



# **COMMUNITY LEGAL SERVICES PROGRAM GUIDELINES**

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## **PREAMBLE AND ACKNOWLEDGEMENTS**

These Guidelines provide information to all stakeholders of the Community Legal Services Program (CLSP) also referred to as the Community Legal Centres Program (CLC Program). They set out the essential principles and obligations governing the management of the program and the delivery of services.

Stakeholders in the CLSP are funded community legal service providers, the National Association of Community Legal Centres (NACLC), Community legal Centres New South Wales Inc. (CLCNSW), Legal Aid NSW, the New South Wales Department of Justice (DoJ) and the Public Purpose Fund (PPF) established under the *Legal Professions Act 2004 (NSW)*.

The CLC Program incorporates funding provided by the Commonwealth Government, the State Government and the PPF and is managed by Legal Aid NSW which operates as both the Funding Body and the State Program Manager. Where applicable, additional guidelines, specific to State or PPF funded programs, are included as an attachment to these Guidelines.

Legal Aid NSW administers the funding under CLSP Service Agreements with each of the funded community legal service providers.

These Guidelines are based on Guidelines prepared by the Commonwealth Attorney-General's Department for the Community Legal Services Program from 2010-15. They have been adapted for the purpose of State management of the CLSP and other program changes necessitated by the 'National Partnerships Agreement on legal Assistance Services 2015-20'.

# **1. THE COMMUNITY LEGAL CENTRES PROGRAM OR COMMUNITY LEGAL SERVICES PROGRAM - INTRODUCTION**

## **1.1 About the Program**

The Commonwealth Community Legal Centres Program ('the CLC Program') is a dedicated program within Legal Aid NSW. It manages the Commonwealth and State Government and the PPF discretionary grant funding for CLCs which forms part of the broader legal assistance services funded by those entities.

Legal Aid NSW manages the CLC Program under s.30(2) of the *Legal Aid Commission Act 1979 (NSW)* which gives Legal Aid NSW the power to provide legal aid in relation to certain types of matters on such terms and conditions as determined by Legal Aid NSW. Where legal aid is provided under s.30 (2), Part 3 of the Act does not apply.

Services delivered by community based organisations form a vital part of the 'National Strategic Framework for Legal Assistance Services 2015-20'. Community legal centres (CLCs) are community based, independent non-profit organisations which provide a range of assistance on legal and related matters to people on low incomes and those with special needs. They are a key component of Australia's legal aid system and provide a distinctive form of service that complements services provided by legal aid commissions (LACs) and Aboriginal and Torres Strait Islander Legal Services (ATSILS) to address the legal needs of the disadvantaged members of the community. For the purposes of these Guidelines, CLCs include all organisations funded under the CLSP/CLC Program.

The Program provides funding for generalist as well as specialist community legal services. Those CLCs in receipt of funding for generalist community legal services may provide assistance on a broad range of legal matters. In recognition that there are some areas of law, as well as elements of the community, that would benefit from specialist legal services, the CLC Program also provides funding for specialist services in a range of areas. These sub-programs include services for women, Aboriginal people, people with disabilities and Centrelink benefit recipients.

## **1.2 Program Objectives**

CLCs funded under the Program are required to provide services which meet the Program objectives.

The objectives for the CLC Program operate within a broader 'National Strategic Framework for Legal Assistance Services 2015-20' and the 'National Partnership Agreement for Legal Assistance Services 2015-20' in order to support a holistic approach to the management and administration of the delivery of legal assistance services. This CLC Program intended to operate in a manner that will ensure that the objectives and outcomes of the National Partnership Agreement are met. The overarching NPA objective is for 'a national legal assistance sector that is integrated, efficient and effective, focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.'

