

## OmbudsPEI inquiry leads to policy change relating to Legal Aid representation in PEI

CHARLOTTETOWN, PEI – After receiving complaints from individuals who were denied representation by Legal Aid, an inquiry by OmbudsPEI has resulted in the commitment to create a new internal policy. The policy will ensure fair decisions are made when an application for representation is denied.

OmbudsPEI received complaints from two individuals who alleged that Legal Aid unfairly denied their applications for representation. One complainant alleged they had initially been approved for representation but was then denied upon meeting their Legal Aid lawyer with no reasons given. The second complainant alleged they were denied immediately when they contacted Legal Aid and were also not given any reasons for the denial.

OmbudsPEI inquired about the denials of representation and helped facilitate communication between Legal Aid and the complainants. Eventually this led to both complainants receiving representation.

Legal Aid recognized problems with how both complainants were treated and committed to developing a process for automatic review of denials. A different lawyer will review the denial to ensure that the reasons are consistent with Legal Aid policies. Written reasons for denial will be provided to applicants. This process will ensure that adequate explanations are provided to applicants when they are denied.

“We are pleased to see these additional safeguards in place for applications for Legal Aid. Fairness requires that decisions be made impartially and that reasons for decision are provided – particularly when a request is being denied” said Sandy Hermiston, Ombudsperson.

Additionally, Legal Aid recognized, on its own initiative, that its eligibility thresholds and guidelines required updating. A comprehensive review was undertaken in 2022-2023 which led to the development of new policies and procedures which took effect April 1, 2024. Together with the new process for reviewing denials, OmbudsPEI believes the changes instituted at Legal Aid will improve fairness in the delivery of its services.

The summary for these cases– titled Fair Representation – can be found online at [ombudspei.ca/2024/04/17/fair-representation/](https://ombudspei.ca/2024/04/17/fair-representation/).

## Media Contact

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### **About OmbudsPEI**

As an independent office of the Legislature, OmbudsPEI investigates complaints of unfair treatment by government agencies and provides general oversight of government's administrative processes under the *Ombudsperson Act*. The Ombudsperson has a broad mandate to investigate complaints about unfair treatment, process or decisions by public sector agencies such as government ministries, agencies boards and commissions, municipalities and Health PEI.

OmbudsPEI promotes fairness, transparency and accountability in the public sector to enhance good governance and public confidence in government. Our work improves public services for all Islanders.

If any Islander believes they have experienced an unfairness in their interactions with a provincial agency, they can contact OmbudsPEI to explore options for making a complaint. Our services are free and confidential.

Sandy Hermiston also serves as PEI's Public Interest Disclosure Commissioner pursuant to her appointment under the *Public Interest Disclosure and Whistleblower Protection Act*. Public servants can report wrongdoing by making a protected disclosure or complaint about a reprisal to the office.

For more information about OmbudsPEI, visit [OmbudsPEI – Office of The Ombudsperson PEI](#).