

NLAF Working Group on Collaborative Service Planning
Discussion Paper on Proposed Data Sharing Arrangements – May 2019

1. Introduction

Legal assistance service providers are involved in many effective collaborative service planning programs and projects across NSW, including the Cooperative Legal Service Delivery (**CLSD**) Program.

In addition, the National Partnership Agreement on Legal Assistance Services 2015-2020 (**NPA**) and the Indigenous Legal Assistance Program (**ILAP**) require legal assistance service providers to undertake collaborative service planning to coordinate and maximise service delivery.

The purpose of this consultation is to seek the agreement of legal assistance service providers on proposed data sharing arrangements for collaborative service planning across NSW. While this consultation is targeted at legal assistance sector providers, other organisations and individuals are welcome to provide comments.

Please provide comments to the NLAF Working Group via the Planning and Review Unit at Legal Aid NSW (c/o naomi.cheetham@legalaid.nsw.gov.au Tel: 02 9134 9326) by **Friday, 7 June 2019**.

2. NSW Legal Assistance Forum Working Group

Currently, NSW holds peak jurisdictional planning meetings twice yearly with Legal Aid NSW, the Aboriginal Legal Service NSW/ACT (**ALS**), Community Legal Centres NSW (**CLCNSW**), the NSW Department of Justice and the Commonwealth Attorney-General's Department.

In August 2018, a NSW Legal Assistance Forum (**NLAF**) Working Group was established to develop a more comprehensive approach to collaborative service planning in NSW that will:

- align with the NPA and ILAP requirements
- focus on the delivery of legal assistance services to priority clients
- be evidenced based, using a legal needs analysis and legal assistance service data to identify legal need and the range of existing services, and
- focus on coordinating and maximising the reach of services and ensure that services are directed where they are most needed.

NLAF is an interagency forum that brings together key legal service providers across government, non-government and private sectors. Its members include the ALS, CLCNSW, the NSW Department of Justice, Justice Connect, LawAccess NSW, the Law and Justice Foundation of NSW (**LJF**), Law Society of NSW, Legal Aid NSW, Legal Information Access Centre, NSW Bar Association, and the Public Interest Advocacy Centre. NLAF meets quarterly, and aims to facilitate access to justice for socially and economically disadvantaged people. It convenes working groups to examine key or emerging issues in detail.

The NLAF Working Group meets on a monthly basis and comprises representatives from Legal Aid NSW, CLCNSW, the ALS, LawAccess NSW, the LJF, and the Department of Justice.

The NLA Working Group has developed an initial work plan which includes:

- agreeing geographic catchments for NSW
- undertaking a legal needs analysis by catchment
- mapping existing legal assistance services within catchments
- establishing regional working groups for each catchment
- identifying the initial service planning priorities for regional working groups
- organising quarterly meetings for the working groups.

In February 2019, the NLA Working Group published a [discussion paper on proposed catchments for collaborative service planning](#).

3. NPA requirements

The NPA provides Commonwealth funding to states and territories to distribute to legal aid commissions and community legal centres. The objective of the NPA is 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 NPA requires states to undertake collaborative service planning to improve coordination between service providers in the planning and delivery of services. There are two key elements of collaborative service planning:

- the states use an evidence base to identify priority clients and the geographic locations in which people have the highest levels of legal need, and
- the states will conduct collaborative service planning meetings to promote discussion of strategies for the delivery of services within their jurisdiction.

Using evidence and analysis of legal need, collaborative service planning meetings should consider, at a minimum:

- the different locations of services delivered by legal aid commissions, community legal centres and Indigenous legal assistance providers within the jurisdiction
- the mix of legal assistance services available
- strategies to achieve proportionate services response – for example that, where practicable, services are appropriate to clients' legal needs and levels of capability
- the coordination of community legal education at a State level, and
- the efficiency and effectiveness of service delivery models.

4. ILAP requirements

The ILAP funds organisations to deliver culturally appropriate legal assistance services to Aboriginal and Torres Strait Islander people. The objective of the ILAP is to ensure Indigenous people are able to access justice and exercise their rights in the same way as other Australians.

The ILAP requires Indigenous legal assistance providers to work collaboratively with state and territory agencies and other legal assistance providers including legal aid commissions and community legal centres to enhance coordinated service delivery across the sector.

5. Previous data sharing arrangements

The LJF previously operated the legal assistance service data digest (LASDD) which included data from Legal Aid NSW, LawAccess NSW, NSW community legal centres, selected ABS demographic data and data from other sources.

The Foundation received data for the service types outlined in the table below.

	Information	Advice	Minor Assistance	Casework
Legal Aid		✓		
CLCs		✓	✓	✓
LawAccess	✓	✓		

A Memorandum of Understanding (MoU) between the LJF, Legal Aid NSW, CLCNSW, LawAccess NSW, NSW Department of Attorney General and Justice (now the Department of Justice) and the Commonwealth Attorney General's Department set out:

- how data would be provided to the Foundation
- the role of the Foundation
- arrangements for accessing the Data Digest Online, and
- arrangements for publishing and disseminating Data Digest Online material and LASDD information service analysis.

