 2022)

7.3 Management and Oversight

While the Program is well designed, its promise and long-term success hinges on its proper implementation. The Department’s ability to adjust the Program as it evolves will also be critical. As the Program becomes more fully operational, it will require the full integration and support of key corporate services, including change management, HR, finance, resource management, and communications. The Program is not currently integrated with those HR practices that support people and talent management, and key management practices and internal controls are not yet in place to help ensure that the Program remains financially sustainable. The Program’s governance framework is currently in flux, and performance measures and metrics have yet to be identified to ensure proper Program monitoring and oversight.

Integration of Broader HR and Talent Management Practices

Much of the LP-01 Program, as designed, centers on people and performance management. It is focused on recognizing and building expertise as well as investing in the development of legal practitioners in order to recruit and retain the best talent.

While the Program does embody common HR principles, such as the use of competencies in its training and development model, it currently sits separately from more longstanding employee performance and talent management practices. While the Program is part of the Department’s talent management framework, its documentation requirements are not yet integrated with existing employee management processes at the Department such as performance agreements, learning plans, mid-year, and year-end evaluations. According to Program participants and managers, this lack of integration has resulted in some redundancy and duplication in workload between annual performance management activities and Program promotion requirements.

Now that the Program has been officially launched, decisions on the integration of the Program into existing HR practices are required. The integration and streamlining of Program requirements with

existing HR practices could improve consistency across people and talent management activities and reduce workload duplication.

Management Practices and Internal Controls for Program Sustainability

Although not expressly stated as a Program objective, it is generally understood that the LP-01 Program should be cost-neutral, and that LP training, development, and salary costs should be managed in a financially sustainable manner.

To assess the degree to which the Program is likely to be cost-neutral, interviews were held with finance and resource management officials charged with the Program's costing. The financial models developed by these officials for forecasting the Program's costs were also reviewed. These reviews included, in particular, an assessment of critical assumptions made in costing and an evaluation of the integrity of data sources and inputs.

Overall, the Department's costing efforts were determined to be comprehensive and robust, if slightly optimistic. Although a Program which results in an arguably 'automatic' promotion of participants upon the demonstration of key capabilities – and which results (over time) in a potential salary increase between 30-50% -- would appear unlikely to remain cost neutral, the model works on the basis that the Department's composition of legal practitioners remains relatively stable and consistent over time.

In order to ensure that the Program operates in keeping with the above financial model, and in a manner that is financially sustainable, Program intakes must be closely monitored and tightly controlled. While internal controls have not yet been formally put in place, efforts are underway to ensure that intake and resourcing plans are developed by each sector and portfolio within the Department, with each group held responsible for managing their own intake of new recruits. All intake and resourcing plans are expected to be backed by the Finance and Planning Branch (FPB) and HRB as part of the Department's business planning process and financial strategy. It is expected that the Management Sector will work closely with other sectors and portfolios to ensure planned intake numbers are both realistic and reflective of the Department's business planning process.

Program Governance Framework

For the Program to be successfully implemented and soundly managed, it will require a new or revised governance framework. As previously mentioned, the Program's initial design was overseen by a Board composed of senior-level representatives from each departmental portfolio and sector, along with delegates from HRB, LPB, the Communications Branch, and FPB. The mandate of the Board remains to oversee the work of the CDC and DRP, and to review, assess, challenge, guide, advise, and make decisions regarding the successful implementation of training, development, and promotion processes. Whether the Board will continue to oversee the Program from a management and administrative point of view is still to be determined – though it would appear to be well positioned to do so, whether reporting to the Chief Financial Officer and Assistant Deputy Minister, Management Sector or to a departmental senior governance committee.

As HRB assumes responsibility for the Program and ultimate accountability for its governance and oversight, consideration should be given to performance measures and other Program data to better guide both training and development decisions and those related to Program management and sustainability. At the time of the audit – just one year following the Program's launch – no such data was available. To ensure that the Program continues to meet its stated goals, senior-level oversight

of a balanced set of performance indicators (e.g., recruiting, retention, equity and fairness, financial sustainability) will help define the Program's success moving forward.

