

## Results at a glance

### Evaluation of the Legal Aid Program (July 2021)

The overall objective of the Legal Aid Program (Program) is to promote access to justice for eligible persons and to promote public confidence in the justice system through federal contribution funding to the provinces and territories and/or legal aid plans for legal aid services.

The Program consists of three funding components:

- Criminal Legal Aid in the Provinces and Territories (and Civil Legal Aid in the Territories);
- Immigration and Refugee (I&R) Legal Aid; and
- State-funded Counsel.

The Criminal Legal Aid in the Provinces and Territories (and Civil Legal Aid in the Territories) and I&R Legal Aid components of the Program are cost-shared with the provinces and territories.

In addition, the Legal Aid Directorate (LAD) acts as the secretariat for the Federal-Provincial-Territorial Permanent Working Group on Legal Aid (PWG), which brings together Justice Canada, provincial and territorial governments, and the legal aid plan representatives.

#### WHAT WAS FOUND

- The evaluation found that the Program is a federal responsibility that continues to serve a public interest and need.
- The federal contribution is critical to maintaining legal aid services. One of the most significant developments to occur during the timeframe covered by the evaluation was the increase to the federal contribution for criminal legal aid in the provinces and territories and civil legal aid in the territories.
- There was a substantial increase in demand for I&R legal aid in some jurisdictions and/or substantial provincial budget cuts in that area. The Program addressed these issues by providing additional federal funding on an annual basis to enable legal aid plans to continue to provide I&R legal aid services. Given the need to seek additional funding annually, the associated determination of allocations did not provide sufficient time for some legal aid plans to manage caseloads against available funding. There is support for the federal government to fund the legal aid plans directly for I&R legal aid, which would provide more timely funding and improve administrative efficiency. As well, the development of a national I&R program would provide an opportunity to establish national service standards for delivery.

- The federal contribution provides access to justice for vulnerable populations. The profile of legal aid clients demonstrates that they are among the most vulnerable people in Canada in terms of socio-economic indicators related to financial means, education, and health. Despite the efforts of legal aid plans to adapt and expand services to reach vulnerable populations, unmet needs remain, particularly for those living in rural and remote areas, Indigenous populations, racialized groups, and those who do not meet the financial eligibility criteria. Beyond legal aid, there is a need for new approaches to better address legal issues more holistically, such as greater use of diversion or therapeutic/specialized courts.
- While improved, there remains work to be done on reporting and performance measurement. Further reduction of inconsistencies in the data is required and additional data that would provide information on the delivery challenges and impacts of legal aid services should be identified.
- The legal aid system provides a cost-effective service when compared to private bar rates and continues to innovate to maintain and enhance its services. Overall, legal aid supports the efficient operations of the justice system by providing legal assistance and advice services to individuals who might otherwise proceed through the system without counsel.

#### RECOMMENDATIONS:

**Recommendation 1:** The LAD, in collaboration with the PWG explore options for a national immigration and refugee legal aid program that would extend to all jurisdictions and include national standards.

**Recommendation 2:** The LAD (including the representative from the Policy Implementation Directorate responsible for the Access to Justice Services Agreements) should work in collaboration with the PWG to improve performance measurement and reporting. Consideration should be given to improving the consistency of data and identifying additional data, such as demographic information, that would be useful for reporting and future program planning.

**ABOUT THE EVALUATION:** The Evaluation of the Legal Aid Program was conducted by the Department of Justice Evaluation Branch and covered fiscal years 2016-17 to 2019-20. Its main objectives were to examine relevance, effectiveness and efficiency of the Program, in accordance with the Treasury Board's *Policy on Results* (2016).