The specific objectives of the Program are to provide services to clients individually or collectively with a focus on people who are financially disadvantaged and/or experience some form of systemic or socio-economic barrier to accessing legal services and/or whose interests

should be pursued as a matter of public interest. Under the program, CLCs will deliver a range of legal assistance services including:

- appropriate information and referral;
- legal advice that provides clients with a practical and improved understanding of legal and other options available to them;
- legal casework that will assist clients to pursue outcomes consistent with their legal rights or entitlements;
- Community legal education to improve client/community awareness and ability to use the law, legal processes and other regulatory mechanisms and to increase client/community understanding and ability to critically assess the impact of the law and the legal system on themselves;
- Law reform and policy work to meet the priority needs of the target groups and communities with whom they work.

All services are delivered efficiently and effectively in order to provide accessible, responsive, respectful, understandable and useful services to clients.

### **1.3 Service Planning**

CLCs are expected to undertake legal needs analysis in order to better determine legal need in the context of disadvantage within the catchment or service area. Legal needs analysis should be used as part of an evidence-based strategic planning process to inform CLC service delivery. CLCs may refer to a range of resources to assist in the process including material on the National Association of CLC website and material available through the Australian Bureau of Statistics. When undertaking strategic planning, CLCs should also consider the range of other service providers available in order to avoid duplication and work collaboratively. A CLSP Plan and Progress Report pro-forma provides details of how to link the strategic elements of service delivery planning with the operational requirements under the CLSP Service Agreement.

The SPM can assist CLCs by providing advice and information with respect to the strategic planning process.

Under the NPA, service planning will also be undertaken in the context of broader jurisdictional planning between other legal assistance partners and the Commonwealth Government.

### **1.3 Program Outcome and Outputs and Benchmarks**

The CLC Program will facilitate achievement of the following outcomes:

- (a) CLC services are targeted to priority clients with the greatest legal need;
- (b) CLCs will collaborate with other legal assistance providers, governments, the private legal profession and other services, to provide joined-up services to address people's legal and related problems;
- (c) CLC services are appropriate, proportionate and tailored to people's legal needs and levels of capability;
- (d) CLC services help people to identify their legal problems and facilitate the resolution of those problems in a timely manner before they escalate; and

- (e) CLC services help empower people to understand and assert their legal rights and responsibilities and to address, or prevent, legal problems.

These outcomes underpin the specific outputs of the Program that comprise:

- a) Delivery of efficient and effective legal services by CLCs through defined core service activities which include the provision of information and referrals, advice and casework on legal or related matters, and undertaking of community legal education and law reform activities; and
- b) Participation in collaborative service planning to ensure service delivery meets the identified needs of priority clients.

Progress towards the objective and outcomes of this Agreement will be informed with reference to the following benchmarks and performance indicators:

- a) 85% or more of total representation services are delivered to people experiencing financial disadvantage to be achieved in aggregate across all community legal centres in each six month period between 1 July 2015 and 30 June 2017; and
- b) 90% or more of total representation services are delivered to people experiencing financial disadvantage to be achieved in aggregate across all community legal centres in each six month period from 1 July 2017 onwards;
- c) the proportion of representation services delivered to priority clients: children and young people (up to 24 years); people experiencing financial disadvantage; Indigenous Australians; older people (aged over 65 years); people experiencing, or at risk of, family violence; people residing in rural or remote areas; people who are culturally and linguistically diverse; and people with a disability or mental illness; and
- d) the proportion of clients receiving quality services that are delivered appropriately to match clients' legal needs and levels of capability, as measured through compulsory client surveys which use standardised questions agreed with the Commonwealth Government.

CLCs funded under the Program are required to provide a range of reports and data so that Legal Aid NSW can monitor, manage and account for output delivery and the achievement of the Program objectives and benchmarks.

## **2. CLC PROGRAM ADMINISTRATION**

### **2.1 CLC Program Arrangements**

The Commonwealth Attorney-General and State Attorney General have portfolio responsibility for the Program. Legal Aid NSW is responsible for the administration of the Program and is accountable to both Attorneys General and to the Federal and State Parliaments for the operation and expenditure of the Program.

