
PERFORMANCE IMPROVEMENT FRAMEWORK

Formal Review of the Crown Law Office (Crown Law)

OCTOBER 2011

State Services Commission, the Treasury and the Department of the Prime Minister and Cabinet

Lead Reviewers' Acknowledgement

As Lead Reviewers for this Performance Improvement Framework Review for the Crown Law Office (Crown Law) we would like to acknowledge the thoughtful and generous input made by Crown Law staff and the Management Board. In addition, we have had considerable input from a cross section of Crown Law's external clients and stakeholders, who were equally committed to building stronger relationships and performance in the future. We also had the benefit of input from officials from the Department of Prime Minister and Cabinet, the State Services Commission (SSC) and the Treasury, which proved to be insightful. Kevin Allan (SSC), in particular, worked alongside us throughout the Review and provided very adept guidance, advice and support.

Crown Law recognised this as an opportunity to identify and make performance improvements. There was open and robust engagement in the process and we note that, even as we undertook the assessment, the Management Board engaged closely with us on identifying responses to the areas that were emerging as opportunities for improvement.

**Performance Improvement Framework
Formal Review: The Crown Law Office**

**State Services Commission, the Treasury, and the Department of the Prime Minister and Cabinet
Wellington, New Zealand**

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AGENCY'S RESPONSE

Crown Law welcomes the Performance Improvement Framework (PIF) Review. The review has provided an external lens through which Crown Law can see with greater clarity the opportunities to improve its performance. The framework provides a valuable appraisal of the steps Crown Law has taken towards achieving its objectives and a sound platform to reassess and redesign some structures and processes for moving forward.

Crown Law is grateful to the reviewers for the professional way they have approached their task and the extent to which they got to grips with an extensive volume of information.

The Solicitor-General and Senior Management Team are committed to implementing the key recommendations contained in the Report. We consider Crown Law will be a stronger organisation as a result. Some work has already begun that will be required to deliver on the spirit, not just the letter of the recommendations.

Crown Law's focus over the past five years has primarily been on achieving a high level of professional performance in the delivery of its core functions, namely legal advice to the Crown and representation of the Crown. Crown Law is proud of its ability to deliver high quality service to its clients at a level of professionalism comparable to the best private law firms. The PIF Review confirms that Crown Law is well placed to continue to deliver its core business to a high standard while also highlighting the need to shift the focus to include external factors brought about by the changing environment.

The PIF Review is part of a suite of reviews affecting Crown Law:

- The Review of Prosecution Services is scheduled to report to Ministers at the end of September 2011. A draft set of recommendations has been provided to Crown Law and, if those recommendations are accepted by Ministers, would have a significant impact on Crown Law's role, structures and its relationships with other government departments.
- On 22 August 2011 Cabinet noted that the Attorney-General proposes to undertake a further review, into the Role and Functions of the Solicitor-General and Crown Law Office. That review is scheduled to be completed by February 2012 and may also have a significant impact upon Crown Law's future role, structure, and relationships with stakeholders.

A reassessment of Crown Law's overall strategy is timely and supported by the recommendations in the PIF Report. The Management Board appreciates that Crown Law's response to the PIF Review will have to be flexible and responsive in order to meet Ministers' expectations of Crown Law as a result of their decisions following the Prosecution Review and the Review of the Role and Functions of the Solicitor-General and the Crown Law Office. The following specific strategies represent Crown Law's response to the PIF Review and will be adapted on the basis of Ministerial decisions on those reviews.

1. Strategy

- 1.1 The Management Board has recognised that enhanced collective leadership and management capability is essential to bring an ongoing focus to the strategic direction for Crown Law. The Management Board, individually and collectively, are committed to providing leadership, strategic focus, and management of Crown Law's fiscal pressures in accordance with Ministers' expectations. A Deputy Chief Executive role has been established to assist the Management Board in providing collective leadership, with a particular focus on the external environment.

- 1.2 With extra capacity, the Management Board will identify ways to further define the separate responsibilities of governance and operational management for Crown Law.
- 1.3 The Management Board also agrees that Crown Law must revisit its vision, purpose and strategic direction, taking into account the Government's expectations, changes in the criminal justice system, justice sector wide responsibilities, the Prosecution Review, the Review of the Role and Functions of the Solicitor-General and Crown Law, and the fiscal constraints given the current economic environment.

2. Leadership within the Justice Sector

- 2.1 Crown Law is now fully participating in the leadership of the Justice Sector and, in particular, in the development of the Justice Sector Sustainability project.
- 2.2 Crown Law fully appreciates the need for it to manage within its appropriations, which impact on the criminal justice sector, and is committed to doing so.

3. Stakeholders

- 3.1 Crown Law is now reviewing the way in which it engages with its key stakeholders, and will put in place customised strategies for each relationship. We have identified priorities, noting that collaboration with the justice sector, ministers, and our clients is fundamental to Crown Law's overall performance. Improved general stakeholder management will provide the impetus for change as it is required and allow us to be strategically prepared for changing horizons.

4. Efficiency

- 4.1 Within Crown Law we will consider ways in which we can become more efficient and provide greater value for money.
- 4.2 The strategic financial management of our appropriations is to be a primary focus for the Management Board led by the Deputy Chief Executive. The Management Board recognises that staying within appropriations is essential, and this will be challenging, given the dynamics of the tight fiscal environment, the reviews yet to be completed, the legislative requirements and the unpredictable prosecution workload.
- 4.3 Work to strengthen the management of the Crown Solicitor Network and the administration of the Crown Prosecution appropriation is a priority and is already under way.
- 4.4 The review acknowledged Crown Law's well-developed information technology infrastructure. We recognise that better utilisation of available systems will give us greater efficiency and have made this a priority.

5. Clarity

- 5.1 We acknowledge that there is a lack of clarity amongst various audiences, both internal and external, as to who we are and what work we do. We need to be clear that while we are a public service department we are also a legal practice.
- 5.2 The process of reviewing and updating our purpose and vision will improve clarity for management. It will also provide a foundation for greater staff understanding and appreciation of Crown Law's business, its constitutional role and its mandate. By ensuring our staff are clear as to what we do, there will be a flow-on benefit to external audiences as managers and staff become advocates for Crown Law's role.

6. Staff Engagement

- 6.1 The Management Board recognises that Crown Law employees need to be fully engaged in the organisation. This will require a leadership focus on gaining staff understanding and endorsement of Crown Law's vision, purpose and strategic direction.
- 6.2 The Management Board recognises that being, and employees believing that, Crown Law is a great place to work is critical to sustained high performance. A continued focus on recruitment, retention and staff development remains a priority.
- 6.3 With the greater focus on strategy, the organisational annual plan with consequential Human Resources Annual Plan and team plans will coordinate the delivery of improvements in employee satisfaction.

7. Conclusion

- 7.1 Our strategic response is based on the points made in the PIF Review. The report touches on fundamental issues with which Crown Law has been grappling in recent times. These include:
 - the tension between being an agency delivering a broad range of high quality legal services and (increasingly) an agency giving policy advice
 - the tension between being a comparatively small criminal law practice expert in appellate work and an agency overseeing the budget for a large range of private sector firms handling criminal prosecutions
 - the tension between providing advice and representation to departments who pay our bills and ensuring that the advice and representation is consistent with the interests of collective government.
- 7.2 We agree these tensions warrant our attention and action. We will focus on our funding model, our work mix and our staff - all points on which the PIF Review has provided useful comments. Consistent with our interest in the review of Government Legal Services and the Prosecution Review, we expect our particular challenges will be met by our looking across government, as well as internally for answers.
- 7.3 Overleaf is a table with an overview of work to be undertaken and associated timeframes. The planning process for this work is still underway.

OVERALL PLAN OF ACTION			
	Area	Specific Strategies	Proposed Timeframes
1	Strategy	<p>1.1 Enhance the collective leadership, strategic and management capability of the Management Board</p> <p>1.1.1 Put in Management Board processes to separate out operational management and governance</p> <p>1.1.2 Appoint Deputy CE</p> <p>1.1.3 Review overall strategic direction, purpose and vision</p> <p>1.1.4 Recruitment of additional business and policy analysis expertise</p>	<p>Underway</p> <p>Underway and to be concluded in 4th quarter 2011</p> <p>Underway & concluded by end of 4th quarter 2011</p> <p>Underway and to be concluded by 30 September 2011</p>
2	Leadership within the Justice Sector	<p>2.1 Continue to fully participate in the Justice Sector Sustainability project</p> <p>2.2 Enhance Crown Law's business analysis and policy capability in order to assist in the leadership of the justice sector</p>	<p>Underway</p> <p>By end of 4th quarter 2011</p>
3	Stakeholders	<p>3.1 Develop customised strategies for each key stakeholder</p> <p>3.1.1 Sector collaboration</p> <p>3.1.2 Other stakeholders</p>	<p>By end of 4th quarter 2012</p> <p>By end of 2nd quarter 2012</p>

4	Efficiency	<p>4.1 Strategic financial management processes improvements underway</p> <p>4.1.1 Improved management and administration of Crown Solicitors</p> <p>4.1.2 Better utilisation of IT platform plans in place</p>	<p>Started and will be ongoing.</p> <p>Subject to Ministers response to the Prosecution Review.</p> <p>By the end of the 1st quarter 2012</p>
5	Clarity	<p>5.1 Develop strategies to improve clarity about the work of Crown Law for internal and external audiences</p>	<p>By the end of the 4th quarter 2012</p>
6	Staff Engagement	<p>6.1 Develop the organisational plan and Human Resource strategy to support the updated strategic direction</p>	<p>By the end of the 2nd quarter 2012</p>

Dr David Collins QC

Solicitor-General and Chief Executive of the Crown Law Office

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LEAD REVIEWERS' SUMMARY

Crown Law has two key purposes to ensure that the:

- operations and responsibilities of the executive government are conducted lawfully, and
- Government is not prevented, through legal process, from lawfully implementing its chosen policies and discharging its governmental responsibilities.

