



# National CLC Data Consistency Guide

24 November 2020

This is a direct copy-and-paste of the text contained in the online Guide

<https://clcs.org.au/data-consistency-guide?q=DataGuide>.

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## About the Data Consistency Guide

<https://clcs.org.au/DataGuide/About>

*Updated as at 6 August 2019. The Guide is a living document, and CLCs Australia invites feedback and contributions. While definitions of service types are now largely fixed, other text may be edited for clarification. Additional Case Studies and Resources may also be developed.*

*Each page in the Guide is headed with a date of last update, and more details about version history can be found at the bottom of the page.*

*A Word and PDF version of the current version of the Guide, as well as previous versions of the Guide, are available from [here](#).*

## What is the Data Consistency Guide?

The Data Consistency Guide has been prepared by Community Legal Centres Australia to assist your Centre - whether it is a community legal centre, Family Violence Prevention Legal Service, or another type of legal service - to understand how to record data relating to your legal and non-legal work.

The Guide is about interpreting events and interactions between Centre staff and people so that they align with the data definitions used by other Centres across Australia.

The Guide uses as its starting point the [National Legal Assistance Data Standards](#).

The Guide however provides much greater clarification, and useful case studies, to guide staff in recording their work. In some situations, the Guide differs from the Data Standards Manual, because the Manual as settled in 2015-2016 did not accurately capture the work of community legal centres.

CLCs Australia is continuing to discuss proposed changes with all of you, and with the [National Data Standards Working Group](#).

## Who should use this Guide?

This Guide will help all community legal centres and Indigenous Family Violence Prevention Legal Services (collectively called Centres in this Guide) understand how to record services so that your practices align with other Centres across Australia.

Most Centres across Australia (around 150) are using CLASS as their client database. For this reason, the Guide contains helpful hints and cross-references to the [CLASS Online Guide](#). Please be patient as we create and update these links.

## How was the Guide developed?

The Guide was developed as part of the National Data Consistency Project which commenced in July 2018. You can read more about the project [here](#).

During our consultations as part of the Data Consistency Project, we found many Centres had developed their own interpretations of the [Data Standards Manual](#) and so there were wide variations in how Centres were recording things.

In January 2019 CLCs Australia provided feedback to the [National Data Standards Working Group](#) about changes to the Manual that we felt would clear up areas of vagueness and also align with legal practice in our sector. These recommended changes are incorporated into this Guide. The Data Standards Working Group is continuing to meet in 2019 to discuss any potential changes.

Some of you may disagree with the interpretations and clarifications regarding service types set out in this Guide. During consultations we found many people were passionate about particular interpretations of the Data Standards Manual, even when advised that how they were recording items was out of step with the Data Standards Manual.

However, we hope that you appreciate the need for national consistency. The Productivity Commission has strongly criticised the poor data recording practices of community legal centres in the past (see [Data Standards](#)). Data recording is not a science. There is no right way or wrong way - what is important is that we all try to record the same types of work (the same interactions between the Centre and people seeking help) in the same way. We can then explain our common data definitions to governments, funders, our Boards, and the world.

## Feedback and suggestions always welcome

We see the Data Consistency Guide as a work-in-progress. We will continue working on it to provide greater clarity, more useful case studies, and more resources. We also actively invite comments and feedback from all of you, who are faced with applying the service definitions on the ground, and are best place to advise us if we got it wrong.

More information about how to provide feedback is available from the [Feedback](#) page.

## Other tools and resources

CLCs Australia will be developing a webinar and planning face-to-face visits around Australia as much as we can.

We are also developing a flowchart that will assist Centre staff identify which service type applies to particular interactions. If you have ideas for other resources to help you understand the Guide, please let us know in your [feedback](#).

## Definitions of terms used in this Guide

This Guide capitalises terms which have a particular meaning. Please go to the [Definitions Dictionary](#) if you are not sure what a particular word means. If you feel that a particular word should be defined and put in the Dictionary, please let us know.

## I've read this Guide and I still need help

For information about using CLASS, a good place to start is the online guide [CLASS Online Guide](#).

For personalised assistance contact the CLASS Helpdesk:

**1300 484 498**

[icthelp@clcs.org.au](mailto:icthelp@clcs.org.au)

If you have a specific query about the Data Consistency Guide you can directly email [dataconsistency@clcs.org.au](mailto:dataconsistency@clcs.org.au).

*Page version history:*

*10 December 2019: NACLC to CLCs Australia*

*2 August 2019: Slight changes to text about tools and resources*

*29 June 2019: Deleted text advising of the survey and consultation process*

*28 April 2019: Page included notes extending consultation dates to May, about a Word and PDF version of the Draft Guide*

*March 2019: First draft version published*

## National Legal Assistance Data Standards

<https://clcs.org.au/DataGuide/NationalDataStandards>

### What are the National Legal Assistance Data Standards?

The National Legal Assistance Data Standards are a set of standardised legal service data item, counting rules and collection protocols relevant to the legal assistance sector – community legal centres, legal aid commissions, Aboriginal and Torres Strait Islander Legal Services, and Family Violence Prevention Legal Services.

The Standards were developed over a number of years and first published in the 2015 [National Legal Assistance Data Standards Manual](#).

### What is the National Data Standards Working Group?

The National Legal Assistance Working Group is a group convened by the Commonwealth Attorney General's Department and consisting of representatives of the four main legal assistance sectors – legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services – as well as the Commonwealth Attorney General's Department and other government departments and agencies as required like the Australian Bureau of Statistics.

### Why were the National Data Standards developed?

The need for common data items and definitions across legal assistance services was identified by the Productivity Commission during their Inquiry into Access to Justice which commenced in 2013.

In the final 2014 [Access to Justice Report](#), the Productivity Commission found the following:

*"Those who seek to use data to better understand the workings of the civil [ie non-criminal] justice system are hindered by:*

- *definitions and measures that are inconsistent*
- *data that are reported at a level that is too general to prove valuable outcomes that are poorly captured some cases of incomplete data.*

*Those responsible for collecting and reporting data also face constraints, including:*

- *management systems that inadequately collect and store data*
- *data collection 'fatigue' and a lack of resources to collect useful data."* (p 882)

As a side note, the Productivity Commission was particularly scathing (page 887) about the poor quality of community legal centre data available from the Community Legal Service Information System (CLSIS).

The Productivity Commission therefore recommended the immediate commencement of reform in the collection and reporting of data, including through adopting common definitions, measures and collection protocols, and redesigning CLSIS to collect more useful information (recommendation 25.2).

## **Why do legal assistance providers have to comply with the National Data Standards?**

Community legal centres and family violence legal service providers are required to comply with the data definitions contained in the National Legal Assistance Data Standards Manual through a few different mechanisms.

For community legal centres, the [National Partnership Agreement for Legal Assistance Services 2015-2020](#) requires state and territory governments to report to the Commonwealth Government about certain services as defined by the Data Standards Manual (see clause 53). State and territory government funding agreements with individual community legal centres then bring in this reporting requirement as a condition of funding.

Family Violence Prevention Legal Services are required to comply with the Data Standards Manual in their individual funding agreements with the National Indigenous Australians Agency.

Aboriginal and Torres Strait Islander Legal Services are required to comply with the Data Standards Manual in their individual funding agreements with the Attorney-General's Department

## **What is the relationship between the National Data Standards, CLASS, and this Data Consistency Guide?**

In June 2015, as recommended by the Productivity Commission, the Commonwealth Attorney General's Department [provided funding to Community Legal Centres Australia](#) for the redevelopment of CLSIS. The funding agreement with CLCs Australia required that the new system be built using the data items and definitions in the National Partnership Agreement (as discussed above). CLASS is the client management system that replaced CLSIS.

CLCs Australia rolled out CLASS in March 2017. Initial training about the new data definitions was based solely on the Data Standards Manual. It became apparent over the course of the next 12 months that the Manual was far too high level to provide useful guidance at a practice level to Centres that were struggling particularly with the new data items Legal Tasks and the Representation Services. Centres applied their own interpretations of items, resulting in inconsistency between Centres.

It was due to these concerns about inconsistency that CLCs Australia sought, and in June 2018 received, funding from the Commonwealth Attorney-General's Department and Legal Aid NSW to commence the Data Consistency Project, leading to the development of [this Guide](#).

Page version history:

*2 August 2019: Updated with additional information about funding agreements for ATSILS, and removing the last paragraph regarding NACLC advice on interpreting historical data in CLASS - this has been shifted to CLASS Documentation.*

*31 July 2019: Updated with additional information about the funding agreements for ATSILS*

*March 2019: First draft version published for consultation and feedback.*

## Data Consistency Project

### What is the National Data Consistency Project?

The Data Consistency Project is a project run by CLCs Australia in collaboration with Community Legal Centres Queensland and working closely with the Victorian Federation of CLCs from June 2018 to December 2019.

The aim of the project is to ensure that:

- CLCs collect, understand and use accurate and consistent data and information about the services they deliver, to inform their service planning and service provision decisions.
- State, territory and national governments have reliable CLC data to use for the purposes of NPA as well as reporting and service planning - local, regional, and jurisdictional.

### How did it come about?

In March 2017 we rolled out CLASS, a new client management database, to around 150 community legal centres and Family Violence Prevention Legal Services. CLASS was



developed to be consistent with the new [National Legal Assistance Data Standards Manual](#). You can find more information about CLASS [here](#).

During 2017-2018, the CLASS Helpdesk noted that a large number of their inquiries related not so much to how to use CLASS, but more about trying to understand the Data Standards Manual. Some service types contained in the Data Standards Manual were familiar to Centres - Information, Referral, and Legal Advice – however Centres struggled to understand the new service types of Legal Task, Duty Lawyer, and the three new Representation Services. Various states were attempting to seek clarification and achieve consistent data collection between Centres.

In July 2018, we received separate grants of funding from Legal Aid NSW and from the Commonwealth Attorney-General's Department for a national Data Consistency Project.

## What are the project's main activities?

**Phase 1** of the project (July 2018-December 2018) was to **consult** directly with community legal centres to understand how they were interpreting and recording particular types of interactions between Centres and clients. Over 40 Centres across all states and territories were interviewed or consulted. Consultations with Family Violence Prevention Legal Services are ongoing.

**Phase 2** (December 2018 - February 2019) was to **analyse** the findings from our consultations. A presentation of our findings is available [here](#). In January 2019 we provided feedback to the National Data Standards Working Group on suggested changes to the Data Standards Manual that would better clarify the definitions of particular service types.

**Phase 3** (December 2018 - April 2019) was to develop this **Data Consistency Guide**, and to work on changes to CLASS and/or business rules that would ensure data is correctly counted and reported through CLASS (this work is ongoing). During this period, we are continuing to discuss data standards with the Data Standards Working Group.

**Phase 4** (April 2019 - July 2019) is to continue developing **training resources and self-help tools** that would ensure Centres are moving their data-entry practices to align with this Guide.

**Phase 5** (July 2019 - February 2020) is to **embed** all training and resources relating to the Data Consistency Guide into CLASS Helpdesk and training resources, so that it becomes part of business as usual for the CLASS team. The Risk Management Guide will also be updated to align with any changes to definitions of service types. We will continue discussions with the Data Standards Working Group to ensure community legal centres' service types are accurately reflected in the Data Standards Manual.

*Page version history:*

*31 July 2019: Updated with updates to the dates for phases 4 and 5.*

*March 2019: First draft version published for consultation and feedback.*

## How the services are grouped

<https://www.clcs.org.au/DataGuide/Groupings>

## How we have grouped Services in this Guide?

The diagram below sets out how this Guide groups together the Service types. The groupings are simply convenient ways of collecting together similar services. They do not exist in CLASS as service types or reporting categories.



# Services for individuals

This includes when an individual is seeking assistance on behalf of an organisation or group. 'Service User' is used to describe an individual, group or organisation receiving a direct service from a Centre. 'Centre' is used to describe a legal service provider organisation.

## Discrete Services

Where a Centre provides discrete, unbundled legal or non-legal services to a Service User.