Under the Program, the Commonwealth provides funding to Legal Aid NSW through the State Government for its contribution to community legal services in accordance with the NPA. The State Government provides funding to Legal Aid NSW for its contribution to community legal services. The Trustees of the PPF make determinations about discretionary grants for

community legal services which, subject to approval by the State Attorney General, are provided to Legal Aid NSW to administer.

Legal Aid NSW then provides this funding to CLCs under the CLSP Service Agreement which defines the obligations of each party and provides an accountability framework for the expenditure of public funds.

The CLC Program Unit within Legal Aid NSW is established to undertake the delegated State Program Manager (SPM) role on behalf of the Chief Executive Officer of Legal Aid NSW. As the SPM, this Unit is responsible for the day-to-day administration of the Program on behalf of the Funding Body (Legal Aid NSW) and the Commonwealth and State Governments and the PPF.

## **2.2 Roles and Responsibilities**

Under the NPA and other agreements, the Commonwealth has the following defined roles and responsibilities:

- providing a financial contribution to the States for the delivery of legal assistance services by legal aid commissions and community legal centres;
- monitoring and assessing performance in the delivery of legal assistance services under the NPA to ensure that outputs are delivered and outcomes are achieved within the agreed timeframes;
- providing national guidance, oversight and support for collaborative service planning;
- specifying Commonwealth priorities and eligibility principles for the delivery of legal assistance services;
- providing a forum to facilitate information sharing with the States regarding best practice delivery of legal assistance services;
- providing and maintaining a national data collection scheme for 2015-16; and
- providing access to reports in order for SPMs to monitor compliance with the NPA requirements.

Legal Aid NSW as the Funding Body and State Program Manager has the following defined roles and responsibilities:

- developing and implementing state-wide policy and provide strategic direction for the CLC Program;
- developing and implementing Service Agreements with CLCs and administer the Commonwealth, State and PPF budget allocations;
- determining the distribution of additional Commonwealth funding for the CLC Program;
- disbursing Commonwealth, State and PPF funding for CLCs subject to the relevant Parliamentary Appropriation and Ministerial approval and in accordance with the provisions of the NPA and CLSP Service Agreements;
- establishing procedures for compliance with NPA and CLSP Service Agreement accountability requirements;
- providing information and advice to CLCs to assist them in meeting their obligations under the NPA when new data collection systems are introduced;
- monitoring and report on performance targets for CLCs in accordance with NPA obligations;

- managing the day-to-day operations of the Program including monitoring compliance by CLCs within the terms and conditions of the Service Agreement including compliance with accountability and reporting requirements, performance against activity targets and quality assurance measures;
- conducting evaluation and reviews;
- providing information and advice to government about the operation of the Program; and
- making recommendations regarding the CLC Program and service delivery planning to the jurisdictional planning forum established under the NPA.

Funded CLCs have the following defined roles and responsibilities:

- assisting clients and communities to access responsive, respectful, understandable and useful services in relation to legal issues;
- providing core service activities focussed on clients that are financially disadvantaged and in accordance with the identified needs of their target client groups;
- working collaboratively with other legal and non-legal services providers within their catchment;
- undertaking evidence based legal needs analysis and planning services accordingly;
- complying with the terms and conditions of the Service Agreement including compliance with accountability and reporting requirements, performance against activity targets and quality assurance measures
- collecting and providing to the Funding Body data about client demographics and service provision.

CLC clients have the right to expect:

- to have all information provided to a CLC kept confidential
- to be treated with courtesy and consideration
- to be provided with appropriate referral information in circumstances where a CLC is unable to assist them with their problem.

In return, CLCs have a right to expect that clients will:

- arrive on time for appointments
- notify the centre if unable to keep an appointment
- provide all relevant information to assist staff in assessing the issue on which assistance is sought
- treat staff with consideration and courtesy.

### **2.3 Relationship with Stakeholders**

Legal Aid NSW recognises the special skills and expertise within the community legal services sector which contributes to the Program meeting community needs. Legal Aid NSW aims to build on this expertise by working cooperatively with the sector to ensure that the Program meets its objectives. To that end, Legal Aid NSW may, from time to time, establish

consultative committees and working groups with Program stakeholders for particular projects or Program issues.