Crown Law therefore has a critical role in ensuring that the Government can confidently advance its goals and vision. In this sense, Crown Law has a role, not dissimilar to Central Agencies, in that it takes a whole-of-government view while also working in the public interest.

In undertaking this Performance Improvement Framework Review, therefore, Lead Reviewers confronted two important questions:

- i. how well is Crown Law delivering on government priorities and its core business
- ii. how well positioned, in terms of organisational capability, is it to deliver now and into the future?

Strengths

Crown Law has significant strengths to assist it to deliver on its vision, priorities and core business, notably:

- the whole-of-government approach it brings to its work, in particular Category 1, is important in managing legal risk and providing value-for-money solutions to the Crown rather than ad hoc responses
- it is one of, if not the largest, most experienced litigation teams in New Zealand, with considerable specialist knowledge in relation to public and administrative law
- a critical mass of highly qualified, skilled and experienced legal advisors who are highly motivated by the range and quality of work and the opportunity to obtain substantial litigation experience
- a substantially upgraded IT system to support legal staff and corporate services. While some aspects of the upgrade are not yet fully utilised, it provides a sound foundation for improved performance in core business areas and in organisational management
- very good support structures, including information services and litigation management tools, to assist legal advisors.

Crown Law's strengths are reflected in notable successes, including:

- it has achieved a high level of performance, in terms of efficiency and effectiveness in the execution of the principal Law Officers' functions providing legal and administrative services for the Attorney-General and Solicitor-General
- the conduct of appeals that arise from criminal trials and from Crown appeals is widely recognised as being consistently performed to a high standard and reasonably efficiently
- the legal advice and representation of the Crown function is viewed as well placed in terms of delivering to high standards of performance, with respect to effectiveness.

Notwithstanding these considerable achievements, Crown Law has increasingly confronted challenges to its purpose, strategy, role and operating model, as a number of significant environmental changes have cumulatively affected its business-as-usual model.

Changing context

The environment in which Crown Law operates has gone through significant change over the last few years owing to the following factors:

- extensive legislative change, particularly relating to the criminal justice system, has presented significant challenges to Crown Law over the last few years. The Criminal Procedure Simplification Project and the related legislative changes, as set out in the Criminal Procedure (Reform and Modernisation) Bill, have been developed to simplify and improve criminal procedure. The implementation of these reforms is likely to have significant impacts on the operations of Crown Law
- the Cabinet-initiated independent Review of Crown Prosecution Services ('the Prosecution Review') has the potential to result in further significant changes to the core business of Crown Law
- the central role of Crown Law in advancing the Government Priority: Government Legal Services Programme ('GLS Programme') has tested the depth of Crown Law relationships with key partners and its ability to lead a whole-of-government initiative
- the financial position of the Crown has put added emphasis on not just operating within appropriations, but testing business as usual to find more cost-effective ways of operating
- the need to improve justice sector performance has resulted in a requirement of all Justice Participants to work collectively to meet Government expectations. This has considerably changed the nature and extent of sector engagement that is required.

Key risks confronting Crown Law

As a consequence of these changes in Crown Law's operating environment, the organisation now faces a number of strategic risks that it needs to address, including:

- the Centre of Excellence strategy that has underpinned Crown Law's strategic direction is now five years old and is struggling to provide a complete context for responding to more recent developments
- key stakeholders have come to see Crown Law as resistant to change and slow to effectively engage in the justice system-wide initiatives
- after a number of years of operating outside appropriations, Crown Law has come to be seen as slow to take responsibility for not only living within appropriations but taking action to find more cost-effective ways of operating
- ongoing challenge in managing key client relationships, given Crown Law's overarching client is the Crown, while the interests of the departments who pay the fees may be subsumed within the whole-of-government interest. This impacts the departments' views and expectations regarding effectiveness and efficiency of Crown Law services. Meeting the Crown's expectations as the primary client can potentially add costs (sometimes unexpected), delay matters or change the focus from the perspective of the relevant department

- managing the delivery of the Isles Review against the wider context of the Prosecutions Review
- the heavy legal loads carried by the Solicitor-General and Deputy Solicitors-General, alongside the challenges to business as usual, raises a fundamental question about the appropriate structure for Crown Law.

Opportunities for improvement

This review has suggested there are a number of opportunities for Crown Law to improve its performance, primarily through:

- refreshing the vision, purpose and strategic direction of Crown Law, including clarifying core functions
- enhancing organisational leadership and management capability of the agency by implementing a Deputy Chief Executive Officer role and focusing the Management Board on collective leadership
- proactive management of the current appropriation for the Crown Solicitor Network to keep within baseline and improve effectiveness
- taking collective responsibility for contributing to improving justice sector performance. Enhancing the policy and business analytical capability of the agency to provide for effective justice sector input
- strengthening the sophistication, implementation and evaluation of the Client Relationship Management (CRM) programme to enhance responsiveness to clients' needs
- agreeing a Human Resources Strategy and Annual Plan that connects the organisation's vision, purpose and business strategy. Conducting a culture/staff engagement survey. Addressing remuneration transparency and career progression
- driving for more effective utilisation of the information technology (IT) platform and efficiencies to enhance productivity and efficient delivery of services
- recruiting business analyst capability to assist in the management of appropriations and to improve financial management to support improved performance across the business.

Paula Rebstock
Lead Reviewer

Peter Doolin
Lead Reviewer

CENTRAL AGENCIES' OVERVIEW

What is the Performance Improvement Framework and what are we trying to achieve?

The Performance Improvement Framework is a framework applied by a small group of respected organisational leaders to provide insights into agency performance, identifying where agencies are strong or performing well and where they are weak or need to improve. The framework covers both results (in terms of effectiveness and efficiency) and the organisational management factors that underpin sustainable superior performance.

Because a common framework is used, the reviews not only inform agency performance improvement plans, but also help us build a body of knowledge that provides us with a better picture of cross-system performance and identifies issues which we need to address at sector or system level.

The Performance Improvement Framework is an initiative developed by central agency and State services chief executives to respond to the need for improved effectiveness and efficiency in the State services. It is also important to acknowledge that the New Zealand State services operates from a position of strength and continues to be recognised internationally as among the top performers. However, we recognise that we must meet the ever-increasing and reasonable expectations of Ministers and the public generally, especially in these times of economic and fiscal stress.

What are we learning?

In general, the reviews completed so far confirm that we have a 'can do' service, which is strong on delivering the results government wants now – agencies engage well with Ministers, are responsive, and effectively deliver on Government priorities. We have a service that values probity and the systems and processes that support transparency and ensure accountability for the expenditure of taxpayers' funds. We have a service that recognises that its people, and their combined knowledge, experience and commitment, are our greatest assets. We are relatively good at putting in place the systems and processes (for example financial management systems) that should support them to make their best contribution.

At the other end of the spectrum, we are not as good as we should be at working across internal and external silos, progressing the medium- to long-term work programmes that will position us to meet the future needs of governments and taxpayers and reviewing the ongoing need for, or methods of delivery of, the services we currently provide.

We need to be better at measuring the results of what we do and comparing them to the results government was seeking to achieve. We need to bring together the information we have to make better decisions about what we do and how we do it. For example, we need to use our financial management systems to understand and manage the costs of the services we provide, rather than simply to develop and monitor budgets.

Next steps?

We are now in the second year of the Performance Improvement Framework programme, agencies reviewed to date are at various stages of implementation of their responses to their reviews. We will work with them to support and monitor their implementation of those responses and to evaluate whether their actions are having the improvement results anticipated.

As indicated above, we are looking across the Performance Improvement Framework review results to identify both the agencies that others can learn from and the areas of systemic weakness that we need to tackle as a service rather than on an agency by agency basis. Key to these will be our ability to monitor long-term effectiveness (are we actually achieving the outcomes as opposed to merely delivering the outputs?) and our ability to review the effectiveness and efficiency of what we do (are we providing services the best way we can or indeed can the services be better provided by someone else?).

The central agencies are in the process of identifying the key areas for improvement across the system, mapping the work that is currently underway in these areas and work that might be done in the future.

Iain Rennie
State Services Commissioner









Andrew Kibblewhite
Acting Secretary
to the Treasury

Maarten Wevers
Chief Executive
Department of the
Prime Minister and Cabinet

SUMMARY OF RATINGS

Results






GOVERNMENT PRIORITIES	RATING
Leading the Government's legal services programme	




CORE BUSINESS	RATING (EFFECTIVENESS)	RATING (EFFICIENCY)
Supervision and conduct of Crown prosecutions		
Conduct of criminal appeals		
Legal advice to and representation of the Crown		
Exercise of Principal Law Officer functions		
Regulatory impact	N/A	N/A




Rating System





 Strong	 Well placed	 Needing development	 Weak	? Unable to Rate
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Organisational Management

LEADERSHIP, DIRECTION AND DELIVERY	RATING
Vision, Strategy & Purpose	
Leadership & Governance	
Culture & Values	
Structure, Roles and Responsibilities	
Review	

EXTERNAL RELATIONSHIPS	RATING
Engagement with the Minister(s)	
Sector Contribution	
Collaboration & Partnerships with Stakeholders	
Experiences of the Public	N/A

PEOPLE DEVELOPMENT	RATING
Leadership & Workforce Development	
Management of People Performance	
Engagement with Staff	

FINANCIAL AND RESOURCE MANAGEMENT	RATING
Asset Management	N/A
Information Management	
Efficiency	
Financial Management	
Risk Management	

Rating System

 Strong	 Well placed	 Needing development	 Weak	? Unable to Rate
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AGENCY CONTEXT

Crown Law is a government department that provides legal advice to the Government and representation in the Courts and supports the Attorney-General and Solicitor-General in the exercise of their statutory and other functions as the principal law officers of the Crown. It takes a whole of government view while also working in the public interest.