Information Service

Referral Service

Legal Advice

Legal Task

Duty Lawyer Service

Non-legal Support Service - Discrete

Non-legal Support Service - Ongoing

Discrete Resolution Representation Service

Court/Tribunal Representation Service

Other Representation Service

Ongoing Legal Support Service

## Ongoing Services

Where a Centre provides legal or non-legal support to a Service User in an ongoing capacity over a period of time.

## Facilitated Resolution

Where a Centre facilitates the resolution of a dispute between two parties.

Facilitated Resolution Process

# Community projects

Community Legal Education

CLE Resource

CLE Activity

Community Education

CE Resource

CE Activity

Law and Legal Service Reform

Law and Legal Service Reform Activity

Stakeholder Engagement

Stakeholder Engagement Activity

## Data Dictionary and Glossary

<https://www.clcs.org.au/DataGuide/Glossary>

This Glossary provides definitions of key terms used throughout the Data Consistency Guide. Definitions of common terms will be made consistent across this Guide, [CLASS Documentation](#) and the [Risk Management Guide](#). If you want to provide feedback or seek clarification about any of the definitions below, please [email us](#).

**Aboriginal and Torres Strait Islander Legal Services (ATSILS)** are community controlled non-for-profit organisations providing legal assistance services in the areas of criminal, family and civil law in addition to undertaking community legal education, prisoner through-care and law reform and advocacy activities. See the [NATSILS](#) website for more info.

**Centre** is a broad term covering any legal service provider that falls under the umbrella of Community Legal Centres Australia and its members. Centres may be community legal centre, Family Violence Prevention Legal Services or Aboriginal and Torres Strait Islander Legal Services. In this Guide it may also refer to organisations that use CLASS users but are not members.

**CLASS** is the client management database operated by CLCs Australia. See [CLASS Documentation](#).

**Community Education** is a Community Projects Service Type that aims to resolve non-legal issues, social welfare, learning outcomes and personal development of people involved in the legal process and experiencing disadvantage. The focus is on addressing related non-legal problems that directly impact upon a person's ability to access or participate in the justice system, to prevent legal matters escalating. See below for the meaning of "non-legal problems", and see the service type [Community Education](#).

**Community legal centres** are independent, non-profit, community-based organisations that provide free and accessible legal and related services to everyday people, including people experiencing discrimination and disadvantage.

**Community Legal Education (CLE)** can be broadly described as information about the law provided to the general community, community services, community groups, organisations, schools or other agencies. The purpose of CLE is to inform and build individual and community resilience by enhancing awareness and understanding about the law, and how to identify, prevent and deal with problems awareness of the help available from legal and support services. In the Data Consistency Guide, CLE is not of itself a Service Type, rather, the Service Types are CLE Activity and CLE Resources: see [Community Legal Education](#).

**Community Projects**, also called Services to the Community, is a grouping within the Data Consistency Guide that pulls together all Service Types by a Centre other than one-on-one services provided to an individual. See [Groupings](#) and [Community Projects](#).

**Court/Tribunal Representation Service** is a Service Type defined as where a Centre provides ongoing representation for a matter that has commenced in a court, tribunal or inquiry, where the Centre provides legal representation to the Service user and takes

carriage of the matter in an ongoing, representative capacity. See [Court/Tribunal Representation Service](#).

**Discrete Services** are a grouping of one-off legal or non-legal services provided to Service Users, where the Centre undertakes a clearly defined activity but does not commit to providing ongoing support once that activity is completed. See [Groupings](#) and [Discrete Services](#).

**Dispute Resolution Representation Service** is a Service Type defined as the ongoing legal representation by a Centre of a Service User in a matter that is proceeding by way of alternative dispute resolution processes. See [Dispute Resolution Representation Service](#).

**Duty Lawyer Service** is a Service Type defined as legal service/s provided by a duty lawyer or advocate to a client at a court or tribunal. See [Duty Lawyer Services](#).

**Facilitated Resolution Process** is a Service Type in which a Centre sets up and/or conducts ("facilitates") activities such as a conference to assist opposing parties to resolve or narrow issues in dispute. A Facilitated Resolution Process is a form of alternative dispute resolution, which seeks to resolve disputes without going to court or tribunal. See [Facilitated Representation Service](#).

**Family Violence Prevention Legal Services (FVPLS)** are Aboriginal and Torres Strait Islander community-controlled organisations providing legal assistance, casework, counselling and court support to Aboriginal and Torres Strait Islander adults and children who are victim/survivors of family violence. Legal services are provided in matters related to family violence, victims of crime compensation, family law, and child protection. FVPLSs also provide community legal education and early intervention and prevention. See <https://www.nationalfvpls.org/What-We-Do.php>.

**Information Service** is a Service Type defined as the provision of information to a Service User in response to an enquiry about the law, legal systems and processes; and legal and other support services to assist in the resolution of legal and related problems. See [Information Services](#).

**Law and Legal Service Reform** is a Community Projects Service Type which include activities undertaken to change the law and legal process, or to improve the provision of legal assistance services. These activities often seek to improve equitable access to, and the effectiveness of, the justice system for the benefit of particular disadvantaged groups within the community and the Australian community as a whole. See [Law and Legal Service Reform](#).

**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. See [Legal Advice](#).

**Legal Task** is a Service Type where a Centre undertakes a discrete, clearly-defined, one-off piece of legal work (an identifiable deliverable) to assist a Service User in their own efforts to resolve a legal problem, with no commitment to support the Service User beyond the completion of that piece of work. The two main types of work in a Legal Task are reviewing or preparing particular documents for a Service User to use in their legal proceedings; or a limited instance of interacting with a third party to help progress a Service User's legal matter. See [Legal Task](#).

**CLCs Australia**, formerly the National Association of Community Legal Centres, is the national peak body for community legal centres. CLCs Australia developed this Data Consistency Guide and operates [CLASS](#).

**Non-legal problems**, for the purposes of this Guide, describes issues experienced by a Service User that cannot be resolved by asserting or defending the person's legal rights through legal processes – [Non-Legal Support Service- Discrete](#) and [Non-Legal Support Service- Ongoing](#).

**Non-Legal Support Service** is a non-legal service provided by a Centre directly to a Service User to assist and support them to resolve specific, non-legal problems. For the meaning of "non-legal problems", see above. There are two Non-Legal Support Service Types – [Non-Legal Support Service- Discrete](#) and [Non-Legal Support Service- Ongoing](#).

**Other Representation Service** is a Service Type in which a Centre takes carriage of a legal matter in an ongoing, representative capacity, but where the service does not fit within the definition of a Court/Tribunal Representation Service or a Dispute Representation Resolution Service. In other words, it is representing a Service User in a legal dispute in which there are no court, tribunal or dispute resolution proceedings. See [Other Representation Service](#).

**Ongoing Legal Support Services** is a new Service Type, to be made available in CLASS in the future, in which a Centre makes an up-front commitment to a Service User to provide them with ongoing support in their own efforts to resolve a legal matter. The Centre does not take carriage of the legal matter or represent the Service User in any legal proceedings. See [Ongoing Legal Support Service](#).

**Service Type** is a data item that describes particular interactions between a Centre and people/groups/organisations. For this Guide, Service Types are grouped into Services for the Individual and Services for the Community (Community Projects). The original Service Types used in this Data Consistency Guide, and built into CLASS, were drawn from the [Data Standards Manual](#). See [Groupings](#).

**Service User** is a person or organisation who receives services from a Centre. It is a broader term than "client" because it also covers a person who receives an Information or Referral service, whose name or other identifying details are not captured and therefore who may not be described as having a solicitor / client (or other form of professional / client) relationship.

**Stakeholder Engagement** is a Community Projects Service Type used to describe the engagement by the Centre with other agencies, groups or key individuals who affect or could be affected by the Centre's work. See [Stakeholder Engagement](#).

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*Page version history:*

*26 August 2019: Typos and grammar corrected including to "Community projects" and "Service User"*

*12 August 2019: Inserted definition of "non-legal problem", "Service Type", CLASS, and CLCs Australia. Also clarified which definitions were Service Types.*

## Discrete Services

<https://www.clcs.org.au/DataGuide/DiscreteServices>

Discrete Services are one-off legal or non-legal services provided to Service Users, where the Centre undertakes a clearly-defined activity but does not commit to providing ongoing support once that activity or deliverable is completed.

“Discrete” does not imply a particular amount of time spent, or a requirement to be limited to one point-in-time (eg same day). For example, some discrete services (eg Legal Task) might take 6 hours over a 2-week period.

Discrete Services are differentiated from Ongoing Services where an organisation provides ongoing assistance to a Service User. See the diagram of service groupings [here](#).

See each of the Discrete Services below for more information.

## Information Services

### Definition

An Information Service is the direct provision of information to a Service User in response to an enquiry about the law, legal systems and processes, or legal and other support services. The information is of general application and not specific to the circumstances of the Service User.

The Service User can be the person who has the legal issue, or it can be a third party enquiring on behalf of a person with a legal issue.

An Information Service involves a direct communication and/or a provision of material to an individual.

### Methods of service provision

An Information Service involves a direct communication and/or a provision of material to the Service User, and can be provided:

- By phone, in person, via online chat, by letter, fax, email, direct message, videoconference
- By legal or non-legal staff or volunteers
- From an office or from an outreach event eg talking to a person at a stall at a fair day / NAIDOC Week

The following are not Information Services as they are not a direct communication between a Centre staff member / volunteer and an individual:

- Chatbots or other autonomous services that help a person navigate the website or build a useful resource (eg form-generators) but do not involve direct interaction between the Service User and a Centre staff member / volunteer
- Downloads of factsheets, self-help guides, or other resources from the Centre website



- Leaflets about the law picked up by people – eg in reception area or on a stall at a fair
- Social media posts/tweets or e-bulletins available to all followers / subscribers.

Community Projects such as community education can be instead used to record the work listed above (see [Community Projects](#)).

## Information Service v Legal Advice

The information provided by a Centre in an Information Service is of general application and not specific to the circumstances of the Service User. For this reason, a Centre does not need to obtain the name, details, or full details about the Service User's legal inquiry before providing an Information Service.

If the information provided by the Centre is specific to the circumstances of the Service User (or the person for whom the Service User is seeking the information), then this is Legal Advice, and the Centre is required to obtain the name, details and full instructions of the person with the legal issue. See the [Risk Management Guide](#) for details about the difference between an Information Service and Legal Advice.

## Secondary Consultations – a type of Information Service

Information Services can be provided to a third party seeking information on behalf of another person. The third party may be:

- A person inquiring on behalf of a friend or family member, or
- A non-legal worker or lawyer from another agency or Centre seeking information in relation to a client of that other agency – this is what many Centres call a "secondary consultation".

The [Risk Management Guide](#) provides guidance on the difference between providing an Information Service and providing Legal Advice to third parties. It states that where the discussions between the Centre and the other agency are held in such a way that:

- the client is not and cannot be identified, and
- there is no disclosure of individual information that would breach client privilege or give rise to an inference (or actuality) of the Centre being regarded as acting for the client,

then the exchange should be seen as information and not advice. (See [Risk Management Guide](#) paragraph 6.7.23, also paragraphs 2.19.5, 6.7.24-27 and 8.5.11-15).

Note: In CLASS these secondary consultations should be recorded as an Information Service. We are currently scoping changes to CLASS to allow these sorts of Information Services to be clearly identified as Secondary Consultations and will update this text and advise CLASS users when this occurs.

## How many Information Services?

Where information is provided about one or more problems at the same time, it should be recorded as one Information Service. Different problem types may then be recorded against the Information Service.

Where the same information is provided to a person by more than one method at the same time (for example by telephone, followed by mailing a pamphlet), it is counted as one Information Service. Note: If there is substantial variation in the information, then you should record them as separate Information Services.

Where information is provided to a person in the course of providing another Service, it should not be counted as an Information Service - it is subsumed by the other Service. For example:

- Any information provided in the course of a Legal Advice is not counted separately as an Information Service, but is just part of the Legal Advice
- Any information provided by a duty lawyer to a person in a court or tribunal is not counted as an Information Service, but is just part of the Duty Lawyer Service.