The Commonwealth liaises regularly with the CLCNSW and NACLCL and generally seeks sector input into Program issues through CLCNSW representatives.

### **3. FUNDING**

#### **3.1 Commonwealth and State Government Funding**

Commonwealth and State Government funding under the Program is dependent upon the appropriation amount approved by the relevant Parliament in each budgetary cycle. New funding for the Program requires Ministerial and Cabinet approval, and passage through Parliament as part of the Budget process.

Funding from the Commonwealth and State is usually provided to CLCs on a recurrent basis, subject to satisfactory performance under the terms and conditions of the Service Agreement. Each community legal centre is expected to operate within the limits of its allocated funding, the exact amount of which is set out in each individual service agreement. Funding must be fully acquitted in accordance with the requirements of the Service Agreement.

All CLCs are funded under one or more 'funding categories'. Funding categories relate to specific funds provided for particular services or projects, such as, women's legal services and clinical legal education projects. Further details regarding funding categories are outlined at 'Section 7 – Specialist and Generalist Funding'.

#### **3.2 Public Purpose Fund (PPF) Funding**

The Trustees of the PPF meet at least annually to determine discretionary grants to be made from the Fund under the *Legal Professions Act (NSW) 2004*. The Trustees of the PPF are independent of Government and make recommendations about how the discretionary grants from the PPF will be made to the State Attorney General. The PPF funding grants are provided from the interest that is earned on solicitor's trust fund accounts and fluctuates depending on market forces that are outside the control of the Trustees. Funding CLCs has become more challenging in recent times as there has been a decline in revenue in the PPF. The Attorney General and the Trustees of the PPF are committed first and foremost to ensuring that the capital component is maintained in order to protect and maintain the ongoing sustainability of funding for the legal aid sector.

PPF funding is provided for a range of 'funding categories. Further details regarding funding categories are outlined at 'Section 7 – Specialist and Generalist Funding'.

#### **3.2 Funding from other Sources**

CLCs may independently obtain further funding from other sources such as fundraising activities and private donations. Where CLCs receive funding from other sources, details of the source and amount of those funds must be reported as set out in the Service Agreement.

#### **3.3 Service Generated Income**

Funding received under the Service Agreement may result in the generation of service income (bank interest, fees for community legal education activities, client contributions, and costs recovered and retained). These funds are considered to constitute part of the funding provided to a CLC and are to be disclosed and treated as described in the Service Agreement.

### **3.4 Client Contributions**

CLCs may wish to seek client contributions for certain services. However, clients are not to be excluded from assistance on the basis of their inability to make a financial contribution. It is fundamental to the Program that services are established to provide legal assistance to the socio-economically disadvantaged members of the community and those with special needs.

In seeking contributions for services funded by the Program, CLCs must ensure that any such policy is in keeping with these Guidelines and individual service agreements.

### **3.5 Recovery of Excess Funding**

For a range of reasons CLCs may not spend all their funding in a particular financial year. In such cases the Funding Body is entitled to recover its proportion of the Excess Surplus Funds, as described in the Service Agreement. Community legal centres with an excess may submit a proposal for the expenditure of any excess through the State Program Manager. The State Program Manager will consider all proposals relating to surplus funds in the context of other funding priorities at the time.

### **3.6 Allocation of New and Additional Funding**

The Funding Body may establish new community legal services or enhance existing services when additional funding is provided under a Federal or State Budget or when an existing service ceases to operate. In the case of a service ceasing to operate, the Funding Body may either fund a new service in the same geographical location or reallocate the funding to an area of greater need within the Program. In making decisions about allocation of funding, the Funding Body considers the demand for services, the capacity of existing service providers and the amount of funding available.

The selection of a new service provider within the Program is managed by Legal Aid NSW, typically through a tender process which is advertised in relevant print media.

If one-off funding becomes available within the Program, the Funding Body may apply such funds to either discrete projects or the enhancement of existing services.

