MANAGEMENT RESPONSE AND ACTION PLAN - ORIGINAL

Evaluation Report Title: Centres of Expertise
Approval Date of Evaluation by Deputy Minister: (10/2021)

Recommendation 1 – Mandates: Ensure that mandates are clear and effectively communicated to stakeholders through a coordinated approach.
Rationale for Recommendation: Some of the Centres have been operating in their current structure for a longer period, and are well-established within Justice, which helps facilitate awareness of their mandates among stakeholders. To varying degrees, some of the Centres communicate their mandates through various means, such as memos, newsletters, presentations, and internal emails, which assisted in promoting a greater understanding of their services, protocols, and processes. Evaluation findings indicate that there is a basic overall knowledge among stakeholders (i.e., Legal Service Units [LSUs], National Litigation Sector [NLS], other areas within Justice, and client departments and agencies) about the mandate of the Centres; hfindings also confirm the need to strengthen that understanding. Throughout the interviews, legal counsel in LSUs and NLS emphasized the importance of better communicating the type and extent of services provided, so that they can be more confident about when to engage with each Centre. The evaluation points to a need for a more coordinated approach for achieving this goal.
Management Response: Management agrees with the recommendation.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
Centres will review and/or revise their mandates, in consultation with appropriate parties, to ensure the type and extent of services offered are clearly defined. Documents will be published in a central location, which will support a broader awareness and understanding of when to engage the Centres and for which services.	• Guidance documents that define the mandate of each Centre (including any other clarifying information as appropriate, such as examples of requests that fall within or outside the Centre's mandate, etc.) presented to Executive Committee (EXCOM) for approval (June 2022). • Guidance documents are published in a central location that is accessible to Justice employees and notification/distribution to Justice employees and client departments and agencies as applicable (November 2022).	• Assistant Deputy Minister (ADM) Public Law and Legislative Services Sector (PLLSS)* • ADM Business and Regulatory Law Portfolio (BRLP) • ADM Aboriginal Affairs Portfolio (AAP) • ADM Central Agencies Portfolio (CAP) *PLLSS to lead and coordinate input from Portfolios/Sectors listed above	November 2022

Recommendation 2 – Protocol and Processes: Ensure adequate protocols and/or processes are in place to support effective and efficient Centre functioning and promote stakeholder awareness and adherence.
Rationale for Recommendation: All Centres have established processes that frame how they undertake all their activities, particularly the provision of legal advice, which is their predominant function. Overall, these processes are functioning well, and having a formal document or protocol to clearly articulate and communicate how each Centre operates appears to be beneficial. However, evaluation findings indicate that there could be greater clarity in processes in some cases. Furthermore, even when clear protocols have been established, stakeholders do not always follow the established protocol. Lack of clarity or inconsistent application of protocols can impact the Centres' ability to provide consistent legal advice in a timely fashion.
Management Response: Management agrees with the recommendation.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
Centres will review and/or revise the protocols and processes, to ensure they are clearly defined. Documents will be published in a central location that will support awareness of and adherence to the protocols and processes in place and support effective and efficient functioning of the Centres.	• Guidance documents that define the protocols and/or processes of each Centre (June 2022). • Guidance documents are published in a central location that is accessible to Justice employees, and notification/distribution to Justice employees and client departments and agencies, as applicable (November 2022).	• ADM PLLSS • ADM BRLP* • ADM AAP • ADM CAP *BRLP to lead and coordinate input from Portfolios/Sectors listed above	November 2022

Recommendation 3 – Resource Levels and Funding Models: Review and adjust resource levels and/or funding models as necessary to ensure that Centres are able to fully deliver all aspects of their mandates.
Rationale for Recommendation: Several Centres have experienced expansions to their mandate and overall level of work during the evaluation period, while maintaining generally the same level of resources. For instance, Aboriginal Law Centre's mandate has expanded to include policy development, Centre for Information and Privacy Law has experienced an increase in policy work over the last several years, and Human Rights Law Section has a new mandate to develop Charter Statements. Commercial Law Section is limited in the level of support that they can provide to their stakeholders given their current level of resources. All of these Centres function with an A-base funding model, which has remained relatively stable over time.
Among the two Centres that have a cost-recovery model, Centre of Expertise in Procurement Law is currently able to maintain sufficient revenue to cover the costs of the services they provide. However, Centre for Labour and Employment Law (CLEL) has experienced challenges with the cost-recovery model due to the nature of their work, in that revenues are insufficient to cover costs due to some of the work that CLEL does for multiple clients or internally for Justice. While these costs are currently being covered internally by Justice, the current model is not sustainable.
Centre's current resource levels and funding models should be reviewed to propose solutions that will support the Centres to deliver on their mandates. Given the unique nature of the work and the design of each of the Centres, it is possible that different approaches may be taken, which may include several options, such as the development of business cases or other funding model or resource proposals.
Management Response: Management agrees with the recommendation.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
Conduct a review to assess and modify (where necessary) resource levels and/or funding models to ensure Centres are in position to fully deliver all aspects of their approved mandates (as per Recommendation 1).	• Results of the review presented to EXCOM for approval (November 2022). • Results approved at EXCOM will be included in Justice's Annual Financial Resource exercise (April 2023).	• ADM Management Sector (MS)* • ADM PLLSS • ADM BRLP • ADM AAP • ADM CAP *MS to lead and coordinate input from Portfolios/Sectors listed above	April 2023

Recommendation 4 – Strategic Partnerships: Enhance information sharing and engagement with stakeholders to best support strategic partnerships.

