

Legal Aid Ontario Public Consultation Policy



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Legal Aid Ontario (LAO) is committed to meaningful consultation with clients, service providers and other stakeholders. This enables LAO to learn and benefit from their knowledge, wisdom, experience, and views on how to promote access to justice throughout Ontario for low-income individuals. Effective consultation helps to generate positive solutions, build stronger relationships, and strengthen LAO's accountability to the people of Ontario.

This Public Consultation Policy ("the Policy", or "this Policy") contains:

- Guiding principles and approaches for consultation by LAO
- A description about whether and how LAO will consult on potential changes to Rules and Policies.

This Policy has been made under section 33 of the *Legal Aid Services Act, 2020* ("the Act"). It has been approved by the Attorney General of Ontario. The Policy will be reviewed at least every three years to determine whether it requires revisions.

Guiding principles

Respect

LAO will strive to build relationships of mutual trust and respect that pave the way for meaningful consultation to occur.

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Access

LAO will develop accessible and inclusive consultation processes. This includes plain language materials that help participants to present informed views, and the removal of barriers for persons with disabilities.

Listening

LAO will listen to what consultation participants have to say and will be open to incorporating views that help to further LAO's objects and principles. LAO will make best efforts to ensure that, where possible, consultation takes place early enough in the process to make a difference and to give participants time to prepare.

Flexibility

LAO will attempt to be flexible in determining the nature, scope, formality, tools and timing for each consultation process.

Communication

LAO will communicate the purpose and scope of the consultation, the time frame, and how to participate.

Who LAO consults with

LAO typically consults with:

- Clients
- Client-serving organizations
- Service providers
- Justice sector organizations, including the judiciary and the Law Society of Ontario

Service providers include roster members, community legal clinics, student legal services organizations, and Indigenous legal services organizations.

The number and types of participants will vary depending on the nature of each consultation.

Consultation methods

LAO may consult in a variety of ways depending on the purpose, scope and complexity of the consultation, including:

- Written submissions
- Online feedback

- Invitational meetings
- Town hall meetings
- Roundtables
- Focus groups
- Conversations with individuals or groups
- Online surveys

Consultations on LAO proposed Policy and Rule changes

Section 33 of the Act requires LAO to describe in this Policy whether and how LAO will consult with the public, including clients and client-serving organizations, service providers such as roster members, community legal clinics, student legal services organizations, Indigenous legal services organizations, and justice sector participants, on:

- Changes to its Policies that LAO determines would impact clients or service providers; and
- Potential new Rules or changes to existing Rules.

As discussed below, changes to existing Rules or the making of new Rules will be dealt with in accordance with this Policy and the process set out in section 46 of the Act.

Whether to consult on policy changes

Subject to circumstances requiring urgent action, LAO will consult with its authorized service providers on proposed changes to Policies where LAO determines that the changes would have an impact on the particular service provider(s) (for example, a policy on what constitutes high quality legal aid services, the tariff, or roster standards), including:

- community legal clinics
- roster members
- Indigenous legal services organizations
- student legal services organizations

LAO may not consult on proposed changes to Policies that are minor or non-substantive, or ones that are temporary. LAO may also not consult in circumstances where consultation has occurred on the same, or substantially the same, issue. LAO will not consult on proposed changes to policies that are internal to LAO (e.g., internal operational policies

directed at LAO employees or human resource policies).

LAO's decisions regarding whether and how to consult will also be guided by what is practicable or reasonable in the circumstances. In exigent circumstances, LAO may consult briefly or may decide not to engage in any consultation at all, even if the proposed changes are substantive or significant, although not consulting at all would only occur in rare situations where other options were not feasible.

Process for consulting on Rules and Policies

The LAO website will provide the details of each consultation being held under this Policy, including information regarding the potential changes and why the changes are being considered.