## **4. ACCOUNTABILITY**

### **4.1 Reporting Requirements**

Administration of the CLC Program must be compliance with the *Public Finance and Audit Act 1984* (NSW). CLCs operating within the Program are required to demonstrate appropriate expenditure of public funds. Funds provided for specific purposes must be expended on those activities and must further the objectives of the Program.

Each community legal centre must comply with certain reporting requirements as set out in the Service Agreement to enable the Funding Body to monitor and review their progress and performance and to ensure the accountability of the Program.

### **4.2 Data Collection**

Under the Service Agreement, all CLCs are required to collect, and then provide to the Commonwealth, data about client demographics and service provision. All data provided to the Funding Body in relation to individual clients is de-identified to ensure that client privacy is

protected. This information is used by the Commonwealth, State governments and community legal service organisations to:

- describe what the Program is doing;
- describe who is accessing services under the Program;
- evaluate the performance of the Program in meeting its outcome and objectives;
- evaluate the performance of individual service providers in meeting performance targets;
- justify support for ongoing Program funding;
- plan for future service provision; and
- support development of new policy initiatives.

### **4.3 Service Standards**

Under previous Service Agreements, the Commonwealth and Program stakeholders implemented an agreed set of nine service standards which are used to establish a nationally consistent, foundational level of quality for service provision. These also formed the basis of a National Accreditation Scheme that was implemented across the CLC sector by the National Association of CLCs and CLCNSW.

In addition a tenth service standard is introduced in 2015-16 to ensure that CLCs meet cultural safety standards when dealing with Aboriginal or Torres Strait Islander people. The service standard is based on an accreditation standard that was jointly developed by NACLC, CLCNSW and the NSW Aboriginal Advisory Group.

There is a corresponding service standard for each of the core service activities. Service standards are provided for:

- information;
- advice;
- casework;
- community legal education;
- law reform and legal policy;
- accessibility;
- organisational management;
- management of information and data;
- assessing client satisfaction and managing complaints; and
- Aboriginal cultural safety.

Under the Service Agreement, all CLCs are required to be fully compliant with all applicable standards. As Standard 10 is a new requirement, it is appreciated that CLCs will need to work towards full compliance during the 2015-16 period. It is expected that Centres demonstrate adequate progress against the requirements of this new standard by 15 April 2016. The CLC program will be assessing each Centre's progress against this standard, with an expectation that Centres will be able to demonstrate compliance with the Aboriginal cultural safety standard requirements from 1 July 2016.

Where centres provide legal services, they are required to comply with the regulations governing legal practitioners in their State or Territory which reflect the unique professional relationship between lawyer and client. In summary, this relates to the way:

- the client problem is received, assessed, accepted or referred

- client confidentiality is established and protected
- the legal issues are identified and dealt with
- any additional specialist expertise is obtained
- the matter is managed
- information is sought from, and provided to, clients
- client files are established and maintained, and
- court requirements, including filing, are explained to the client and carried out.

These imperatives apply regardless of where a CLC operates or whether the legal service is provided by a volunteer or an employed staff member.

## **5. SERVICE MANAGEMENT**

### **5.1 Management Committee (or equivalent entity)**

To be eligible to receive, or continue to receive funding, an organisation must be a duly incorporated body under relevant State or Territory law operating pursuant to its constitution. As part of incorporation, each organisation is required to have a management committee (or equivalent entity) as its governing body. The primary role of the management committee in regard to the CLSP is to sign the Service Agreement and ensure that the organisation complies with and meets its obligations under that agreement.

The management committee does not play an active role in day-to-day administrative issues unless required to by exceptional circumstances. Its focus is on the provision of strategic direction and corporate governance. It is responsible for the development of broad policy and direction which is subsequently implemented by staff members of the CLC.

Ideally a management committee should have members with expertise in or knowledge of these areas of responsibility:

- legal
- financial
- personnel
- planning and policy and
- reporting and accountability

The management committee should also have appropriate representation or input from the target client group/s of the centre.

