Foreword

The 1992 Constitution of the Republic of Ghana requires the Parliament of Ghana to regulate the grant of legal aid by an Act of Parliament. In fulfilment of this requirement Parliament passed the Legal Aid Scheme Act of 1997 (Act 542). This Act in essence re-enacted the Legal Aid Scheme Law, 1987 (P.N.D.C.L. 184) and ensured the effective operation of the Scheme and brought the provisions in respect of the Scheme in consonance with the Constitution.

There would have been the assumption that most citizens are therefore conversant with the existence and operations of the Legal Aid Scheme. The Ministry of Justice and Attorney Generals Department with support from United Nations Development Programme (UNDP) in 2012 conducted a baseline survey into the justice sector of Ghana. The findings of this survey in terms of the existence of Legal Aid in Ghana were abysmal. Majority of the respondents nationwide had little or no knowledge of the presence or set-up of the Legal Aid Scheme. The survey also accentuated significant number of administrative limitations related to the operationalization of the Legal Aid Scheme. To deal with these issues, there was the need to develop an operational manual to help address the operational challenges confronting the Legal Aid Scheme as revealed by the baseline survey as well as other relevant and important studies concerned with the provision of legal aid in Ghana.

This basic and simple operational manual is designed to streamline and provide comprehensive information and guidance on the administration and the workings of legal aid in all the regions of Ghana and it aims at serving as an aid to Legal aid personnel, Administrative officers, Paralegals or National service personnel, Private legal aid service providers and beneficiaries of the Legal Aid Scheme. The manual can also be useful to various non-governmental organizations and other civil society groups who specialize in advising and assisting people in getting and using legal aid.
This Operational Manual has been put together through the zeal of the current Director of Legal Aid, Ghana and the great participatory input from all Directors and Staff of the Legal Aid Scheme and the support of the United Nations Development Programme (UNDP, Ghana), and United Nations Children's Fund (UNICEF, Ghana).

The Management of the Legal Aid Scheme expects that this Manual will add to the many interventions being undertaken to improve the delivery of legal aid in Ghana. Management will continue to assess the usefulness of this Manual to the Legal Aid Scheme and make the necessary reviews and changes to ensure its continuous relevance.

Al-hassan Yahaya Seini
Director, Legal Aid Scheme, Ghana
May, 2014.
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  – Ms. Johanna Eriksson Takyo
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- National Coordinator of ADR, Judicial Service,
  – Mr. Alex Nartey
- Private Legal Aid Provider
  – Mr. Eric Dela Alifo Esq
- Director of Legal Aid, Ghana
  Mr. Al-Hassan Yahaya Seini
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a. Baseline Survey
The need for an Operational Manual for the Legal Aid Scheme had been under consideration after the adoption of a Strategic Plan in 2009. Following that, the Constitution Review Commission in 2011, recommended the restructuring of administrative processes and the adoption of policies to guide the effective delivery of legal aid in Ghana. This initiative received further impetus when in 2012 the Ministry of Justice with support from the United Nations Development Programme, Ghana conducted a survey into the justice sector in Ghana. The purpose of the survey was to provide comprehensive information on the current levels of knowledge, experience and attitudes of the public to the justice sector in Ghana. It was hoped that the findings of the survey will form the basis for the creation of a single, coherent, cohesive and coordinated set of proposals for reforms in the justice sector of Ghana.

The findings of the survey brought to the fore a significant number of administrative limitations related to the operationalization of the Legal Aid Scheme. It was found that the Scheme was handicapped by such issues as limited institutional communication, coordination, and cooperation in the formulation of policies, strategic plans, programmes, projects and initiatives (including reform initiatives); and institutional challenges in the form of inadequate infrastructure, human resources, and finances relative to mandate.

These operational challenges have hampered the growth of the Scheme and public perception of the existence and mandate of the Scheme. This was highlighted by the
Baseline Survey, where over 79% of all respondents indicated practically no knowledge of the existence and operation of the Scheme.

b. Need for the Operational Manual
The commissioning of this initiative to develop an operational manual is thus a step towards addressing the operational challenges confronting the Legal Aid Scheme as revealed by the baseline survey as well as other relevant and important studies concerned with the provision of legal aid in Ghana.

This manual is to streamline and provide comprehensive information and guidance on the administration and the workings of legal aid in all the regions of Ghana. It is to direct and guide the operations and ensure internal consistency in implementation of processes and procedures in all offices of the Scheme. It aims to promote quality within the Legal Aid Scheme and help minimize miscommunication as well as address major concerns of employees even if there are temporary or permanent personnel changes.

The Manual is a practical guide for use by the Legal Aid Scheme (LAS) and other actors to streamline and strengthen legal aid delivery in Ghana. It is a practical and flexible working tool that will also serve as an instructional document to be used in training staff of the LAS on the operations of the Scheme.
This Manual is user friendly and is designed to assist Legal Aid practitioners; Administrative officers, Paralegals or National service personnel, Private legal aid service providers and beneficiaries of the Legal Aid Scheme. The manual is also a useful tool to those who may be interested in providing legal aid services.

The Manual is divided into six major sections. The introductory section situates the development of this manual in the appropriate context, emphasizing thereby that this effort is not a project in vacuum but a well-coordinated and coherent process of justice sector reform. That section also provides a concise summary of the main parts of the Manual.

The second section of the Manual provides a legal and technical context within which the Manual can be situated. This is followed by a review of the legal framework for legal aid in Ghana.

The third section of the Manual considers the vision and mission of the Legal Aid Scheme, highlights the nature of general policies guiding the Scheme.

The fourth section details out the eligibility criteria for potential beneficiaries of the Scheme, administrative and other procedures relevant to the legal aid process.
The fifth section is on case management and considers the role and duties of both the legal aid personnel as well as those of beneficiaries towards enhancing the workings of the Scheme.

The final section of the Manual streamlines procedures relating to financial processes, including but not limited to how to receive contributions from applicants and ensuring accountability in the process of internal revenue generation.

The Manual is primarily built on the current or existing operations of the LAS as catalogued from the various regions and streamlined for general application in all the field offices of the LAS.

It is intended to be a practical and flexible working tool that can also serve as an instructional document to be used in training staff of the Legal Aid Scheme (LAS) on the operations of the Scheme. The sections can stand alone and be used in whole or part, depending on the target training audience or can be adapted to specific situations depending on the needs of trainees.

The content is drawn from a sampling and streamlining of available models and experiences. The manual is, however, not intended to be used as a “one-size-fits-all” template in all situations.
a. Processes for review/update

The manual’s brevity and conciseness are intended to make the material practical and more accessible, as well as to reflect the fact that the manual is a work capable of progression and improvement. It is hoped that this first effort will inspire revision and the inclusion of additional material.

The manual does not promise solutions that will fit all circumstances and all regional specificities. Though an attempt has been made to catalogue various processes from all the regional offices of the LAS and to draft a manual that is cognizant of these realities and also seeks to streamline as well as improve upon current disjointed procedures, it is capable of being carefully adapted to local circumstances where logistical constraints may so require. Local ownership of the document should be actively encouraged as this is indispensable to the practicality of the manual as well as to its long term success.

Where there may be a need for a comprehensive review of the manual itself, to correspond either to new developments in the legal framework overarching the provision of legal aid in Ghana or to take account for new and improved processes, the manual can be reviewed.

b. How should it be reviewed?

A review of the operational manual should preferably be preceded by relevant regional or other consultations so as to take account of various concerns across board, build consensus and facilitate ownership of the revisions contemplated.
However, staff may make suggestions in writing for review of the manual to be considered by the Management of the Legal Aid Scheme.

c. **Who can review**
The decision to review this Manual shall be taken by the management after a recommendation from a sub-committee of the Legal Aid Scheme established for that purpose.

d. **When can it be reviewed/Interval for review**
The Manual may be reviewed at any time where the need for such review may in the view of the management be necessary.

It shall be the responsibility of the Management of the Legal Aid Scheme to ensure the implementation and compliance of the provisions outlined in the Manual.
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The LAS as an institution in Ghana takes its antecedents from the recognition by Judges who operated the criminal assizes, before independence, that the absence of defence counsel in the matters that came before them adversely affected the administration of justice. Lawyers were assigned cases as a social responsibility to defend accused persons in the criminal sessions. These lawyers handled these cases without charging the otherwise due fees.

This practice of assigning briefs to members of the Bar continued after independence. In this regard, the Courts Act, 1971 (Act 372) made adequate and ample provision for the assignment of briefs. Members of the Bar were paid a stipend for accepting and conducting such briefs but many lawyers did not take the stipend.

The current Courts Act of 1993 provides that the Supreme Court, the Court of Appeal, the High Court or Regional Tribunal may assign a lawyer by way of legal aid to a party to proceedings before the Court or Tribunal where it appears desirable to the Court or Tribunal in the interests of justice that the party should have legal aid, and that the party is financially unable to obtain the services of a lawyer. In the case of the Circuit Court and District Court, the Court can only assign a lawyer by way of legal aid, with prior approval of the Chief Justice.
With increasing population, it became important to institutionalise the provision of free legal services to indigenes. Thus legal aid as a public system of administering justice started with the establishment of the LAS administered by the Legal Aid Board under the Legal Aid Scheme Law, 1987 (P.N.D.C.L. 184). The Board, under that law, was tasked to develop and supervise the administration of a comprehensive legal aid policy and programme through the provision of legal aid services by prosecuting civil cases on behalf of the indigent in society as well as playing the role of the public defender in criminal cases.

The LAS, as it is presently constituted, derives its mandate from Article 294 of the 1992 Constitution which enjoins Parliament to regulate the grant of legal aid by an Act of Parliament. Thus, in 1997, Parliament, by the Legal Aid Scheme Act 542 of 1997, re-enacted the Legal Aid Scheme Law, 1987 (P.N.D.C.L. 184) to ensure the effective operation of the Scheme and to bring the provisions in respect of the Scheme in consonance with the Constitution.

a. The Constitution
The 1992 Constitution, in Article 294 provides that for the purposes of enforcing any provision of the Constitution, a person is entitled to legal aid in connection with any proceedings relating to the Constitution if he has reasonable grounds for taking, defending, prosecuting or being a party to the proceedings.
That article further gave parliament the power to regulate the grant of legal aid and to provide for the granting of legal aid in any other matter not specifically provided for in the Constitution.

That said, the Constitution does not establish the Legal Aid Scheme, although it provides for legal aid in certain circumstances and for Parliament to regulate the grant of legal aid.

b. Legal Aid Scheme Act, 1997(Act 542)
The Legal Aid Scheme Act further provides that a person is automatically entitled to legal aid where he or she is charged with an offence punishable by the death penalty or imprisonment for life. For all other criminal offences, a person is entitled to obtain legal aid if he or she is unable to afford a lawyer. A person may also be entitled to legal aid in some civil cases.
a. The Board
Under the Legal Aid Scheme Act, the Legal Aid Scheme is administered by a Board. The Board consists of 12 members appointed by the President. These 12 members are (a) a Justice or a retired Justice of the Superior Court of Judicature who shall be the Chairman of the Board; (b) the Attorney-General or his representative; (c) a representative of the General Legal Council; (d) the Director of Legal Aid; (e) a representative of the Ghana Bar Association; (f) the Director of Legal Education; (g) the Controller and Accountant-General or his representative; (h) four other persons, one of whom shall be the Director of the Department of Social Welfare or his representative and one female lawyer; and (i) a representative of the Inspector-General of Police.

The Board performs specific responsibilities which are (a) developing a comprehensive legal aid programme and policy to be carried out throughout the country; (b) supervising the general administration of the legal aid programme; and (c) approving the selection of lawyers for participation in the legal aid programme without limiting the right of an applicant to have a lawyer of his own choice.

b. The Director of Legal Aid
The Director of the Legal Aid Scheme is appointed by the President acting in accordance with the advice of the Legal Aid Board given in consultation with the Public Services Commission. The Director is responsible for the efficient management of the Scheme. For that purpose, he ensures the (a) day-to-day operation of the Scheme; (b) supervision
of the legal personnel and other staff of the Scheme; (c) co-ordination of the operation of the Scheme nationwide to ensure uniformity; (d) initiation of proposals for the formulation of policies by the Board; and (e) executing decisions of the Board.

c. Regional Legal Committees
The law establishes for each region, a Regional Legal Aid Committee which answers to the Board. The Regional Committees are responsible for (a) general administration of the Scheme in the region; (b) approving the selection of legal practitioners for participation in the Scheme in the region on behalf of the Board; and (c) any other matters relating to the Scheme in the region that the Board may determine.

The Regional Committees are required to appoint a Selection Committee consisting of any three members of the Regional Committee. At least one of the members of the Regional Committee must be a lawyer. The Selection Committee has the responsibility of considering and approving applications for legal aid.
Vision and Mission of Legal Aid

a. Vision
Our vision is to be the leading agency delivering professional and quality legal services to the poor while partnering harmoniously with stakeholders in the justice system to achieve a just and equitable Ghanaian society.

b. Mission
The purpose of Ghana’s Legal Aid Scheme is to ensure equality of access to justice and treatment before the law by serving as a Public Defender for the poor in need of legal representation or advice.

