



**Management Response and Action Plan**

**Evaluation of the Legislative Services Branch**

**Department of Justice Canada**

**MANAGEMENT RESPONSE AND ACTION PLAN**

**PROJECT TITLE:** Evaluation of the Legislative Services Branch

**RESPONSIBILITY CENTRE:** Legislative Services Branch

Conclusions	Recommendations	Management Response	Action Plan	Responsible Manager (Title)	Planned Implementation Date
<p><u>Improving the Quality of Client Participation in the Legislative Process.</u></p> <p>The evaluation identified some areas where a better understanding of roles and responsibilities on the part of the client is needed.</p> <p>The LSB provides some training to clients to provide them with the knowledge required to prepare complete instructions for and participate in the legislative drafting process. However, the Branch's capacity to provide external training is limited by the increasing volume of high priority files and related workload pressures. Less than half (47%) of surveyed clients reported having received training about legislative principles, processes and options. Those who had, reported the training as being good or very good with respect to content (94%), relevance (90%) and clarity (91%).</p> <p>The high turnover of staff in many federal departments and agencies further exacerbates the problem as</p>	<p><b>1. That the LSB work with clients and key partners to clarify their respective roles and responsibilities in the legislative process with a view to improving the quality and completeness of requests for legislative services</b></p>	<p>Agreed.</p> <p>The LSB has separately identified the need to provide additional training to client departments and key partners, including to counsel in Departmental Legal Services Units, in order to improve:</p> <ul style="list-style-type: none"> <li>• their understanding of roles and responsibilities in the development of legislative texts;</li> <li>• their appreciation of the level of preparation required; and</li> <li>• the clients' capacity to provide complete instructions to legislative counsel.</li> </ul> <p>The LSB plans to use improved project management tools to clarify roles and responsibilities to participants in the legislative development process.</p>	<p>The LSB has committed to providing training sessions that will also respond to this recommendation as part of its plan for the departmental process optimization initiative.</p> <p>The LSB will also explore other means by which to make its training materials available on-line to increase their accessibility.</p> <p>The introduction of improved project management tools will also address the requirement for high-quality and complete drafting instructions. These tools are currently under development and will support a more formalized process for resource planning and monitoring in LSB. They will offer another means by which to explain roles and responsibilities to clients and other participants in the</p>	<p>Chief Legislative Counsel</p>	<p>July 2014</p>

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<p>even if staff receives LSB training, knowledge transfer may not occur when they leave, particularly in departments where participation in the legislative drafting process does not happen frequently.</p> <p>There appears to be a gap between clients' level of understanding of the drafting process and their essential role and responsibilities within the process. While most surveyed clients (74%) reported having good or very good awareness of legislative principles, processes and options, LSB managers noted that client requests are often not fully prepared.</p> <p>The implications of clients and key partners not fully understanding the information needed to support the development of legislation is that the requests are often incomplete. Results of the file review indicate that even in that small sample, at least one piece of information was missing from every file.</p> <p>In turn, this has implications for the efficiency of the drafting process. Absence of critical information may mean that legislative counsel must wait for instructions or commonly, proceed without full instructions (often resulting in considerable duplication of work as instructions are changed or policies are more fully articulated). Given that LSB staff is</p>		<p>Moreover, it is expected that these improved project management tools will also aid in improving the quality and completeness of legislative services requests.</p>	<p>legislative development process.</p>		

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<p>already working at full capacity, opportunities to reduce unnecessary or duplicative work must be sought.</p> <p>It is recognized that in the current fiscal climate, the LSB cannot be expected to train all clients. However, there may be other ways the LSB can improve the efficiency and effectiveness of clients' participation in legislative drafting process.</p>					
<p><u>Re-assignment of Legislative Counsel to Higher Priority Files</u></p> <p>To meet increasingly complex drafting requests, and increasing demand overall, the LSB has been working at maximum capacity within current resource levels. LSB managers, DLSU counsel and Central Agency representatives have expressed concern with the LSB's capacity to maintain the same high quality of services and products in the current and anticipated drafting environment.</p> <p>Findings from the interviews and case studies suggest that LSB management must often re-allocate legislative counsel to high priority files, which can result in other files having to wait until a full drafting team is available to work on them, or having to change the drafting team part way through the file, neither of which is a desirable situation from the perspectives of the</p>	<p><b>2. That the LSB consider options to minimize the re-assignment of legislative counsel from one file to another.</b></p>	<p>Agreed.</p> <p>Since the LSB does not control the volume of work, the priorities established for that work or unanticipated absences of its legislative counsel, the reassignment of legislative counsel cannot be avoided in all cases. Nevertheless, it is anticipated that the improved project management tools for legislative projects that are currently in development to implement the LSB's more formalized process for resource planning will assist client departments to plan more effectively. As a consequence, it may be possible for the LSB to more frequently avoid re-assignment of legislative</p>	<p>Improved project management tools are expected to be ready for implementation later this fall. Legislative counsel would subsequently receive training on their use and they would then be available for communication to clients and DLSU counsel. In addition, counsel will be encouraged to document the file's progress and, if possible, to brief counsel who assume from them responsibility for a file yet to be completed.</p>	<p>Chief Legislative Counsel</p>	<p>July 2014</p>

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<p>clients or the legislative counsel. In 10 of the 29 legislative files reviewed, there was evidence of a change in drafting counsel at some point during completion of the file. Similarly, in the case studies, all of which were high priority files, the interviewed clients mentioned that many legislative counsel had been re-assigned to their file (from others) in order to meet deadlines.</p> <p>A considerable proportion of LSB staff is concerned with the practice of being re-assigned to different files. Results from the 2011 PSES indicate that 40% of LSB staff reported that the quality of their work suffered as a result of changing priorities. Some key informants noted that making changes to the drafting team during the course of a file can slow its progress and hence, increase its cost. At a time when resources are limited, it is important to ensure that the drafting processes are as efficient and economical as possible.</p>		<p>counsel due to unforeseen or inadequately planned legislative projects. If reassignment cannot be avoided, it may still be possible to minimize the impact of the reassignment by ensuring that new counsel have ready access to information that would permit them to continue from where the former counsel left off.</p>			
<p><u>Data Collection to Support the Next Evaluation</u></p> <p>Currently, the LSB does not enter much beyond the data needed for cost recovery into iCase on bill files because these files are secret.</p> <p>Another limitation to the iCase data collected by LSB is that file risk and</p>	<p><b>3. That the LSB consider options to collect file risk and complexity information on all drafting files to support future evaluations of the LSB.</b></p>	<p>Agreed.</p> <p>As secret information is not able to be recorded in iCase, the LSB will continue to maintain separate records respecting file risk for its secret files. The LSB will explore a means by which to gather information about file</p>	<p>This recommendation will be presented to LSB managers in the fall of 2013 in order to identify information that could be collected to respond to this recommendation. With their involvement a plan of action will be developed to address the recommendation.</p>	<p>Chief Legislative Counsel</p>	<p>July 2014</p>

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<p>complexity data are not collected. Starting in September 2013, file risk data will be collected in iCase for Protected B files only as part of the Legal Risk Management Renewal Project. The LSB currently does not have measures in place for file complexity.</p> <p>Because of the co-drafting model, the file assignment process is different from that used for advisory and litigation files and does not lend itself as readily to law practice management measures (appropriate level of counsel assigned to files according to levels of risk and complexity).</p> <p>In this evaluation, there was limited information about trends in legislative drafting other than the opinions of key informants. It would be helpful in the next evaluation of LSB if there were objective information about the level of legal risk and complexity of all LSB drafting files.</p>		<p>complexity for its legislative drafting files.</p>			