## Making appointments

In general, administrative tasks such as booking appointments for legal advice sessions are not Information Services. Of course, legal information is frequently also provided while making a booking and may be recorded.

In CLASS, Centres using the Triage process often do not record an Information Service at the time of making an appointment, to save on data entry time. Instead they create a Triage Service which contains all relevant information needed for the appointment. After the advice appointment, the Centre then upgrades the Triage Service to:

- Legal Advice if the Service User attends and receives advice, or
- Information Service if the Service User does not attend the appointment.

Refer to [CLASS Documentation on Triage](#).

## Referral Services

### Definition

A Referral is when a Centre determines that a Service User can be assisted by other organisation/s or individual/s, whether legal or non-legal, and provides the Service User with the contact details and/or support to access the service.

A Referral may be recorded as either a Simple Referral or a Facilitated Referral.

### Simple Referral

A Simple Referral is when the contact details of an individual or organisation are provided and it is up to the Service User to make contact with that individual/organisation. These are sometimes called "cold referrals".

### Facilitated Referral



A Facilitated Referral is when a Service User is directly assisted by the legal service to make contact with another individual or organisation. These are sometimes called "warm referrals".

A Facilitated Referral may include one or all of the following:

- making an appointment on behalf of a person
- contacting the target service to check a person's eligibility and the availability of service within the appropriate timeframes
- attending the target service with a person and providing background information or a professional assessment relevant to the provision of the target service
- taking the Service User's name and details about the Other Party and the legal problem, and then using this to locate a pro bono solicitor and/or prepare an application for legal aid (see case studies).

## How many Referrals?

One Simple Referral may have several referral destinations, for example, the Service User is provided with details of the local court and three private solicitors. A Facilitated Referral will usually only have one destination, because by definition it involves the facilitation of the Service User to a specific service, although if the Centre facilitates the Service User accessing several services at the same time, they can be recorded as different referral destinations on the one Facilitated Referral Service.

Referrals are frequently made at the same time as the provision of discrete services such as Information Service, Legal Advice and Legal Tasks. They are counted separately from the discrete services.

The [National Data Standards Manual](#) states that referrals made during the course of a representation service should not be separately counted. Note that CLASS allows for the recording of referrals as part of any service type including the Ongoing Services, and these are currently being counted in NPA reports.

## What is not defined as a Referral

Incoming referrals - where an external individual or organisation refers a Service User to the Centre - are not counted as a Referral. CLASS does allow you to record where a Service User is referred from.

Internal referrals - where a Service Provider refers a Service User to another individual or section within the same organisation - are not counted as a Referral for the purpose of Referral reports. In CLASS, a Centre could create a custom field "Internal referrals" and then count these in Centre-specific reports.

## Case studies and examples

[Case Study – Carmel referred to financial counsellor](#)

[Case Study – Zoe's Internal Referral](#)

[Case Study – A pro bono lawyer for Alfredo](#)

## Reasons for Referral: see below

<https://www.clcs.org.au/DataGuide/ReasonForReferral>

*[CLCs Australia will be reviewing Reasons for Referral in consultation with Centres and FVPLS. We have developed the following table as a starting point to clarify when each reason should be used, and welcome your feedback].*

### Why do we need to record reasons for Referrals?

Capturing and recording Reasons for Referral allows Centres to better understand the pressure on their service. If the data is captured accurately, it can be used as a way to measure the number of people who are turned away from the Centre because of resource constraints ("turnaways"). This data can then in turn be used by the Centre to underpin their work campaigning for improved funding to the Centre.

Note: In CLASS, the bulk-entry tool for Information and Referrals does not allow you to record the Reasons for Referral.

### What are the main Reasons for Referral?

The [Data Standard Manual](#) sets out the following four main reasons for referral:

1. The Service Provider does not offer the service required
2. The Service Provider does not have capacity to deliver the service
3. The Service Provider offers the service, but another provider is more appropriate for the particular Service User
4. The Service Provider offers the service, but the Service User is not able to access the service because of conflict; Service User's eligibility to access services; or Service User's breach of conditions of assistance.

In CLASS, there are seven main Reasons for Referral available to all CLASS Users. However individual Centres frequently have their own custom reasons for referral.

We will work with Centres to:

- Standardise and clarify the Reasons
- Encourage each Centre to "clean up" their Reasons for Referrals so that they align with the agreed Reasons.

The main Reasons for Referral currently in CLASS are set out below, with guidance as to which reasons should be used in which circumstances. We suggest that Centres look at Capacity as the last reason, and only use this when there is no other reason for referring someone away from the Centre. Note that we are also looking at adding a specific Reason for Referral which can be used by referral bodies such as LawRight QLD, JusticeNet SA, Law Access WA, to record their pro bono referrals.

CLASS Reason for Referral	Circumstances in which to use	National Data Standard
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		Reason (1-4)
Already instructing a private solicitor	<p>Where caller or Service User is already receiving assistance from a private solicitor and it is appropriate that they keep using that solicitor.</p> <p>If during an Advice, it is clear that a Service User clearly cannot afford a private solicitor, but the CLC also doesn't have capacity, this should be recorded as "Centre does not have capacity"</p>	3
Centre does not offer service required	<p>This category applies when the person who is seeking assistance is:</p> <ol style="list-style-type: none"> <li>1. Really looking for a non-legal service that the CLC does not provide, eg financial counselling, mental health support.</li> <li>2. Looking for legal help in an area of law that the CLC does not and would never provide advice in eg. a person contacts Welfare Rights Centre about a migration law issue (that is not related to social security law).</li> </ol> <p>Do not use this category for the situation where a person is seeking help in an area of law in which the Centre:</p> <ul style="list-style-type: none"> <li>• provides one-off Legal Advice but refers to state Legal Aid Commission for other services such as Duty Lawyer Services or Family Law Representation - instead select "Eligible for Legal Aid"</li> <li>• could provide advice if it had the resources to employ a solicitor with those skills (eg employment law inquiry to a generalist CLC) - instead select "Centre does not have capacity to deliver service"</li> </ul>	1
Conflict of Interest	Your Centre cannot assist due to a conflict of interest. This includes conflicts of interest with former Service Users, staff, volunteers, Management Committee/ Board members.	4
Eligible for Legal Aid	<p>Your Centre should only use this category where it is highly likely that person would be eligible for services provided by a Legal Aid Commission or Aboriginal and Torres Strait Islander Legal Service.</p> <p>This category can be used:</p>	3

	<ul style="list-style-type: none"> <li>• At the Referral stage (before a Legal Advice or other service is provided)</li> <li>• During or at the end of a Legal Advice</li> <li>• For a Legal Task where your Centre is assisting someone to apply for Legal Aid</li> </ul>	
Not in Catchment area	Use this category where the person seeking assistance lives, and/or the legal problem occurred in, a geographic region not covered by the Centre.	3
Person could not be assisted within time frame needed or wanted by them	<p>Use this category where your Centre cannot provide the person with an initial appointment:</p> <ul style="list-style-type: none"> <li>• within a timeframe that the person wants to wait for</li> <li>• in time to meet a limitation date</li> <li>• in time for a Court or Tribunal imposed date.</li> </ul>	2
Referred to Funded Agency (ie. Welfare Rights)	Try not to use this reason, instead use "Specialist Service Available" (CLCs Australia is considering hiding this Reason)	3
Specialist Service available	<p>Your Centre could assist the person in the area of law, but there is specialist service better placed to assist.</p> <p>For example, a person calls generalist Centre about a social security matter, is referred to the state-wide Welfare Rights Centre.</p>	3
*Wanted guaranteed Court representation	Where Service User has explicitly asked for, or clearly needs someone to represent them in court, but the Centre does not have the capacity to do this. This Reason can be captured during an initial Information and Referral, or during another Service such as Legal Advice or Duty Lawyer.	2
Referral clearing house	<p>[new referral reason to be made available].</p> <p>The reason for the referral is because it is actual the Centre's role to secure a pro bono lawyer for a Service User.</p> <p>Referral Centres such as LawRight QLD, JusticeNet SA, Law Access WA, Justice Connect (NSW and Vic) should use this as the reason against a Facilitated Referral.</p> <p>Also see <a href="#">Case Study – A pro bono lawyer for Alfredo</a>.</p>	3

Centre does not have capacity to deliver service	<p>“Capacity” here means “resources”, that is, the Centre does, or could, provide services in this area of law, but has insufficient resources to provide the service to that particular person.</p> <p>This should be the default Reason selected where the Centre knows that the person is being turned away because of lack of capacity.</p> <p>Examples of lack of capacity that could fall into this Reason include:</p> <ul style="list-style-type: none"> <li>• The Centre already has a full caseload</li> <li>• The Centre has key staff on leave</li> <li>• The Centre has Advice and Casework / Legal Practice Guidelines that specify it will only provide particular services to people within a particular priority group (although obviously a specialist centre already has its own limitations) and/or in particular circumstances</li> <li>• The Centre has made an historical decision not to practice in a certain area of law due to lack of resources – eg some Generalist Centres do not assist people with family law property matters</li> <li>• Where a person has received some discrete services from the Centre (eg Legal Advice) but needs or would like ongoing support in some way (eg a Representation Service for their court/tribunal matter). This Referral should be recorded as part of the Legal Advice.</li> <li>• Where the matter is something more complex than usual and the Centre does not have the time / ability to run the matter.</li> </ul>	2
*** Internal Referrals	<p>[Do not use this reason. CLCs Australia is considering hiding this reason].</p> <p>Internal Referrals should not be counted towards Referrals generally. If your Centre wants to record these, contact CLASS Helpdesk to discuss creating a separate custom field called “Internal Referral” which can sit within existing Services eg Legal Advice, Representation Service.</p> <p>Also see <a href="#">Case Study – Zoe’s internal referral</a>.</p>	Should not be captured
Other	<p>[All efforts should be made not to use this Reason].</p> <p>If you have a Reason for Referral that you think is not covered by any within this Table, email us so we can</p>	Each custom field

	<p>consider this in the review of Reasons for Referral:  <a href="mailto:icthelp@clcs.org.au">icthelp@clcs.org.au</a>.</p> <p>Alternatively, Helpdesk can help you create a custom Reason that makes sense for your Centre, and maps up to one of the seven reasons.</p>	<p>should be mapped accordingly</p>
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## Legal Advice

<https://www.clcs.org.au/DataGuide/LegalAdvice>

### Definition

A Legal Advice Service is the provision of fact-specific legal advice to a Service User in response to a request for assistance to resolve specific legal problems.

The Service User can be an individual or a person seeking advice on behalf of an organisation or a group.

### Same solicitor, same appointment, but more than one problem, parties, or funding categories

If a Services User receives advice for more than one problem type from the same lawyer during the same appointment, under the National Data Standards Manual this is required to be counted as one Legal Advice. The different problem types are simply recorded in the service characteristics.

CLASS will also allow for the recording of time spent on each Legal Advice (same categories as available for Legal Task) so that Centres can understand how much time on average they are spending on Legal Advices.

Many Centres have asked if more than one Legal Advice should be recorded where the Service User brings up several different events, legal issues, and/or disputes in the one appointment. Two key problems emerge when all the advice is recorded as just one Legal Advice:

- Where there are several different Other Parties (one relating to event 1, one relating to event 2, etc), it can be hard in the future when doing a conflict check to determine which Other Party related to which event and legal problem
- Where a centre has a number of different funding programs, and the solicitor's advice is in relation to two different legal issues for which the Centre is funded from two different funding streams, in effect the solicitor is performing two separate pieces of work, and Centres have argued that they should be able to capture the service against each funding program which would mean two separate Legal Advices.

In early 2020, we began consultation on a proposal to allow for this scenario to be recorded as multiple Legal Advice records. State and territory sector peaks will be leading consultation with their members so please contact your peak for more information or to provide your feedback. If any changes are agreed, this Guide will be updated.

Until this consultation has been finalised, Centres are encouraged to, wherever possible, use the rule "Same client, same solicitor, same appointment time = One Legal Advice." However, Centres also should use common sense when recording advices.

