



Submission to the Review of the National Partnership Agreement on Legal Assistance Services 2015-2020

NACLC Additional Organisational Submission
October 2018

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Introduction

The National Association of Community Legal Centres (NACLC) provides this submission to Urbis in response to the Discussion Paper released as part of the current review of the *National Partnership Agreement on Legal Assistance Services 2015-2020* (NPA).

NACLC is the national peak body for the community legal sector. Our members are the eight State and Territory Community Legal Centre Associations. A number of Aboriginal and Torres Strait Islander Legal Services (ATSILS) and Family Violence Prevention Legal Services (FVPLS) are members of their State and Territory CLC Association, and so also fall under the NACLC umbrella. NACLC does not receive direct funding under the NPA.

This submission is made in relation to the role, value, work and funding of NACLC as a peak body. It is provided to the Review Team in addition to our two broader submissions (the preliminary one provided prior to the release of the Discussion Paper and the main national one submitted along with this submission).

NPA Review Goal 1 (Impact of the NPA) and 5 (Roles and Responsibilities)

As outlined in our main submission, the commencement of the NPA and associated reforms in 2015 fundamentally changed the funding and administration and funding of CLCs nationally.

We have observed a range of effects, some of which have had a particular impact on NACLC, including:

- reduced engagement by the Commonwealth Government, leading to the need for NACLC to play a key role in sharing information and good practice across jurisdictions
- significant inconsistency across jurisdictions with respect to funding and administration of the sector and State and Territory governments have taken vastly different approaches, with mixed results
- increased responsibility at a State and Territory Government level and reliance on state and territory based structures requiring input and engagement from the sector.

As a result, there has been increased pressure and reliance on CLC peak bodies (including NACLC and State and Territory CLC Associations) with no, or limited funding to undertake vital coordination, information sharing, support and engagement work. This has included NACLC needing to:

- spend significant time engaging in relation to the wording and negotiation of the NPA itself
- engage with Commonwealth but also State and Territory governments with respect to implementation of the NPA
- increase support to the sector with respect to implementation, given the inconsistency across jurisdictions and lack of information sharing. This has led to NACLC playing a key role in sharing information across jurisdictions, in part a role that should have been played more fully by the Commonwealth
- provide particular support to unfunded State and Territory CLC Associations given the increased focus and responsibility at a State and Territory level, but their limited resources and capacity to engage.

More broadly, in addition to these roles and expectations that have emerged under the NPA, the value of NACLCL as a peak body includes:

- providing a voice to, and for, the community legal sector
- playing a key coordination and support role to the benefit of governments and the sector, including for example by sharing information; facilitating consultation; sharing and encouraging good practice; and sharing and drawing upon sector expertise to inform government decision-making
- working to support and facilitate the provision of high quality community legal services (for example, through the National Accreditation Scheme to ensure continuous quality improvement)
- undertaking strategic national advocacy and representation on behalf of the sector and the people and communities our centres work with
- contributing to the evidence base that informs improved government policy development and decision-making, including through: research, policy development, expert advice and participation in roundtables and similar; sector consultation; and provision of submissions.
- advocating for and contributing to law and legal frameworks, policy settings and a society that enables access to justice and the protection of human rights for people in Australia
- educating governments, other organisations and the community about the sector and access to legal help
- collecting and communicating sector data (for example, through CLASS, the National CLCs Census and sector surveys)
- providing sector support, education, training and capacity building to support provision of high quality services and the ongoing sustainability of the sector
- facilitating and leading strategic sector thinking (for example, through the development of National Position Papers)
- working to support our members, including providing particular assistance to the CLC Associations and centres in many of the jurisdictions that do not have currently have a funded CLC Association
- working collaboratively and in partnership with other peak bodies such as NATSILS and NFVPLS to achieve the things outlined above (noting the importance of peak legal assistance bodies and the need for appropriate funding and support of those bodies).

In the context of a number of ongoing reviews of CLCs at a state and territory level as well as this current review, the Indigenous Legal Assistance Program (ILAP) review and FVPLS review, NACLCL will be undertaking considerable additional work of this type in 2018-2019.

More specifically, NACLCL provides the sector with a range of supports and services, including:

- A National Accreditation Scheme, a sector-led accreditation and certification process for centres across Australia, recognising good practice in the delivery of community legal services, and provide a quality assurance process. This also includes access to an online accreditation assessment portal including support and resources
 - In operating as a national scheme it operates to share resources, good practice and efficiencies
 - Having the NAS in place as a sector-led accreditation scheme effectively meant there was no need for the NPA to drive a quality process
 - Government, clients and the broader community benefit from and have an interest in ensuring quality legal and related services provided by the community legal sector
- Tailored and highly discounted insurances through the National Community Legal Sector Insurances Scheme, implementation and monitoring of a national Risk Management Guide and strong risk management frameworks and processes, including a national Professional Indemnity Insurance Network.
- Free access to online legal resources from Lexis Nexis (cases, legislation, practical guides to common areas of civil and family legal practice)
- Development, maintenance and Help-Desk for the CLC client database Community Legal Assistance Services System (CLASS)
- Access to sector-wide data, including from the National CLCs Census conducted by NACLCL annually
- A National CLCs Conference annually, which brings together around 500 delegates as well as associated Masterclasses and National Network meetings
- Access to and use of the Legal Needs Assessment Framework and its associated Strategic Planning Toolkit, which is a useful tool in contributing to CSP
- Access to the Community Legal Education and Reform database (CLEAR), a database that allows easy access to and showcases community legal education and law reform projects undertaken by CLCs and some other legal assistance providers,