Crown Law provides a range of services to fulfil two key purposes to ensure that the:

- operations and responsibilities of the executive government are conducted lawfully
- Government is not prevented, through legal process, from lawfully implementing its chosen policies and discharging its governmental responsibilities.

The scope of the legal work of Crown Law is influenced by the *Cabinet Directions for the Conduct of Crown Legal Business 1993*, which directs departments in the use of Crown Law's legal services. The Cabinet Directions provide for two categories of legal work:

- *Category 1*, which must be referred to the Solicitor-General, includes cases concerning actual or imminent litigation where the Government or a government agency is a party, situations involving the lawfulness of the exercise of government powers, constitutional questions (including Treaty of Waitangi issues) and issues relating to the enforcement of the criminal law and the protection of the revenue.
- *Category 2* is essentially all other work and is contestable.

Crown Law is a relatively small government department based at one site in Wellington. Its 2010/11 baseline was \$65.9 million (an additional \$10.675 million was approved in Supplementary Estimates in February 2011). Criminal Appeals, the Criminal Prosecution System and the Law Officer functions are Crown funded. The costs of the advice and representation functions are recovered from the client on a fee-for-service basis, irrespective of whether services fall within Category 1 or 2. Crown Law employed 198 staff as at 30 June 2010, including 107 counsel (104 with practising certificates) and 24 legal support staff. Approximately 40% of staff, including a number of Crown Counsel, are employed under a collective agreement.

Crown Law is led by a Management Board comprising the Solicitor-General, three Deputy Solicitors-General and a Practice Manager. The Deputy Solicitors-General are each responsible for a practice group (Public Law, Criminal Law and Human Rights, and Constitutional Law). The Practice Manager is responsible for corporate services.

Crown Law is often said to operate like a legal practice within government. While it is similar to a private sector legal practice there are important differences:

- it is required to act within the provisions of the State Sector Act 1988 and Public Finance Act 1989 related to government departments
- it has a monopoly in relation to Category 1 work, but competes for other work
- the Solicitor-General has important constitutional responsibilities as the Junior Law Officer
- an important part of the work of Crown Law is providing support for the Law Officers (the Attorney-General and Solicitor-General). In doing so it is required to act in the public interest, not simply promote the interests of Crown or individual agencies it is acting for

- Crown Law is required to look after the Crown's legal interests, ie, to look beyond the interests of a specific department, even when that department is the client initiating the work
- Crown Law is expected to be a model litigant, which requires a careful and potentially conservative approach to litigation
- As a department, Crown Law is expected to contribute to policy development and implementation and sector-wide initiatives.

Crown Law also has distinctive features as a government department:

- its chief executive, the Solicitor-General, is appointed by the Governor-General, not the State Services Commissioner, owing to the requirement to act independently in some matters as the Junior Law Officer, notably in relation to criminal prosecutions. As a result, the Solicitor-General does not come within the Commissioner's performance management arrangements
- the Solicitor-General has a substantial hands on 'service delivery' role as the leading advocate for the Crown in the courts and as chief legal advisor in addition to his responsibilities as chief executive of a government department
- the Deputy Solicitors-General also have substantial direct 'service delivery' workloads in providing legal advice and representation, in addition to their second tier management responsibilities
- Crown Law has a whole-of-government role to protect the Crown's legal interests.

Crown Law does not have an annual business plan. Its organisational strategy is underpinned by a paper prepared by the Solicitor-General in 2006, soon after he took up his role, focused on developing Crown Law into a 'centre of excellence'. The Centre of Excellence paper identified valuing staff, focusing on client need and operating simple, easily understood systems and structures as aspirational characteristics and it spelled out a range of initiatives to develop them.


Crown Law's Statement of Intent ('SOI') states its vision as 'being the first choice public sector lawyer'. Its priorities link to themes from the Centre of Excellence paper and focus on building understanding and acceptance of the role of Crown Law and the Law Officers, valuing staff and improving client relationship management.

Extensive legislative change (implemented and planned), particularly relating to the criminal justice system, has presented significant challenges to Crown Law over the last few years. The Criminal Procedure Simplification Project and the related legislative changes, as set out in the Criminal Procedure (Reform and Modernisation) Bill, have been developed to improve criminal procedure. The implementation of these reforms and the adoption of recommendations from the Prosecutions Review are likely to have significant impacts on the operations of Crown Law.

RESULTS SECTION

Part One: Delivery of Government Priorities

This section reviews the agency’s current ability to deliver on its strategic priorities agreed with the Government. It is based on the completeness of the agency’s plans, the stage at which the priority is at and the capability and capacity of Crown Law to deliver on the priority. The report is also informed by consideration of identified risks.

<p>Government Priority: Leading the Government’s Legal Services Programme (GLS): Crown Law has overall responsibility for the GLS programme, although much is overseen by an inter-departmental governance group. Some aspects of the programme are led or delivered by other agencies.</p>	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>The GLS Programme has two components: an efficiencies workstream and a developing capability workstream. The GLS Programme is intended to reduce the costs of sourcing legal advice across government, while raising the quality of government lawyers. The procurement aspect of the programme is being led by the Ministry of Economic Development’s procurement programme and the all-of-government contract for information, with major legal information providers being led by Police.</p> <p>Work on the GLS Programme has progressed slowly, with the Attorney-General receiving the first major progress report in June 2010 at the end of the first phase. That Report includes the operating model and programme plan for phase two.</p> <p>Crown Law initially failed to anticipate the difficulty it would face in getting departments on side with the project owing to suspicion about the ultimate purpose of the project. A significant setback occurred when funding was not obtained from the central agencies Initiatives Process Fund to meet staffing costs of the GLS Programme. Phase two has also fallen behind the programme timetable because of the inability to obtain funding.</p> <p>More recently, risks to the GLS Programme have been better managed through a cross-agency governance group, led by the Solicitor-General and supported by a Deputy Solicitor-General. A Programme Director for the capability workstream has been appointed, though the need to continue to find sufficient voluntary contributions to fund the work programme presents an ongoing risk to the GLS Programme.</p> <p>Participating departments acknowledge greater transparency, engagement and commitment around the project, many seeing significant potential benefit.</p> <p style="text-align: right;">contd...</p>

Nevertheless, those benefits are still to be captured and there are a range of views on the best tactics to be used to ensure recent momentum yields tangible results. There appears to be a continuum of options, from concentrating on delivering some early gains in a few areas where there are potentially large benefits, to advancing across the full suite of potential initiatives in the Programme.

As leader of the GLS Programme, Crown Law, with the collaboration of participating departments, needs to optimise the Programme strategy to deliver tangible benefits in the near term.



RESULTS SECTION

Part Two: Delivery of Core Business

This section reviews the agency’s effectiveness and efficiency in delivering its core business. The report is based on a judgement about the current performance of the agency, and the trends demonstrated over the last three to four years.

Crown Law provides a range of services, summarised below, in the core businesses, to fulfil two key purposes to ensure that the:



- operations and responsibilities of the executive government are conducted lawfully
- Government is not prevented, through legal process, from lawfully implementing its chosen policies and discharging its governmental responsibilities.



Core Business 1: Supervision and conduct of Crown prosecutions	
The supervision and conduct of the national Crown prosecution service that undertakes criminal trials on indictment and related appeals arising out of summary prosecutions.	
<p>PERFORMANCE RATING</p> <p>Effectiveness</p>  <p>Efficiency</p> 	<p>Performance Rating (Effectiveness): Needing development</p> <p>Performance Rating (Efficiency): Weak</p> <p>This Core Business relates to the provision of a prosecution service for indictable offences, advice on criminal law matters (whether summary or indictable) and the management and oversight of the Crown Solicitor Network. It is Category 1 work funded by Revenue from the Crown (as distinct from fees).</p> <p>Crown Law provides technical leadership and guidance to the Crown Solicitors’ network in matters relating to indictable offences and criminal prosecutions. In addition, it provides technical leadership and guidance to the conduct of prosecutions by departments. Crown Law carries out these functions in an effective manner.</p> <p>The criminal prosecution arrangements involving a network of private practitioners warranted as Crown Solicitors has been in place for over a century. It is an out-sourced delivery model. They are paid on scales determined by regulation (Crown Solicitors Fees Regulations 1994) and the Solicitor-General has overall responsibility for the prosecution of indictable crime.</p> <p style="text-align: right;">contd...</p>