- Establishing sufficient presence in the districts to ensure legal aid is accessible to the indigent in need of legal services
- Ensuring the availability of qualified, diligent, and committed legal, paralegal, and alternative dispute resolution personnel to provide legal services to protect the interests and rights of the indigent
- Developing an informed public with an increased understanding of the law and the legal services provided by the Scheme
- Cooperating with local and international legal aid practitioners to learn and share similar experiences
The Legal Aid Scheme provides the following services:

- Legal advisory services in all matters
- ADR services in all civil and non-grave criminal matters
- Legal representation in all criminal matters
- Legal representation for Juveniles
- Legal Representation in civil matters relating to landlord and tenant, insurance, inheritance with particular reference to the Intestate Succession Law, 1985 (P. N. D. C. L. 111), maintenance of children and such other civil matters as may from time to time be prescribed by Parliament
- Legal Representation in connection with any proceedings relating to the Constitution if the applicant has reasonable grounds for taking, defending, prosecuting or being a party to the proceedings

The legal aid personnel comprise not only all persons who are employed into permanent positions by the Legal Aid Scheme, but also national service personnel posted to the Scheme as well as other volunteers or interns working with the Scheme.
The Legal Aid Scheme is expected to network with existing legal establishments in society. They establish contacts with other organizations, groups, and individuals such as probation officers, religious groups, local leaders, civil society and politicians so as to mobilize support to solve problems in the community.

The Constitution Review Commission in its report submitted to the President in December 2011, recommended that the Legal Aid Scheme should be established as an Independent Constitutional Body. The Commission also recommended that the Legal Aid Scheme be funded in the same manner as other Independent Constitutional Bodies.

The implementation of such a recommendation would for instance require an overhaul of the legislative framework regulating the work of the Legal Aid Scheme. Where as a result of the change in the legal character of the Legal Aid Scheme, there is a need to review the Operational Manual; such review should be consistent with the purpose of the Manual.
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This part of the Manual highlights the principles and policies underpinning legal aid provision.

The Legal Aid Scheme is committed to providing quality service to all its stakeholders and beneficiaries and will adhere to the following standards:

- Employ competent personnel to provide a respectful, courteous and professional service to the beneficiary;
- Serve the beneficiary fairly as an equal citizen irrespective of age, race, gender, colour, language or belief;
- Introduce ourselves to the beneficiary and identify our role within the office;
- Explain our services and how the beneficiary can use them;
- Be courteous and approachable;
- Actively listen to the beneficiary, treat them with respect and dignity and try to meet their special needs by:
  - using an interpreter when appropriate;
  - ensuring our service delivery is gender sensitive and culturally appropriate to beneficiaries;
  - and enquiring about domestic violence where applicable and ensuring the beneficiary’s safety as a priority.
- Use appropriate language when dealing with persons with hearing or speech impairments or who only speak and understand the local dialects.
Ensure the beneficiary’s confidentiality by treating any information given as confidential, unless the law provides otherwise;
- Be fair and unbiased in our assistance to beneficiary;
- Provide accurate and appropriate information and advice;
- Discuss the beneficiary’s legal problem and help them understand their options including availability of legal aid;
- Listen and promptly respond to beneficiary’s comments, suggestions and complaints;
- Direct beneficiary to information or other agencies who can best assist the beneficiary, when necessary.

The scope of legal aid in Ghana includes assistance given to the aided person with the object of arriving at or giving effect to a compromise to avoid litigation or to bring an end to legal proceedings in court. The Scheme, accordingly, remains committed to providing legal assistance and advice in the form of non-litigious dispute resolution.

- As a general principle, except for situations where there is strong evidence of violence or physical or psychological risk to the applicant and for cases already in court, mediation shall be a condition for the grant of civil legal aid.
To enable the Legal Aid Scheme deliver on its commitments to the beneficiary, the Scheme welcomes the cooperation of the beneficiary and implores the beneficiary to:

- Let legal aid personnel know if the beneficiary has a disability or needs additional assistance;
- Let legal aid personnel know if beneficiary is concerned about his or her safety and needs help in a domestic violence case or other matter;
- Let Legal aid personnel know if beneficiary needs an interpreter to use the services;
- Provide the Legal aid personnel with all the facts and circumstances of the beneficiary’s compliant;
- Tell the Legal Aid Personnel to freely ask questions for anything that needs clarification;
- Provide the legal aid personnel with copies of all relevant documents as soon as possible;
- Treat the Legal Aid Personnel with courtesy and respect;
- Not offer legal aid personnel gifts, money or other favours;
- Report immediately to a superior officer if a Legal Aid Personnel demands gifts, unauthorized money or other favours;
- Demand official receipts for payment of all authorized sums;
- Respect the rights of others;
- Treating other users of legal aid service with courtesy;
- Taking good care of the Legal Aid Scheme's facilities, materials, property and equipment.
- Letting legal aid personnel know if you will be late or unable to keep an appointment; and
- Giving the Legal Aid Scheme constructive feedback on its service.
Where in providing legal aid services to a beneficiary, it becomes necessary for the matter or dispute submitted to the Scheme by the beneficiary to be litigated or submitted to ADR, the legal aid personnel who is taking legal action in court in respect of that matter shall endeavour to observe the following professional standards.

A legal aid personnel must:

- Where the matter is already before court, take steps to appreciate the issues and also take steps to protect the interest of the client while an assessment is being made on their eligibility for legal aid.
- Have knowledge and understanding of the substantive law that applies in the area of law being undertaken pursuant to legal aid and be in a position to address any substantive issue as may arise.
- Have knowledge and understanding of the procedural law that applies in the area of law being undertaken pursuant to legal aid and be in a position to address any procedural issue as may arise.
- Have up to date knowledge of relevant legal aid legislation and processes and inform beneficiaries of their rights and obligations in relation to legal aid.
- Return where necessary for re-assignment, any matter for which the personnel has insufficient experience or skill to competently represent the beneficiary, or is too busy to undertake.
- Exercise independent professional judgment on a beneficiary’s behalf and exercise due care in giving
appropriate advice to a beneficiary that is legally correct and appropriate, including the use of evidence and experts, dispute resolution and options following the outcome of the case.

- Communicate with the beneficiary in a way that is clear, appropriate and tailored to the beneficiary's circumstances and keep the beneficiary informed about the progress of their case, the procedure and substantive issues.
- Maintain a record of important advice given and a record of key instructions.
- Conduct him or herself in a manner that respects the parties involved and does not inflame the dispute between the parties.
- Lawyers should avoid conducting proceedings in a manner that will increase distrust, hostility or animosity between the parties without achieving any significant and legitimate benefit for the beneficiary.
- Maintain networks of support to provide adequate back up in case of illness or other genuine unavailability.
- Supervise adequately and have a plan for the review and supervision of any person undertaking legal aid work under their supervision.
- Take care to maintain the privacy interests of people named in Court documents so that unintended parties do not obtain access to personal information.
A legal aid personnel in acting for a beneficiary must:

- When communicating with the beneficiary, endeavour to use language that is understandable, free from unnecessary jargon and appropriate to the age, gender and capacity of the beneficiary.
- If appropriate, seek the use of a qualified interpreter.
- Give timely, appropriate and sufficiently detailed advice and explanations to the beneficiary to enable him or her make an informed decision about the matter.
- Advise the beneficiary of the steps that he or she can or ought to take in order to assist the efficient and effective conduct of the matter.
- Advise the beneficiary of relevant aspects of the matter, including the material evidence, risks, costs, liability and merits of settlement.
- At appropriate times, reassess and again advise the beneficiary of the relevant aspects of the matter.
- In a timely manner, keep the beneficiary informed of the progress of the matter, including advising the beneficiary of the stages through which a matter progresses and the opportunity a stage might provide to resolve matters.
- Where appropriate and practical, advice should be provided to the beneficiary in writing, except where the beneficiary indicates otherwise. Some circumstances where it will not be practical include:
  - Where there is a risk sensitive documents could be accessed by unintended recipients;
  - Where there are issues of literacy or comprehension, although remembering a beneficiary with such difficulties may be able to find a trusted person to explain such documents;
- Where a beneficiary’s mental health could be an issue;
- Where in some criminal matters there is not sufficient time to provide advice in writing due to guilty pleas and quick progression through entering the plea and subsequent judgment or sentencing;
- Where in some family matters there is not sufficient time to provide advice in writing due to the urgent nature of the application, such as urgent protection orders; and
- Where there is no known address.

- On conclusion of a matter, in a timely manner, provide the beneficiary with a copy of the relevant agreement, order or judgment.
- Not to make public any information regarding a beneficiary’s affairs without the beneficiary’s specific consent.

In conducting proceedings the legal aid personnel must:
- Advise the beneficiary of the right to give and/or call evidence on his or her behalf (whether by affidavit, brief of evidence, oral evidence or in some other form) that is relevant and legally admissible;
- Consider whether agreement might be reached with other parties to the proceeding as to whether evidence could be introduced by consent or offered in a manner that is cost effective, and, if so, seek instructions to endeavour to reach agreement with the other party on that basis;
In conducting proceedings the legal aid personnel must:

- Advise the beneficiary that a lawyer has a duty not to take any step, the main purpose of which is to cause delay in the determination of any proceeding or interlocutory application;
- Record the beneficiary’s factual instructions in a signed brief of evidence unless there is a good reason not to, for example where a beneficiary is not a witness or has already given a full account such as in a Police interview or where the evidence will be in an affidavit.

In conducting proceedings the legal aid personnel must:

- Consider whether expert evidence would be substantially helpful.
- If expert evidence would be substantially helpful, advise the Legal Aid Scheme in writing, in a timely manner and in advance of engaging an expert.
- Where engaging an expert has cost implications, it is important to set out the reason why expert evidence is appropriate and a realistic estimate of the cost that would be involved.
- Where the cost of an expert increases seek approval for the increase before the corresponding work is undertaken.
- Ensure the expert is aware that they are subject to the estimate and that they need to advise the engaging lawyer if the estimate is going to be exceeded.
- Help ensure that when an expert is preparing and giving evidence, the expert is aware of the need to conduct herself or himself in accordance with the applicable rules relating to the conduct of experts.
Where in conducting proceedings, it becomes important for the legal aid personnel to make to the court an application without notice (ex parte) the legal aid personnel must:

- Consider whether the circumstances are sufficient to justify the beneficiary being advised to make an application without notice and whether it is desirable to make an application on this basis.
- If the beneficiary wishes to make an application without notice, advise the beneficiary that he or she owes to the court a duty of utmost good faith to make full disclosure to the court of all facts relevant to the application. That duty extends to:
  - All matters relevant to the application, including prejudicial information, whether or not the applicant considers them important; and
  - Disclosing to the Court any known defence to the application together with the facts on which it is based.

A legal aid personnel must:

- Encourage the beneficiary to consider the use of alternative dispute techniques to resolve the matter where appropriate. It may include making or considering settlement offers and, where available, using other appropriate dispute resolution methods, for example; alternative dispute resolution (ADR), including mediation, arbitration and settlement conferences.
A legal aid personnel must:

- Take steps to avoid actual or potential conflict of interest and to identify any actual or potential conflict of interest at the earliest possible opportunity.
- If an actual or potential conflict of interest arises, advise the beneficiary and the Legal Aid Scheme in a timely manner and, if appropriate, withdraw from acting on behalf of the beneficiary.
- Explain to the beneficiary that in some circumstances legal aid personnel cannot continue to act where there is an actual or potential conflict of interest, even if informed consent can be obtained.
- Avoid giving evidence about or being a witness in, a matter in which the legal aid personnel is either solicitor or counsel. Where any such evidence is contentious then the solicitor or counsel will need to seek leave to withdraw and the Legal Aid Scheme should be advised promptly.
A legal aid personnel must:

- In dealing with Judges, other lawyers, litigants in person, experts, court staff and the Ministry of Justice and Attorney Generals’ Department, conduct him or herself in a courteous and professional manner in order to encourage and not impede good working relationships.
- Be punctual at court and arrange for alternative counsel if unable to appear (with approval from the Legal Aid Scheme, if required).
- Answer or respond to telephone inquiries promptly.
- Provide a timely and meaningful reply to correspondence, reply promptly to all urgent matters and advise beneficiaries that a detailed response for advice might require more time.
- When dealing with litigants in person, endeavour to communicate using language that is understandable, free of unnecessary jargon and appropriate to the age, gender and capacity of the person.
- Avoid criticising other lawyers involved in the case except where the other lawyer’s conduct materially affects the case. This provision does not prevent a lawyer from the appropriate use of complaints mechanisms such as those under the Legal Profession (Enrolment) (Amendment) Instrument, 1972 (LI 761) and the Legal Profession (Professional Conduct and Etiquette) Rules, 1969 (LI 613) as well as any other relevant enactment.
A legal aid personnel must use best endeavour to ensure that:

- Files are kept in such a way that if anyone, other than the lawyer conducting the matter, assumes management of the file it is possible for that person promptly to ascertain relevant matters. Relevant matters include:
  - Any beneficiary instructions;
  - The purpose and extent of legal aid funding;
  - The stage the matter is at, including when the matter is next before the court or scheduled, for example, for ADR; and
  - The relevant orders or agreements in respect of the matter.