Rationale for Recommendation: Ultimately, the Centres are expected to provide quality, consistent, and timely support to the whole-of-government, and the evaluation findings indicate that this goal is largely met. There is a widely shared appreciation for the contribution that the Centres make through their legal advice, litigation support, policy work, and knowledge sharing activities.

Overall, evaluation findings confirm that the Centres collaborate in a positive and professional manner and have developed collaborative working relationships with their stakeholders (i.e., LSUs, NLS, other areas within Justice, and client departments and agencies). Centres demonstrate their commitment to the five client-centric principles through the work they do to share knowledge and information with their stakeholders within Justice and in client departments and agencies, and through the examples of good practices used by the Centres to enhance these strategic partnerships.

To further enhance the delivery of client-centric and strategic support, the evaluation points to a need to further expand opportunities for all key stakeholders to exchange information, to engage in strategic dialogue, and to support and expand stakeholder knowledge of cross-cutting issues and legal positions in specific areas of the law. It is also important to build an understanding of the roles and responsibilities of all stakeholders involved so that the appropriate groups are engaged at the right time in order to support consistent and efficient service delivery. While the evaluation found support for these goals, there are also limitations concerning the capacity of the Centres to add further demands on their team members, which points to a need to prioritize what may be most beneficial at the time.

Management Response: Management agrees with the recommendation.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
An overall approach will be developed to enhance communications and strategic engagement that will allow for some individuality in Centre responses and approaches to strategic engagement based on their specific context and evaluation results.	• An overall template/approach will be developed (April 2022) **. **The template may include options for each of the Centres to utilize in enhancing strategic partnerships, which may include (but is not necessarily limited to): options to enhance proactive information sharing of key or cross-cutting issues; clarification of roles and responsibilities of Centres and key stakeholders; developing or revising processes that support information sharing between client departments and LSUs to ensure balance between	• ADM PLLSS • ADM BRLP* • ADM AAP • ADM CAP *BRLP to lead and coordinate input from Portfolios/Sectors listed above	October 2022

	Centre expertise and client context; and/or to ensure that LSUs are sufficiently informed on client files. • Template/approach completed by each Centre, including strategies relevant to their particular context and individual evaluation results (October 2022).		

Recommendation 5 - Data Management: Ensure consistent recording of activities in LEX to better support departmental reporting and decision making.

Rationale for Recommendation: The parameters of LEX, the inconsistencies within and among the Centres in how hours are recorded, and gaps in file-related information provided by LSUs or other areas within Justice (i.e., Centres not being provided with file numbers for the files to which they are contributing) can all have an impact on the ability to accurately record Centre work. Discussions with Centres suggested that there may have been inconsistences in recording within Centres in terms of how file information was logged, and reporting practices commonly differed from one Centre to another as well. As such, the degree to which Centres can report on their activities in an accurate and reliable manner in order to monitor trends and make decisions related to workload and capacity is less than optimal. For instance, some Centres reported that the general category in LEX may have been over-represented and should have captured other work (e.g., advisory) or that policy work may have been miscoded and under-represented in the data. In addition, Centres are not always provided with the file number for work they are doing with the LSUs. As a result, they may need to open their own files to record the time, which is not consistent with Justice file management procedures, and makes it difficult to link the files to the original work and the client department for which the work is done. Supporting the ability to accurately link Centre work to the correct files, and promoting consistent recording practices within the Centres as well as developing some consistency in the recording of information across Centres would provide an opportunity to accurately track activities and monitor trends to support better decision making.

Management Response: Management agrees with the recommendation.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverable(s) Expected deliverable(s) to demonstrate the completion of the action.	Accountability ADM responsible for implementing the action.	Planned Completion Date
Consultations between Management Sector and representatives from Centres will occur to identify any necessary solutions to improve capacity to record accurate information for Centres of Expertise in existing data systems.	• Detailed Business Requirements document outlining gaps, possible solutions, and an Action Plan by October 2022.	• ADM MS* • ADM PLLSS • ADM BRLP • ADM AAP • ADM CAP *MS to lead and coordinate input from Portfolios/Sectors listed above	October 2022
Implementation of the Action Plan.	• Possible deliverables may include changes in LEX, updating protocols, revising processes and providing targeted training. • Record of changes (Release Notes) implemented in LEX or other data systems, protocols and communicated to users.	• ADM MS* • ADM PLLSS • ADM BRLP • ADM AAP • ADM CAP *MS to lead and coordinate input from Portfolios/Sectors listed above	June 2023