	<p>Crown Law interfaces with the Crown Solicitors’ network at a number of differing levels. They include:</p> <ol style="list-style-type: none"> i. contractually, through the Crown Solicitors Regulations 1994 which regulates rates and fees ii. at a procedural level, responsibilities like approving expert witnesses, second counsel on a trial and special fees (ie, fees paid to Crown Solicitors in addition to those set out in the Regulations) iii. at a professional level, Crown Law provides a Crown Solicitors’ intranet, and publishes for the network a number of resources, including information on Court of Appeal decisions iv. at a constitutional level, much of which is through established conventions. <p>Whilst the Crown Solicitors are independent warrant holders and have prosecutorial discretion conferred by statute, they regard themselves as reporting to and under the direction of the Solicitor-General. At a day-to-day level those relationships are managed by the Deputy Solicitor-General Criminal and Human Rights.</p> <p>Regular performance reviews are undertaken by the Deputy Solicitor-General Criminal, with assistance from an external consultant. Those reviews are described by Crown Solicitors as challenging and probing and any follow up actions are taken seriously and addressed. Notwithstanding those views there is a perception that the close professional and collegial relationship between Crown Law and the Crown Solicitors’ network may colour the nature of the review process.</p> <p>The decision as to whether or not to prosecute is made by the Police and the Crown Solicitor (though the Solicitor-General can stop proceedings); therefore Crown Law has little direct leverage as to the volume and nature of the work undertaken. Fees bills are certified for payment by Court Registrars.</p> <p>Over the past five years there has been an increase in the volume of indictable prosecutions, impacted by changes in criminal law and Police and court practice, which have driven up the numbers of prosecutions and changed the prosecution process. Further changes are in the pipeline. This has contributed to increased costs and the Crown Law budget has been increased within financial years and unappropriated expenditure has been incurred.</p> <p style="text-align: right;">contd...</p>
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	<p>Crown Law has belatedly realised it needs to be an effective influencer in the justice sector policy development and implementation process, both in terms of engagement on policy choices and, most importantly, in terms of providing basic information about the impacts of potential policy choices on practice and costs.</p> <p>It does not currently have sufficient (business analysis) capability to achieve this. Nor does it have the capability to review the existing prosecution model and develop alternative approaches.</p> <p>One of the drivers for the Cabinet-directed Review of Prosecution Services involving all agencies ('the Prosecution Review') was ministers' concerns about management of the funding of criminal prosecutions; there is also concern about management of Police and departmental prosecution services. Crown Law has also commissioned an independent review of the role of Crown Law in the supervision and administration of trials on indictment ('the Isles Review').</p> <p>The effective and efficient delivery of the oversight of the criminal prosecution system may be simplistically described as a procurement and contract management function, combined with a professional supervision role. It should involve administration and management of the process, monitoring, evaluation and review. This service requires capability that Crown Law does not have (and this is beginning to be recognised). Effective forecasting and management of costs over time requires the capacity to understand cost drivers, forecast their implications and respond to improve efficiency and effectiveness.</p> <p>The lack of this capability means that Crown Law has not been able (and is not yet able to the desired extent) to feed into the justice sector policy development process effectively nor review the business model that currently exists. This requires both sufficient policy advice capability and business analysis capability.</p> <p>The Prosecution Review is due to report later this calendar year. Meanwhile, Crown Law must put in place transitional measures to provide appropriate supervision and financial control of the Crown Solicitor Network. These measures need to be in place very early in the new financial year to ensure another breach of the appropriation does not occur. This will take careful leadership to ensure Crown Law meets its accountabilities but also is not seen to pre-empt the outcome of the wider review. As such, this area presents as an ongoing significant risk to the organisation.</p>
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Core Business 2: Conduct of criminal appeals
 The conduct of all appeals that arise from criminal trials on indictment and from Crown appeals.



<p>PERFORMANCE RATING</p> <p>Effectiveness</p>  <p>Efficiency</p> 	<p>Performance Rating (Effectiveness): Strong Performance Rating (Efficiency): Well placed</p> <p>This involves the Crown responding to offenders’ appeals against convictions and or sentence for indictable offences. It also involves a much lower volume of Crown appeals (against both acquittals and sentence) where it is important to establish appropriate precedents. It involves hearings in the High Court, Court of Appeal and Supreme Court.</p> <p>This is the core criminal business for Crown Law and stakeholders consistently reported high levels of performance, in terms of effectiveness and efficiency. Crown Law plays an important role in the Courts’ ability to efficiently dispense with appeals, for example through clearly setting out the context of a case, identifying key issues and setting out the relevant authorities. Crown Law is acknowledged as a model litigant and is seen to take a principled approach.</p> <p>While there was not evidence of any systemic review of this function, an internal review process operates for submissions to the Supreme Court. This procedure is under review to ensure it does operate effectively to provide a sound quality check.</p> <p>In terms of other quality measures, one measure that is monitored is whether Crown Law achieves a 60% success rate for appeals brought by the Crown. There is an element of risk in such a measure: if the figure were too high it might suggest that the Crown was too risk averse in seeking to overturn decisions; if too low, it would suggest insufficient consideration was being given to the merits and likelihood of success, and might suggest that valuable Court, Crown Counsel and legal aid resource was being wasted (most offenders are likely to be on legal aid). Furthermore, a level of loss is to be expected as the purpose of appeals can be to test significant issues in higher courts to establish precedents (both as to the law and appropriate sentence levels). Such measures need to be complemented with wider analysis of performance.</p> <p>Looking forward, some stakeholders indicated Crown Law needed to think carefully about how to bolster its capability, as key talent is inevitably lost, by fostering internal debate, encouraging Counsel to think about the broader context and implications of the law and supplementing more experienced Crown Counsel with younger Counsel who are up-to-date with recent developments in the law.</p> <p>While there is no formal measure of efficiency, the information recorded through the time recording system and comparisons between litigation plans and outcomes could provide information to assess relative efficiency and allow for some measure of benchmarking. Looking forward such analysis could usefully be undertaken to test whether there are further opportunities for efficiency gains.</p>
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Core Business 3: Legal advice to and representation of the Crown.	
<p>PERFORMANCE RATING</p> <p>Effectiveness</p>  <p>Efficiency</p> 	<p>Performance Rating (Effectiveness): Well placed</p> <p>Performance Rating (Efficiency): Needing development</p> <hr/> <p>This is the central business (in terms of volume of work) of Crown Law – providing advice and litigation support to the Crown’s operations. It is a cost-recovered activity.</p> <p>Crown Law is generally well respected by its clients for the quality of its legal advice and levels of technical expertise. There is a wide range of views amongst its clients on the timeliness and levels of service. Some clients commented on the need for Crown Law advice to reflect a broader understanding of risk.</p> <p>In undertaking this core business, there is ongoing challenge in managing key client relationships, given Crown Law’s overarching client is the Crown, notwithstanding that it is individual Departments who pay the fees are secondary clients. This impacts on Departments’ client views and expectations regarding effectiveness and efficiency of Crown Law services. Meeting the whole-of-government expectations can potentially add costs (sometimes unexpected), delay matters or change the focus from that of individual departmental client. This issue is discussed further under ‘Collaboration and Partnerships with Stakeholders’.</p> <p>Crown Law is required by Cabinet to be the supplier of Category 1 advice and litigation support and therefore is often seen as a monopoly supplier. It also pursues additional work in Category 2 and with Crown Entities.</p> <p>There are some good reasons to do this. For example, in some cases to recruit and retain people with the skills needed to undertake Category 1 work and to ensure those skills are maintained and enhanced.</p> <p>However, growth can also place pressure on resources and result in the need to grow skills and capability that are not necessary to deliver on core Category 1 business.</p> <p>It can also create risk in terms of growth in both core and support capability that can become unsustainable if there is a loss of contestable work – especially if there is a reliance on a few big clients.</p> <p>The inability to report on and compare the balance between core and contestable work adds to this risk. Viewing Crown Law as a Centre of Excellence – the current vision for the organisation – begs the question about the definition of ‘the centre’ – essentially Category 1 work for departments and the Crown at large or for all legal work required by the Crown at large?</p> <p style="text-align: right;">contd...</p>

	<p>There is a continuum of views within Crown Law and outside about the pursuit of Category 2 work. At one end is the view that Crown Law should stick to its knitting (Category 1 work), while others believe all Category 2 work, including for Crown entities, should be pursued. The more common view is that Category 2 work should be pursued if it clearly complements Crown Law’s core purpose but it should be done on a carefully considered and deliberate basis.</p> <p>In order for Crown Law to effectively provide Category 2 work, particularly in the wider commercial area, it would need to develop broader skills. However, there are significant risks attached to broadening the focus of Crown Law from its public/administrative law base and these risks should be identified and carefully evaluated.</p> <p>Whatever approach is taken, there needs to be greater transparency around defining the role of Crown Law, getting buy-in from key stakeholders (inside and outside Crown Law) and there needs to be a robust method to separately track the cost and performance of Category 2 work.</p> <p>Unlike a private firm, the Crown Law balance of litigation to advice is much higher and it recruits people who are good and want to excel at litigation. The imbalance between litigation support and advice (with the former being the preponderance) is perceived by some stakeholders to create risk in terms of client responsiveness to advice (cost, timeliness and quality).</p> <p>Added to this is the existence of a monopoly for Category 1 work, the need to take a whole-of-government approach (as opposed to a focus on the objectives of the department).</p> <p>This also creates tensions with clients and while this is appreciated by Team Leaders it is clear Crown Law needs to manage expectations carefully and consistently communicate its role.</p> <p>A Client Relationship Management (CRM) protocol is in place but there seems to be a lack of systematic review of overall performance of Crown Law, as distinct from individuals arising from the CRM process. The CRM approach lacks sophistication in terms of understanding and responding to client needs (covered below).</p> <p style="text-align: right;">contd...</p>
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	<p>There is a recognition by Team Leaders that while their (cost recovery based) hourly fees are low compared with equivalent private practitioners (although evidence of this is anecdotal) overall costs are perceived by some key clients as high – perhaps as a result of an inefficient approach (lower per hour cost but more hours).</p> <p>Nevertheless, there seems to be little systematic approach to using available information or systems to improve efficiency and effectiveness or to robustly benchmark performance.</p>
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Core Business 4: Exercise of Principal Law Officer functions
 The execution of the principal Law Officers’ functions providing legal and administrative services for the Attorney-General and Solicitor-General.