The following rules of thumb should be used:

Record the first Legal Advice appointment provided to a new Service User as one Legal Advice, noting that an initial advice is often very broad, covers a lot of ground, and frequently operates as a triaging appointment to determine which issues the Centre needs to provide more advice on, and which matters need to be referred out to other organisations

The exception is where the one solicitor is themselves funded through different funding categories and needs the Service recorded against each - see the Indu case study in Case Studies below

Any relevant follow-up appointments can then be recorded as separate Legal Advices for each of the different legal problems against relevant funding categories and with only the relevant Other Parties

If the Centre brings a Service User in to get advice in relation to different events involving different areas of law, with the appointments scheduled back-to-back in order to be convenient for the Service User, then the Centre might exercise discretion and count these as two Legal Advices, even if it is the same solicitor providing the advice.

### **Same solicitor: different method**

Where the same solicitor provides the same advice to a Service User using more than one method, for example where advice is provided in person, and the solicitor provides the Service User with notes of the advice, it is counted as just one Legal Advice.

### **Follow-up advices**

Where the same solicitor provides follow-up advice after the initial advice, for example when reviewing their own advice they realise they may not have been very clear about time limitations, this should be counted as the same Legal Advice – it is not an additional advice.

If a follow-up of an initial advice is undertaken by a different solicitor – for example, the first Legal Advice is provided by a volunteer solicitor, then reviewed the next day by a Centre solicitor who contacts the Service User to get more information and then to provide more advice – then this is a second Legal Advice.

### **Subsequent contact by Service User**

Where a Service User makes subsequent contact with a Centre with additional or new information relating to the same legal problem, and advice is provided - whether by the same solicitor or a new solicitor - it is counted as a separate Legal Advice.

### **Legal Advice v Information or Referral**

Where information is provided in the same session as a Legal Advice Service, it is not separately counted as an Information Service.



See [Information Services](#) for clarification as to the difference between Information and Legal Advice.

Referrals may be recorded as part of a Legal Advice (and in CLASS, these are picked up in the referral count for NPA reports).

## **Legal Advice v Legal Task**

It is common for a Centre to provide a Legal Advice and a Legal Task (eg reviewing Service User's court documents and redrafting) during one advice appointment. When this occurs, it should be recorded as one Legal Advice and one Legal Task. In other words, a Legal Task does not subsume a Legal Advice (or vice versa): they are two separate Services.

Reviewing a Service User's documents and researching the law to prepare legal advice for the Service User is all part of a Legal Advice, regardless of the length of time spent or complexity of the legal matters, so long as it does not involve any interaction with a third party or preparing documents for a Service User to use in legal proceedings. In CLASS, these activities can be recorded in the Legal Advice as Actions.

If the Centre does need to contact a third party while reviewing a Service User's documents (eg contacting Centrelink to check on a review date for the Service User), then the Service is not a Legal Advice, it is a Legal Task. In these circumstances, as a matter of legal practice / privacy law, the Centre will need to ask the Service User to sign an Authority/Consent to Provide Information to the Centre (this authority has a range of different names). Obtaining this Authority is in itself a good indicator that the service being provided is more than a Legal Advice. (Note it might also be a type of ongoing legal service, see below).

## **Legal Advice v Duty Lawyer**

Legal advice provided by a duty lawyer to a Service User at a court or tribunal is not counted as a Legal Advice Service but as a Duty Lawyer Service.

## **Legal Advice v Representation or Ongoing Legal Support Service**

Legal advice provided in the course of a representation or Ongoing Legal Support Service is not counted as a separate Legal Advice service, but is simply part of that ongoing service. In CLASS, the contact with the Service User may be recorded within the Representation Service or Ongoing Legal Support Service as an Action.

## **Case studies and examples**

[Case Study – A pro bono lawyer for Alfredo](#)

[Case Study – Ahn vs his landlord](#)

[Case Study – Fiona's debt to ex-husband](#)

[Case Study – Indu Advice- different legal issues/ funding categories](#)

*Page version history:*

*2 August 2019: Whole Page substantially rewritten to clarify in what circumstances different Legal Advices should be recorded*

*March 2019: Draft text provided with questions for feedback.*

## Legal Task

<https://www.clcs.org.au/DataGuide/LegalTask>

### Definition

A Legal Task is where a Centre undertakes a discrete, clearly-defined, one-off piece of legal work (an identifiable deliverable) to assist a Service User in their own efforts to resolve a legal problem, with no commitment to support the Service User beyond the completion of that piece of work. The two main types of work in a Legal Task are revising or preparing particular documents for a Service User to use in their legal proceedings; or a limited instance of interacting with a third party to help progress a Service User's legal matter.

### Revising / preparing documents

The most common type of Legal Task is revising or preparing document/s to be used by a Service User in one stage of their legal matter, without any commitment to continue revising the documents as circumstances change; to review / revise additional documents; or to assist the Service User with other parts of the legal process.

Examples are:

- Drafting an FOI application in a Service User's name
- Drafting court / tribunal application forms in a Service User's name
- Revising a Service User's statutory declaration/s or written submissions for an upcoming court/tribunal matter.

Preparing a will is a particular example of a Legal Task set out in the National Data Standards Manual. If your Centre does prepare wills, we recommend you record the work as follows:

- Legal Advice 1 – taking initial instructions, talking through options, providing advice about ways to get Service User's wishes met
- Legal Task – drafting the will, getting the first draft checked by Service User, redrafting any changes
- Legal Advice 2 – talking Service User through final will, checking they understand, and getting it signed – any additional work done in the final appointment can just be recorded within the Legal Task.

### Interaction with third parties

The second common type of Legal Task is where the Centre interacts with a third party to assist a Service User to progress their matter, but makes no commitment to further assist the Service User after the particular piece of work is completed.

Note that for Legal Tasks requiring the Centre to communicate with a third party about the Service User's matter, as a matter of legal practice / privacy law the Centre will need to ask the Service User to sign an Authority/Consent to Provide Information to the Centre (this authority has a range of different names). Further information is in the Risk Management Guide.

Examples are:

- Preparing and lodging an FOI application to a government department in the Centre's name for the sole purpose of providing legal advice to the Service User about their matter (ie with no commitment to assisting in an ongoing way)
- Calling a Housing organisation to ask about the progress of Service User's internal appeal matter
- Writing a letter on Centre letterhead to the Housing organisation outlining the person's circumstances in support of their housing application, which states that the Centre is not representing the Service User.

## How many Legal Tasks?

A Legal Task usually only has one legal problem type. If a Centre undertakes legal work for one Service User in relation to a number of different legal problems, particularly if there are different Other Parties, each piece of work should be recorded as a different Legal Task.

A Legal Task might include a range of activities, and/or several interactions between the lawyer and Service User (Actions in CLASS) to finalise the piece of work, as the will example above illustrates

It is important not to list each activity as a separate Legal Task. For example, when reviewing and revising documents for a legal matter, the Centre may need to contact the Service User 2-3 times to check facts, might make a call to a third party to clarify hearing dates, and may undertake the work over a period of time before returning the documents to the Service User. All these activities are part of the one Legal Task (and in CLASS, can be recorded as Actions against the Legal Task).

If the Service User returns after this piece of work is completed, and asks the Centre to review different documents, this would be a 2nd Legal Task.

## What is the date of Service?

Even where one Legal Task takes place over more than one day, the Date of Service is the date the Task is opened/commenced. "Discrete services" do not relate to a particular amount of time being spent, or a limitation to one point-in-time (eg same day).

CLASS has the ability to enter a "close date" against a Legal Task. This is simply to assist Centres to manage Actions within a Legal Task.

Centres are encouraged to record the time spent on the Legal Task, so they have a better understanding of how much time their Centre on average takes to do a Legal Task.

Centres using CLASS are also encouraged to start recording Actions undertaken as part of the Legal Task. This might help a Centre understand the typical progress of Legal Tasks for

particular legal matters. Over time, this information can assist CLCs Australia in providing a better description of Legal Tasks in the future. At a Centre level, it could also help streamline the Centre's management of particular Legal Tasks, for example, delegating some tasks to volunteers or students.

## Information and referrals provided during course of Legal Task

Where information is provided in the same session as a Legal Task, it should not be recorded as a separate Information Service - it is subsumed as part of the Legal Task.

Referrals can be recorded in the Legal Task – in CLASS these get counted in reports on Referrals.

## Legal Task v Legal Advice

Reviewing a Service User's documents and researching the law to prepare legal advice for the Service User is not a Legal Task, it is part of a Legal Advice, because it does not involve any interaction with a third party, or preparing documents for the Service User to use in legal proceedings.

It is common for a Centre to provide a Legal Advice and a Legal Task during one advice appointment. When this occurs, it should be recorded as one Legal Advice and one Legal Task. In other words, a Legal Task does not subsume a Legal Advice (or vice versa): they are two separate Services.

In some rare occasions, a Legal Task might be provided (eg liaising with third party to get information) before any Legal Advice is provided to the Service User - see Case Study - [Maha v Centrelink](#).

For Legal Tasks where the Centre needs to communicate with a third party about the Service User's matter, as a matter of legal practice / privacy law, the Centre will need to ask the Service User to sign an Authority/Consent to Provide Information to the Centre (this authority has a range of different names). Obtaining this Authority is in itself is a good indicator that the service being provided is more than a Legal Advice. (Note it might also be a type of ongoing legal service, see below).

## Legal Task v Duty Lawyer

Assistance with Legal Tasks provided by a duty lawyer to a Service User at a court or tribunal - for example, assistance drafting court documents or negotiating with other parties where the duty lawyer has not agreed to represent the Service user - is not counted as a Legal Task but as a type of [Duty Lawyer Service](#).

## Legal Task v ongoing legal services

If a Centre makes a commitment to a Service User to provide ongoing legal support to them over a period of time, to help them resolve a legal dispute or represent themselves in legal proceedings, this should be recorded as an [Ongoing Legal Support Service](#).

If the Centre makes a commitment to the Service User to take carriage of the Service User's matter in an ongoing representative capacity, this is not a Legal Task, but one of the Representation services.

## Test to help you identify if something is a Legal Task

If staff or volunteers at your Centre are still having difficulty identifying whether a particular activity is a Legal Task or another type of service, we recommend you look in the [Resources](#) section to see if the Ready Reckoner, Flowchart, or Matrix help.

## Case studies and other examples

[Case Study - Yousef v the bank](#)

[Case Study - Maha v Centrelink](#)

[Case Study - Ali's employment issue](#)

[Ready Reckoner - When you do more than advice](#)

*Page version history:*

*6 September: Edited second paragraph to replace "reviewing" with "revising" documents. Fixed some hyperlinks.*

*2 August 2019: Whole Page substantially rewritten to clarify in what circumstances different Legal Advices should be recorded*

*March 2019: Draft text provided with questions for feedback.*

## Duty Lawyer Service

<https://www.clcs.org.au/DataGuide/DutyLawyerService>

### Definition

Duty Lawyer Services are legal services provided by a duty lawyer or advocate to a client at a court or tribunal.

Some common duty lawyer schemes are criminal law list days, apprehended violence order list days, and tenancy duty advocacy schemes.

There are currently eight Duty Lawyer Service Activity Types in CLASS, and some Centres have their own custom Activity Types which map back to these eight.

Feedback has suggested it may be easier to collapse the CLASS categories to align with the four main Activity Types for Duty Lawyer civil and family law matters set out in the [National Data Standards Manual](#) (Table 13). CLCs Australia is currently reviewing this.