Recommendation # 3

It is recommended that the Chief Financial Officer and Assistant Deputy Minister, Management Sector:

- a) Mobilize and integrate key HR and financial management practices to support Program management.
- b) Develop a new and centralized governance framework which leverages key corporate resources and advisors including the Program Board of Directors, finance, resource management, change management, communications, anti-discrimination secretariat, and relevant directors of business management.
- c) Identify, procure, and analyze key Program data to promote sound planning, management, oversight, and evaluation of the Program.

Management Response and Action Plan

Management Sector agrees with the Audit of LP-01 Training and Development Program report and its recommendations. The Human Resources Branch has developed the below-noted action items to respond to these recommendations.

- a) In order to be able to integrate HR and Financial management practices to support Program management:
 - i. Align program promotions with the performance management cycle, improve communication to participants and managers and remind them of their roles and responsibilities throughout the year.
 - ii. Resume meetings of the Financial and HR planning working group (which includes a DBM as a member) to ensure integration of management practices to support the Program and invite a representative of the anti-discrimination Secretariat to this working group.
- b) In order to ensure a strong governance and oversight of the Program:
 - i. Allocate sufficient permanent resources dedicated to the administration and operation of the program to support the various activities required.
- c) In order to promote sound planning, management oversight and to assess the Program's performance:
 - i. Identify performance indicator expectations against current capacity to provide information.

Office of Primary Interest

Chief Financial Officer and Assistant Deputy Minister, Management Sector

Due Date

- a)
 - i. Q1 (April-June 2022)

ii. Q1 (April-June 2022)

b)

i. Q1 (April-June 2022)

c)

i. Q3 (October-December 2022)

8 AUDIT OPINION

Although the LP-01 Training and Development Program is still in its earliest stages of implementation, it is sufficiently well-designed to achieve its stated goals for development and promotion, consistency and fairness, and the sound management of human and financial resources. To improve the Program's success there is a need for improved Program tools and guidance, continued consultations with equity-seeking groups, strong governance and oversight, and proper change management.

APPENDIX A: AUDIT CRITERIA

Line of Enquiry 1 – Recognizing and Building Expertise

1. The Program, as designed, meets the training and development needs of new legal practitioners, and the operational goals and expectations of the Department to deliver consistent and high-quality legal services to the Government of Canada.
 - 1.1. The training and development needs of legal practitioners, as defined by the Program, are clear, well defined, and communicated.
 - 1.2. Training and development requirements, as defined by the Program, are linked to critical legal skills and competencies.
 - 1.3. Training and development practices, as prescribed by the Program, support the consistent and sustained development of legal practitioners across the Department, thereby promoting and enhancing employee mobility.

Line of enquiry 2: Public Service Staffing Values

2. The Program, as designed, incorporates core departmental and public service staffing values in its promotion practices so as to support a diverse and inclusive workforce.
 - 2.1. The Program is open and transparent about promotion practices and the manner in which legal practitioners are to be assessed for promotion.
 - 2.2. The Program provides a consistent approach to the development and promotion of legal practitioners across the Department.
 - 2.3. The Program supports the equitable treatment of all legal practitioners and does not adversely impact equity-seeking groups.

Line of enquiry 3: Management and Oversight

3. The Program promotes the sound management of human and financial resources, in keeping with the Department's corporate goals and objectives.
 - 3.1. The Program is well-integrated with key human resource practices so as to support and improve people management.
 - 3.2. The Program is well-integrated with key financial management practices so as to support the program's costing and sustainability.
 - 3.3. The Program, as designed, has mechanisms in place to support good governance and oversight.

APPENDIX B: LIST OF ACRONYMS

CDC	Curriculum Development Committee
DRP	Departmental Review Panel
FPB	Finance and Planning Branch
HR	Human Resources
HRB	Human Resources Branch
LP	Law Practitioner
LPB	Legal Practices Branch
WPROA	Work Plan and Record of Achievements