- Development and distribution of a range of resources supporting community legal sector best practice including: NACLC Reconciliation Action Plan; NACLC Service Delivery Plan and Aboriginal and Torres Strait Islander Employment Guide 2017;¹ Legal Health Check,² and
- Support for the National Networks to share information, good practice examples and make or inform submissions and engagement with a number of inquiries and reviews as well as through provision of teleconference facilities.

NPA Review Goal 3 (Funding Arrangements)

The key issues with respect to funding, including the insufficiency and need for certain, predictable, long-term and sustainable funding are outlined in our main submission. The focus of this section is on the impact of the funding arrangements on NACLC.

Prior to the NPA, NACLC played a national role on behalf of the sector in engaging directly with the Commonwealth Attorney-General's Department (AGD) in relation to funding, funding agreements, standards and service delivery and a range of other issues.

NACLC had been provided with project funding from AGD in the past to undertake projects of national importance (for example, the National Accreditation Scheme, development of the Legal Needs Assessment Toolkit and similar). NACLC was also provided with various grants of Commonwealth funding to support the sector in other ways (for example, to produce resources designed to support appropriate service delivery to Aboriginal and Torres Strait Islander clients and similar).

While we continue to have positive relationship and engagement with AGD, the commencement of the NPA significantly changed the resources available to NACLC to undertake and maintain this vital work.

Since the commencement of the NPA, Commonwealth Government funding to NACLC has largely been limited to a Sector Support and Coordination grant and some initial (but insufficient) funding to develop CLASS (discussed more below). AGD staff have done what they can to assist NACLC around funding, including provision of additional small grants for specific work, flexibility around reporting and roll-over of existing grants, as well as early release of grant monies. However, these measures do not go far enough to secure NACLC's financial sustainability.

As a result the NPA has significantly affected NACLC's ongoing financial viability and ability to resource programs promoting quality across the sector

The commencement of the NPA also resulted in almost all Commonwealth funding being transferred into the NPA, with very limited funding retained in the CLSP line item of the Federal Budget to fund NACLC, a number of national centres and some other initiatives. This has resulted in less Commonwealth resourcing or support for national or sector-wide initiatives to support meeting the objective and outcomes of the NPA.

¹ See: http://www.nacalc.org.au/resources/NACLC_Employment_Guide_2017_Final.pdf and http://www.nacalc.org.au/resources/NACLC_Employment_Guide_2017_Final.pdf

² The Legal Health Check is an online legal screening tool developed by Law Right Qld (formerly Queensland Public Interest Law Clearing House (QPILCH)) for NACLC, with funding provided by the Australian Government Attorney-General's Department: <http://legalhealthcheck.org.au/>

It has also resulted in far fewer resources available to NACLCL to play its vital role as the national peak, despite clear expectations from the Commonwealth that NACLCL still performs that function and increasing expectations from the State and Territory Governments about the work being done at a national level.

However, significant and ongoing funding, Machinery of Government and staffing changes within the Department have made establishing and maintaining productive working relationships with contacts with sector expertise difficult over the life of the NPA.

As a result, we strongly recommend the Review Team note and recommend that additional funding be provided to NACLCL for national projects to support the NPA. It is important that this funding is new and in addition to funding provided to the broader sector. It should include funding to:

- **provide ongoing coordination and engagement nationally**
- **develop a national outcomes and evaluation framework (discussed more in the main sector submission),**
- **support good practice across jurisdictions, for example in relation to Collaborative Service Planning (discussed more in the main sector submission),**
- **coordinate, maintain and support quality service delivery and continuous improvement through the National Accreditation Scheme**
- **support effective implementation of the Data Standards Manual- to support consistent data collection and reporting across the sector, and**
- **implement, maintain and further develop CLASS.**

[NPA Review Goal 4 \(Performance Monitoring and Reporting Arrangements\)](#)

- The transition to new data definitions and data collections tools with the introduction of the NPA, has been difficult. There was a 'perfect storm' relating to sector data with the introduction of the National Legal Assistance Data Standards Manual (DSM); inconsistent recording of data under the DSM; the roll-out of CLASS; and the use of CLASS data.
- There have been significant challenges relating to the development and roll-out of CLASS including: short timeframe for development; immediate decommissioning of CLSIS; and insufficient budget for project of the size and complexity of CLASS.
- As with any new IT system, there have also been some system and reporting functionality issues
- There is a need for greater recognition of and investment in evaluation and outcomes measurement, on behalf of Government and investing in sector capacity to undertake that work.