- All relevant documents, correspondence received and a copy of correspondence sent is kept on the file including: correspondence in relation to legal aid with the Legal Aid Scheme, the respondent, the beneficiary and any other relevant stakeholder.

- All the correspondence is kept in a separate part of the file so that it is easily identifiable and accessible;

- Copies of all court documents filed, served or issued in the matter are in a separate bundle or brief file, and indexed;

- Notes of all material telephone conversations and personal attendances in relation to the matter are filed, preferably with the date, name of person spoken to, material details of the conversation and noting if it was held on a without prejudice basis; and

- Make a record of all court attendances, including the name of the Judge(s), counsel and parties present, a summary of any negotiations or submissions, orders or directions made and the time involved.
a. Responsibilities to Beneficiary and the Prosecution

A legal aid personnel must:

- When acting for more than one co-accused, take particular care to ensure she or he has considered the duties owed to each beneficiary and any potential conflicts.
- Make all reasonable effort to make contact with the beneficiary by the most practical method.
- On assignment, and subsequently if necessary, consider the appropriateness of applications for name suppression (where the beneficiary is a child) and/or bail, and make any application in a timely fashion.
- Advise the prosecution that she or he is acting for the beneficiary and request relevant disclosure.
- Meet with the beneficiary as soon as reasonably practicable, and, preferably before the first court appearance after assignment. Where the beneficiary is remanded in custody, the first meeting may be immediately prior to court.
- Take particular care to ensure that any beneficiary remanded in custody is kept fully informed of the progress of the proceeding.
- Advice the beneficiary at the first reasonable opportunity and throughout the case about the sentencing discounts for pleas of guilty in terms of relevant case law, where in the professional opinion of the legal aid personnel, this is necessary.
- Before the beneficiary enters any election or plea:
  - Obtain relevant disclosure from the prosecution, and discuss it with the beneficiary; and
  - Advise the beneficiary of defence disclosure obligations.
If more than one legal aid personnel is assigned, advise the beneficiary of the role each personnel will take in the proceeding.

Consider whether the beneficiary may present the legal aid personnel with any issues that raise the following questions in relation to the beneficiary:

- Does the beneficiary have any intellectual disability or mental health issues and, if so, when and how are they to be addressed?
- Does the beneficiary have any addiction, alcohol or drug issues and, if so, when and how are they to be addressed?
- Is domestic violence involved?
- Is the welfare of any child involved?

Wherever practicable, obtain instructions in writing concerning the incident or events giving rise to the charge(s). Details as to the beneficiary’s background, physical health and other relevant details should be obtained. When it is not possible to obtain instructions in writing, legal aid personnel should make clear file notes of instructions (or the lack of instructions).

Be familiar with a beneficiary’s previous convictions before a plea is entered.

Retain written copies of advice given to the beneficiary on matters of particular significance or that may be contentious.

b. Hearings

A legal aid personnel must:

- Give appropriate consideration to notifying the prosecution of any issues the defence intends to raise at a status hearing. Where appropriate, the notification
must be given in sufficient time for the prosecution to be able to respond at the status hearing.

- Advise the beneficiary as to relevant defences in the light of witness statements. On receipt of the prosecution’s briefs of evidence, the lawyer must discuss the briefs with the beneficiary.
- Take instructions from the beneficiary as to whether the defence will call or give evidence.

c. Criminal Appeals

A legal aid personnel must:

- Where the beneficiary wishes to appeal, consider whether it is proper to act;
- Where the beneficiary wishes to appeal, or the legal aid personnel considers there is merit in an appeal (whether against conviction or sentence or both), take instructions from the beneficiary in sufficient time for a notice of appeal, or an application for leave to appeal, to be filed within the statutory time limit.
- Consider whether there are grounds for seeking bail pending appeal.
- On receipt of appropriate instructions, where trial counsel is not assigned to an appeal, then that trial counsel shall forthwith on provision of instruction from the beneficiary provide to new counsel the entirety of his or her file in a form that ensures that new counsel will be able to identify:
  - The court, judge and date of the proceedings at first instance;
  - The charges;
  - The outcome in relation to each charge;
  - The date of filing the appeal;
- Any particular or unusual features;
- A brief outline of any particular matters raised by the beneficiary;
- The note of any material missing from the brief and the reason;
- The date of expiry of the notice of intention to appeal; and
- The current custodial status and place of custody of the beneficiary
a. Statement of Principles
A legal aid personnel must:

- Recognise that family violence is a serious problem. The safety of children and parents is to be considered at all stages of a family law dispute in consonance with the Domestic Violence Act 2007 (Act 732).
- Recognise the principles set out in the Children’s Act, 1998 (Act 560), and, in particular, that the welfare and best interests of the child, in his or her circumstances, are the paramount consideration.
- Recognise the need for parents to consult and cooperate with each other, and to reach their own decisions in matters affecting their children.
- Be aware of the obligation of a Child Panel in criminal matters under the Children’s Act, 1998 (Act 560) to promote mediation, in minor criminal matters involving a child where the circumstances of the offence are not aggravated.
- Encourage the beneficiary to take a conciliatory rather than a litigious approach to family disputes where appropriate. This will be in most cases, other than those affecting the safety of the beneficiary and/or their children, and/or where statutory provisions set out a mandatory approach.
- Encourage parties to get positively involved in finding practical solutions, because this has a positive impact on the parties and any children involved.
- Be aware of the special need in family law matters for them to conduct themselves in a way that does not inflame the dispute between the parties. They should endeavour to avoid conducting themselves in a manner...
that will increase distrust or animosity between the parties, and
- Ensure that one’s own personal emotions or opinions do not influence the advice given to a beneficiary.

b. Welfare of the Child
In addition to advising beneficiaries of the provisions relevant to their specific case, a legal aid personnel must:
- Advise the beneficiary of the requirement for the child’s welfare and interests to be the paramount consideration, and the principles in the Children’s Act, 1998 (Act 560) that are relevant to the beneficiary’s matter.
- Where the matter involves the guardianship of, or the provision of day-to-day care for, or contact with, children, advise the beneficiary (subject to any safety issues, including family violence issues) of the benefits of making arrangements for children in co-operation with the other party (respondent) rather than through a court hearing.
- Explain to the beneficiary the role of the legal aid personnel for the child or any other court-appointed counsel, any costs associated with such an appointment, and the circumstances in which a contribution towards such costs may be directed by the court.
- Advise the beneficiary of the requirements under the Children’s Act, 1998 (Act 560) that the child be given a reasonable opportunity to express her or his view, and the methods by which this is generally done (including through a lawyer for the child, and the children meeting with a Judge).
c. Domestic Violence

A legal aid personnel must:

- Advise the beneficiary fully of the consequences of the making of any order under the Domestic Violence Act 2007 (Act 732) and (when acting for applicants) that the respondent will be informed of the application and receive a copy of any affidavit in support.
- When acting for a beneficiary, advise of the limits of any order under the Act, and the need to take other practical steps to ensure their safety.
- Advise the beneficiary of the need to authorise access to any family violence records so they can be attached to an application under the Act.
- Advise the beneficiary of the need to obtain copies of any relevant medical information (when appropriate) and, where there is any such information, the need to authorise access.
- When acting for a beneficiary, advise the beneficiary of any known programmes available for themselves and their children including counselling and therapy.

Legal aid personnel shall recognize that alternative dispute resolution processes are essentially based on the Principle of Self-Determination by the parties.

In ADR, this principle requires that the process rely upon the ability of the participants to reach their own voluntary, uncoerced agreement. Any party may withdraw from the ADR process at any time with the exception of arbitration.
Legal aid personnel should ensure that all parties are informed about that person’s role and nature of the ADR process, and that all parties understand the terms of settlement.

Legal aid personnel should ensure that all parties understand and agree to the ADR process, the personnel’s role in that process and all parties’ relationship to the personnel.

The parties should also understand the particular procedures the legal aid personnel intends to employ.

In addition, legal aid personnel should be satisfied that the parties have considered and understood the fact that any decision arrived at is binding on the parties.

If the legal aid personnel perceives that a party is unable to give informed consent to participation in the process or to the terms of settlement due to, for example, the impact of a physical or mental impairment, the process should not continue until the legal aid personnel is satisfied that such informed consent has been obtained from the party or the party’s duly authorized representative.

The legal aid personnel shall conduct the ADR Process in an impartial manner.

The concept of impartiality is central to all ADR processes. Legal aid personnel shall handle only those matters in which they can remain impartial. If at any time a legal aid personnel is unable to conduct the process in an impartial manner, he or she is obliged to withdraw.
Legal aid personnel shall avoid conduct that gives the appearance of partiality towards one of the parties. The quality of the process is enhanced when the parties have confidence in the impartiality of the legal aid personnel. Legal aid personnel should guard against partiality or prejudice based on the parties’ personal characteristics, background or behaviour during the ADR process, except where these factors are relevant to recommendations or conclusions that the legal aid personnel asked to provide.

A conflict of interest is a dealing or relationship that creates or might create an impression of possible bias. Legal aid personnel have a responsibility to disclose all actual and potential conflicts that are reasonably known to them and could reasonably be seen as raising questions about impartiality. After disclosure, legal aid personnel shall decline to participate unless all parties choose to retain them. If all parties agree to participate in the ADR process after being informed of conflicts, the legal aid personnel may proceed. If, however, the conflict of interest casts serious doubt on the integrity of the process, the legal aid personnel shall decline to proceed. The need to protect against conflicts of interest also governs conduct that occurs during and after the ADR proceeding.
Legal aid personnel shall provide services only when they have the necessary qualifications to satisfy the reasonable expectations of the parties.

In any ADR processes, it is essential that legal aid personnel assigned to the parties have the requisite training and experience.

Legal aid personnel should provide information for the parties regarding their relevant training, education and experience to build confidence in the ADR process.

Legal aid personnel shall maintain confidentiality, with certain limited exceptions. Depending upon the ADR process being used, the degree of confidentiality, a legal aid personnel must maintain may be subject to rules, agreements, statutory obligations, and court orders.

A legal aid personnel, and anyone attending the ADR session at the request of the personnel or a party, shall maintain the confidentiality of all communications, which include speech, writing, or conduct made as part of the process, including those communications made for the purpose of considering, initiating, continuing, or reconvening a meeting or retaining a legal aid personnel.

A legal aid personnel, and anyone attending the ADR session at the request of the personnel or party, may not disclose or be compelled to disclose communications in any judicial, administrative or other proceedings.

In addition to any disclosures required by law, legal aid personnel may disclose or report ADR communications to a potential victim or to the appropriate authorities to
the extent that they believe it necessary to help:
  ▪ Prevent serious bodily harm or death; or
  ▪ Alleged misconduct of a legal aid personnel or defend a legal aid personnel against allegations of misconduct.

▪ A legal aid personnel must not use confidential information acquired during the mediation to gain personal advantage or advantage for others, or to affect adversely the interests of others.

▪ A legal aid personnel may report, if required by a court or other referral source, whether the ADR session took place and whether an agreement was reached.

▪ A document that reduces to writing an agreement signed by the parties as a result of ADR is not confidential, unless the parties agree in writing otherwise.

▪ The parties may be permitted to make their own rules with respect to confidentiality or may dictate a particular set of expectations.

▪ Since the parties’ expectations regarding confidentiality of the process and the written results of the process are important, the legal aid personnel should discuss these expectations with the parties at the beginning of the process.

▪ Where the parties have agreed that all or a portion of the information disclosed during an ADR process is confidential, the parties’ agreement should be respected by the legal aid personnel.

▪ If the legal aid personnel holds private sessions with a party, the nature of these sessions with regard to confidentiality should be discussed prior to undertaking such sessions.
In order to protect the integrity of the ADR process, a legal aid personnel should not communicate information about the parties, their behaviour, and the merits of their case or settlement offers to the court or other referral source.

Confidentiality should not be interpreted to prohibit the effective monitoring, research, or evaluation of ADR programs by supervisors of the legal aid personnel conducting the ADR process.

Under appropriate circumstances, supervisors may be permitted to obtain access to statistical data and, with the permission of the parties, to individual case files, observations, and interviews with participants.

A legal aid personnel shall work to ensure a quality process and to encourage mutual respect among the participants.

A quality process requires a commitment by the legal aid personnel to diligence and fairness in the procedure. There should be adequate opportunity for each party to participate in the discussions.

The parties decide when and under what conditions they will reach an agreement, be bound by the result of the process or terminate an ongoing process.

Legal aid personnel may agree to conduct an ADR process only when they are prepared to commit the attention essential to an effective process.

Legal aid personnel accepting matters for an ADR process should satisfy the reasonable expectations of the parties concerning the timing of the process.
A legal aid personnel should not allow a process to be unduly delayed by parties or their representatives.

The presence or absence of persons depends on the agreement of the parties and the legal aid personnel.

A legal aid personnel shall withdraw from an ADR process when incapable of serving or when unable to remain impartial.