The length of a consultation period will vary, particularly if there is some urgency to implementing the changes. Where LAO is of the view that the changes being considered would result in significant or extensive changes (such as changes to tariff or legal aid coverage Policies) and there is no urgency (such as circumstances that may impact LAO's ability to serve clients, operate within budget or comply with legal obligations or accountability requirements), the length of a consultation will be 30 days and could in some instances be longer.

LAO will establish the start date and end date of each consultation under this Policy and this information will be published on LAO's website.

The form of consultation may vary. Consultation may include a request for submissions or the use of a dedicated website or Consultation Registry for online feedback, or an online survey. LAO will review and consider the feedback received. If a change is likely to have a significant impact, LAO may supplement online consultation feedback with town halls, roundtables or invitational meetings. When LAO includes any of these methods of obtaining feedback as part of a consultation under this Policy, it will post the details on its website.

Once a consultation under this Policy ends, LAO will review and consider the feedback that was provided during the consultation period before making a decision.

Consultations will be evaluated regularly to assess the effectiveness of the process and to identify areas for improvements. Consultation participants are also welcome to share their feedback with LAO regarding the consultation process.

New Rules and Changes to Existing Rules

In addition to the process set out above, before making new Rules or changing existing Rules, LAO also will follow the process set out in section 46 of the Act [hyperlink to s.46]. Section 46 requires LAO to post a proposed new Rule or Rule change on its website for public feedback, generally for 30 days, although it may be posted for a shorter period of time if 30 days is not practicable in the circumstances. LAO will strive to extend the posting period when significant or extensive Rule changes are under consideration. Rules posted under section 46 will be located on the Consultation Registry.

LAO will also post the final versions of its Rules on its website when they take effect.

Getting notified about consultations under this policy

Any member of the public who is interested in receiving information about upcoming consultations may register with LAO and join LAO's Consultation Registry List. The Registry List enables registrants to register as an individual or as an organization, and to select notification preferences. In addition to posting consultation information on its website, LAO will notify everyone who has registered on the Registry List when there is an upcoming consultation. Registrants may also elect to receive notification of other public consultations or updates on topics of interest.

LAO will clearly identify, on its Consultation Registry website and through its Registry List notifications, any consultation that is related to proposed changes to its Rules or Policies. For all such consultations, LAO will proactively contact the Association of Community Legal Clinics of Ontario, the Law Society of Ontario, the Ontario Bar Association, The Advocates' Society, the Federation of Ontario Law Associations, the Criminal Lawyers' Association, the Family Lawyers Association, the Refugee Lawyers' Association, and the Mental Health Legal Committee to receive their feedback.

LAO values inclusiveness and encourages any individual or organization that is interested in learning about public consultations and providing feedback on changes to add their name to the Registry List.

Individuals or groups may register at any time. Any individual or group that would like to receive information about an upcoming consultation under this Policy may complete and [submit the form](#) to LAO in order to register.

Anyone who requires these materials in alternative formats may email info@lao.on.ca or call 1 800 668 8258 TTY (teletypewriter) – use Bell's Relay Service: 1 800 855 0511. Registrations will be confirmed by LAO.

Registered individuals and groups also have the option of having their names posted on the public Registry List maintained by LAO on its website.

APPENDIX: Registry List

This Registry List is maintained by LAO to support public consultation with individuals and groups including clients, service providers, justice sector participants, associations and all other interested members of the public. The list does not form part of the Public Consultation Policy.

The Registry List contains names of individuals and groups that have registered with LAO to receive notification of upcoming consultations conducted under LAO's Public Consultation Policy. LAO publishes the names of registered individuals and groups that have provided consent for their names to be posted.

The Registry List is a living document and may be updated by LAO from time to time as names are added or removed on request. The notification list is current to [date].

[Names in the Registry List]

[LAO will give registrants the choice of opting in to publication of their names on the online version of the list. Registrants who do not opt in to publication of their names will receive the same notifications of upcoming consultations under the Policy.]