Duty Lawyer Service Activity Type - CLASS	Circumstances in which this Activity Type is selected	Data Standards Manual Duty Lawyer Activity Type
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Duty Lawyer Service – Advice	Solicitor / advocate on duty provides advice only - does not provide assistance in relation to document preparation or negotiating with the other party	Duty Lawyer - Advice only
Duty Lawyer Service – Assistance – Advice and Drafting court documents	Solicitor / advocate on duty does not act for the person, but instead provides advice and/or drafts court documents for the person to use themselves in the court or tribunal	Duty Lawyer - Legal Assistance
Duty Lawyer Service – Assistance – Advice and negotiating with other parties	Solicitor / advocate on duty does not act for the person, but instead provides advice and negotiates with the landlord/agent on behalf of the tenant	Duty Lawyer - Legal Assistance
Duty Lawyer Service – Minor Appearance – Adjournment	Solicitor / advocate on duty acts as the client's representative in front of the court or tribunal in relation to an adjournment (ie no substantive issues discussed)	Duty Lawyer - Minor Appearance
Duty Lawyer Service – Minor Appearance – Procedural Orders only	Solicitor / advocate on duty acts as the client's representative in front of the court or tribunal in relation to any other procedural orders (ie no substantive issues discussed)	Duty Lawyer - Minor Appearance
Duty Lawyer Service – Appearance – Advice and court-based conference	Solicitor / advocate on duty acts as the Service User's representative in a court-based conference (which always includes advice)	Duty Lawyer - Appearance
Duty Lawyer Service – Appearance – Interim application	Solicitor / advocate on duty acts as the Service User's representative in front of the court or tribunal in relation to an interim application	Duty Lawyer - Appearance
Duty Lawyer Service – Appearance – Submissions made	Solicitor / advocate on duty acts as the Service User's representative in front of the court or tribunal and makes submissions on the substantive matter	Duty Lawyer - Appearance

## Duty Lawyer Service v non-legal court support

Some Centres operate a court support program in which non-legal workers or volunteers provide support to people attending court. Examples are:

- Domestic violence court support programs, where women seeking domestic/family violence orders are supported to stay safe from the perpetrator, provided with referrals for housing / social work, and assisted to understand the court processes
- Disability court support schemes in which volunteers attend to support people with an intellectual disability who are facing criminal or civil court proceedings
- Aboriginal or Torres Strait Islander court support officers who help Aboriginal people get to court and navigate the court processes.

These court support schemes are to be recorded as Non-Legal Support Services (either discrete or ongoing) and not Duty Lawyer services.



## Duty Lawyer Service v ongoing legal services

Where a person receives a Duty Lawyer Service and then contacts the Centre directly for more help, or the Centre otherwise decides that this person is someone for whom they wish to provide other advice or assistance, the additional help is counted as a separate service. The first service is counted as one Duty Lawyer Service and the subsequent service is counted as a Legal Advice, Legal Task, Dispute Resolution Service, Court/Tribunal Representation Service, or other service as relevant.

## Case studies and examples

[Case study: Christopher and the Duty Lawyers](#)

[Ready Reckoner: When you do more than advice](#)

*Page version history:*

*9 September 2019: Minor edits to Table to fix formatting and clarify the Data Standards Manual duty lawyer activity types.*

*2 August 2019: Table revised with new column showing the four Activity Types in National Data Standards; new sections differentiating between Duty Lawyer and non-legal support schemes*

*March 2019: Draft text provided with questions for feedback.*

## Non-Legal Support Service – Discrete

<https://www.clcs.org.au/DataGuide/NonLegalSupportDiscrete>

### Definition

A Discrete Non-Legal Support Service is a discrete, one-off non-legal service provided by a Centre directly to a Service User to assist and support them to resolve specific, non-legal problems.

For the purposes of the Guide, a “non-legal problem” is an issue being experienced by a Service User that cannot be resolved by asserting or defending their legal rights through legal processes.

The service is provided one-on-one to an individual Service User, taking into account the person’s individual circumstances, in the context of a professional staff/client relationship where the staff member is not a lawyer and is not holding themselves out to be a lawyer.

### What roles commonly provide non-legal support?

Common roles include:

- counsellor
- client support officer
- social worker
- financial counsellor
- alcohol or other drugs counsellor



- mental health caseworker
- court support worker
- domestic violence caseworker
- case coordinator
- disability advocate
- housing support worker (as opposed to a tenants advocate)
- Aboriginal Family Advocate
- Aboriginal and/or Torres Strait Islander field officer, community liaison officer, Aboriginal legal access worker - the roles of these workers are often very broad, covering a range of work supporting Indigenous people to access legal services, including locating clients to bring them to court or to legal or other appointments.

### **Is the service non-legal simply because a non-lawyer provides it?**

Not necessarily. Some Centres' legal practice management involves non-lawyers in the provision of legal services.

Firstly, in some areas such as tenancy or social security law, a Centre may employ experienced advocates to provide advice, assist a person to prepare for legal proceedings, attend a Tribunal Duty Advocacy scheme (particularly in the case of tenancy law), and/or represent the Service User in the relevant Tribunal. These advocates may not be solicitors (and are required to advise the Service User of this fact), but they are experts in their area of law. In some cases, the advocates may not be directly supervised by a solicitor; rather they are supervised by an expert nominated person who is very experienced in the specialist legal area - the [Risk Management Guide](#) calls these experts a "nominated person" for the purposes of insurance.

Secondly, it is common for Centres to use staff or volunteers who are not lawyers to undertake work that is part of a legal service. For example:

- A paralegal staff member or a student volunteer might review a Service User's documents and draft a written advice, which is then reviewed by a solicitor
- A financial counsellor might draft submissions for an AFCA review.

In these instances, the work is subject to the review and supervision of a solicitor, so it is clearly legal work.

One less clear area is where a non-legal worker helps a Service User fill out paperwork for a court or tribunal. As this involves the assertion of legal rights and advice about legal processes, this should be treated as legal work. This means it should be done under supervision of a Centre solicitor and should be recorded as a Legal Task (or Action within one of the ongoing legal service types) rather than non-legal support.

### **Non-Legal Support Service - Discrete or Ongoing?**

The difference between a Discrete and an Ongoing Non-Legal Support Service is that a Discrete Non-Legal Support Service is usually one appointment for a particular session (eg

one financial counselling appointment), in which the Centre does not commit to provide ongoing support past that particular session.

In an Ongoing Service, the Centre makes a clear decision and commitment to provide support to the Service User over a period of time.

The National Data Standards Manual identifies Non-Legal Support as the service type, with Discrete and Ongoing being sub- categories. In NPA Reports, Ongoing Non-Legal Support Services are currently counted as one Non-Legal Support Service, however Centres can differentiate between Discrete and Ongoing Non-Legal Support Services in their own reports.

## How many Services?

Where a Service User receives one event of non-legal support from a Centre (eg one appointment), it is counted as one Non-Legal Support Service.

Where the same Non-Legal Support is provided to a person by more than one method at the same time (for example by telephone, followed by an email), it is counted as one Non-Legal Support Service.

Where non-legal support is provided to a Service User in the course of providing another service, it is counted as a Non-Legal Support Service and is not subsumed by the other service.

## Non-legal support service v Information Service v Community Project services

A non-legal support service is a service provided one-on-one to an individual Service User, taking into account the person's individual circumstances, in the context of a client/professional staff relationship.

Legal or non-legal information or resources provided by receptionist staff or volunteers during a referral or as part of an intake process is not a Non-Legal Support Service - it should be recorded as an Information Service.

Non-legal information delivered to a group of people by a non-legal worker is a Community Education Service. The names of individual people do not need to be recorded, and the information is not tailored to the circumstances of every individual attending.

If (as is commonly the case) an attendee at a Community Education session asks questions about their own circumstances, the non-legal worker should engage with them outside of the group to follow-up on individual support, which may then be recorded as a Non-Legal Support Service.

## Case studies and examples

[Case Study - Fleur non-legal support](#)

[Ready Reckoner - When you do more than advice](#)

*Page version history:*

*12 August: minor edits including correcting links in Case studies*

*2 August 2019: Whole Page rewritten to clarify definition*

*March 2019: Draft text provided with questions for feedback.*

## Ongoing Services

<https://www.clcs.org.au/ongoing-services>

Ongoing Services are where a Service Provider takes carriage of a Service User's legal matter, or provides legal or non-legal support to a Service User, in an ongoing capacity over a period of time.

To understand which services are grouped into Ongoing Services, refer to our [groupings diagram](#).

## Non-Legal Support Service (Ongoing)

<https://www.clcs.org.au/DataGuide/NonLegalOngoing>

### Definition

A Non-Legal Support Service - Ongoing is the provision of ongoing support by a Centre over a period of time to assist and support a person to resolve specific, non-legal problems.

See [Non-Legal Support Service - Discrete](#) for full definition of Non-Legal Support including common roles.

### Non-Legal Support Service - Ongoing or Discrete?

The difference between a Non-Legal Support Service - Ongoing and a Non-Legal Support Service - Discrete is that in an ongoing service, the Centre makes an upfront commitment to support the Service User through a particular process, whereas a discrete service is a one-off appointment for a particular session (eg one financial counselling appointment or one meeting with the Aboriginal access worker).

The National Data Standards Manual identified Non-Legal Support as one service type, with Discrete and Ongoing as sub-categories. This Data Consistency Guide has separated them out (correctly) into the separate categories of Discrete and Ongoing - see our [service groupings](#).

In CLASS, most reports currently bring together Discrete and Ongoing Non-Legal Support Services into one data item Non-Legal Support Service. Centres can create their own reports which show the split between Discrete and Ongoing Non-Legal Support Services.

### How many Services?

Once an Ongoing Non-Legal Support Service has been opened, any future instances of the same type of non-legal support (eg help dealing with debts, support in relation to drug / alcohol addiction, support to an Aboriginal person to access the legal system, domestic

violence support) do not get separately counted as individual instances of Discrete Non-Legal Support Services.

However, if there is a different type of Non-Legal Support being provided, this can be separately recorded wither as a Discrete Service or Ongoing Service as relevant.

## Case studies and examples

[Case Study -- Fleur non--legal support](#)

[Case Study - FVPLS support to Mary](#)

*Page version history:*

*26 August 2019: Added in new case study FVPLS support to Mary*

*2 August 2019: Slight changes in the Guide including referring back to Discrete Ongoing Legal Support for most the substance.*

*March 2019: Draft text provided with questions for feedback.*

## Dispute Resolution Representation Service

<https://www.clcs.org.au/DataGuide/DisputeResolution>

### Definition

A Dispute Resolution Representation Service is the ongoing legal representation by a Centre of a Service User in a matter that is proceeding by way of alternative dispute resolution processes.

Alternative dispute resolution is a collective term for processes such as mediation, arbitration, and expert determinations that attempt to resolve a dispute outside of formal litigation processes - that is, without requiring commencement of action within a court or tribunal.

Some common legal areas that use alternative dispute resolution are:

- Family disputes, particularly Family Dispute Resolution, sometimes called Lawyer--Assisted Family Dispute Resolution
- Discrimination complaints through state or territory commissions or the Australian Human Rights Commission
- Employment complaints through Fair Work Commission
- Neighbourhood dispute mediation either at local courts or elsewhere.

See the [Ready Reckoner](#) for more examples.

### Dispute Resolution Representation Service v Facilitated Resolution Process

In a Dispute Resolution Representation Service, the Centre's lawyer is representing / acting for the party to a dispute.

However, in a Facilitated Resolution Process, the Centre's lawyer is actually mediating the dispute between two parties.

## **Dispute Resolution Representation Service v Court/Tribunal Representation Service**

A Dispute Resolution Representation Service does not include dispute resolution that takes place in the context of a court or tribunal proceeding, as this is incorporated in the definition of a Court /Tribunal Representation Service. For example, if a matter has been listed in a Court or Tribunal, but the Magistrate or Tribunal Member orders parties to attempt to conciliate prior to the hearing date, this conciliation process is to be recorded as part of the Court/Tribunal Representation Service and not as a separate Dispute Resolution Representation Service.

## **Assistance provided to a self--represented party involved in an alternative dispute resolution process**

Assistance provided by a Centre to a self--representing party who is preparing to attend an alternative dispute resolution should be recorded as Legal Advice, Legal Task, Duty Lawyer Service, or Ongoing Legal Support Service, as relevant.

## **How many Services?**

A Dispute Resolution Representation Service includes preparation for, representation at, and recording agreement following an alternative dispute resolution process.