In determining the composition of the management committee, consideration must be given to minimising any real or perceived conflict of interest between potential and existing committee members (and their affiliations) and the activities of the CLC. Appropriate procedures need to be in place to deal with such conflicts should they arise.

### **5.2 Staff**

The management committee (or equivalent entity) is the employer of all staff at a CLC and is therefore solely responsible for:

- ensuring all staff, whether employees or volunteers, are appropriately qualified and trained;

- ensuring no conflict of interest exists, or is likely to arise, in the performance of the obligations under the Service Agreement by any of employees, agents or sub-contractors;
- complying with all relevant legislative requirements, for example in relation to occupational health and safety; and
- providing adequate insurance for workers' compensation, public liability and professional indemnity for all staff.

### **5.3 Volunteers**

CLCs are encouraged to utilise volunteers to enhance their service delivery. Where volunteers are utilised in relation to Program funding and activities, such work needs to be in accordance with individual service agreements and these Guidelines.

### **5.4 Prioritising Resources**

CLCs have a responsibility to ensure that resources are allocated in such a way as to provide the most benefit to the greatest number of people. While there is no simple rule on how to allocate limited resources, decisions should be based on an assessment of individual situations. Factors which a service provider should consider include the:

- extent to which the person is facing some form of social or systemic barrier to accessing legal services;
- extent to which the person meets any eligibility criteria set by the service provider;
- vulnerability of the person should no assistance or no further assistance be provided;
- potential for reaching a resolution at the earliest opportunity which achieves a just and satisfactory outcome for the client;
- extent to which the service required by the person falls within the particular scope of services provided by the organisation;
- availability of more appropriate assistance through other service providers;
- potential of the service provider to assist the person achieve a desired outcome; and
- impact the provision of services to a particular person will have on the ability of the service provider to assist other clients and potential clients.

## **6. SERVICE DELIVERY**

### **6.1 Core Service Activities**

CLCs are expected to meet the Program objectives by assisting clients and communities to access responsive, respectful, understandable and useful services in relation to legal issues.

The core service activities are:

The Provision of Information: Information is provided without reference to the specific details of the client's case. Information activities do not include requests for general information such as directions, deliveries etc which form a normal part of any organisation's ongoing business.

The Provision of Advice: Advice is provided when a service provider assists a client to choose between options relevant to their problem. It includes but is not limited to counselling, advocacy, support, referral and/or legal advice. It can also involve assistance with the drafting of simple correspondence as well as phone calls made on the client's behalf during, or as soon as practicable, following the provision of advice.

An Advice is a discrete activity which occurs on an individual occasion. At the conclusion of an advice, there is no follow up action to be undertaken and there is no expectation that the client will have further contact with the service provider about the same problem.

Casework: Casework is an activity where a service provider provides ongoing assistance and/or acts on behalf of a client in respect of a problem.

Community Legal Education (CLE): CLE is the provision of information and education to members of the community on an individual or group basis about the law and legal processes. It is also a process of increasing the community's ability to participate in legal processes by utilising community development strategies.

Law Reform and Legal Policy (LRLP): LRLP is an activity where projects are undertaken which have the potential to influence and effect changes to the law, legal processes and ultimately service delivery. These endeavours enable the community's active participation in the legal system.

### **6.2 Links With Other Service Providers**

To ensure efficient and effective service provision, CLCs should develop and maintain professional links with other organisations and agencies in their local area and develop appropriate referral mechanisms accordingly. For example, in the family law system clients can be assisted in the resolution of disputes through counseling and mediation services provided by approved community organisations funded under the Commonwealth Family Relationships Services Program.

CLCs which provide services to clients who may be experiencing family or domestic violence should ensure that there are appropriate procedures in place for responding to such clients without placing them at further risk.

### **6.3 Alternative Dispute Resolution**

Alternative dispute resolution is an umbrella term for processes, other than judicial determination, in which an impartial person assists those in a dispute to resolve the issues

between them. The term is also used to include approaches that enable parties to prevent or manage their own disputes without outside assistance.