The Data Digest Online MoU effectively ended in 2017, when the NSW CLC data system, CLSIS was replaced by CLASS. The MoU was based on sharing CLSIS data but there is no arrangements for CLASS data to shared.

6. Proposed data sharing arrangements

The NLA Working Group would like to reinstitute a form of data digest, which would be based on the LASDD but broader in the scope of data shared. The data would be shared amongst the legal assistance sector bodies for use in each organisation's own service planning, and for collaborative service planning.

The NLA Working Group proposes to adopt the data definitions that are included in the National Legal Assistance Data Standards Manual. The Manual includes:

- Discrete assistance (information, referral, legal advice, non-legal support, legal task)
- Facilitated resolution process
- Duty lawyer
- Representation
- Community legal education
- Community education
- Law and legal service reform
- Stakeholder engagement

At the initial stage, the NLA Working Group suggests including only a subset of these data types that is of most use in service planning, being:

- Discrete assistance (information, referral, legal advice, non-legal support, legal task)
- Facilitated resolution process
- Duty lawyer
- Representation

The relevant Data Standards Manual definitions are attached at Tab A. The table at Tab B provides a summary of the proposed data each organisation would share for the purpose of collaborative service planning.

The NLA Working Group seeks agreement from the legal assistance organisations to enter into the data sharing arrangement. It would then oversee the development of the data sharing framework; agree on a host organisation for the data digest; and prepare an MOU to provide a legal framework for the sharing.

The data shared by each organisation would be de-identified and mapped by catchment area. Each organisation would be able to view its own service data but would only be able to see aggregated data from other organisations. CLCs would not be required to provide any new reports. Legal Aid NSW could extract the data from CLASS as one data file.

7. Further information

For further information please contact the Planning and Review Unit, Legal Aid NSW on 02 9134 9326 or naomi.cheetham@legalaid.nsw.gov.au.

Tab A – National Legal Assistance Data Standards Manual Definitions

Information services

An information service is the provision of information to a service user in response to an enquiry about:

- the law, legal systems and processes,
- legal and other support services to assist in the resolution of legal and relation problems.

The information provided is of general application.

An information service involves a direct communication and/or a provision of material by a service provider to a service user. Information services do not include administrative tasks such as booking appointments for legal advice sessions.

Referral

A referral is when a service provider determines that a service user can be assisted by another individual or organisation and provides the user with the contact details to that service.

Legal advice

A legal advice is the provision of fact-specific legal advice to a service user in response to a request for assistance to resolve specific legal problems.

Non-legal support services

A non-legal support service is provided by an appropriately qualified or experienced person (either through an internal or external appointment) to a service user in response to a request for assistance to resolve specific, non-legal problems. Examples include general counselling, trauma-informed counselling, Aboriginal and Torres Strait Islander community liaison, and mental health assessments and support.

Legal task

A legal task is where a service provider completes a discrete piece of work to assist service user to resolve a problem or a particular stage of a problem. Examples of a legal task include:

- preparation or assistance with the drafting of documents (such as a will)
- writing a letter to another party asking them to do something or stop doing something, or
- advocating on behalf of a service user without taking ongoing carriage of the matter.

Facilitated dispute resolution processes

A facilitated dispute resolution process is where a service provider conducts an activity (for example a conference) to assist the parties to resolve or narrow issues in dispute. Generally, a facilitated resolution process will involve a screening process and the provision of an independent, suitably qualified professional to facilitate resolution of the issues in dispute.

Duty lawyer

Duty lawyer services are legal services provided by a duty lawyer to a service user at a court or tribunal.

Dispute resolution service

This service is the legal representation of a service user in a facilitated resolution process, or an alternative dispute resolution process. This service type does not include court/tribunal based alternative dispute resolution.

Court/tribunal service

A court/tribunal service relates to any ongoing representation for any matter before a court, tribunal or inquiry, where a service provider provides legal representation to a service user, and takes carriage of a matter in an ongoing, representative capacity. This includes court/tribunal based alternative dispute resolution.

Other representation services

Other representation services relate to any matter where the service provider:

- takes carriage of a matter in an ongoing, representative capacity, but due to the nature of the matter it does not proceed to court, tribunal or inquiry, or
- is not required to appear before a court, tribunal or inquiry.

Tab B – Summary of proposed data to be shared for collaborative service planning

	Discrete assistance					Facilitated resolution process	Duty lawyer	Representation		
	Information	Referral	Legal Advice	Non-Legal Support	Legal Task	Facilitated resolution process	Duty lawyer	Dispute resolution	Court/Tribunal	Other representation
Legal Aid	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
CLCs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ALS	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
LawAccess	✓	✓	✓							