A legal aid personnel may withdraw from an ADR process or postpone a session if the process is being used to further illegal or unconscionable conduct, or if a party is unable to participate due to drug, alcohol, or other physical or mental incapacity.

A legal aid personnel shall withdraw from an ADR process that will result in an illegal or unconscionable agreement.

A legal aid personnel undertaking ADR should refrain from providing legal advice to any or all of the parties.

A legal aid personnel should ensure that the parties understand that the personnel’s role is that of a neutral intermediary, not that of representative of or advocate for any party.

If a legal aid personnel offers an evaluation of a party’s position or of the likely outcome in court or arbitration, or offers a recommendation with regard to settlement, the mediator should ensure that the parties understand that the legal aid personnel is not acting as a lawyer for any party and is not providing legal advice.

A legal aid personnel should be particularly sensitive to role differences if any party is unrepresented by counsel.
at the mediation, and should explain carefully the limitations of the legal aid personnel’s role and obtain a written waiver of representation from each unrepresented party.

- If a legal aid personnel assists in the preparation of a settlement agreement and if counsel for a party is not present, the legal aid personnel should advise each unrepresented party to have the agreement independently reviewed by counsel prior to executing it.
- A legal aid personnel may withdraw from an ADR process or postpone a session if the process is being used to further illegal or unconscionable conduct, or if a party is unable to participate due to drug, alcohol, or other physical or mental incapacity.
- A legal aid personnel shall withdraw from an ADR process that will result in an illegal or unconscionable agreement.

A legal aid personnel shall fully disclose and explain the basis of compensation, fees, and charges to the parties.

The parties should be provided sufficient information about fees at the outset of an ADR process to determine if they wish to undertake the ADR process through the Scheme.

If the Scheme charges fees, the fees shall be reasonable, considering among other things, the service provided, the type and complexity of the matter, the expertise of the legal aid personnel and the time required.
Having regard to the mandate of the Legal Aid Scheme, beneficiaries of legal aid are often among society’s most vulnerable people. They should expect to receive a high standard of service from their legal aid service deliverers. To ensure that this happens, this section introduces a quality assurance framework for legal aid service delivery.

The Legal Aid Scheme shall ensure compliance that:

- The service provided to legal aid clients is consistent across the whole country;
- All clients receive an acceptable standard of service;
- Everyone can have confidence in the quality of services provided by legal aid providers;
- There is clear guidance and transparency for service deliverers to abide by;
- All legal aid personnel meet required standards of experience and competence;
- Legal aid personnel take steps to accommodate their clients' needs;
- All legal aid personnel meet minimum standards of client service. For example, they must use independent judgment, exercise due care, explain things clearly, and respect their clients' confidentiality; and
- Checks and balances are in place so that problems can be addressed.
A legal aid personnel is required to keep all information about a client confidential. The duty of confidentiality that the legal aid personnel owes to a client is subject to any law, any court order and any relevant rules of professional conduct.

Notwithstanding the duty of confidentiality, the Legal Aid Scheme shall permit such access to its client records as are necessary to enable the performance of quality audits. Such otherwise confidential information that is produced for the purposes of an audit or investigation must not be used in:

- any proceedings against the beneficiary, or
- any way that is detrimental to the client.

A conflict of interest is where someone in a position of trust is serving or attempting to serve two or more interests and it would be difficult for that person to fulfil their duties impartially. A conflict of interest can exist even if no unethical or improper acts occur, as a conflict of interest can be a potential or perceived conflict.

Conflict of interest can arise broadly where:

- A legal aid personnel acts for both parties in a matter (i.e., a legal aid personnel acts for: two or more people who have been jointly charged with criminal law offences and the accused have conflicting accounts)
- A legal aid personnel acts against a former beneficiary having previously acted for that party in a related matter.
A legal aid personnel’s own interest is involved (i.e., a legal aid personnel acts in a transaction in which he or she has an interest).

In these instances, a conflict of interest would arise as it is considered that the legal aid personnel could not act in the best interests of their current or previous beneficiary as the legal aid personnel may be able to obtain information which could promote one party’s case to the detriment of the other.

The quality of the services rendered by the legal aid personnel may be evaluated by the Legal Aid Board from time to time. Beneficiaries represented by legal aid personnel shall be entitled to report to Legal Aid Scheme on the quality of services rendered to them.

The legal aid personnel shall at all times in performing his functions, abide by the guiding principles provided for in this manual.

The legal aid personnel shall at all times be aware that his work is subject to supervision by the Scheme.

The legal aid personnel agrees that where applicable his/her services will be monitored by a performance review committee.
The beneficiary is expected to abide by any instructions given to him by the legal aid personnel as well as conduct him or herself in a manner consistent with the values and professional standards of the Legal Aid Scheme.

- The beneficiary is under an obligation to fully disclose all information requested of him/her truthfully.

The Legal Aid Scheme shall actively encourage and provide opportunities for lawyers, law students, paralegals, mediators and other persons with relevant qualifications to volunteer or gain work experience within the Scheme.

- Monitoring and evaluation of legal aid services enables the Legal Aid Scheme to provide assurance to beneficiaries, the public, and key stakeholders about the quality of services provided; enable legal aid personnel to improve their performance; and enable the Director of Legal Aid Scheme to take such remedial action as may be necessary.
- The Legal Aid Scheme can carry out quality assurance checks to review the performance of legal aid personnel to ensure that they are delivering services efficiently and effectively, and in accordance with their legislative, contractual and professional obligations.
- Quality assurance checks allow the Legal Aid Scheme to identify legal aid personnel who may not be complying with their obligations. The Legal Aid Scheme can then
audit the legal aid personnel, refer the personnel to the complaints process, or refer the personnel to a performance review committee.

The audit may include assessment of the legal aid personnel’s compliance with practice standards and the general terms of the operational manual, legislative requirements, guidelines and policies issued or developed by the Legal Aid Scheme and any substantial or unresolved complaints concerning delivery of legal aid services or specified legal services.

The Director of the Legal Aid Scheme may put in place a performance review committee. The Committee would have the mandate of assessing legal advice and representation provided to the beneficiaries (including the conduct of hearings and/or trials); management of cases, including the adequacy of documentation, compliance with the conditions of the grant of legal aid and any amendments to it, and the justification of expenditure to demonstrate that legal aid funds have been properly managed; and the service delivery benchmarks provided for under the operational manual.

Putting in place the Committee will:

- Ensure that the beneficiary has received an acceptable standard of advice and representation;
- Ensure that legal aid or specified legal services are provided in an effective, efficient and ethical manner;
- Ensure legal aid funds are properly managed and are value for money services;
§ Ensure legal aid personnel are compliant with the Act, Regulations, Practice Standards, policies and procedures of the Scheme;
§ Ensure the Scheme has systems, processes and controls in place to enable legal aid personnel to be compliant with legislative, contractual, and professional obligations, as well as practice standards, policies and procedures;
§ Ensure legal aid personnel are compliant with any conditions imposed;
§ Enhance the performance of legal aid personnel through guidance and clarification, and outlining expectations;
§ Investigate complaints, trends or particular conduct of legal aid personnel, provision of legal aid services or specified legal services; and
§ Identify concerns in a timely manner and monitor conduct of legal aid personnel so that remedial action can be taken or action can be taken to prevent breaches and protect the needs of legal aid beneficiary.

In conducting the performance review, the performance review committee will review beneficiary files, papers, and any relevant documentation; request further information where required; contact the legal aid personnel who was in charge for any clarification of information as the audit progresses; and provide an audit report to the Director of Legal Aid.
A complaint is any expression of dissatisfaction with the legal aid or specified legal services provided. This includes all complaints regardless of their origin. One way that the Legal Aid Scheme holds its personnel to the highest standards of professionalism is through efficient and effective management of complaints.

The complaints process enables the Legal Aid Scheme to hold legal aid personnel to account when services are not consistent with the purpose of the legal framework governing the Scheme, the operational manual of the Scheme as well as the vision and mission of the Legal Aid Scheme.

The complaints process:
- is timely
- thoroughly investigates all matters
- ensures complainants are informed of progress and outcomes
- has a flexible range of sanctions, remedies and guidance, and
- coordinates sufficiently with the various agencies responsible for regulating the conduct of legal aid personnel.

The complaints process redresses complaints of legal aid clients where possible and/or appropriate, and ensures that individual legal aid personnel maintain the quality of legal
aid and specified legal services at a sufficiently high level.

The complaints process:

- is easily accessible to potential complainants
- provides clear and simple guidance on complainants’ rights
- is open and accountable, and
- allows participants and the public to assess whether the process works effectively.

Reporting on complaints includes the publication of details of activities and data concerning:

- the source of the complaint, unless the complainant wishes to remain anonymous
- a brief description of the complaint
- the time taken
- whether the complaint was substantiated, and
- the outcome of the investigation and the reasons for the decision.

Stage I:

This stage includes:

- receiving and acknowledging the complaint
- the initial assessment
- recording the details of the complaint, and
- referring the complaint to a complaints officer where required.
Stage II
This stage includes:
- notifying the legal aid personnel
- investigating the complaint
- assessing the complaint, and
- arriving at a decision.

Stage III
This stage includes:
- documenting the assessment and decision
- reporting on the assessment, reasons and outcome, and
- notifying the complainant of the outcome and reasons for the decision.
The Legal Aid Scheme's timeframes for managing complaints are shown below.

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Actions</th>
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<tbody>
<tr>
<td>Within three working days</td>
<td>The Scheme shall acknowledge receipt of the complaint to the complainant.</td>
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<td>of the Scheme receiving the</td>
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<td>complaint.</td>
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<tr>
<td>Within five working days</td>
<td>Where the Scheme is not able to deal with the matter locally, the</td>
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<td>of the Scheme receiving the</td>
<td>complaint shall be referred to a complaints officer.</td>
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<td>complaint.</td>
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<tr>
<td>Within five working days of the</td>
<td>The complaints officer receiving the referral notifies the legal aid</td>
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<td>referral having being made.</td>
<td>personnel concerned and seek submissions.</td>
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<td>Note: This timeframe may be</td>
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<tr>
<td>extended if more information is</td>
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<td>required from the person raising</td>
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<td>the complaint or concern.</td>
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<tr>
<td>Within 10 working days of</td>
<td>Legal aid personnel must respond to the complaint.</td>
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<tr>
<td>receiving notice of the</td>
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<td>complaint.</td>
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<tr>
<td>Within nine weeks of the</td>
<td>• a decision is made.</td>
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<tr>
<td>referral.</td>
<td>• the legal aid personnel is notified, and</td>
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<tr>
<td>Note: This timeframe may be</td>
<td>• the legal aid personnel is advised of the opportunity to request a</td>
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<tr>
<td>extended if additional investigation is required.</td>
<td>review of the decision.</td>
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<tr>
<td>After nine weeks of the referral.</td>
<td>If the complaint is not resolved, Legal Aid Scheme will update the complainant.</td>
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</tr>
<tr>
<td>After 10 working days of the complaints Officer notifying legal aid personnel of the decision.</td>
<td>If a review is not requested, the complainant (if any) is advised of the decision and the reasons for the decision.</td>
</tr>
<tr>
<td>Within 10 working days of legal aid personnel receiving the decision</td>
<td>The legal aid personnel may request a review of the decision and provide submissions</td>
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</tbody>
</table>
| Within 10 working days of the Legal Aid Scheme receiving the request for a review | • The decision is referred to the Performance Review Committee for review;  
• a decision is made and any appropriate action is taken  
• the legal aid personnel is notified of the review decision and reasons for the review decision, and  
• the complainant (if any) is advised of the review decision and reasons for the decision. |
On receipt of a complaint, the legal aid personnel who receives the complaint should contact the complainant to record the details of the complaint, including finding out whether the complainant is a beneficiary.

**a. District level**

- Where a complaint is made at a district office of the Legal Aid Scheme, such complaint shall first be assessed by the ranking or most senior legal aid personnel in that district, unless the complaint was made about that ranking or most senior legal aid personnel.
- The ranking or most senior legal aid personnel may where he or she considers necessary refer the complaint made against another legal aid personnel in the district to the regional office of the Legal Aid Scheme.
- Where the complaint made to a district office of the Legal Aid Scheme is about the ranking or most senior legal aid personnel in that district, the complaint shall be referred to the regional office of the Legal Aid Scheme.
- The Regional Director or most senior legal aid personnel of the Legal Aid Scheme shall appoint a legal aid personnel as the Complaints officer. The Complaints officer shall then take steps to consider the complaint.
- The Complaints officer may where he considers necessary refer the matter to the Performance Review Committee.
b. Regional level

- Where a complaint is made at the regional office of the Legal Aid Scheme, the Regional Director shall appoint a personnel appointed as the Complaints officer who shall consider the complaint.
- The Complaints officer may where he considers necessary refer the matter to the Performance Review Committee.
- Where the complaint made to the regional office of the Legal Aid Scheme is about a regional director or most senior legal aid personnel in that region, the complaint shall be referred to the Performance Review Committee.

c. National level

- Where a complaint is made at the National office of the Legal Aid Scheme, the Director of Legal Aid Scheme shall either together with another legal aid personnel appointed by the Director or appoint two legal aid personnel to constitute the Complaints Team and consider the complaint.
- The Complaints Team may where it considers necessary refer the complaint to the Performance Review Committee.
- Where the complaint is about the Director of the Legal Aid Scheme, the complaint shall be referred to the Legal Aid Board for consideration.
The Legal Aid Scheme shall take steps to ensure public visibility and awareness of the mandate, administrative processes and professional standards of the Scheme.