CLCs should aim to assist people to resolve disputes at the earliest opportunity. This requires increased emphasis on providing people with the capacity to resolve legal problems without the need to resort to litigation.

The Commonwealth is committed to increasing the awareness and provision of alternatives to litigation, especially for family law disputes. For many families, post-separation is a life crisis that requires a holistic approach from service providers.

Primary dispute resolution is the term used in Part III of the *Family Law Act 1975* to describe procedures and services for the resolution of family law disputes without the need for a judicial hearing, including counseling and mediation. The Act encourages people to use primary dispute resolution. These services are provided by a range of organisations and private practitioners. The Australian Government has provided funding for dispute resolution services in approved community-based organizations and legal aid commissions.

While community legal service providers should always consider the safety of the client first in determining the most appropriate method of dispute resolution, there are some dispute resolution processes, such as shuttle mediation, which may be appropriate and safe for situations even where there are allegations of family violence, or fear of such violence occurring in the future. CLCs should aim to develop close links with primary dispute resolution services within their local area in order to provide the most appropriate form of service delivery for persons engaged in family law disputes.

Nonetheless, it is important that community legal service providers assess for indicators of family or domestic violence and identify whether there is any immediate safety risk. If there is a risk, then services should support the client to take appropriate measures, or to access services that will enhance the client's safety, for instance, in assisting the client to apply for a protective order, or referring the client to emergency services such as a refuge.

#### **6.4 Eligibility Criteria**

A CLC may determine its own eligibility criteria in relation to ongoing assistance and casework provided:

- it complies with the objectives set out in the CLSP Service Agreement and NPA;
- that such eligibility criteria do not breach Commonwealth, State or Territory anti-discrimination legislation.

The NPA requires the following specific benchmarks to be applied to casework:

- 85% or more of total major casework services are delivered to people experiencing financial disadvantage (as defined at Schedule 9 of the CLSP Service Agreement) between 1 July 2015 and 30 June 2017; and
- 90% or more of total representation services are delivered to people experiencing financial disadvantage to be achieved in aggregate across all community legal centres in each six month period from 1 July 2017 onwards.

CLCs should target ongoing assistance and casework services to priority clients: children and young people (up to 24 years); people experiencing financial disadvantage; Indigenous

Australians; older people (aged over 65 years); people experiencing, or at risk of, family violence; people residing in rural or remote areas; people who are culturally and linguistically diverse; and people with a disability or mental illness. The proportion of clients receiving quality services that are delivered appropriately to match clients' legal needs and levels of capability, as measured through compulsory client surveys which use standardised questions agreed with the Commonwealth.

## **7. SERVICES PROVIDED**

The Commonwealth, State and PPF fund generalist and specialist services under the Program.

### **7.1 Generalist Services**

Generalist services involve delivery of core service activities across a broad range of legal matters. The services delivered should also reflect the needs of the local community. Specialist legal services such as targeted services towards priority client groups or particular areas of law are also delivered through some generalist centres.

### **7.2 Aboriginal Legal Access Program (ALAP)**

ALAP funding is provided to employ an Aboriginal Legal Access Worker to improve access to legal services for Aboriginal clients, specifically by:

- enabling better access to legal services for Aboriginal people;
- increasing the number of Aboriginal people receiving legal services;
- improving and enhancing the capacity of community legal centres (CLCs) to provide effective and culturally appropriate services to Aboriginal people; and
- increasing awareness among Aboriginal people of their legal rights and the legal services available to them.

Where ALAP funding is allocated to a CLC it must be used for the employment of an Aboriginal person to undertake ALAP activities.

### **7.3 Administrative efficiencies**

Administrative efficiencies funding that is provided for the purpose of implementing strategies to reduce administrative costs and ensure future sector sustainability, for example, shared administrative services, co-location of services or amalgamation of services.

### **7.4 Clinical Legal Education Program**

The Clinical Legal Education program aims to forge closer links with Universities to help them promote public interest legal work with their students and improve the quality of and access to legal assistance for socially and economically disadvantaged members of the community.