<p>PERFORMANCE RATING</p> <p>Effectiveness</p>  <p>Efficiency</p> 	<p>Performance Rating (Effectiveness): Strong Performance Rating (Efficiency): Well placed</p> <p>These services support the role of the Attorney-General and Solicitor-General, as the Law Officers, in exercise of their constitutional and statutory roles. There is evidence to suggest these services are provided effectively and reasonably efficiently.</p> <p>This Core Business consists of Category 1 work comprising both litigation and advisory services and is funded through Crown appropriations (\$2.98 million in 2010/11). While a significant amount of the work is undertaken by the Law Officer Team and the Solicitor-General’s Office, Criminal and Bill of Rights-related work is undertaken by the Criminal and Human Rights Teams.</p> <p>The evidence suggests this work is also done effectively and efficiently. Quality measures in the estimates (see 2010 Annual Report) relate to maintaining internal standards and meeting the timeliness requirements of the Attorney-General.</p> <p>With the exception of the timeliness standards for Ministerial correspondence (87% as opposed to 90%) these standards were met. Stakeholders consistently reported high levels of satisfaction with performance in this Core Business.</p> <p style="text-align: right;">contd...</p>
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	<p>While there are no specific efficiency measures for this output, there is an ability to obtain reports on the time charged to activities and the ability to reconcile actual performance against planned performance.</p> <p>To help manage fluctuations in workloads and the need to maintain capability, the Law Officer Team has developed some complementary Category 2 work.</p> <p>Looking forward, Crown Law will need to be mindful of a number of risks. The volume and nature of work is likely to continue to fluctuate significantly from year to year. The volume of work in the 2010/2011 year (particularly in relation to the Pike River Coalmine and Canterbury earthquakes tragedies) resulted in unappropriated expenditure and additional funding being required via the Supplementary Estimates. Given wider concerns about Crown Law’s financial management capability, it will need to be able to demonstrate it is actively managing these risks, supported by robust information and output measures.</p> <p>Finally, when Crown Law revisits its purpose, role, strategic direction and structure, it should be clearer, internally and externally, about the distinction between the Law Officer functions and Crown Law’s other functions and when it is carrying out each.</p>
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ORGANISATIONAL MANAGEMENT SECTION

Part One: Leadership, Direction and Delivery

<p>Vision, Strategy & Purpose</p> <p>How well has the agency articulated its purpose, vision and strategy to its staff and stakeholders? How well does the agency consider and plan for possible changes in its purpose or role in the foreseeable future?</p>	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Crown Law’s vision is to be the first choice public sector legal advisors. Crown Law’s purpose is to ensure that the Crown acts lawfully and that it is not impeded in the lawful exercise of its powers and functions. Its strategy for achieving this is described in its 2007 Centre of Excellence Implementation Plan and reflected in its commitment to the GLS Programme.</p> <p>This vision for the organisation seems to be well understood internally but there is a lack of shared understanding/acceptance of the extent to which, in pursuit of that vision, it should seek to expand its practice into litigation and support services to services not covered by Category 1 and/or to other clients (Crown Entities).</p> <p>However, Crown Law has not articulated consistently and well its vision, purpose and strategy for what it does and is seeking to achieve through the provision of its Outputs. It has made changes to both its vision and purpose statements for the 2012 SOI but it would appear that its Strategic Direction has not been widely understood by both internal and external stakeholders.</p> <p>Crown Law does not appear to have a robust Outcomes Framework for communicating its Outcomes, Impacts and Objectives. Its approach to developing, implementing and reviewing strategy is not connected to its Outcome Framework and is not underpinned by a coherent intervention logic. Strategic initiatives have been developed out of the ‘Centre of Excellence Strategy’, with varying degrees of success and there does not appear to be buy-in or alignment at senior levels around an agreed set of key organisational objectives (eg, pursuit of Category 2 work).</p> <p style="text-align: right;">contd...</p>


	<p>In addition, the operating environment for Crown Law has significantly changed since the 2007 Centre of Excellence Implementation Plan was developed.</p> <p>Internal and external stakeholders have questioned whether it is time to refresh the Crown Law vision, strategy and purposes, to ensure it is relevant in a changed environment.</p> <p>Few strategies endure much longer than the five years the current strategy has been in place. The future vision, strategy and purpose of Crown Law needs to take account of changes in Government expectations, changes in the criminal justice system, justice sector-wide responsibilities, the Prosecution Review and the wider requirement to contribute to strong financial management performance.</p> <p>This refresh of strategy would be particularly timely owing to the perception that Crown Law is not able to initiate and respond to change in a timely and responsive manner. Overspend in some Outputs, initial problems in its approach to the GLS programme and Justice sector-wide initiatives and gaps in its ability to provide a complete and compelling financial and performance story, coupled with a vision of how its business model should evolve, have all contributed to risks for the organisation in this area.</p>
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<p>Leadership & Governance</p> <p>How well does the leadership team provide collective leadership and direction to the agency?</p>

<p>PERFORMANCE RATING</p> <p></p>	<p>Performance Rating: Weak</p> <p>Many stakeholders question whether the Crown Law’s Centre of Excellence strategy has gone as far as intended. A number of factors give pause to consider the effectiveness of the strategic leadership capability of Crown Law. First, the top three tiers of management levels carry heavy legal workloads in addition to organisation leadership and management roles. Second, the decision to expand the work of Crown Law to include contestable work seems to be internally contentious and there does not appear to be a business case or implementation plan that underpins the decision or the deployment of it. Finally, Crown Law was slow in reacting to the implications of criminal justice system volume and process changes, the Crown’s expectations and the need for improved financial management performance.</p> <p>The most important changes to structures set out in the Centre of Excellence paper concerned the way Crown Law would be managed and governed. The intention was that Team Leaders would be empowered to play a more significant role in the management of Crown Law.</p> <p style="text-align: right;">contd...</p>
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	<p><i>“Team Leaders will have increased responsibility for the day-to-day management of Crown Law. Correspondingly, the Management Board will evolve into a governance body that focuses upon strategy as opposed to the routine management of Crown Law.”</i></p> <p>However, it appears from the agenda and minutes that the Management Board’s focus is predominantly operational rather than strategic. It is conceivable this is a structural problem and is addressed further below.</p> <p>A related issue is that Crown Law appears to operate in some clear silos, even at a leadership level. Collective ownership of agency challenges, risks and opportunities are not widely visible. While the leadership team collectively discusses tactics on legal professional matters, it is not clear how well it collectively strategises and problem solves on organisational leadership matters.</p> <p>If Crown Law takes the initiative to appoint a Deputy Chief Executive, as referred to ‘Structures, Roles, and Responsibilities’ below that would provide a solid platform for the senior leadership team to provide effective collective leadership.</p>
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Culture & Values
 How well does the agency develop and promote the organisational culture, behaviours and values it needs to support its strategic direction?

<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Well placed</p> <p>The culture of Crown Law was consistently reported to be collegial and professional, with a strong focus on work/life balance. Staff value the interesting and challenging legal work they get to do.</p> <p>The official organisational values are agency- and legally-focused rather than staff focused, however, the culture identified in the SOI is clearer – ‘a high performance, development-focused culture that successfully integrates the efficiencies of a private legal firm with the public sector ethos’.</p> <p>Initiatives listed in the SOI towards achieving the desired culture include the ‘As and When’ performance management system, the Respect and Dignity Programme and staff networking opportunities. The Respect and Dignity Programme was in response to reporting of ‘instances of bullying and other inappropriate behaviours’ in the 2008 Pay and Employment Equity review, which suggests that those unacceptable behaviours identified were addressed.</p> <p>As well as these initiatives, mentoring of legal staff helps ensure new staff, who are generally recruited from the private sector, are aware of Crown Law’s public service ethos, as well as specific responsibilities in relation to the Law Officers.</p> <p style="text-align: right;">contd...</p>
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	<p>While Crown Law emphasised culture in the original Centre of Excellence strategy, more recently, Crown Law appears to rely heavily on the professional culture of Crown Law that has developed over time and does relatively less proactively to use culture, behaviours and values to drive the organisation’s strategic direction. Once Crown Law refreshes its strategic direction, the leadership should actively re-engage staff in identifying the culture, values and behaviours to drive its strategy forward.</p>
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Structure, Roles and Responsibilities
 How well does the agency ensure that its organisational planning, systems, structures and practices support delivery of Government priorities and core business?
 How well does the agency ensure that it has clear roles, responsibilities and accountabilities throughout the agency and sector?

<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>The Management Board’s role, as outlined in the 2007 Centre of Excellence Implementation Paper is to:</p> <ol style="list-style-type: none"> i. ensure appropriate strategies for Crown Law are formulated and developed ii. ensure the appropriate policies for Crown Law are formulated and developed iii. monitor and supervise the implementation of strategies and policies iv. provide accountability for the preceding three functions. <p>A key point made during this Review is that, unlike most government departments, the Chief Executive of Crown Law and other members of the senior management team are heavily involved working ‘in the business’ as well as “on the business”. This has implications for the amount of time and attention that can be given to organisational leadership and management matters.</p> <p>Many stakeholders suggest this raises a fundamental structural issue: Should the Solicitor-General and Chief Executive role remain combined? In discussions with the Solicitor-General, it is clear that one option is to establish a Deputy Chief Executive role so that the Solicitor-General can focus on key legal roles and professional leadership, while a Deputy Chief Executive focuses on organisational leadership. Should this be implemented, it is imperative that the Solicitor-General and the Management Board nevertheless take collective accountability for organisational leadership, while the Deputy Chief Executive facilitates more effective and efficient delivery of it.</p> <p>In the future government may wish to formally separate the role of Solicitor-General and Chief Executive; that is a decision for Government.</p> <p style="text-align: right;">contd...</p>
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	<p>A number of other structural matters came to our attention, including non-managerial career advancement for Crown Counsel, managerial support for Team Leaders, and progression through levels.</p> <p>There was not a consensus on the relative significance of these issues, nor how to address them, if it is accepted they are a concern. See later comments.</p> <p>Crown Law does not produce an annual plan and this may impact on clarity of direction and priorities. Looking forward, consideration should be given to the production of an annual plan.</p> <p>Finally, it is important to note that the corporate services functions are widely seen as disconnected from the rest of the organisation. This presents significant risk about the ability of Crown Law to drive productivity improvements through the organisation, even where superior support systems are provided.</p>
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Review	How well does the agency monitor, measure, and review its policies, programmes and services to make sure that it is delivering its intended results?
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<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Crown Law has reasonably reliable feedback loops on most of its core business relating to ongoing legal advice and representation work and its performance reflects that.</p> <p>However, Crown Law has struggled to convince external stakeholders that it is doing a good job of managing its financial and non-financial performance.</p> <p>A key issue for Crown Law is the limited analytical capability within the organisation to enable it to develop strategic planning and financial management credibility both internally and externally. There is a sense that recent improvements, while positive, are insufficient, reactive and overdue. It is critical that these weaknesses are addressed in order to avoid further reputation loss.</p> <p>Crown Law is currently undertaking the Isles Review to assist it to address concerns about performance in this area.</p> <p>It has not tended to undertake reviews outside those focused on the Crown Solicitors Network and business-as-usual monitoring. While it needs to be selective, Crown Law would benefit from instituting a culture of ongoing review, evaluation and improvement across the business. This would assist in addressing the perception that Crown Law is reactive, tending to see itself as unable to influence its costs and unable to shed reliable light on its relative efficiency.</p>
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ORGANISATIONAL MANAGEMENT SECTION