- The Legal Aid Scheme shall liaise with the Ministry of Justice and Attorney General’s Department, the Judiciary, Department of Social Welfare, the Prisons service, the Police Service to ensure the prompt referral of cases to the Legal Aid Scheme as well as institutional collaboration in dealing with applications for legal aid.
- The Legal Aid Scheme shall liaise with bodies such as the General Legal Council, the Ghana Bar Association, Private Legal Aid Providers and various law firms to facilitate and encourage pro bono services and private provision of legal aid.
- The Legal Aid Scheme shall liaise with the General Legal Council and the National Service Secretariat to ensure that Lawyers or Law students are posted to the Scheme to fulfil their national service commitments.
- The Legal Aid Scheme shall liaise with the National Commission on Civic Education as well as various non-governmental advocacy organisations to provide outreach programs as well as informative workshop sessions to instruct the general public on the work and operations of the Legal Aid Scheme.
The Legal Aid Scheme should explore innovative means of harnessing technology and new media approaches in interacting with stakeholders to promote a healthy and informed public discourse and debate over the work and processes of the Legal Aid Scheme.

- The Legal Aid Scheme should put in place a functioning, practical and user-friendly website which would serve as a database of information and resources to be made available to staff and the public.
- The website will be a source of promoting public awareness of the work of the Legal Aid Scheme.
- The website could also serve as a medium for arranging interviews with potential beneficiaries as well as provide a medium where applications for legal aid can be completed and submitted.
- Further, beneficiaries of legal aid should be able to access the status of their cases by logging onto the website of the Legal Aid Scheme.
Chapter 4:

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Applicants for legal aid are among the most vulnerable in society. Ordinarily, legal aid is their last and only resort to justice. They should expect to be treated well and to feel welcomed when they seek help from the Legal Aid Scheme. It is, accordingly, the object of the Scheme that the application process for legal aid must:

- be accommodative and welcoming of applicants,
- be sensitive to the needs and vulnerabilities of applicants,
- be flexible and easily accessible to potential applicants,
- ensure that applicants are well informed of the process and the requirements for legal aid,
- ensure that applicants provide complete and accurate information for the purposes of legal aid, and
- provide simple and clear guide on legal aid and ensure that applicants know what to expect from the Scheme.

This part of the Manual highlights the principles and policies underpinning legal aid provision.

Applicants for legal aid are among the most vulnerable in society. Ordinarily, legal aid is their last and only resort to justice. They should expect to be treated well and to feel welcomed when they seek help from the Legal Aid Scheme. It is, accordingly, the object of the Scheme that the application process for legal aid must:

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- ensure that applicants provide complete and accurate information for the purposes of legal aid, and
- provide simple and clear guide on legal aid and ensure that applicants know what to expect from the Scheme.

The law generally requires an application for legal aid to be submitted in the form as prescribed by the Board of the Scheme. In practice, however, there are different ways in which the Scheme may be first contacted to set its legal aid machinery into motion. The peculiarities of these different modes of first contact highlight the nuances of the relevant steps to be taken in the application process for legal aid.
The goal of the Scheme is to be flexible enough to accommodate all types of first contacts while being thorough at the same time to ensure that applicants submit complete and accurate information necessary for processing applications and delivering legal aid in a professional and an expeditious manner.

In very broad terms, there are two ways in which the legal aid machinery may be set into motion:
- by direct application to the Scheme, and
- by a referral to the Scheme.

A person may make an application directly to the Scheme. The form of first contact may require different steps to complete the application process. In general, a legal aid applicant may apply for legal aid at any office of the Scheme by simply walking-in to fill a legal aid Application Form - Form A.

There are two main stages for walk-in applicants:
- the reception of the applicant and
- the intake of the applicant’s case.

- A person who walks-into an office of the Scheme must first be received by a receiving officer.
- The reception of a prospective applicant is only procedural and does not involve any substantive decision concerning the delivery of legal aid.
- It does not involve the determination of the eligibility of
the prospective applicant.

- It is not the stage for the determination of the eligibility of the applicant’s case for legal aid.
  - It is not the stage for deciding what form of legal aid will be most suitable.
  - In practice, however, it would not be unusual for applicants to want to let off some steam and rehash their case to the receiving officer.
- Where a prospective applicant is a person with special needs including a minor, the Scheme shall ensure that the reception area and officers are able to cater to such needs.

- The reception of a prospective applicant has the main aim of recording the person’s contact details.
- The Scheme shall designate an area in all the Offices of the Scheme as the reception area for the receipt of applicant for legal aid.
- The Scheme shall ensure that an officer of the Scheme is designated to act as the receiving officer.
- For the purpose of receiving applicants, the Scheme shall maintain a Receiving Book to collate the contact details of applicants.

**Duties of the Receiving Officer**

- The receiving officer must exhibit the best human relations in receiving the applicant.
- While this may include showing some empathy, the receiving officer must be professional and avoid doing anything that would in any way suggest a determination of the applicant’s case.
It shall be the duty of the receiving officer to ensure that the prospective applicant is well received at the Scheme and referred to an intake officer.

The receiving officer shall inquire from the prospective applicant her contact details and record same in the Receiving Book.

Where the prospective applicant is a minor, a person with disability or aged, the Receiving officer shall ensure that actions undertaken take into account the situation of the prospective applicant.

The next step after the reception stage is to refer the applicant to an Intake Officer.

All applicants must complete Form A.

Form A incorporates the means test by which the Scheme determines the eligibility of the applicant.

The application intake process includes:

- assisting the applicant to complete the legal aid Application Form (Form A),
- obtaining every information and document that will be relevant to providing legal aid,
- initial assessment of the applicant’s case including verifying the completeness and correctness of all particulars of the applicant,
- informing the applicant about legal aid services and processes,
- acknowledgment of receipt by the Scheme (if applicable), and
- registering and processing the application electronically on the Scheme’s software system.
For the purpose of the intake process, the Scheme shall maintain an Application Register, which shall be a register of applications received by the Scheme.

The particulars contained in the Applications Register shall include:
- the name and address of the applicant,
- the name and address of the respondent;
- the case or reference number,
- the nature of the case, including details where the matter is in court
- the date of the application, and
- remarks by the intake officer.

Not all applicants will be able to read and write and complete Form A on their own. Where an applicant is unable to read or write, the following steps must be followed.
- The Intake Officer must complete Form A on behalf of the applicant.
- The Intake Officer must read and explain the contents of the application, with information from the applicant.
- The Intake Officer must certify that the applicant has fully understood or appears to fully understand and appreciate the contents the application so recorded.
- The applicant must thumbprint the application.
- The Intake Officer must prepare and sign a jurat - certify that having read and explained the contents of the application to the applicant, the applicant has fully understood or appears to understand and appreciate
the contents of the application.

- An example of a jurat would read:
  “I... (name of officer) hereby certify that I have read and explained the contents of this application to... (name of complainant), the Applicant herein in the... language and he/she fully understands or appeared to understand and appreciate the contents of the application before appending his/her mark”

The goal of the Scheme is to operate child-sensitive, child-friendly and gender appropriate legal aid procedures which will adequately serve the juvenile justice needs of Ghana.

- The best interest of the child is the primary consideration in all cases involving children in accordance with relevant national and international legislation. This may require that under certain circumstances, a child may be considered a fully-fledged applicant of the Scheme.
- Reception and Intake officers shall be trained in and knowledgeable on children’s rights and related issues, receive ongoing and in-depth training and be capable of communicating with children and young people at their level of understanding.
- Where the applicant is a minor or a Juvenile, the Reception and Intake officers shall take steps to ensure that the guiding principles of confidentiality are upheld to the utmost level.
In any case, where the applicant is a minor or a juvenile, the Reception and Intake officers shall ensure that in every action the is carried out is in the best interest of the Minor or the Juvenile.

Where the Minor/Juvenile is also an illiterate, the Intake officer shall comply with the process above but shall ensure that compliance is in the best interest of the Minor/Juvenile.

**Duties of the Intake Officer**

- The Intake Officer must assist the applicant to complete Form A.
- The Intake Officer shall open a file for the applicant, where he shall deposit the competed Form A.
- The Intake officer shall ensure that the file is appropriately labelled with basic details of the applicant.
- Where the applicant is a minor, a person with disability or aged, the Intake officer shall ensure that actions undertaken take into account the situation of the applicant.
- The Intake officer shall forward the file containing the Form A to the Legal Aid Client/Case assessment Committee in accordance with procedures laid down by the Committee.
The law requires that an application for legal aid must be in the form prescribed by the Scheme - by filling a legal aid application form. In practice, however, not every applicant may be able to come at first hand to the Scheme offices.

An applicant may make first contact to the Scheme by telephone.

Where a prospective applicant first contacts the Scheme by telephone, the call must be referred to an Intake Officer to:

- explain the processes of the Scheme to the caller, and
- invite the prospective applicant to visit the office of the Scheme to complete an application form in the same manner as a walk-in applicant or mail an application form to the person to be completed and submitted to the Scheme.

- Where the concerns of the caller are addressed, the Intake Officer shall make a record of the call and the issue addressed.

An applicant may make first contact to the Scheme by some other medium including a letter, telex, fax, email or such other means of communication.

In such a case, an authorised officer must within 3 working days contact the prospective applicant by the same or other means of communication to:

- acknowledge receipt of the applicant’s communications,
- briefly explain the processes of the Scheme, and
invite the person to visit the office of the Scheme to complete an application form in the same manner as a walk-in applicant or mail an application form to the person to be completed and submitted to the Scheme.

Where practicable the Scheme will mail to the prospective applicant a copy of Form A.

The Scheme shall endeavour to setup a website with online application for legal aid.

The website will provide for processes for the completion and submission of Form A to the Scheme.

The website will also provide means through which the prospective applicant may receive feedback and particularly on the success of the application.

A legal aid matter may be referred to the Scheme by:

- a court,
- the police or such other authority along the chain of the criminal justice system,
- the Commission on Human Rights and Administrative Justice,
- Ministries Departments and Agencies (MDAs) and
- Civil society organizations.
A court may refer a matter for legal aid where it appears desirable to the court in the interests of justice that a party should have legal aid, and that the party is financially unable to obtain the services of a lawyer. The court may refer a matter for legal aid in two different ways:

- the court may refer a matter directly to the Scheme, and
- the court may assign a private lawyer by way of legal aid to a party to proceedings before it.

A referral of a case by the court to the Scheme may be in the form set out in Form B - the Court Referral Form.

The legal aid referral form shall be completed by the registrar of the court indicating, among others and an attachment of the proceedings so far if any:

- the title of the case and the party referred to the Scheme,
- the court that assigned the case for legal aid,
- the date on which the case was initiated in court,
- the date on which the case was referred to the Scheme,
- the particulars of the case assigned for legal aid,
- reasons for assigning the case for legal aid.

A person referred to the Scheme by a court for legal aid shall complete a legal aid application form in the same manner as a walk-in applicant.

- All such persons referred to the Scheme shall be deemed eligible for legal aid.
- They may, however, contribute to some of the cost of litigation subject to the outcome of the means assessment.

The Scheme shall collaborate with the judiciary and maintain a register of all cases in which the court has
assigned a private lawyer by way of legal aid to a party to proceedings before the court. The register shall include:

- the title of the case for which and the party for whom the lawyer has been assigned,
- the name of the lawyer assigned and the firm to which he/she belong,
- the court that assigned the case for legal aid,
- the date on which the case was initiated in court,
- the date of assignment,
- the particulars of the case assigned for legal aid,
- reasons for assigning the case for legal aid, and
- an indication of the status of the case to monitor the progress.

The Scheme shall collaborate with all private lawyers to whom the courts have directly assigned legal aid cases to ensure efficient and effective delivery of legal aid.

The Constitution guarantees every person in detention or charged with a criminal offence in Ghana the right to legal representation, which includes legal aid for persons who cannot afford their own lawyers. Legal aid at the police stations and other criminal justice institutions including the prisons is, however, not an established practice in Ghana, even though some concerted efforts have been channelled in that direction. Legal assistance is very minimal at Ghana’s police stations not because the law does not allow for such assistance to be provided at police stations and other places of detention. It is an important object of the Scheme to work
with the police, the prisons authorities and other security agencies to create and expand avenues by which the Scheme may make contact with persons charged with criminal offences and persons held in detention who cannot afford their own legal representation to provide them with legal aid.