### **7.5 Children's Court Assistance Schemes (CCASs)**

CCASs are funded to co-ordinate a roster of trained youth workers to provide services to young people and their families in criminal matters before, during and after the day of court. This includes provision of:

- information about court process and outcomes;
- support for young people and their carers on the day at court;

- informal counselling and conflict resolution; and
- referral to welfare services such as drug and alcohol programs, counselling and accommodation.

Where CCAS funding is allocated to a CLC it must be used for the purpose of employing a person to ensure that a CCAS service is provided at each of the Children's Court list days. Refer to the CCAS Guidelines for more information on the obligations and framework of the CCASs and Children's Court Assistance Program.

## **7.6 Court Support Scheme (CSS)**

The CSS is funded to co-ordinate a roster of volunteers to provide information and referral services to people attending Local Courts.

## **7.7 Disability Discrimination Act Legal Services**

Disability Discrimination Act Legal Services (DDAL services) are funded to address the needs of people experiencing discrimination because of a disability or a perceived disability or because a family member or friend has a disability. The core aim of DDAL services is to achieve widespread understanding of the *Disability Discrimination Act 1992* in the legal services community and to educate CLC workers so that there is a resource of knowledgeable advocates available to assist with access to the complaints mechanism within the *Disability Discrimination Act 1992*. Community legal education plays a vital role in assisting members of the community to be aware of their rights and responsibilities under the Act.

DDAL services provide advice and/or ongoing casework assistance to people who are appearing before the Federal Court or the Federal Magistrate's Court. Wherever possible, they provide support and encourage people to conduct their own cases as well as assisting disability advocates to take up cases on behalf of clients. Service providers also undertake activities such as research projects and submissions to governments and other bodies. These services should be conducted in accordance with the objectives of the *Disability Discrimination Act*.

## **7.8 Homeless Persons Legal Service (HPLS)**

The HPLS is funded to provide outreach legal services to homeless people and people at risk of homelessness.

## **7.9 Insurance Law Service (ILS)**

The ILS is funded to address the needs of people in financial stress in relation to insurance law matters and also encompasses the Insurance Law Hotline.

## **7.10 Older Persons Legal Service (OPLS)**

OPLS is funded to provide legal advice, assistance, referral and education for people over 60 years of age throughout NSW who are socially or economically disadvantaged. OPLS provides advice and assistance on consumer law, age discrimination, financial abuse, administrative law particularly in relation to Government programs and alternative decision making.

## **7.11 Outreach services**

Outreach services funding is the provision of face to face legal services provided by a solicitor(s) at identified outreach locations rather than services provided at the main office of

the CLC. Outreach locations should be determined on the basis of identified financial and social disadvantage in communities and identified legal need in consultation with community organisations and legal assistance providers.

### **7.12 PPF Generalist**

PPF Generalist provide service activities that were agreed in the funding submission and approval in 2011. These include:

- a) targeted outreach legal services within a geographical catchment;
- b) targeted outreach legal services to a particular client group;
- c) another agreed specific project or service.

### **7.13 Rural Women's Outreach Program (RWOP)**

Several generalist centres are funded to provide outreach legal services to women in rural and remote areas, particularly where isolation is exacerbated by factors such as disability, age and domestic violence.

### **7.14 Sector Development**

Sector Development funding is provided for shared learning and development opportunities, consolidation of sector-wide resources and activities associated with ensuring sector sustainability and increased administrative efficiencies.

### **7.15 Welfare Rights Services**

Welfare Rights Centres provide core service activities for people experiencing difficulties with income support issues. They address the needs of clients with Centrelink and Family Assistance benefit issues and seek to provide independent assistance to people wishing to appeal against administrative decisions by Government agencies.

### **7.16 Women's Legal Services**

Women's Legal Services provide core service activities to women, often providing State-wide services through telephone advice lines. They also undertake community legal education and law reform activities in relation to family law, violence against women, discrimination, and employment.

### **7.17 Youth Legal Services**

Funding is provided for access to core service activities by children and young people and those working on their behalf.