Part Two: External Relationships

Engagement with the Minister(s) How well does the agency provide advice and services to its Minister(s)?	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Well placed</p> <p>Crown Law’s relationship with the Attorney-General is mostly conducted through weekly meetings with the Solicitor-General, which focus primarily on legal and policy issues, and less often include Crown Law organisational issues or other sector issues.</p> <p>The quality of the legal advice provided by Crown Law to the Attorney-General and other ministers in the justice sector is generally held in high regard and Crown Law’s legal advice to ministers is provided in a timely manner.</p> <p>Looking forward, it is important that Crown Law’s advice consistently reflects a strong understanding of broader policy goals and risks facing the Government, and not just the Crown’s legal risk. Advice on legal options that recognise and respond to the policy tradeoffs the Government needs to make is essential.</p> <p>Finally, most Government ministers at some time require Crown Law advice. Crown Law needs to ensure it has calibrated relationship management strategies in place when interfacing with ministers only on a periodic basis and that it understands and reflects the wider portfolio interests of those ministers in its advice, accepting that it must take a whole-of-government approach.</p> <p>Elsewhere in this Report we focus on cross-sector engagement.</p>

<p>Sector Contribution</p> <p>How well does the agency provide leadership to, and/or support the leadership of other agencies in the sector?</p>	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Crown Law has traditionally had little input into officials’ and policy processes in the broader justice system, as the organisation has viewed itself foremost as a legal advisor and advocate in terms of its Law Officer role. As a consequence, Crown Law has been widely seen to be reactive and resistant to taking responsibility in an area of importance to the Government and this has undoubtedly raised reputational risks to Crown Law.</p> <p>In the last two years, Crown Law has belatedly increased its sector engagement, primarily through accepting an invitation to become an associate member of the Justice Sector Senior Officials’ Group (JSSOG), which was created in 2009. JSSOG is attended by the Deputy Solicitor-General for the Criminal and Human Rights Group, with support from the Crown Counsel Policy.</p> <p>As a result, Crown Law is positioning itself to articulate to other sector agencies its role in the justice sector pipeline, and the effects of sector policy initiatives (both criminal and other) on its operations and financial status.</p> <p>The establishment of the Crown Counsel Policy role in 2006, and its growing acceptance within Crown Law, will facilitate the organisation’s sector engagement. However, Crown Law’s ability to influence sector policy is limited by its low policy capacity (one full-time equivalent) and its lack of capability to analyse its business data. These limitations mean Crown Law cannot fully model the effects of sector policy changes to support its own financial management or predict the effects of changes elsewhere in the justice pipeline on Crown Law’s business. (These issues are discussed further in ‘Financial Management’.)</p> <p>To maximise Crown Law’s input into justice sector policy, some further strategic policy capacity and business analysis is needed. Most of the organisation’s current policy capacity is needed to advise on the effects of law reform and little is able to be devoted to wider strategic policy questions, including the Government’s expectation that justice sector agencies will work together to create a strategy to live within baselines.</p> <p>Crown Law’s input into justice sector policy should draw on the significant knowledge base within the agency of the litigation process.</p> <p>Crown Law needs to approach its engagement in the wider justice sector in a manner that enables it to be a fully contributing member whilst maintaining its role as the Government legal advisor. It needs to carefully identify its point-of-difference in contributing to justice-wide initiatives and proactively contribute in a timely manner.</p>

Collaboration & Partnerships with Stakeholders	
How well does the agency generate common ownership and genuine collaboration on strategy and service delivery with stakeholders and the public?	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Crown Law has two major groups of stakeholders, in addition to the Attorney-General:</p> <ul style="list-style-type: none"> i. the government departments and Crown entities that engage Crown Law for legal work that falls within Category 1 and Category 2 ii. the Crown Solicitors Network. <p>Government departments are required to brief Crown Law on any legal instructions that fall within Category 1 and which cannot be undertaken by the department's in-house legal team. The departments have the discretion in relation to Category 2 instructions whether to brief Crown Law or an external advisor.</p> <p>Initiative 3 of Crown Law's Centre of Excellence strategy is: 'A continuous improvement process is put in place for client relationship management processes. Clients choose to come to us because we provide great service that meets their needs'.</p> <p>There is a perception that Crown Law has experienced significant growth in instructions from both Government departments and Crown entities that fall within Category 2. While there was a significant increase at the time of the Centre of Excellence strategy, the figures available since 2006/07 do not suggest there has been ongoing growth. In any case, we suggest that Crown Law needs to formulate a considered strategy in relation to its undertaking of Category 2 work and consult internally and externally on that strategy in draft.</p> <p>A Client Relationship Management (CRM) protocol sets out how Crown Law interacts with clients. Its aims include being accessible and responsive to clients, assisting them to meet their policy goals and responsibilities under the law and providing regular invoices that represent value for money and are easy to understand. Under the protocol, each client is assigned a client relationship manager who is their first point of contact. The protocol sets out how the relationship between the client and Crown Law should be conducted, including an escalation path to deal with problems.</p> <p style="text-align: right;">contd...</p>


	<p>Crown Law is in a unique position in relation to the management of its relationships with government department clients.</p> <p>Crown Law has to balance the following:</p> <ul style="list-style-type: none"> i. the fact that by operation of Category 1 those clients are required by Cabinet to use Crown Law ii. the need to provide those clients with quality advice and service levels that gives effect to the Centre of Excellence Strategy iii. the responsibilities to take a whole-of-government perspective. <p>To be effective in balancing these objectives requires further sophistication in the design and implementation of the CRM Programme. Feedback from Crown Law’s clients suggests the CRM Programme could be improved by the following:</p> <ul style="list-style-type: none"> i. more investment in working with the client to understand the challenges facing the department or Crown entity ii. better communication and planning in relation to estimating and reporting of legal fees iii. more focus on value for money in relation to legal fees for particular instructions than reliance on the lower charge out rates iv. more effective coordination with the resources of in-house legal teams in relation to management of complex instructions v. planned delivery of training seminars vi. improved reporting of status of instructions, including actual costs to date against estimated costs vii. ongoing communication of the particular role Crown Law is mandated to undertake in relation to whole of government viii. identifying opportunities for exchange/secondments with client departments. <p>Crown Law should ensure appropriate resources are made available to enhance the effectiveness of the CRM Programme.</p> <p style="text-align: right;">contd...</p>
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	<p>Performance indicators should be developed for the effective delivery of the CRM Programme and then regular surveys should be undertaken of all clients to benchmark actual performance with a view to continually improving capability in this area.</p> <p>A sophisticated CRM programme that is well implemented can offset much of the relational risk associated with the role of advisor to a particular department and the role of advisor to whole of government.</p> <p>While the Prosecution Review may address issues relating to the structure of the relationship between Crown Law and the Crown Solicitors' network, consideration should be given by Crown Law to the following:</p> <ul style="list-style-type: none"> i. Developing a set of performance indicators for measuring efficiency of delivery of services by Crown Solicitors ii. Developing a performance measurement framework that provides for robust, objective and transparent measurement of performance by the warrant holders iii. Developing processes for efficient collation of data about the prosecution services, which can both inform the performance measurement process and cross-sector deliberations.
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Experiences of the Public	
How well does the agency meet the public's expectations of service quality and trust?	
PERFORMANCE RATING	Performance Rating: Not Applicable
N/A	


ORGANISATIONAL MANAGEMENT SECTION

Part Three: People Development


<p>Leadership & Workforce Development How well does the agency develop its workforce (including its leadership)? How well does the agency anticipate and respond to future capability requirements?</p>	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Crown Law is committed to developing its staff and managers and offers a wide range of development opportunities, including training, in-house seminars, mentoring and secondments. These activities are underpinned by role competency frameworks, 360 degree processes for managers, policies, guidelines and tools. A training budget is allowed for each staff member and this is managed at the team level. Training programmes are evaluated by human resources (HR), as evidenced by papers to the Management Board on the effectiveness of programmes, such as the 2010 Advanced Litigation Skills course. Therefore, Crown Law is strong at the professional development of its workforce.</p> <p>On the other hand, Crown Law does not have a ‘People Strategy’ or ‘Organisation Development Strategy’, which links human resources activities to wider business objectives. Although there is no People Strategy per se, other documents, particularly the Centre of Excellence strategy but also the SOI, have a focus on people development. The Centre of Excellence strategy placed significant importance on people development to achieve its vision, mainly through the ‘All staff know they are truly valued’ theme. Nine development projects came under this theme and these, or subsequent, projects are still being implemented and progress is overseen by the Management Board.</p> <p>Notwithstanding the SOI and Centre of Excellence, parts of Crown Law seem disinterested in corporate strategies and focus effort on business-as-usual activities. Within Crown Law there is not a sufficient appreciation of the importance of a people strategy in delivering the agency’s medium-term vision. It is business as usual (recruiting staff, paying them, developing them, etc) that matters.</p> <p style="text-align: right;">contd...</p>