All activities provided as part of the Dispute Resolution Representation Service over a period of time are counted together as one Dispute Resolution Representation Service. For example, information, legal advice, and assistance with legal tasks are considered to be part of, and subsumed by, the Dispute Resolution Representation Service, and are not counted separately.

One Dispute Resolution Representation Service can involve multiple problem types that arise in the same matter, although in practice as each alternative dispute resolution forum is focused on a particular legal matter they will generally be sub-categories of a legal problem type such as family law, employment law, neighbourhood dispute, or discrimination. The different problem types are recorded as service characteristics.

## **Case studies and other examples**

[Case study - Sunila Family Dispute Resolution](#)

[Case study – William vs the bank](#)

[Ready Reckoner - When you do more than advice](#)

*Page version history:*

*2 August 2019: Page rewritten to include full name of Dispute Resolution Representation Service, also to provide clarification between other types of services*

March 2019: Draft text provided with questions for feedback.

## Court/Tribunal Representation Service

<https://www.clcs.org.au/DataGuide/CourtTribunal>

### Definition

A Court/Tribunal Representation Service is where a Centre provides ongoing representation for a matter that has commenced in a court, tribunal or inquiry, where the Centre provides legal representation to the Service user and takes carriage of the matter in an ongoing, representative capacity.

“Commenced” in this context means the matter has been filed in court, lodged in a Tribunal, or accepted for inquiry by a forum such as a Royal Commission.

A Court/Tribunal Representation Service can be opened prior to a matter being filed in court, lodged in a Tribunal, or accepted for inquiry, where this is imminent - for example, where the Centre is taking on the case precisely in order to commence proceedings.

### Court/Tribunal Representation Service v Duty Lawyer Service

A Court/Tribunal Representation Service does not include services provided by a duty lawyer or advocate at a court or tribunal -- these are Duty Lawyer Services

### Court/Tribunal Representation Service v Dispute Resolution Service

Once a matter has commenced in a court, tribunal or inquiry, any alternative dispute resolution processes (such as a court-ordered mediation or a Tribunal-ordered conciliation) are part of the existing Court/Tribunal Representation Service. They do not fit within the definition of a Dispute Resolution Representative Service, which is limited to legal matters taking place outside of formal litigation processes.

In CLASS, work done in relation to these court or tribunal ordered dispute resolution processes can be recorded as Actions within the Court/Tribunal Representation Service.

### Court/Tribunal Representation Service v Other Representation Service

If a Centre agrees to act for a Service User in a legal dispute in which court or tribunal proceedings have not yet been commenced, and which do not appear likely to commence in the immediate future, then the service should be opened as an Other Representation Service.

Many legal problems can be (and are) resolved without any recourse to courts or tribunals. These disputes might go on for weeks, months, even years without ever moving to litigation. Common examples are tenant / landlord disputes relating to non-urgent repairs, or ex-partners disputing child support.

If litigation commences, the Other Representation Service should be closed and a new Court/Tribunal Representation Service should be opened.

The rationale for this rule is that, at the point of litigation commencing:



- Usually the Centre has to review their commitment to the Service User and make a decision about whether to continue acting, particularly where the Centre had only agreed to act for the Service User in resolving the dispute without litigation
- with paper files, you would usually open a fresh new hard copy folder to contain the court documents so you can keep all the litigation paperwork separate and in one place.

## **Assistance provided to self--represented parties involved in a Court/Tribunal Representation Service**

Assistance provided by a Centre to a person who is self--representing in a Court or Tribunal proceeding are to be recorded as Legal Advice, Legal Task or Ongoing Legal Support Service, as relevant.

## **Characteristics to be recorded against the Service**

The particular Court or Tribunal should be recorded against the Service. For information about how to record court attendance Actions in CLASS, see [CLASS Documentation](#).

## **How many Services?**

All services provided to progress the determination of the Service User's legal proceedings are counted together as one Court/Tribunal Service. For example, information, legal advice, referrals, and legal tasks are considered to be part of, and subsumed, by the Court/Tribunal Service and are not recorded separately.

Note that CLASS does allow referrals to be recorded as part of all Ongoing Services and these are currently included in the count for Referrals in NPA reporting.

If a Service User is represented by a Centre in a second piece of litigation, an additional Court/Tribunal Representation Service is opened where the second legal proceedings involved:

- Different events / set of facts
- Different Other Parties
- Same set of facts, same Other Parties, but different forum (eg first litigation is in Local Court, second litigation is in Tribunal)
- Same set of facts, same Other Parties, same forum, but the two matters cannot be finalised in same court proceedings
- Same set of facts, same Other Parties, same forum, but matter has proceeded on appeal to next stage.

Examples where two Court/Tribunal Representation Services involving the same Service User should be opened are:

- Service User is assaulted by ex-husband, and Centre acts for Service User in relation to Domestic Violence Orders in Local Court and then in relation to Victims Compensation proceedings (same event/set of facts, same Other Parties, different forum)



- Service User assaults a number of people in a brawl, faces summary criminal charges in Local Court and indictable criminal charges in District Court (same facts but different legal forum / cannot be finalised in same court proceedings)
- Centrelink matter is first finalised by one member of the AAT but then appealed to full bench of AAT (Same set of facts, same Other Parties, matter has proceeded on appeal to next stage / forum)

## Case studies and examples

[Case Study - Maha's Centrelink Dispute](#)

[Case Study - Maia's tenancy dispute](#)

[Ready Reckoner - When you do more than Advice](#)

*Page version history:*

*2 August 2019: Whole Page substantially rewritten*

*March 2019: Draft text provided with questions for feedback.*

## Other Representation Service

<https://www.clcs.org.au/DataGuide/OtherRep>

### Definition

Other Representation Services are services in which the Centre takes carriage of a legal matter in an ongoing, representative capacity, but where the Service does not fit within the definition of a Court/Tribunal Representation Service or a Dispute Representation Resolution Service. In other words, it is representing a Service User in a legal dispute in which there are no court, tribunal or dispute resolution proceedings.

### Other Representation Service v Court/Tribunal or Dispute Resolution Representation Services

It is common for Centres to take on a matter representing a Service User at early stages when the issue is simply a dispute between the Service User and the other party, and there is no expectation that court, tribunal, or dispute resolution proceedings would be required. Many CLCs and Indigenous FVPLS are keen to intervene in matters at as early a stage as possible, in order to head off the possibility that the Service User will have to be involved in more formal, costly, and lengthy dispute resolution processes or court/tribunal proceedings.

If it is not possible to resolve the legal dispute at this early stage, and the matter proceeds through to one party applying to or commencing in a court, tribunal or alternative dispute resolution forum, the question arises as to whether the Other Representation Service should then simply be changed to become a Court/Tribunal or Dispute Resolution Representation Service, or if the Other Representation should be closed and a new type of Representation Service opened as relevant.

After consultation, CLCs Australia has determined that the appropriate course of action is for the Other Representative Service to be closed and a Court/Tribunal or Dispute Resolution Service opened.

The main reason for separating Other Representation from Court/Tribunal Representation for the one legal matter is that it more accurately captures the very different nature of a legal matter when there is no litigation pending, compared to a legal matter focused on litigation – and it allows legal assistance providers to understand what amount of their work is in this early intervention space.

Many Centres have a Casework Policy that states they will act for a Service User in early stages of a legal dispute, but that they will reconsider the decision at the point that it proceeds to a court / tribunal or other dispute forum. The options for the Centre at this point are to:

- represent the Service User in the legal proceedings or
- no longer represent the Service User but to support the Service User to represent themselves throughout the legal proceedings (see Ongoing Legal Support Service (/DataGuide/OngoingLegalSupport)), or
- no longer represent the Service User but refer them to the Legal Aid Commission, and possibly supporting them to apply for a grant of legal aid, or
- refer the Service User to another legal assistance service or a private solicitor.

If the Centre decides to continue acting for the Service User, and the matter is changed from Other Representation Service to Court/Tribunal Representation Service, the Other Representation Service is never "counted" for reporting purposes (as Ongoing matters are only counted when closed). This then operates to hide the substantial and unique work that community legal centres undertake in this early intervention work, that is, acting for Service Users when they are in the early stages of a dispute, prior to there being any involvement in formal court, tribunal or dispute resolution forums. This would be recorded as one count of a Court/Tribunal Representation Service, which would be considered the same as a Court/Tribunal Representation Service provided by (for example) a Legal Aid Commission or an Aboriginal or Torres Strait Islander Legal Service, which are primarily litigation based services.

## How many Services?

If a Service User is represented by a Centre in more than one ongoing matter (that is, with different legal problem types and/or different parties), each ongoing matter is counted as a separate Other Representation Service. Again, any different sub-problem types may be recorded as service characteristics, if appropriate.

All services provided in relation to a matter are counted together as one Other Representation Service. For example, Information, Legal Advice, and Legal Tasks are considered to be part of the Other Representation Service and are not counted separately (in CLASS, interactions with the Service User can be recorded as Actions against the Other Representation Service).

## Case studies and examples

[Case study: William v the bank](#)

[Ready Reckoner - When you do more than Advice](#)

*Page version history:*

*2 August 2019: Whole Page substantially rewritten*

*March 2019: Draft text provided with questions for feedback.*

## Ongoing Legal Support Service

<https://www.clcs.org.au/DataGuide/OngoingLegal>

Following consultation with state CLC peak bodies, CLC Funding Program Managers, the National Data Standards Working Group, and others, Ongoing Legal Support Service has now been added as a new service type to the National Legal Assistance Data Standards Manual.

It will be available in CLASS from January 2021, pending the outcome of discussions on how this service should be mapped for the purposes of NLAP reporting.

### Definition

In an Ongoing Legal Support Service, a Centre makes an up-front commitment to a Service User to provide them with ongoing support in their own efforts to resolve a legal matter. The Centre does not take carriage of the legal matter or represent the Service User in any legal proceedings.

This could be described as the Centre “shadowing” the Service User throughout the legal process, providing them with advice and support when requested, but never representing or acting for them.

### Importance of setting out the scope of services upfront

The existence of a clear scope of services in which the Centre agrees to provide ongoing legal support through a particular legal matter, but not to represent or act for the Service User, is the way in which an Ongoing Legal Support Service can be differentiated from a series of discrete Legal Advices + Legal Tasks, or from any of the other ongoing Services.

The Centre needs to be clear with the Service User about the scope of the services. Although it is possible to verbally set out the intended scope of services, Centres are strongly encouraged to write a letter or email to the Service User setting out their decision to provide ongoing support, as well as the scope of the services – for example, if the support is through just one stage of a legal process, or through several stages.

Examples of scope of services:

- We will provide ongoing support to you as you represent yourself in the first stage family court proceedings including advice and assistance in lodging applications, preparing submissions/statutory declarations, advising on the other party's

documentation and preparing for court hearings. We will not represent you in your negotiations or communication with the other party, or in any court hearings. We will review the scope of our support to you by/on [insert date].

- We will provide ongoing support to you as you represent yourself in your dispute with the Department of Housing. This includes help filling out and lodging an FOI application, review of your documents, advice and assistance with writing letters/emails to the Department. We will not act for you or communicate to the Department. If your matter progresses to the Tenancy Tribunal, we will review the scope of our support.

CLCs Australia will also update the Risk Management Guide to include this information.

### **Ongoing Legal Support Service v Representation Services**

Where a Centre is providing a Representation Service to a Service User, they are acting for / representing that Service User. Correspondence to third parties are on Centre letterhead and/or will name the Centre as the Service User's legal representative eg on court documents. If there are communications with third parties, these always make it clear that Centre is representing the Service User.

In an Ongoing Legal Support Service, correspondence and documents are in the name of the Service User, and third parties are told to communicate with the Service User rather than directly with the Centre.

However, there are some exceptions to this:

- A Service User can provide the Centre with a limited Authority/Consent to Disclose Information Form which allow s the Centre to obtain information from third parties to assist the Centre in providing advice to the Service User – this form must make it clear that the Authority is limited to obtaining information from third parties and does not authorise the Centre to represent the Service User, or
- A Centre might agree that the Centre address can be used as a way for third parties to get in touch with the Service User, for example where the Service User is homeless or does not want to disclose their address to the Other Party (eg due to domestic/family violence).