- The Scheme shall, accordingly, collaborate with the police and other security agencies to ensure that persons who come into conflict with the law and who cannot afford legal representation of their own shall be informed of the availability of legal aid and be referred to the Scheme.
- A referral of a case by the police or other security agency to the Scheme may be in the form set out in Form C - the Police Referral Form.
- A person admitted to bail and referred to the Scheme by the police or other security agency shall contact the Scheme to complete a legal aid Application Form.
- A detaining institution/official shall as soon as practicable inform the Scheme of the detention of persons who cannot afford their own legal representation.
- The Scheme will maintain and regularly update a register of all such persons in detention who cannot afford their own legal representation.
- The Scheme will as soon as practicable contact such persons in detention who cannot afford their own legal representation with the view of providing legal aid.
- All such persons in detention shall complete a legal aid Application Form with the assistance of a legal aid personnel or such other persons that the Scheme and the detaining authority may specify.
In the course of an inquiry into a complaint of victimization of a whistleblower, the Commission on Human Rights and Administrative Justice is empowered to refer the whistleblower to the Scheme if in its opinion; the whistleblower is in need of legal assistance.

- A referral of a whistleblower by the Commission to the Scheme shall be in the form of a Certificate for the Provision of Legal Aid to the Whistleblower.
- A whistleblower referred to the Scheme by the Commission shall complete a legal aid Application Form.

The Commission may also refer to the Scheme all such matters that do not fall within its mandate.

Where MDAs, MMDAs and other agencies make a referral to the Scheme, the referral shall be on the official letter head of the referring agency.

The referred applicant shall complete Form A.

- The Scheme shall have a selection Committee in every regional and district office.
- The Committee shall have at least one lawyer.
- The Committee will be responsible for the consideration and approval of applications for legal aid.
The Selection Committee will use the information on FORM A to make the assessment of the applications for legal aid.

The Committee shall rely on the Eligibility and Selection Criteria as set out by the Manual and as determined by the Board from time to time.

In place of the selection committee, the Scheme will adopt the platform of Director’s Meeting to consider and approve legal aid applications.

In each office of the Scheme, a Director’s Meeting shall comprise the Director of the office and at least two relatively senior officers selected by the director.

The Director’s Meeting shall take place twice every week.

The Director’s Meeting shall rely on the Eligibility and Selection Criteria as set out by the Manual and as determined by the Board from time to time.

The policy objective of the Scheme is not only to ensure that no one with a legal problem and who is unable to resolve that problem is denied access to justice because of the lack of means to do so but also ensure, ultimately, the adherence to the Constitution.

This policy objective is important in Ghana’s justice system especially as it:
addresses the issue of cost as a barrier to accessing justice;
enforces that the vulnerable and the needy are able to resolve their legal problem without being restrained by the cost of doing so; and
ensures that constitutional values are upheld.

To ensure that only eligible persons are aided, it is the goal of the Scheme to adopt fair and transparent measures that would enable it to accurately assess the needs of applicants and determine whether the applicants are qualified for legal aid.

Whether a person is eligible depends on a number of factors including:
- the person's means,
- the nature of the case,
- the costs of the legal representation, and
- such special circumstances regarding the case and the person that may cause hardships to the person if legal aid is not granted.

The Constitution sets out the nature of cases in which legal aid may be granted. According to article 294 of the Constitution, legal aid shall be granted:
- for the purpose of enforcing the provision of the Constitution, and
- in such other matters as Parliament may prescribe.

Parliament has given effect to the constitutional provision on legal aid by providing for legal aid to be given in criminal and civil matters and secondly also for public interest issues.
The Constitution grants every person the right of audience before the Supreme Court to enforce the Constitution. In other words, any person can bring an action to enforce a provision of the Constitution.

The eligibility for an action to enforce the Constitution shall be assessed by using the reasonable ground/merit test - that the potential beneficiary has reasonable grounds for taking, defending, prosecuting or being a party to the proceedings.

A person may be refused legal aid if in the assessment of the Scheme, the action

- has no reasonable prospect of success, or
- is frivolous or vexatious.

In assessing the reasonableness of a ground for an action to enforce the Constitution, the Scheme shall take account of

- the background of the case,
- the evidence provided, and
- all questions of facts and the principles of law applicable to the case.

Section 2 of Act 542 lists civil cases for which legal aid may be granted to include matters relating to:

- landlord and tenant,
- insurance,
- inheritance with particular reference to the Intestate Succession Act, 1985(P.N.D.C.L 111),
- maintenance of children,
- any other civil matter as prescribed by Parliament, and
- any matter which, in the opinion of the Scheme, requires legal aid.
The Scheme will apply the merit test in matters concerning the eligibility for civil legal aid.

- To qualify for civil legal aid, a person must first satisfy that there are reasonable grounds to grant legal aid and that legal aid is justified in the particular circumstances of the case.
- The Scheme will refuse to grant civil legal aid where:
  - the applicant for legal aid has no sufficient personal interest that would justify pursuing a matter, unless it is a public interest matter,
  - the applicant has no reasonable chance of winning the case,
  - the case is trivial - it is frivolous or vexatious, or
  - in the opinion of the Scheme, it appears unreasonable or undesirable that the applicant should receive aid in the particular circumstances of the case, and
  - having regard to the nature of the aid to be provided and the applicant’s interests, the cost of legal aid far exceeds any benefit to the applicant such that it would not justify legal aid.

- The Scheme shall in assessing the merits of a case take into account the fact that the applicant is in a highly vulnerable position and/or legal services are urgently required.
- The factors to be considered in assessing whether to grant civil legal aid are not different from those to be taken into account for constitution enforcement cases.
- The Scheme shall stake account of
  - the background of the case,
  - the evidence provided, and
  - all questions of facts and the principles of law applicable to the case.
The lack of legal representation in a criminal matter at all stages of Ghana’s criminal procedure may among others increase the risk of unlawful arrest and detention, wrongful convictions, and inappropriate sentencing.

In principle, legal aid may be granted for all criminal cases and at all stages of Ghana’s criminal procedure - during police inquiry or arrest, during detention, including pre-trial detention, during trial, and during appeal. This is inherent in the constitutional rights to fair hearing and the protection of personal liberty.

The test applicable to criminal legal aid is the interest of justice test - whether it is desirable in the interest of justice that legal aid should be granted for that criminal matter.

A criminal matter would be eligible for legal aid where the applicant may suffer substantial injustice if legal aid were to be denied.

In assessing whether it is desirable in the interest of justice to grant legal aid in a criminal matter, the Scheme shall stake account of:

- the consequences for the applicant if aid is not granted,
- the gravity of the offence,
- the punishment of the offence - whether the applicant is likely to lose his or her liberty or livelihood or suffer serious damage to his or her reputation,
• the criminal record of the applicant,
• whether the proceedings involve a substantial question of law,
• whether there are complex factual, legal, or evidential matters that require the determination of a court,
• whether the applicant is able to understand the proceedings or state/present his or her own case,
• the grounds of appeal,
• any other circumstances that, in the opinion of the Scheme are relevant.

As a general rule an applicant indicted for an offence punishable by death or life imprisonment would suffer substantial injustice if legal aid is denied.

The object of legal aid in Ghana is to provide assistance and State funded legal representation to only persons who do not have sufficient means to pay for legal services. This object is achieved by the application of two tests - the minimum wage test and the means test.

The Legal Aid Scheme Act provides that a person who earns government minimum wage is eligible to legal aid if such persons desire legal representation. Thus, as rule of thumb:
• any applicant who earns below the minimum age is eligible for legal aid and the Scheme may not refuse the application of that person provided that the person satisfies the merit test.
Act 542 also gives the Scheme the discretion to determine what persons, other than those earning the minimum wage or less, may be granted legal aid. Whether a person can afford or pay for legal representation depends on the person's means and the costs of the legal representation. The Scheme applies the means test to make that determination.

The Scheme shall refuse to grant legal aid if the applicant's disposable income or disposable capital/assets exceeds the thresholds that the Scheme may prescribe from time to time and there are no special circumstances demonstrated after having taken into account the likely cost of the proceedings and the applicant's ability to fund the proceedings if legal aid is not granted.

The special circumstance condition for granting legal aid for persons earning above a specified threshold would be satisfied if in the opinion of the Scheme, the case is one that requires legal representation (having regard to the nature of the proceedings and to the applicant's personal interest) and the Scheme considers that the applicant would suffer substantial hardship or injustice if aid were not granted.

There are two important ingredients in applying the means test - the disposable income and disposable capital/assets.

- The disposable income is the net income which is the gross income of the applicant less all allowable deductions during the 12 months immediately before the application for legal aid or during such period of 12 months as the Scheme may deem appropriate.
[Disposable Income = Gross Income - Allowable Deductions]

- The allowable deduction include allowances for tax, rent utilities bills, reasonable living expenses of the applicant, and allowances as set out on a specified list by the Scheme on a scale for dependents (based on the Ghana Living Standard Survey).

- The disposable capital/assets comprise anything of substantial value that could be sold or redeemed to raise funds to pay for the legal services, less any debts secured against those assets and actual debts of the person, other than those that are secured. The assets include, stocks, shares, bank savings and other money instruments, buildings other than the home of the applicant, and jewellery; but excludes household furniture and appliances, personal clothing, and tools and implements of trade.

The legal aid application process starts with a consideration of the application and a decision whether to approve it and if it is to be approved, the type and extent of the assistance to be granted.

- The Selection Committee or the Director’s Meeting must follow the under-listed multi-step procedure in determining whether to approve a legal aid application.

- In the determination of the nature of the case the Committee or the Meeting shall be guided by the following:
Where the case is one for the enforcement of a constitutional provision, then the applicable test is as set out in article 294(1) of the Constitution: the reasonable ground/merit test –
- Does the party have reasonable grounds for taking, defending or being a party to the proceedings?
- If yes, then the Scheme has no further discretion in the matter; the applicant would be entitled to legal aid as of right, and the application must be approved.

Where the case is not a constitutional matter, then one or a combination of three tests come into play:
- the minimum wage test,
- the merit test,
- the means test.
- the interest of justice/public interest test.

For all other matters (civil and criminal), the merit test, means test and the interest of justice/public interest test will apply in different degrees depending on the nature of the case in question. The critical questions would be:
- are reasonable grounds presented by the applicant and do the particular circumstances of the application justify the grant of legal aid,
- is the applicant qualified for legal aid as an indigent,
- would the grant of legal aid serve the interest of justice or the public interest?
In the determination of what type of legal aid to provide, the Meeting or Committee shall be guiding by the following:

- litigious legal aid - for cases that must be litigated, or
- non-litigious legal aid - for cases that the Scheme may adopt ADR to give effect to a compromise to avoid or to bring litigation to an end.

The Committee or Meeting should also decide who to assign the application to, in accordance with the provisions of the Manual regarding the assignment of cases.

The Scheme shall inform the applicant as to whether an application has been approved or rejected within 7 days after the approval or rejection.

- Where the application is rejected, the applicant shall be furnished with reasons for the rejection and informed of the right to appeal against the rejection.
- Where the Scheme rejects an application but considers that some other institution is more suited to handle the matters involved in the application, the Scheme shall refer the applicant to such other institution.
- A referral by the Scheme shall be in the form of Form D.
An applicant has the right of appeal to the Regional Committee against the refusal of the Scheme to grant legal aid.

- An application against the refusal to grant legal aid shall be in writing stating clearly the grounds of appeal.
- An appeal against the refusal of legal aid shall be filed within three months of the applicant being informed of the refusal.
- The Regional Committee shall determine the appeal within two weeks on receiving the appeal.
- The Regional Committee shall be guided by the eligibility criteria of the Scheme.
- There are no further internal appeals beyond the Regional Committee.
- If the Regional Committee also refuses legal aid, the legal aid applicant’s internal remedies are exhausted and may apply for a judicial relief if still dissatisfied.

- A referral by the Scheme shall be in the form of Form D.
Chapter 5: MANAGEMENT OF CASES AND CLIENTS

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This part of the Manual describes the general processes to be undertaken by staff of the Scheme when the Scheme decides to offer legal aid to an applicant.

1) Where the Scheme accepts the application, the application is assigned to a legal aid personnel.
2) All assignments to lawyers outside the Scheme shall be on Form E.
3) The assignment of a case would depend on the nature and type of the case.
   a. Non-litigious cases may, for instance, be assigned to non-lawyers trained in ADR techniques.
4) The Scheme shall provide a list of cases being handled by a legal aid personnel to the Director’s Meeting or Selection Committee.
5) The Meeting or Committee shall ensure that cases are evenly assigned to a legal aid personnel.
6) The Meeting or Committee shall monitor the number and type of matters undertaken by each lawyer outside the Scheme to ensure that they are within his or her capacity.
7) An applicant may suggest but shall not dictate the legal aid personnel to which their case should be assigned.

1. Police Assistance
The Scheme shall refer all matters in which it may require police assistance in the form of Form F.
2. Cases for litigation

1) Generally every case can be the basis to commence an action in court and thus be a basis to commence litigation.

2) In assigning a case for litigation, the Committee should be mindful of the interest of the applicant and the existing problems relating to the backlog of cases pending in the courts.

3) Where the applicant is already a named defendant in an action, the Committee or meeting shall designate this as a case for litigation.