	<p>As indicated in other sections, there are gaps in capability or capacity in relation to corporate strategy and support, business analysis, (particularly to link to sector policy work, contract management of the Crown Solicitors Network, workload forecasting and financial strategy).</p> <p>The heavy operational workloads of the first three tiers of management also have a cumulative impact in reducing the agency’s capacity in relation to corporate strategy and external relationships.</p> <p>Looking forward, it seems desirable that once Crown Law refreshes its vision, purpose, strategy and structure it should more explicitly link its approach to workforce development to its strategic organisation objectives. Crown Law should ensure that capability and capacity gaps are addressed in a timely manner. It is also imperative it develops the collective leadership capability of the agency.</p>
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<p>Management of People Performance</p> <p>How well does the agency encourage high performance and continuous improvement among its workforce?</p> <p>How well does the agency deal with poor or inadequate performance?</p>

<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Well placed</p> <p>Crown Law recently introduced a new ‘As and When’ performance management system, replacing the previous performance management system. The process is said to be ‘simple’ and focuses on four essential elements for the management of staff:</p> <ul style="list-style-type: none"> i. defining expectations ii. providing feedback iii. giving corrective feedback iv. setting and undertaking development objectives. <p>At this stage, the feedback is still mixed about the effectiveness of the As and When process, although two reviews have been undertaken and changes have been made. The Management Board should continue to monitor the effectiveness of this performance management system on an ongoing basis to ensure it is delivering its objectives to an acceptable standard.</p> <p style="text-align: right;">contd...</p>
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	<p>Elsewhere in this Report we recommend Crown Law produce an annual plan. In addition, we recommend Team Leaders:</p> <ul style="list-style-type: none"> i. produce an annual work plan for their areas of responsibility which feeds into the Annual Plan ii. align individual objectives of team members with those of the team and agency. <p>There is a strong focus within Crown Law on high standards of technical excellence and advocacy expertise. There is rigorous screening of applicants to ensure they meet the required levels of technical expertise. Many of the lawyers interviewed as part of this Review acknowledged that a key attraction to working in Crown Law was the quality of the work and the advocacy opportunities.</p> <p>Crown Law is seen as providing ongoing opportunities for professional development and training.</p> <p>Strong technical leadership is provided at all levels from the Solicitor- General, Deputy Solicitors-General, Team Leaders and Crown Counsel. Team Leaders are provided with opportunities for additional training for their roles.</p> <p>The focus within Crown Law in relation to high performance appears weighted towards the legal, technical and advocacy roles, as opposed to looking at the efficiency of delivery of legal services.</p> <p>The agency is overly tolerant of differing levels of utilisation of its investment in IT platform and systems.</p> <p>There is a lack of clarity and transparency between how individual performance is measured and rewarded. Consideration should be given to developing a more transparent process for linking performance reviews to remuneration.</p> <p>Crown Law does not have specific policies or processes around managing poor performance. Where there have been cases of poor performance it is the view that HR has provided appropriate support. Nevertheless, staff reported variability in Team Leaders’ willingness to address poor performance and indicated it is well known where instances of poor or stale performance reside, though it was acknowledged this is not an issue of significant scale. Looking forward, clearer expectations and accountability around the management of poor performance needs to be put in place.</p>
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<p>Engagement with Staff</p> <p>How well does the agency manage its employee relations? How well does the agency develop and maintain a diverse, highly committed and engaged workforce?</p>	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Union representation at Crown Law is relatively high at around 41% (and has been up to 60%), with membership covering both legal and support roles.</p> <p>Relationships between Crown Law and the union are said to be cordial, although the union would prefer more consultation around new HR policies and processes. The relationship was tested with a difficult and protracted bargaining round.</p> <p>There is a health and safety policy and guidelines on the intranet relevant to Crown Law’s working environment, as well as information on risks common to the office environment (eg, Occupational Overuse Syndrome and stress).</p> <p>Many of the legal staff interviewed spoke to the positive working environment, the fact of it being ‘family friendly’ and the pride taken in the work and the important role the agency has.</p> <p>Amongst some of the senior legal staff, concern was expressed about:</p> <ul style="list-style-type: none"> i. the lack of clarity re career progression at the Crown Counsel level ii. the lack of transparency re remuneration bands and what competency levels are required to progress from one to the another. <p>These issues appear to have been tabled for some time and not resolved. Consideration should be given to the resolution of these issues as a matter of priority. It has the potential to undermine the strength of engagement amongst some staff.</p> <p>Crown Law has not run staff engagement surveys, so comparative or trend analysis of staff engagement is not possible.</p> <p>The original Centre of Excellence paper placed a high importance on staff finding Crown Law a great place to work.</p> <p>The characteristic that ‘All Staff know they are truly valued’ is explained in ways that closely mirror employee engagement, for example, ‘Staff enjoy coming to work’, ‘Staff work to their maximum potential’, ‘Staff take ownership of their role in Crown Law’, etc.</p> <p style="text-align: right;">contd...</p>

People Development


	<p>A staff engagement survey was listed as a possible long-term action in the Centre of Excellence Implementation Plan but as not taken place yet due to its expense. Some limited consultation has been undertaken as part of the implementation of the Centre of Excellence strategy.</p> <p>A comprehensive staff engagement survey should be undertaken and used to inform a human resources strategy, which is well connected to the strategic direction of Crown Law.</p>
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ORGANISATIONAL MANAGEMENT SECTION

Part Four: Financial and Resource Management

Asset Management How well does the agency manage agency and Crown assets, and the agency balance sheet, to support delivery?	
PERFORMANCE RATING N/A	Performance Rating: Not applicable
	<p>Crown Law has a very small asset base, comprised of furniture, computer hardware and software, an art collection and cash assets. Assets are replaced according to asset schedules.</p> <p>The art collection has a book value of \$35,000. It was last re-valued about four years ago at \$200,000.</p>
Information Management How well does the agency utilise information & communications technologies to improve service delivery?	
PERFORMANCE RATING 	Performance Rating: Well placed
	<p>Crown Law has made a significant investment in recent years in its IT and information platform and systems. It has invested in a new practice management system (3e Elite); litigation support system (Signature Delium) and an information management project (Project Putake). Some of the lawyers utilise ECourt in court proceedings.</p> <p>It has a well developed precedents/template system, together with an extensive opinions database. Litigation planning tools are well utilised throughout the agency. Plans are under way to incorporate the litigation planning tool into the practice management system. The library service makes extensive use of ICT and electronic information resources. This resource is highly regarded by both current and former staff.</p> <p>The ICT Strategy is set out in the Information and Technology Strategy and Web Strategy (2009-2011). There is a current action plan 'List of Projects 2011', which is overseen by the ICT Strategy Committee.</p> <p>Strategic themes include 'Robust Infrastructure'; 'Working Smarter'; 'Being a Centre of Excellence'; 'Getting Closer to Clients'.</p> <p style="text-align: right;">contd...</p>


	<p>Strategic planning for ICT needs to link to the agency Strategic Plan – at this stage the only document in existence for Crown Law is the 2006 Centre of Excellence Paper. When the agency formulates a current strategic plan it needs to revisit its ICT Strategy to give effect to and support that revised strategic direction.</p> <p>The agency is not fully utilising the potential of the ICT system to enhance efficient delivery of legal services and to improve productivity.</p> <p>The practice management system has the capability to identify efficiencies in the delivery of Crown Law’s core functions for current and future levels of activity. In addition, it has the ability to provide data to enable a more sophisticated analysis of the business. More effort needs to be made to ensure that any data integrity issues are resolved.</p> <p>Strategies need to be developed to increase the uptake and utilisation of the ICT platform and systems as soon as possible. Efficiencies should be identified, and progress on implementation should be regularly monitored and reported on.</p> <p>The existing resource within the Finance Team should be better utilised to ensure the practice management system delivers its potential and provides an acceptable return on the investment. If necessary, additional resources should be provided.</p>
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<p>Efficiency</p> <p>How robust are the processes in place to test for efficiency and make efficiency improvements? How well does the agency balance cost and quality when considering service delivery options?</p>	
<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Over recent years Crown Law’s expenditure levels on the Supervision of Prosecutions have increased significantly in dollar terms.</p> <p>Crown annual performance statements for each Output Class for the last three years highlights a number of facts and trends. Some key points are:</p> <ul style="list-style-type: none"> i. total Crown Law expenditure rose from \$58.6m in 2007/08 to \$66.9 million in 2009/10. It is now forecast to increase to \$76.6 million in 2010/11, although the original budgeted amount was only \$65.9 million ii. in 2009/10 the key component of expenditure was within Output Class 3 with \$40.3 million in payments made to Crown Solicitors for their work in Supervision and Conduct of Crown Prosecutions iii. Crown Solicitors payments for 2009/10 totalled \$40.8m (with \$0.5m under Output Class 1 – Conduct of Criminal Appeals) or about 61% of Crown Law’s total costs. This compares to total personnel costs within Crown Law of \$18.6 million or 28% of total costs (the next biggest organisational cost driver). <p>The Management Board receives comprehensive data on financial performance but the level of analysis of that data is brief. It is unclear whether Crown Law can identify and measure material productivity gains or assess value for money in the delivery of legal services given the tools and methodologies in place.</p> <p>This is clearly evidenced by the difficulty Crown Law has experienced in analysing the cost drivers of the Crown Prosecution Service and working with other sector agencies to build a sustainable model for the core business activity.</p> <p>It does not have systems in place to identify the levels of Category 1, Category 2 instructions, the nature of instructions, fees, etc.</p> <p>Crown Law needs to allocate additional resources to the analysis of its core business, the production of robust data and more sophisticated reporting.</p> <p style="text-align: right;">contd...</p>