### **Ongoing Legal Support Service v series of Legal Advices + Legal Tasks**

Where a Centre has not agreed to support a particular Service User throughout a particular process, but the Service User keeps coming back for more help, the work should continue to be recorded as a Legal Advice or Legal Task as appropriate. At a certain point, which each Centre may wish to set out in their legal practice management policy, the Centre will probably need to make a decision about how best to manage the Service User, keeping in mind the resource constraints and service eligibility policies of the Centre.

Each time the Service User contacts the Centre asking for further help in relation to the same legal matter, the Centre can choose to:

Provide another Legal Advice or Legal Task without promising more support when/if they next return, or

Stop assisting and refer the Service User to another legal service provider, or

Make a commitment to the Service User to now provide ongoing support and open either an Ongoing Legal Support Service or a Representation Service.

The trigger or criteria for a Centre to either refer the Service User away or commit to ongoing support will be different for each Centre, and therefore should be set out in the Centre's legal practice management policy. For example, a particular Centre might have a casework policy that requires review of a Service User's matter once they have had 3 Legal Advices and/or 2 Legal Tasks in relation to the same legal matter. Another Centre might set the review trigger at 2 Legal Advices.

### **How will CLASS record and report on this new service type?**

CLCs Australia is currently in discussion with State and Territory CLC Program managers about how Ongoing Legal Support Services should be reported.

Once these have been resolved, it will be available in CLASS as a new Service type when you create a new Service. The fields and Action types within the new Service will be the same as the fields and Action types for the Other Representation Service.

### **I don't do this kind of work, do I have to use this Service?**

No. If you don't provide ongoing support to self-represented Service Users then you won't need to use the new service.

Not all Centres undertake this kind of ongoing legal support work. Some Centres have a service model of providing Legal Advice and the occasional Legal Task through advice clinics, and then taking on any Service User identified as being in need of more help as a Representation client.

### **Background: what is the rationale for this new service type?**

As part of the 2018-19 Data Consistency Project, CLCs Australia identified that one of the main sources of inconsistency in how CLCs were recording services was in relation to ongoing work undertaken for a Service User where the Centre had committed to (and was) supporting a Service User throughout a legal dispute or legal proceedings, but where the Centre was not acting for or representing the Service User.

Most Centres have been recording this work as separate Legal Advices and Legal Tasks, as required to by the [National Data Standards](#). However other Centres were recording all this work under one Service - Representation-Other - even though this work clearly did not fit within the definition of Other Representation Service contained in the National Data Standards. They were doing this because they were frustrated with the inefficiency of:

- having to record multiple Legal Advices and Legal Tasks
- trying to determine when one Legal Task ended and another Legal Task began, and
- viewing the chronology of the matter in CLASS when it is recorded as a bunch of different Services, compared to viewing file notes within an Ongoing Service.

Importantly, many Centres advocated strongly to CLCs Australia that in their view, these ongoing legal support matters were substantially different to simply providing a series of

discrete Legal Tasks and Legal Advices. They argued that providing ongoing legal support to a self-represented person is a model of legal practice common to – and perhaps one of the defining features of – community legal centre practice. The people helped by Centres in this work are usually people who some have described as the “missing middle” - people who:

- have capacity to represent themselves through the process provided they have advice and support along the way, but
- cannot afford to pay for a private solicitor, and
- cannot access a grant of legal aid either because they are just above the means test, or because the state/territory Legal Aid Commission does not assist in that area of law.

CLCs Australia agrees that this type of legal service provision which is substantially different to other service types, and tells an important story about the nature of work done by legal assistance services.

## Case studies and examples

[Case Study – Ongoing legal support for Ahmed Ali](#)

[Case Study – Family law court support for Alyssa](#)

[Case Study – Multiple services for Jim](#)

[Case Study – Separate services for Paulina](#)

*Page version history:*

*17 November 2020: Page updated and case studies added.*

*29 May 2020: Update to first paragraph.*

*2 August 2019: Whole Page substantially rewritten.*

*March 2019: Draft text provided with questions for feedback.*

*August 2020: Change NACLC to CLCs Australia.*

## Facilitated Resolution Process

<https://www.clcs.org.au/DataGuide/FacilitatedResolutionProcess>

### Definition

A Facilitated Resolution Process is a Service type in which a Centre sets up and/or conducts ("facilitates") activities such as a conference to assist opposing parties to resolve or narrow issues in dispute. A Facilitated Resolution Process is a form of alternative dispute resolution, which seeks to resolve disputes without going to court or tribunal.

A small number of Centres conduct the following types of Facilitated Resolution Processes:



- [Family Dispute Resolution](#), sometimes called Lawyer--Assisted Family Dispute Resolution, involving children or (less commonly) financial/property disputes - 3-4 Centres nationally are funded to undertake this work;
- Mediation ordered by the Federal Court or Local Court – Centres such as Law Right (Qld) and JusticeNet SA that receive funding for the Federal Court Self-Represented Service (SRS) organise mediation panels and/or conduct mediations, usually using pro bono mediators.

A Facilitated Resolution Process may be provided in person at any location, or by telephone or videoconference.

## Facilitated Resolution Process v Dispute Resolution Service

A Facilitated Resolution Process is where a lawyer is in the role of mediating a dispute, rather than representing any of the parties to the dispute.

If the Centre is *representing* a party who is involved in a Facilitated Resolution Process, this is counted separately as a [Dispute Resolution Representation Service](#) and is not categorised as a Facilitated Resolution Process - see the case studies below.

## How many Services?

A Centre should count all Activity Types undertaken as part of one matter, as one Facilitated Resolution Process. For example, if a Centre conducts two screening processes (one for each party) and a conference for the same matter, this is counted as one Facilitated Resolution Process.

If a Facilitated Resolution Process is organised but not conducted, for example where a screening process is undertaken and it is determined that it is not appropriate for the Facilitated Resolution Process to be continued, it is still recorded as a Facilitated Resolution Process.

## Recording in CLASS

When a Facilitated Resolution Process is selected as a service type in CLASS, Centres need to name a client against the service - however there are actually two parties for each Facilitated Resolution Process.

CLCs Australia is reviewing Facilitated Resolution Process so that it accurately reflects the service type, allowing for the entry of the details of the two parties, and ensuring that both parties names come up during conflict checks in the future.

Centres are discouraged from creating two separate Facilitated Resolution Process Services with Party A as the client in the first Service and Party B as the client in the second Service, as the Centre is then double-counting the number of Services provided.

## Case studies and examples

[Case Study - Malka and Juan Family Dispute Resolution](#)

[Ready Reckoner - When you do more than advice](#)

*Page version history:*

*2 August 2019: Page slightly rewritten*

*March 2019: Draft text provided with questions for feedback.*

## Community Projects

<https://www.clcs.org.au/DataGuide/CommunityProjects>

Community Projects, also called Services to the Community, brings together (see [Groupings](#)) all the work that Centres do with communities or with groups of people that cannot be defined as one-on-one service to an individual.

**It is important to know that in CLASS, in order for particular services to the community to be counted, Centres need to first create a Project and then create individual services underneath the Project.**

Some Community Project activities do not fall neatly into one Service Type or another. The Centre has to just make a call depending on the best fit; what is important is that the work is being captured as some type of service so the Centre can report to funding bodies as well as to retain corporate knowledge.

**Example 1:** A Centre goes to meet with the local MP's office to promote the work of the Centre, explain what the Centre can do for the MP's constituents, and discuss a current law reform issue relating to discrimination law.

This could be recorded as a Stakeholder Engagement Activity or a Law and Legal Service Reform Activity, depending on the primary purpose for the meeting. If the Centre is using CLASS, they need to determine which Community Project the activity sits under - for example, if there is already a Community Project called Discrimination Law Reform 2019, then the meeting with the MP could be recorded as a LLSR Activity.

**Example 2:** A Centre organises a Centre Open Day during Law Week and invites local community workers, MPs, the Mayor, and the general public. The purpose of the Open Day is to raise awareness of the work of the Centre and educate members of the public about where they can go for help. The Open Day includes Centre staff holding 15 minute talks about the law in key areas eg tenancy, debts, family law.

The organisation and running of the event this could be recorded through a new Community Project Open Day 2020, and then recorded as a service type of either Stakeholder Engagement, Community Education Activity or CLE Activity.

CLCs Australia is reviewing how CLASS records Community Projects. Please continue to [provide your feedback](#) about how we might continue to improve Community Projects, and your case studies illustrating different service types within Community Projects.

## Community Legal Education

<https://www.clcs.org.au/DataGuide/CommunityLegalEducation>

### Definition of community legal education

Community Legal Education (CLE) is information about the law provided to the general community, community services, community groups, organisations, schools or other agencies.

The purpose of CLE is to inform and build individual and community resilience by enhancing awareness and understanding about the law, and how to identify, prevent and deal with problems awareness of the help available from legal and support services.

CLE can be viewed as an early intervention and prevention strategy, as it seeks to educate people about the law so that people are better able to avoid legal problems or seek advice early, thereby preventing minor problems from escalating into serious legal issues.

There are two service types within CLE:

- Community Legal Education Resources
- Community Legal Education Activities.

### **Service type: CLE Resource**

CLE Resource is the service type used to record the work done in developing a publication or other resource that provides:

- information about the law and legal system
- information about legal and support services
- guidance for identifying, preventing or dealing with particular legal problems.

Examples of a CLE Resource include:

- booklet
- pamphlet
- self--help kit
- legal information website
- development of a resource for a CLE Activity, for example, a training module, presentation, or workshop outline.

CLE Resources may be developed to be delivered via a variety of media including:

- printed/hard copy
- audio products
- DVD/video
- web based
- workshops or presentations.

For legal practice management, CLE Resources need to be reviewed and signed off by a solicitor (see [Risk Management Guide](#)).

### **How many CLE Resources?**

Each CLE Resource developed and/or published is counted as one CLE Resource, regardless of the number of copies that may be printed or published. For example, if a DVD is produced about juvenile crime and 1000 copies of the DVD are made, then this is

counted as one CLE Resource not 1000 resources. The number of copies distributed may be recorded as a service characteristic.

A resource that has been translated or amended substantially to meet the needs of different client groups is regarded as a separate CLE Resource. A resource is substantially amended if more than 40% of the content has changed from the original version.

A resource that is produced in significantly different formats which require different material/effort, for example as a pamphlet and a DVD, is regarded as two CLE Resources.

## **Service Type: CLE Activity**

CLE Activities are delivered to raise awareness and educate other service providers, community groups, organisations, schools, or the general community about the law and how to recognise, prevent and deal with legal problems.

CLE Activities may be delivered through a variety of formats, including:

- Workshops
- Presentations or meetings in person
- Webinars or electronic media.

### **How many CLE Activities?**

Each time an activity is delivered, it is counted as one CLE Activity. The target audience, problem type(s) and the number of people in attendance at each session may be recorded as service characteristics.

The development of a CLE Activity is counted as a CLE Resource.

### **What if a CLE Activity is delivered by a non-lawyer?**

As set out above, CLE Resources need to be signed off by a solicitor. As with the delivery of other legal services, Centres frequently use non-lawyers to deliver parts or all of a CLE session. It is important that any non-lawyers who run a CLE session identify themselves clearly as being a non-lawyer and refer people back to the Centre or other relevant legal assistance service for legal advice relating to their own individual circumstances.

### **Can Volunteer Induction be recorded as a CLE Activity?**

Running group training for legal or non-legal volunteers about particular legal topics, legal processes, and about the Centre's systems, can accurately be recorded as a CLE Activity, with supporting material recorded as a CLE Resource. The training provided can be quite similar to CLE provided to local community workers.

## **Case Studies and Examples**

Some Community Project activities do not fall neatly into one Service Type or another. See [Community Project](#) for examples.