4) However, the Committee or Meeting may request the personnel to consider proposals to embark on Alternative Dispute Resolution Mechanisms.

3. Cases for ADR

1) In the determination of cases to assign for ADR, the Committee or Meeting shall be guided by the fact that certain cases are not suitable for any type of ADR. These include:
   a. Child custody cases where abuse is alleged
   b. Dispute raising constitutional, human rights or important public law issues
   c. Civil disputes in which substantial fraud, forgery or stealing is alleged
   d. Where ADR may be used as a tool for abusing the process of the court.
a) File management

1) The Scheme shall develop a document retention policy for client files and records. The content constitutes the policy on file management subject to the general law and the schemes other than the guiding principles.

2) It is the duty of the officer assigned to a particular case to keep the file of the client in a good and proper manner.

3) In instances where legal aid has been granted in respect of two or more matters of the same person, separate files shall be opened for each matter.

4) The file should be kept in a manner and in a place such that the status of the file and action taken can be easily verified by other legal aid personnel.

5) Documents in a file should be arranged in an orderly manner.

6) Every file shall have summary information shown clearly on the file which will include details of any undertakings given on behalf of the client by the Scheme.

7) At all times, files must show a complete, readily identifiable record of relevant documents, events and work.

8) The documents include all correspondence, memos, telephone messages, court documents, medical reports and certificates, witness proofs, statements, expert reports, photographs, proof of income/tax documents and research documents.

9) Details of personal or telephone communication must be noted on file. The record must include date and time of the communication, persons present, instructions taken, advice given and length of time.

10) Details of all work and or research undertaken must be noted on a file.
11) The supervisor to a legal aid personnel who handled a case has the responsibility to review the file upon completion to ensure all necessary steps have been taken prior to finalizing the matter.

12) The papers in a brief delivered to a lawyer are the property of the client, and the lawyer has no right to lend them to any person without the consent of the client.

b) Data Entry and Migration
1) The Scheme shall take steps to improve data documentation and migration onto virtual servers.
2) The Scheme shall ensure a progressive migration of data onto an online user-accessible interface.
3) The Scheme shall engage or train in-house data entry and service developers.

c) Meeting with Clients
1) A legal aid personnel assigned to an applicant has a duty to convene a meeting with the client not later than 5 days after being assigned the case.
2) At the meeting, the legal aid personnel has to introduce himself, and explain the purpose of the interview.
3) The legal aid personnel shall endeavour to use active listening skills to build rapport with the client.
4) The legal aid personnel shall explain the law related to the client’s problems and the client’s options in language which is clear and avoids legal jargon.
5) The legal aid personnel shall ensure that the client understands their options.
6) Where the client is a child/minor or juvenile, the legal aid personnel shall assess whether it is appropriate for parents or other adult relative to be present when meeting to give advice to client.
7) Where in the assessment of the legal aid personnel it is appropriate to meet the child/minor/ or juvenile in the absence of a parent or adult relative, the legal aid personnel shall ensure with the consent of the child the presence of another legal aid personnel.

8) The legal aid personnel shall at all times bear in mind that a child/minor or juvenile is the client and that parent or adults may sometimes influence the instructions obtained from a child.

9) Where the client is a child/minor or juvenile, the legal aid personnel shall always be guided to take actions and give advice which is in the best interest of the child/ minor or juvenile.

10) For this purpose, each legal aid personnel shall maintain a Record Book which shall be a register of activities undertaken.

11) A Record Book shall include the following particulars:

<table>
<thead>
<tr>
<th>Name of Legal Aid Personnel</th>
<th>Title of Case/Case No</th>
<th>Date</th>
<th>Activity Undertaken</th>
<th>Nature of Case</th>
<th>Remarks</th>
</tr>
</thead>
</table>

d) Case management etiquette

1) The legal aid personnel shall ensure that the legal process and procedure relating to the matter is fully explained to the client.

2) The legal aid personnel shall ensure that the client is kept fully briefed on the progress of their matter.

3) When it becomes apparent that the matter will be delayed, the client is to be advised.

4) Where the legal aid personnel is unable to represent or meet with the client on a particular occasion, a substitute legal aid personnel shall be arranged and fully briefed on
the matter to attend the meeting or to offer the representation.
5) A legal aid personnel before handing a case to a substitute legal aid personnel shall provide summary of the case on Form J.
6) Client telephone messages shall be responded to within a reasonable time and not exceeding a day after the call was received.
7) The client shall be briefed on the outcome of the matter and any further action required by the client is explained fully.
8) Any original documents and property shall be returned to the client unless there is a mutual arrangement to retain them with the Scheme.
a) File management

1) The file management requirements for ADR shall not be different from those for litigation.

2) For the purpose of keeping track of all cases assigned in-house and the activities undertaken on such cases, the Scheme shall maintain a Daily Case Book which shall be in the following form.

<table>
<thead>
<tr>
<th>Title of Case/Case Number</th>
<th>Nature of Case Action taken</th>
<th>Action taken</th>
<th>Future Appointment (Date/Time)</th>
<th>Remarks</th>
</tr>
</thead>
</table>

b) Meeting/Contact with the Parties

1) The ADR Officer may meet/contact the parties to:
   a. fix the date, time, and venue of mediation,
   b. identify issues in dispute,
   c. elicit from parties relevant information for the resolution of their dispute,
   d. build rapport with the parties and gain their confidence, and
   e. clarify the expectations.

2) The pre-mediation contacts with parties must:
   a. ensure that the parties have a full appreciation and understanding of mediation,
   b. agree to submit themselves to the mediation,
   c. understand that where mediation breaks down, the parties may always have the option to resort to a judicial process, and in that instance, clearly explain to the aided person the circumstances under which the Scheme may continue to grant legal aid for litigation,
   d. assist parties to evaluate the effect that a mediated settlement may have on their strict legal
c) Case management etiquette

3) Throughout the mediation process, the ADR Officer must be guided by the following accepted principles of mediation, including:

a. Separate the people from the problem - the parties must be guided to adopt problem-solving approach and not allow personality differences, emotions, perceptions, and prejudices to side-track the resolution of the dispute.
b. Focus on interest, not position - the parties must avoid taking and defending positions and rather concentrate on their respective underlying interests.
c. Invent options for mutual gain - before making decisions, the parties must generate as many options as possible particularly those creating mutual benefit.
d. Base resolution on objective criteria - the parties must use fair criteria, standards, and procedures for a resolution, rather than focusing on their whims and prejudices.

4) An invitation to a person to attend a mediation session shall be in Form G.

5) During the mediation session the ADR Officer must ensure the following:

a. Make a clear opening statement
   i. explaining the mediation process over again to the parties,
   ii. clarifying again that the parties agree to submit to mediation,
   iii. setting out the ground rules of the mediation
session,
iv. emphasizing on the confidentiality of the process, and
v. giving parties the opportunity to seek clarification on any issue concerning the process.

b. The parties must be given adequate time to make their initial statements.
i. It is not unusual for the parties to be very emotional at this stage of the mediation process.
ii. The ADR Officer must employ all communication skills to enable the parties to express their feelings and grievances.
iii. These may include active listening skills, positive body language, empathizing with the parties and showing understanding of their situations and feelings, while being careful at the same time not to suggest any bias in favour of one party.

c. Throughout mediation, ADR Officer as the mediator will serve as:
i. The Convener of the Mediation Process - the ADR Officer
   1. must always maintain a positive resolution seeking atmosphere,
   2. assist parties to reach procedural agreement concerning the mediation,
   3. must always enhance communication between the parties,
   4. must adequately manage the emotions of the parties,
   5. must maintain civility between the parties, and
   6. maintain control of the process in a professional manner and keep parties from
intimidating and interrupting each other.

ii. The Conflict Assessor - the officer must not only understand the dispute/conflict but must also understand it from the viewpoint of the parties.

iii. The Neutral Third Party - the ADR Officer
   1. must not only ensure that the process is neutral but also that the parties perceive it to be neutral, and
   2. regain the confidence of the parties where, as would often be the case, the parties take turns to challenge the ADR Officer’s neutrality and when the perception of neutrality is lost at any time.

iv. The Active Listener - the ADR Officer
   1. must pay attention to the parties,
   2. summarize and reframe their statements and viewpoints in a way that would reduce tension and aid settlement, and
   3. provide acknowledgement and validation to the parties, while remaining neutral.

v. The Reality Tester - the ADR Officer
   1. must mirror the parties viewpoints back to them and get the parties to re-think their positions in a realistic manner, and
   2. provide feedback to the parties and assist them to test the validity or credibility of their positions.

vi. The Generator of Options - the ADR Officer
   1. must ask questions to generate options, and
   2. assist the parties to find solutions.

vii. The Convener of Caucus - the ADR Officer
   1. must occasionally meet separately with the
parties with view of having parties critically assess their positions and interests to aid settlement, and
2. must maintain the confidentiality of caucus subject to the consent of parties to make disclosures.

6) Closure.
   a. The ADR Officer must assist parties to gain closure.
   b. Throughout the mediation, where there are aspects of the dispute to which the parties could gain closure, the Officer must formulate the terms of a possible settlement to those aspects of the dispute and bring them to closure.
   c. The ADR Officer must assist the parties to build on small series of closures to reach the final settlement.
   d. All terms of settlement must be recorded and must be in writing as indicated in Form H.
   e. The Scheme shall maintain a Client/Mediation Attendance Register that shall include the following particulars:
      i. title of case and case numbers,
      ii. date attended,
      iii. time of arrival of applicant,
      iv. time of arrival of respondent,
      v. purpose of session (for mediation or simply to meet officer,
      vi. name of officer to be contacted, and
      vii. remarks by officer.
The Scheme may operate the following two tier performance appraisal.

**a) 360 internal periodic appraisals**

The Legal Aid Scheme shall adopt a 360 internal periodic appraisals system. This system shall require that Employees evaluate themselves; Employees are evaluated by their peers; Employees evaluate their supervisors, Supervisors evaluate their Subordinates (Employees). Towards this end, the Legal Aid Scheme shall generate appropriate performance appraisal forms to be administered on a quarterly basis. The appraisals shall be conducted at the district, regional and national offices of the Legal Aid Scheme. Appropriate appraisal forms shall be developed for this purpose.

**b) Annual external performance appraisal**

At least once a year, preferably in the last quarter of the year, the Board shall acting in consultation with the Director constitute an external performance appraisal team. The team shall be composed of at least three (3) persons possessing relevant experience.

The team shall study:

a. The 360 internal periodic appraisals; and
b. The reports of the Performance Review Committee

The team shall on the basis of its study make recommendations to the Board.

The recommendations made by the team should indicate what actions should be taken to reward deserving staff as well as measures that must be taken in respect of improving the general performance of the staff of the Scheme. The Board shall consider the recommendations of the performance review team and issue out appropriate rewards and sanctions.
1) The Scheme shall designate an officer in every Regional or District office to be in charge of the management of logistics.

2) The designated officer shall be responsible for the effective planning and scheduling of logistics requirements to ensure that supplies, equipment, are available to serve operations of the Legal Aid Scheme.

3) He shall:
   a. Maintain adequate inventory levels and keep records of the disbursement of supplies;
   b. Ensure that supplies determined to be missing are promptly reported to the ranking or most senior legal aid personnel in the Office.
   c. Ensure the prompt submission of a Report of Survey for Lost, Misused, Damaged or Destroyed Supplies;
   d. Where relevant, make a request for supplies by memo addressed to the ranking or most senior legal aid personnel in the Office;
   e. Submit monthly logistics management reports to the ranking or most senior legal aid personnel in the Office.

4) On receipt of a request for supplies, the ranking or most senior legal aid personnel in the Office shall take necessary steps to procure relevant supplies for the office.

5) The request for supplies shall be made at such reasonable times so as not to impede the work of the Scheme.

The procurement of supplies and logistics by the Scheme shall be in accordance with the relevant laws on public procurement.
The senior legal aid personnel in the office or a person designated by him/her shall be in charge of the general office management. This shall include management of logistics, supervision of cleaning, maintenance and all general office duties.

Where practical, a cleaner shall be engaged to undertake cleaning of the premises. Cleaning shall be supervised by the person in charge. All staff shall support to ensure that the office premises are cleaned at all times by maintaining some standard clean environments.

Official vehicles including motorcycles shall be used for official purposes only.

Request for the use of official vehicles shall be made in writing in a prescribed format and approved by a Regional, District or Head of Departments or by a person delegated by him.

All use of official vehicles shall be recorded in a log book which shall be maintained for such purposes.

The Scheme shall ensure that best research and monitoring practices are incorporated in its work. The Scheme shall be committed to developing best practice models in legal aid delivery.
Chapter 5: MANAGEMENT OF CASES AND CLIENTS

The Scheme shall conduct routine field visits to ascertain issues confronting the delivery of legal aid. The Scheme shall generate and implement proposals for reform based on the data gathered from the complaints scheme as well as the field visits.

The Scheme shall regularly consult staff on the feasibility of internal policies and challenges to implementation of policies including the Operating manual.

Unless otherwise authorised by the senior ranking officer in the Office or Department, all outgoing letters shall be vetted and signed by that senior ranking officer in the Office or Department.

