



## **Management Response and Action Plan**

# **Evaluation for the Public Safety, Defence and Immigration (PSDI) Portfolio**

**Department of Justice Canada**

## Management Response and Action Plan

**Project Title:** Evaluation for the Public Safety, Defence and Immigration (PSDI) Portfolio

**Responsibility Centre:** PSDI

Conclusions	Recommendations	Management Response	Action Plan	Responsible Manager (Title)	Planned Completion Date
<p><b>Clarity of Roles and Responsibilities</b></p> <p>An issue that arose in the course of the evaluation was the lack of clarity with respect to the roles of the National Litigation Coordination Team (NLCT) and the National Security Law Team (NSLT), particularly as they relate to other national security legal work being conducted by the PSDI staff in the DLSUs and regions. Counsel indicated that they had a relatively limited understanding of how these two entities worked, even those who had had experience working with them on files. In particular, they did not understand why certain files were chosen to be managed by the NLCT or the NSLT.</p>	<p><b>Recommendation 1:</b></p> <p><b>It is recommended that the roles and responsibilities of the NLCT and the NSLT be clarified, particularly in the context of other PSDI national security work.</b></p>	<p>Agreed.</p> <p>The roles and responsibilities of the NSLT and particularly the NLCT have changed in recent years with the establishment of a broader mandate. As such, it is important to ensure that the roles and responsibilities of these two units are well understood within the Portfolio and Justice.</p>	<p>PSDI will review the mandate of the NLCT with respect to non-immigration litigation as well as the mandate of the NSLT in consultation with stakeholders and will produce documents that set out the mandate and roles and responsibilities of these two teams. These documents will be distributed within PSDI and to other relevant groups in the Department of Justice.</p>	<p>Director and General Counsel- National Litigation Coordination Team and Senior General Counsel, National Security Law, Office of the ADAG, PSDI</p>	<p>March 2016</p>

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<p><b>Consistency of data entry into iCase</b></p> <p>PSDI has been active in trying to measure and improve its performance. However, in the course of this evaluation, it was noted that DLSUs do not use a consistent approach to opening advisory files, particularly for those files that only require limited work. Some legal counsel have recorded this work under general advisory files, while others have opened a new specific advisory file for each matter. Unless these practices are the same, it will limit the capacity of the data to support reliable performance measures.</p> <p>Secondly, the litigation support work provided by DLSUs does not appear to be recorded in a consistent manner. Some DLSUs record this work under the <i>advisory</i> category, whereas other DLSUs recorded this work under the <i>litigation</i> category. Such inconsistencies in data collection practices across the Portfolio can undermine the overall usefulness of the data collected.</p> <p>Finally, the collection of legislation data is likely incomplete,</p>	<p><b>Recommendation 2:</b></p> <p><b>It is recommended that the iCase protocol be fully implemented by PSDI in order to improve the overall integrity of the iCase data.</b></p>	<p>Agreed.</p> <p>We agree with the recommendation and fully support the implementation of the new iCase protocol across the Portfolio.</p> <p>With respect to the gap in DLSU consistency regarding recording time for litigation support, the Portfolio in 2013 provided all its DLSUs the guidelines for recording litigation support work and communicated the importance of a standardized data approach. Recent data now shows that litigation support work is properly recorded.</p> <p>With respect to the gap in certain legislative time-keeping, this anomaly was reported in one DLSU and has already been corrected. Further,</p>	<p>PSDI will:</p> <ul style="list-style-type: none"> <li>• Review its processes in opening advisory files and will develop procedures for standardizing the file opening process when applicable.</li> <li>• Make available departmental information and training sessions on the new Time Keeping Protocol to all counsel and managers within the Portfolio.</li> <li>• Continue to regularly monitor the case management data with a view to ensuring that the guidelines and the National Time Keeping Protocol are being applied appropriately.</li> <li>• Monitor, on a quarterly basis, the application of the Legal Risk Management Protocol.</li> </ul>	<p>ADAG and Director of Business Management PSDI</p>	<p>March 2016</p>

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<p>particularly between the years 2008/09 and 2009/10. In addition, late in the evaluation reporting process the evaluation discovered an anomaly with the reporting of legislative hours in at least one DLSU, which made it difficult to compare the legislative activity of individual departments.</p>		<p>proposed departmental changes to the legal services funding model will ensure that such data collection anomalies will no longer occur.</p>			
<p><b>Training</b></p> <p>The survey of legal counsel indicates that over two-thirds of respondents (68%) were either very satisfied (10%) or satisfied (58%) with the professional development currently offered. During interviews, it was noted that the diversity in the areas of law covered by the Portfolio makes it challenging to systematically offer relevant training activities. Some legal counsel interviewed as part of this evaluation indicated that the topics covered during the Portfolio's learning days rarely coincided with their area of practice. In the case of regional offices, there are strict travel limitations that considerably reduce their access to these activities.</p>	<p><b>Recommendation 3:</b></p> <p><b>It is recommended that the training needs of PSDI legal counsel be examined to determine current gaps and to explore innovative and cost-effective ways of offering/delivering this training.</b></p>	<p>Agreed.</p> <p>PSDI is committed to fostering an environment that favours and facilitates continuous learning and professional development for all lawyers, including providing training opportunities offered outside of the Department.</p>	<p>Subject to department policies, PSDI, ADAG Office and DLSU managers, will continue to promote internal and external training opportunities for their counsel on an ongoing basis, and, in particular, through the discussions that form part of the performance evaluation process and learning plans.</p> <p>PSDI ADAG and managers will continue to engage counsel on training requests and opportunities as they arise.</p> <p>PSDI ADAG Office will continue to ensure that agendas for Portfolio</p>	<p>ADAG and DADAG PSDI and DLSU Managers</p>	<p>October 2015 (in line with mid-year performance reviews) and March 2016.</p>

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<p>There was a general recognition among managers interviewed as part of this evaluation that while the department can meet a range of professional development needs, it would be beneficial to provide greater access to external learning activities. However, current budgetary constraints limit the ability of the Portfolio to expand the access to these types of learning activities.</p>			<p>learning days are developed by a working group comprised of representatives from across the Portfolio, address current topics of interest to legal practitioners and are delivered using innovative means that facilitate the participation of the regions in a cost-effective manner.</p>		