[Case Study - Family Law Pamphlet](#)

[Case Study - Information Session on Working in Australia](#)

*Page version history:*

*2 August 2019: Page had slight changes clarifying what the actual service types are*

*March 2019: Draft text provided with questions for feedback.*

## Community Education

<https://www.clcs.org.au/DataGuide/CommunityEducation>

### Definition of Community Education

Community Education aims to resolve non-legal associated issues, social welfare, learning outcomes and personal development of people involved in the legal process and experiencing disadvantage. The focus is on addressing related non-legal problems that directly impact upon a person's ability to access or participate in the justice system, to prevent legal matters escalating. These programmes and sessions are often facilitated by non-lawyers.

Community Education promotes learning and social development work with groups in the general community using a range of formal and informal methods. A common crucial feature is that programmes and activities are developed in discussion with communities and participants.

The purpose of Community Education and community development is to help build the capacity of people and groups of all ages and the community through their actions by improving quality of life and control over personal circumstances. Central to this is a person's ability to participate in the justice processes and become aware of their individual rights and responsibilities.

As with CLE, community education can be viewed as an early intervention and prevention strategy, in that it seeks to intervene on issues that may lead to legal problems, and thus prevent legal problems from arising.

CLCs Australia has received feedback that Community Education should actually consist of two service types, CE Resource and CE Activity, to align with the similar service types for Community Legal Education. Once made available through CLASS, these individual services will map up to the service type of Community Education for NPA reporting purposes. (Continue using Community Education Service until the two new service types are available).

### Service Type: Community Education Resource

CE Resource is the service type used to record the development (or substantial amendment) of a publication or other resource that provides information about:

- non-legal problems that directly impact upon a person's ability to access or participate in the justice system,
- social welfare issues

- learning outcomes and personal development of people involved in the legal process and experiencing disadvantage
- information about support services.

Most CE Resources are developed to support a CE Activity, eg a training module, presentation, or workshop outline, but may also include a booklet, pamphlet, or poster.

CE Resources may be developed to be delivered via a variety of media including:

- printed/hard copy
- audio products
- DVD/video
- web based
- workshops or presentations.

### **How many CE Resources?**

Each CE Resource developed and/or published is counted as one CE Resource, regardless of the number of copies that may be printed or published. The number of copies distributed may be recorded as a service characteristic, where applicable.

A resource that has been translated or amended substantially to meet the needs of different client groups is regarded as a separate CE Resource. A resource is substantially amended if more than 40% of the content has changed from the original version. A resource that is produced in significantly different formats, for example as a pamphlet and a DVD, is regarded as two CE Resources.

### **Service Type: Community Education Activity**

There are a range of skills and approaches for engaging local communities/groups and in particular disadvantaged people. These include less formal educational methods, community activities and group skills. Community development enables community members to be better informed and to have an active voice in seeking solutions for the issues affecting their circumstances/lives.

Examples of Community Education Activities include:

- financial capability workshops
- self-esteem and healthy relationships sessions
- behavioural programmes
- empowerment/leadership programmes
- workshops on access to services such as housing, social services, support parenting programmes
- group therapy.

### **How should FVPLS record Early Intervention and Prevention Strategies?**

For compliance with the Family Prevention and Legal Service (FVPLS) funding agreements with the Commonwealth, FVPLS should record any non-legal intervention and prevention (EIP) strategies as Community Education Activities. Any strategies that have a legal component should be recorded as CLE Activities.



## Difference between a CE Activity and Non-Legal Support Service

Non-legal information delivered to a group of people by a non-legal worker is a Community Education Service. The names of individual people do not need to be recorded, and the information is not tailored to the circumstances of every individual attending.

If an attendee at a CE Activity asks questions about their own circumstances, the non-legal worker should engage with them outside of the group to follow-up on individual support, which may then be recorded as a Non-Legal Support Service.

## How many Services?

Each time a Community Education activity / event / workshop is delivered, it is counted as one CE Activity. The target audience and the number of people in attendance at each session could be recorded as service characteristics.

For CLASS users, refer to CLASS Documentation for [information about service characteristics](#) available to all Community Projects.

## Case Studies and Examples

### [Case Study: Healthy Relationships Community Education Session](#)

Some Community Project activities do not fall neatly into one Service Type or another. See [Community Project](#) for examples.

*Page version history:*

*6 August 2019: Page amended to differentiate between CE Resources and CE Activities*

*March 2019: Draft text provided with questions for feedback.*

## Law and Legal Service Reform

<https://www.clcs.org.au/DataGuide/LawLegalServiceReform>

### Definition

Law and Legal Service Reform include activities undertaken to change the law and legal process, or to improve the provision of legal assistance services. These activities often seek to improve equitable access to, and the effectiveness of, the justice system for the benefit of particular disadvantaged groups within the community and the Australian community as a whole.

Law and Legal Service Reform Activities may include:

- participation in research, analysis
- participation in evaluation activities, including programme evaluation
- developing papers about legal assistance services and systems
- developing submissions to government, parliamentary body or other inquiry to provide factual information and/or advice

- strategic advocacy, such as law reform work.

Law and Legal Service Reform Activities focus upon resolving systemic issues affecting the ability of people facing economic, social and other disadvantage to access or receive justice. While in some cases, this involves services delivered to a disadvantaged client, these services focus upon maximising benefits for the wider community or a vulnerable group within the community.

CLCs Australia received feedback that there is no need to have a separate category for LLR Resources as opposed to LLR Activities.

For CLASS users, refer to CLASS Documentation for [information about service characteristics](#) that can be recorded for Community Project services.

## How many services?

Each Law and Legal Reform Activity has a specific deliverable and usually occurs on one date - see the example set out below.

## Case studies and examples

Example: Centre decides to lodge a submission on youth crime in response to a state government inquiry. In CLASS they create a Community Project called Youth Crime Inquiry 2019, and then record the following Services:

- Submission developed and sent = LLR Activity 1
- Attending Inquiry on 5 September 2019 = LLR Activity 2
- Meeting with Attorney-General on 10 September = LLR Activity 3
- Meeting with local MPs on 16 September, 21 September and 5 October = LLR Activities 4, 5 and 6
- Talking to journalist 10 October = LLR Activity 7

### [Case Study - Submission to Senate Inquiry](#)

Some Community Project activities do not fall neatly into one Service Type or another. See [Community Project](#) for examples.

If you have more case studies, please send them to us - see the [Feedback page](#).

*Page version history:*

*6 August 2019: Page revised to include examples*

*March 2019: Draft text provided with questions for feedback.*

## Stakeholder Engagement

<https://www.clcs.org.au/DataGuide/StakeholderEngagement>

### Definition

Stakeholder Engagement Activities are the engagement by the Centre with other agencies, groups or key individuals who affect or could be affected by the Centre's work.

Typical Stakeholder Engagement Activities include:

- holding meetings with key stakeholders to talk about the work of the Centre
- participating in national, state, territory and local meetings to improve the co-ordination and delivery of legal services
- participating in national, state, territory and local bodies to represent the interests of the legal assistance providers and Service Users
- making and implementing collaborative arrangements with other legal and non-legal service providers to integrate and improve coordination across the legal assistance system.

## How many services?

Each Stakeholder Engagement Activity has a specific deliverable and usually (but not always) occurs on one date.

For example, a Service Provider may prepare for and attend a jurisdictional forum in the morning, and a meeting with senior public servants in the afternoon. This would be counted as two Stakeholder Engagement activities. The number of people in attendance at each Stakeholder Engagement Activity could be recorded as a service characteristic.

## Case studies and examples

Some Community Project activities do not fall neatly into one Service Type or another. See [Community Project](#) for examples.

If you have specific case studies for Stakeholder Engagement, please send them to us - see the [Feedback page](#).

*Page version history:*

*6 August 2019: Page slightly revised*

*March 2019: Draft text provided with questions for feedback.*

## Resources

Here we will include resources that will help you in understanding service types and the Data Consistency Guide generally. These resources are cross-referenced with the Guide.

We welcome feedback or questions about any of these resources via our various [Feedback](#) mechanisms.

## Ready Reckoner - When you do more than advice

<https://www.clcs.org.au/index.php/DataGuide/ReadyReckoner>

The [Ready Reckoner](#) is a table setting out common areas of law within Civil law, Family Law and Criminal Law, and providing examples of the different service types other than Legal Advice. It is available as a Word document for you to view, download, and adapt for your own purposes - for example, you may want to delete the rows that are not relevant to your Centre.

It is constantly being revised and updated with more examples, so check in here occasionally to view the current version.

Please provide us with any additions or feedback about this document through the [Feedback](#) page.

## Client Intake Flowchart

<https://www.clcs.org.au/index.php/DataGuide/FlowCharts>

We have developed a flowchart to help your staff and volunteers identify when a particular interaction should be recorded as a particular service type - eg an Information, Referral, Legal Advice, Legal Task, Non-Legal Support, or one of the Ongoing Services.

[Download a pdf version of the flowchart.](#)

Please see the CLCs Australia website for how you can play around with the flowchart and customise it for your Centre using [draw.io](#).

We would love your feedback about the flowchart. Email us as [dataconsistency@clcs.org.au](mailto:dataconsistency@clcs.org.au).

## Matrix of Services - which service is this?

<https://www.clcs.org.au/DataGuide/ResourcesMatrix>

The Matrix of Services asks some key questions that might help you differentiate one service type (Service for Individuals) from another. The Matrix is available to download [as a word document](#) in case you want to create your own version, below is an image that shows what it looks like.

[Let us know](#) if there are other key questions you think would be useful to ask in the matrix.

	Centre requires Service User's name and identifying details	Centre reviews Service User's documents and conducts legal research but does not communicate with 3rd parties	Service User gives Centre Authority to Obtain Information from 3rd parties	Centre has committed to help Service User in an ongoing way	Centre sets out scope of services to Service User in a (formal or informal) client agreement	Centre represents Service User	Matter involves Service User being party to proceedings in a court, tribunal or inquiry	Matter involves mediation / alternative dispute resolution
Information							✓ (sometimes)	✓ (sometimes)
Referral							✓ (sometimes)	✓ (sometimes)
Legal Advice	✓	✓					✓ (sometimes)	✓ (sometimes)
Legal Task	✓		✓ (sometimes)				✓ (sometimes)	✓ (sometimes)
Duty Lawyer	✓		✓ (sometimes)			✓ (sometimes)	✓	
Non-legal support – discrete	✓		✓ (sometimes)				✓ (sometimes)	
Non-legal support – ongoing	✓		✓ (sometimes)	✓			✓ (sometimes)	
Court/Tribunal Representation	✓		✓ (sometimes)	✓	✓	✓	✓	✓ (sometimes)
Dispute Resolution Representation	✓		✓ (sometimes)	✓	✓	✓		✓
Other Representation	✓		✓ (sometimes)	✓	✓	✓		
Ongoing Legal Support Service	✓	✓ (sometimes)	✓ (sometimes)	✓	✓		✓ (sometimes)	✓ (sometimes)
Facilitated Dispute Resolution Service	✓		✓ (sometimes)					✓

## Presentation on the Data Consistency Project August 2019

<https://www.clcs.org.au/index.php/presentation-data-consistency-project-august-2019>

This [presentation](#) dated 5 August 2019 sets out the progress of the Data Consistency Project, the findings of the consultation, and the revised definitions of several service types. It proposes a new service type, Ongoing Legal Support Service, and talks through the range of resources available to assist Centres.

The presentation will be used for training about data consistency from August onwards. It may be updated as CLCs Australia continues progressing through the project.

## Feedback

CLCs Australia welcomes feedback from community legal centres, Family Violence Prevention Legal Services, and Government Program managers. Our feedback mechanisms are:

1. **Call** CLASS Helpdesk 1300 484 498 or email [icthelp@clcs.org.au](mailto:icthelp@clcs.org.au).
2. **Engage in our online forums** - click [here](#). There is a pretty simple registration system. This is the best place to start if you want to chat to other people across CLCs and FVPLS interested in that particular topic.
3. **Email** [dataconsistency@clcs.org.au](mailto:dataconsistency@clcs.org.au).