All official communications or communications relating to administrative process should emanate from the Head of Department or be authorized by him.

As far as practicable, all Heads of Departments should be copied in all internal official communications.

All official communications between the Board of the Legal Aid Scheme and the Legal Aid Scheme shall be channelled through the Executive Director.
Chapter 6: FINANCES

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APPENDICES 118
Chapter 6: FINANCES

1) The fund for the operation of the Scheme excluding fees from applicants includes the following:
   a. money provided by Parliament,
   b. donations from Individuals and Organizations, and
   c. gifts

2) To ensure the sustainability of the Scheme, there is the need to put in place or explore other avenues for obtaining funds.

Applicants are exempted from paying the following:
   a. The Prescribed fee in respect of the filing of relevant court processes
   b. The cost of preparing appeal records.

1) The Scheme shall maintain a Stamp Book to record particulars of all processes filed.
2) The Stamp Book shall be in the following form: Date Title of Case/Case Number, Nature of Case Title of Document, Document Prepared by Document Signed by

3) Legal aid may be granted in full or in part.
   a. Full legal aid shall comprise total exemption from the cost of proceedings, the cost of appointing a lawyer or a legal adviser.
   b. Partial legal aid may include partial exemption from the cost of proceedings.

4) For the purpose of contributions by the beneficiary, the Scheme shall maintain a Payment Book which shall include the following particulars:
   a. title of case/case number,
   b. name of beneficiary,
   c. amount paid,
   d. purpose of payment,
e. name and signature of officer who received the payment, and
f. signature of the accounts officer.
5) The Board may instruct the Director to pay on behalf of the applicant all or such of the expenses related to the case of the applicant as it may determine.
6) The Board may alternatively decide not to charge any fees from the applicant, however, if at the end of the case an award is made in favour of the applicant, the Board may recover from the applicant the expenses incurred on his/her behalf.

1) The Legal Aid Scheme is not to bear the following:
   ▪ transportation expenses of the applicant,
   ▪ food and/or accommodation expenses of the applicant.
2) The Scheme does not accept liability for the travelling or subsistence expenses of beneficiaries.
3) The Scheme does not accept liability for the costs associated with the transportation, food or accommodation of witnesses.
4) The Scheme does not accept liability for any costs or any other amounts awarded against an unsuccessful beneficiary on any grounds whatsoever, during the course of proceedings.
5) The legal aid provider must inform the clients about the exclusion of these costs.
6) It is important to note that Legal Aid does not generally require clients to make an initial contribution except to the costs set out here.
7) In the case of an applicant who does not meet the means
test but who is granted legal aid on the grounds of exceptional or other circumstances, the Scheme may require the person to contribute to the cost of proceedings.

8) Legal Aid does not cover the following expenses of applicants related to:
   a. Medical treatment, operations or hospitalization
   b. Travel for visiting medical practitioners.
   c. Clients attending a medical consultation or examination.

a) Allocation of funds for administration
1) The Board shall ensure the submission to the Minister responsible for Finance through the Minister detailed estimates of the budget for the Scheme for the ensuing year.
2) After the approval of the Budget, the Board, through the Executive Director, shall ensure adequate and timely release of funds to the Regional and District offices of the Scheme for the running and administration of the offices.
3) Each Region shall have a financial committee consisting of three members and who shall be responsible for the monitoring and allocation of funds within the region.

b) Allocation of Funds for service providers
1) The fees of the private legal aid service provider including their transportation to court are not to be borne by the applicant.
2) All requests for disbursement of funds, once approved by the competent person shall be dealt with expeditiously in order not to hamper the work of the Scheme.
c) **Funds accounting**

In order to effectively manage the accounts of the Scheme and to ensure that funds are put to good use:

a. Books of account and proper records should be kept by the Board in the form approved by the Auditor General.

b. These account books and records shall, within three months after the end of each financial year, be audited by the Auditor-General or an auditor approved by the Auditor-General and a report on the audit shall be submitted to the Board.

d) **Submission of Reports**

i. The monthly reports on the operations of the Scheme in each District is to be submitted to the Regional Offices. The monthly reports shall be on **Form I**.

ii. Quarterly reports on the operation of the Scheme in each Region shall be submitted to the Executive Director. The Quarterly reports shall be on **Form I**.

iii. It shall be the duty of the secretary to a regional committee to submit to the Director annual reports on the operation of the Scheme in the Regions for submission to the Executive Director.

iv. An annual report covering the activities and operations of the Scheme for the year to which the report relates is to be submitted by the Board to the Minister after the expiration of each financial year but should be within six months after the end of the year. The Annual report shall be on **Form I**.

v. This annual report should include the report of the Auditor-General.
In this Manual, unless the context otherwise requires, “act of Parliament” is a law passed and enacted by the Parliament of Ghana;
“Alternative Dispute Resolution (ADR)” means any method of resolving disputes other than by litigation;
“an intake officer” means a person accountable for vetting and examining the referral, determining the process of handling and making transfers to other offices when suitable and also takes the particulars of the complainant and summary of complaints;
“baseline survey” refers to the nationwide baseline survey on the justice sector conducted by the Ministry of Justice and the Attorney-General’s Department in collaboration with United Nations Development Programme (UNDP, Ghana);
“beneficiaries” means any person benefitting from legal aid services;
“Board” means the Legal Aid Scheme Board established by the Legal Aid Scheme Act, 1997 (Act 542) or the governing Board of Legal Aid;
“director” means director of the Legal Aid Scheme;
“formal justice system” means justice that is given in a court of law;
“illiterate applicants” means any person applying for a legal aid service who is unable to read and write or having little or no formal education.
“legal aid personnel” refers to any person employed by the Legal Aid Scheme to offer legal aid services;
“private legal aid service providers” refers to persons or a body providing legal aid services other than the one established by the Legal Aid Scheme Act, 1997 (Act 542);
“professional standards” means standard that identifies a profession as a discipline and distinguishes it from other professions;
“quality assurance” means the maintenance of a desired level of quality in a service especially by means of attention to every stage of the process of delivery or production;
“Regional Committees” refers to the regional legal aid committee established by the Legal Aid Scheme Act, 1997 (Act 542);
“service charter” means public statements about the service that a department or agency will provide.
“the Bar” means the Ghana Bar Association which is a professional association of lawyers in Ghana;
“the Manual” refers to the Operating Manual;

REFERENCES

a. **Form A**: Legal Aid Application Form.
b. **Form B**: Court Referral Form.
c. **Form C**: Police Referral Form.
d. **Form D**: Referral by the Scheme.
e. **Form E**: Assignment Form.
f. **Form F**: Police Assistance Form.
g. **Form G**: Invitation Form.
h. **Form H**: Mediation Agreement Form.
i. **Form I**: Reporting Format
j. **Form J**: Template for Case and Mediation Reports

2. Legal Aid Scheme Act.
Dear Sir / Madam

COURT REFERRAL FORM

The bearer of this letter ... [Title of Person] .... [Name of Person] is the ... [Party in Court i.e. whether
Plaintiff/Applicant/Appellant/Petitioner/Defendant/Respondent] in ... [Title and number of Case in Court], which was initiated on [Date on which Case was Initiated] before ... [Name of Court], presided over by [Name of Judge].

Please take note that the Court has referred ... [Name of Person] to you for legal aid because ... [Reasons for Referral]. The case is ... [Nature of Case].

Yours faithfully,

Registrar
[Name of Court]
Dear Sir / Madam

POLICE REFERRAL FORM

Please take note that,.......[Title of Person]........................................................................[Name of Person], is under investigations for ........................................................................................... [Specify the Offence] at the…………………………………………………[Name the Police Station] and has indicated that he/she is in need of legal aid.

He/she is, accordingly referred to you for assistance.

Yours faithfully,

Office in Charge
[Name of Police Station]
Dear Sir / Madam

REFERRAL

Please take note that the bearer of this letter .... [Title of Person]  
..............................................  [Name of Person] herein sought legal assistance here in Accra[name of Region]. However after interviewing him/her we realized that his/her interest could be served in your outfit.

In respect of this, we are by this letter referring him/her to you for any possible assistance available to him/her.

Kindly inform us the result of your action.

Counting on your co-operation

Yours faithfully,

For: REGIONAL DIRECTOR
Dear Sir / Madam

ASSIGNMENT

The bearer of this letter, ... [Title of Person] .... [Name of Person], is a Legal Aid applicant who has been assigned to you by the selection committee.

Kindly give him/her the necessary assistance and report to us on request or upon completion of the assignment.

Please let us have the claims of your exercise of the assignment, if any, upon completion

Yours faithfully,

For: REGIONAL DIRECTOR
Dear Sir /Madam

REQUEST FOR POLICE ASSISTANCE

We would be pleased if you assisted our client, ......................................................
[Title and Name of Person], to ................................................................................
[Form of Assistance Requested].

We count on your cooperation.

Yours faithfully,

For: REGIONAL DIRECTOR.
Dear Sir / Madam

INVITATION TO LEGAL AID OFFICE

Following a dispute narrated to this office by ... [Title and Name of Aided Person in relation to the following issue(s):

……………………………………………………………………………………..
……………………………………………………………………………………..
……………………………………………………………………………………..
……………………………………………………………………………………..
……………………………………………………………………………………..

You are kindly invited to this office for an attempt to resolve the dispute.
Venue: Office of the Legal Aid Scheme, - Opposite Ministries Police Station, (DOVVSU) / Accra or Adjacent Mali Embassy

Date: ........................................
Time: ........................................
Yours faithfully,

For: Regional Director
 AGREEMENT

This agreement is made on this ... Day of ... , 20... between ... [APPLICANT] of ... [ADDRESS OF APPLICANT] and ... [RESPONDENT] of ... [ADDRESS OF RESPONDENT].

WHEREAS

1. The parties have voluntarily presented themselves FOR MEDIATION at the Office of the Legal Aid Scheme here in ... [OFFICE OF THE SCHEME] .
2. The parties have reached an agreement and agree to be bound by the terms thereof.

Now therefore it is agreed as follows:
I. ........................................................................................................................................
II. ........................................................................................................................................
III. ........................................................................................................................................
IV. ........................................................................................................................................
The parties also hereby agree that these terms shall be [the full and final/partial settlement of the matters referred to mediation].

_________________________________________________________________________     ___________________________    ____________
NAME OF APPLICANT SIGNATURE / THUMBPRINT  DATE

_________________________________________________________________________     ___________________________    ____________
NAME OF RESPONDENT SIGNATURE / THUMBPRINT  DATE

Where necessary, the ADR Officer must sign a jurat in the following form:
“[I........(name of officer)hereby certify that I have read and explained the contents of this application to .......... (name of complainant), the Applicant herein in the ....... language and he/she fully understands or appeared to understand and appreciate the contents of the application before appending his/her mark]"
EXECUTIVE SUMMARY [Provide a snapshot of everything contained in the report.]

INTRODUCTION [Set the tone for what you are going to report on]

OPERATIONS [Provide a comprehensive write-up on each activity undertaken during the period under review. At the very minimum, indicate the type of activity, the purpose of the activity, the proceedings and participants (where necessary), and what it was able to achieve.]

STATISTICS [Provide comprehensive statistics on cases for the period under review. This should include the number of cases received, the number of cases disposed of, and the number of cases pending. This should be further disaggregated to show:

(a) the gender of parties,
(b) the type of case received (including those involving children),
(c) the dispute resolution mechanism, and
(d) in terms of any other variable the may be useful for improving legal aid delivery in Ghana.]

CHALLENGES [Explain the challenges encountered during the period under review.]

RECOMMENDATIONS [Provide the necessary recommendations.]

CONCLUSIONS [Summarize the key points in the report.]
Form I: Reporting Format

<table>
<thead>
<tr>
<th>TITLE OF CASE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUMMARY</th>
<th>Up to 150 words summarising the facts and issues presented by the case</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASE PRESENTED BY PARTIES</th>
<th>Up to 200 words summarising the contentions of the parties</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISPUTE RESOLUTION METHOD</th>
<th>(Indicate whether it was resolved through mediation or by the court (indicate which court and the judge)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>KEY ACTIONS</th>
<th>List the key actions taken with dates. Indicate how long it took to resolve the case.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**OUTCOME** Elaborate the outcome of the case. If the resolution method was mediation, indicate whether the parties agreed to dispose of all the issues, or reached a partial agreement, or whether there was an impasse as to all the issues. If there was some agreement, summarize the terms of the agreement and annex the full agreement as an appendix. If the case went to court, provide the essence of the judgment and annex the full judgment as an appendix.

<table>
<thead>
<tr>
<th>CHALLENGES</th>
<th>Provide any challenges encountered</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>FOLLOW-UP</th>
<th>Provide any measures to be undertaken</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>COST (ESPECIALLY FOR LITIGATED CASES)</th>
<th>Itemize any cost incurred</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>LEARNING POINTS/TAKE HOME MESSAGES/RECOMMENDATIONS</th>
<th>3 to 5 bullet points</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>AUTHOR AND DATE OF REPORT</th>
<th></th>
</tr>
</thead>
</table>