	<p>According to the Four-Year Budget Plan document for Crown Law (February 2011) the cost pressures in the Crown Prosecutions output class are driven by:</p> <ul style="list-style-type: none"> i. increasing volumes of indictable prosecutions (4.5% p.a. over the past four years) that flow through the pipeline from policy changes and operational decisions at other points in the criminal justice sector; and ii. increasing complexity. <p>Crown Law’s Budget 2011 submission states justice sector agencies predict a 10.3% increase in the number of indictable prosecutions over the next four years.</p> <p>According to Crown Law’s Budget 2011 submission, cost pressures totalling \$4.45 million have been or will be absorbed in 2010/11 and 2011/12 totalling: \$3.05 million in the Law Officer Appropriation (including law of contempt project and the increasing costs of extraditions and mutual assistance) and \$1.4 million in the Legal Advice category (anticipated) by holding fee rates charged to government clients. Costs of \$8.9 million in criminal prosecution costs have been deferred (including by holding Crown Solicitor rates).</p> <p>Crown Law has commissioned the Isles Reviews to look at its systems for monitoring and influencing expenditure in order to identify ways to address the increasing costs in the medium term.</p> <p>Crown Law needs to focus on productivity gains from a more effective use of its investment in the IT platform. It should benchmark itself against legal industry metrics, adjusted for an in-house public sector legal team, for productivity, the ratio of lawyers to back office staff and lawyers to support staff, recovery rates, accuracy of forecasting/estimates re fees etc and develop strategies to align with these metrics.</p> <p>The metrics should be based on those developed for the private sector law firms as adjusted for an in-house public sector legal team. Guidance should be sought from resources available through the Australian Corporate Lawyers’ Association, the Corporate Lawyers’ Association of New Zealand and SSC. Crown Law should develop a performance measuring framework to assess its performance against the metrics.</p> <p style="text-align: right;">contd...</p>
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	<p>Crown Law needs to utilise its institutional knowledge in the area of criminal prosecutions and through its management of the Crown Solicitors’ network to:</p> <ul style="list-style-type: none"> i. better inform decisions re the implementation cost of reforms ii. identify efficiency gains in the conduct and supervision of Crown prosecutions. <p>To achieve this, Crown Law has recognised it needs to recruit additional business analysis capability as soon as possible. It will take careful management to ensure this capacity delivers the strategic outcomes that are required.</p>
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<p>Financial Management</p> <p>How well does the agency manage its financial information and ensure financial probity across the business?</p>

<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Weak</p> <p>Crown Law is funded through a mix of Revenue from the Crown and Revenue from Other (generated from its fee-paying clients, which are government departments and Crown entities).</p> <p>The organisation’s Crown funding is through Vote Attorney-General, that contains four appropriations:</p> <ul style="list-style-type: none"> i. Conduct of Criminal Appeals ii. Legal Advice and Representation iii. Supervision and Conduct of Crown Prosecutions iv. The Exercise of Principal Law Officer Functions. <p>Crown Law’s ability to both forecast and manage cost pressures is hampered by a lack of financial information and a lack of sophisticated interpretation of this information.</p> <p>Variance analysis is critical to assisting the Management Board to understand drivers of both costs and revenue levels and to support business strategy and planning.</p> <p>Crown Law has gone unappropriated and/or has required additional Cabinet funding on a number of occasions in recent financial years.</p> <p style="text-align: right;">contd...</p>
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	<p>The appropriations which have been exceeded are the ‘Exercise of the Principal Law Officer Functions’ and the ‘Supervision and conduct of Crown prosecutions’.</p> <p>Exceeding appropriation in ‘The Exercise of Principal Law Officer Functions’ is reportedly due to work on the Pike River Coalmine and the Canterbury earthquakes tragedies, as well as other projects, such as that related to the Law of Contempt.</p> <p>Exceeding appropriation in the ‘Supervision and conduct of Crown prosecutions’ is a consequence of additional capacity added to the courts system (temporarily increasing the number of prosecutions, as queued prosecutions were able to be started) and a change to the committal process that increased demand for Crown Solicitors.</p> <p>While the Isles Review and the Prosecution Review will provide options for the reform of the funding of the Crown Solicitors’ network, Crown Law remains responsible for managing the current appropriations. Crown Law needs to increase its capability in forecasting/budgeting of this expenditure as it needs to operate within baseline in the 2012/2013 years.</p> <p>Crown Law needs to work closely with the Crown Solicitors’ network to implement strategies for more accurate forecasting, budgeting and ongoing reporting against forecasts, including updating estimates etc.</p>
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<p>Risk Management How well does the agency manage agency risks and risks to the Crown?</p>
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<p>PERFORMANCE RATING</p> 	<p>Performance Rating: Needing development</p> <p>Crown Law has a Risk Management and Mitigations Strategies Schedule that is regularly tabled at the Management Board. The Register identifies risks, causes and measures impact on Crown Law, assesses probability and lists mitigation strategies. It also allocates ownership of the agency risk to a member of the Management Board. All risks are programmed to be reviewed as part of a determined cycle. The existing risk management and mitigation could be enhanced by assessing tolerance of individual risks.</p> <p>Despite having a credible risk management tool in place, Crown Law identification and management of a number of strategic risks to the business has not been successful, including risks arising from over expenditure, failure to respond in a timely and effective manner to justice sector initiatives and early delays in advancing the GLS priority. Looking forward, the Management Board needs to focus on risks to Crown Law’s key purpose and strategic direction. To do so, the Management Board must take collective responsibility for identifying and mitigating the strategic threats to the business.</p> <p>Finally, consideration could be given to widening the brief to consider broader legal risks facing the Crown. Appropriate stakeholders should be engaged in such deliberations.</p>
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SUMMARY OF PRIORITY AREAS FOR ACTION

The summary of identified performance improvement recommendations (tabled below) is designed to prompt conversation with the senior executive group. A more formal set of recommendations is likely to be documented following this conversation.

	Recommendation	Who
1	Refresh the vision, purpose and strategic direction of Crown Law, including clarifying core functions.	Management Board
2	Enhance organisational leadership and management capability of the agency by implementing Deputy Chief Executive Officer option and focusing the Management Board on collective leadership.	Chief Executive
3	Proactive management of current appropriation for the Crown Solicitors' network to keep within baseline and improve effectiveness.	Deputy Solicitor General and Practice Manager
4	Take collective responsibility for contributing to improving justice sector performance. Enhance policy and business analytical capability of the agency to provide for effective justice sector input.	Management Board
5	Strengthen sophistication, implementation and evaluation of the CRM Programme to enhance responsiveness to clients' needs.	Management Board
6	Agree a Human Resources Strategy and Annual Plan that connects organisational vision, purpose and business strategy. Conduct a culture/staff engagement survey. Address remuneration transparency and career progression.	Management Board
7	Drive for more effective utilisation of IT platform and efficiencies to enhance productivity and efficient delivery of services.	Management Board
8	Develop business analyst capability to support management of appropriations and improve financial management to ensure it supports improved performance across the business.	Management Board

APPENDIX A

Overview of the Model



Lead Questions

Results

Critical Area	Lead Questions
Government Priorities	1. How well has the agency identified and responded to current government priorities?
Core Business	2. How effectively is the agency delivering this core business area? 3. How efficiently is the agency delivering this core business area? 4. How well does the agency's regulatory work achieve its required impact?

Organisational Management

Critical Area	Element	Lead Questions
Leadership, Direction and Delivery	Vision, Strategy & Purpose	5. How well has the agency articulated its purpose, vision and strategy to its staff and stakeholders? 6. How well does the agency consider and plan for possible changes in its purpose or role in the foreseeable future?
	Leadership & Governance	7. How well does the senior team provide collective leadership and direction to the agency? 8. How well does the board lead the Crown Entity? <i>(For Crown Entities only)</i>
	Culture & Values	9. How well does the agency develop and promote the organisational culture, behaviours and values it needs to support its strategic direction?
	Structure, Roles & Responsibilities	10. How well does the agency ensure that its organisational planning, systems, structures and practices support delivery of government priorities and core business? 11. How well does the agency ensure that it has clear roles, responsibilities and accountabilities throughout the agency and sector?
	Review	12. How well does the agency monitor, measure, and review its policies, programmes and services to make sure that it is delivering its intended results?
External Relationships	Engagement with the Minister(s)	13. How well does the agency provide advice and services to its Minister(s)?
	Sector Contribution	14. How well does the agency provide leadership to, and / or support the leadership of other agencies in the sector?
	Collaboration & Partnerships with Stakeholders	15. How well does the agency generate common ownership and genuine collaboration on strategy and service delivery with stakeholders and the public?
	Experiences of the Public	16. How well does the agency meet the public's expectations of service quality and trust?
People Development	Leadership & Workforce Development	17. How well does the agency develop its workforce (including its leadership)? 18. How well does the agency anticipate and respond to future capability requirements?
	Management of People Performance	19. How well does the agency encourage high performance and continuous improvement among its workforce? 20. How well does the agency deal with poor or inadequate performance?
	Engagement with Staff	21. How well does the agency manage its employee relations? 22. How well does the agency develop and maintain a diverse, highly committed and engaged workforce?
Financial and Resource Management	Asset Management	23. How well does the agency manage agency and Crown assets, and the agency balance sheet, to support delivery?
	Information Management	24. How well does the agency utilise information & communications technologies to improve service delivery?
	Efficiency	25. How robust are the processes in place to test for efficiency and make efficiency improvements? 26. How well does the agency balance cost and quality when considering service delivery options?
	Financial Management	27. How well does the agency manage its financial information and ensure financial probity across the business?
	Risk Management	28. How well does the agency manage agency risks and risks to the Crown?

APPENDIX B

List of Interviews

This review was informed by input provided by a number of Crown Law Office staff, relevant Ministers, and by representatives or individuals from the following businesses, organisations and agencies.

Agency/Organisation
Audit New Zealand
Commerce Commission
Crown Solicitors
Department of Conservation
Department of Labour
Department of Prime Minister and Cabinet
Financial Markets Authority
Inland Revenue Department
Law Commission
Members of the Bar
Members of the judiciary (District Court, High Court, Court of Appeal and Supreme Court)
Ministry of Defence
Ministry of Economic Development
Ministry of Justice
Ministry of Social Development
New Zealand Law Society
New Zealand Police
Parliamentary Counsel Office
State Services Commission
Treasury