[Sector Data and Data Standards](#)

The transition to new data definitions and data collections tools with the introduction of the NPA, has been difficult. In essence there has been a 'perfect storm' relating to sector data with the introduction of the National Legal Assistance Data Standards Manual (DSM); inconsistent recording of data under the DSM; the roll-out of CLASS; and the use of CLASS data.

Previous national reviews have highlighted problems with data inconsistency and quality and there have been some positive developments in this space, including: development of a National Data Standards Manual; development of a new CLC IT system and associated training; and efforts by NACLCL to provide ongoing guidance and support to centres in relation to data entry and reporting and develop nationally

consistent approaches to data. However, implementation of these initiatives has been undermined by inadequate dedicated resources.

Data Standards Manual

In 2015, the Commonwealth Attorney-General's Department released the National Legal Assistance Data Standards Manual. The aim of the Data Standards Manual was to introduce common client and service data recording across all four legal assistance services (CLCs, LACs, ATSILS and FVPLS).

To date the Data Standards Manual has not been properly implemented or consistently implemented. This has largely been as a result of the lack of resources to support training or implementation of the Data Standards Manual.

In July 2018, we received a small amount of funding from the Attorney-General's Department and Legal Aid NSW to undertake a Data Consistency Project, working collaboratively with the Federation of CLCs (Vic) and CLC Queensland, both provided with State Government funding to similarly improve data consistency in their states.

The project, which will be completed by June 2019, aims to develop and embed new business rules across the CLC sector that effectively "mesh" the Data Standards Manual with CLASS and with CLCs' actual legal practice management requirements.

Ultimately, NACLCL is working towards improving the quality and recording of consistent data and enhance data collection, reporting and analysis at a national and state level. We have great confidence that by 1 July 2019, CLCs will be capturing and reporting on service data better than at any time before.

Community Legal Assistance Service System (CLASS)

Prior to 2017, the Commonwealth Attorney-General's Department owned and administered the national CLC database Community Legal Services Information System (CLSIS).

CLSIS was an outdated piece of software that was becoming increasingly expensive for the Commonwealth AGD to maintain. The 2014 Productivity Commission Inquiry found that CLSIS was also failing to accurately capture the work of CLCs or FVPLS, and that the data entered into the system was frequently incomplete.

In around 2014/2015, AGD made the decision that it would decommission CLSIS. They commissioned RSM Bird to do a short scoping paper on the types of legal practice management software that were available to CLCs as an alternative; this scoping work assumed individual CLCs would go to the market and each purchase their own system.

In June 2015, the Commonwealth AGD provided NACLCL with some initial (but inadequate) funding to develop a new system to replace CLSIS – this system became known as the Community Legal Assistance Service System (CLASS). Importantly, the funding agreement with the Commonwealth stipulated that the database must be consistent with the Data Standards Manual.

We developed the scope and set of business requirements for CLASS from July-September 2015 through intensive consultations with a range of user groups, including CLCs, FVPLS and the State Program Managers. The aim underpinning the business requirements was to develop a client management and reporting system that permitted *at a minimum* the same level of functionality as CLSIS in terms of data collection and reporting, but was *also* a legal practice and case management tool that would improve the efficiency and operations of CLCs.

Following a Request for Tender process in late 2015, a developer was selected and development commenced. We continued to engage with CLCs through a User Group. CLASS was rolled out to CLCs from February 2017 onwards.

NACLCL took on the CLASS project because we recognised the importance and value of maintaining a national data set (upon which reviews such as the current review rely) and it being owned and controlled by the sector.

However, there have been a range of project challenges, including:

1. the short timeframe for a project of this size and complexity – effectively a 12 month period for development, testing, data migration and roll-out to 165 CLCs and FVPLS
2. the Commonwealth’s decision to decommission CLSIS, which drove the urgency of the project, as there was no contingency option
 - This meant NACLCL had to ensure roll-out of the new system occurred with no loss of data and to have CLASS stable and ready so that CLCs could move from using CLSIS one day to CLASS the next day – without this, CLCs would have been unable to provide any services because conflict checks could not be conducted on any new clients
3. the fact that CLASS was built on the new Data Standards Manual, which meant that when roll-out occurred not only did CLCs have to get to know a new system, they also had to understand new service types
4. insufficient development budget for project of this size and complexity
 - While AGD provided initial development funding, it did not provide enough to meet the costs of development and does not provide ongoing/maintenance funding.
 - The lack of sufficient initial funding, or provision of ongoing funding by AGD, has meant that NACLCL is carrying much of the cost of CLASS from within its core budget. This diverts resources from other sector support functions and has had a significant and negative effect on NACLCL’s budget and financial sustainability and as a result, we have serious concerns about our organisational viability moving forward without an injection of additional resources.
 - Given the limited Commonwealth funding, NACLCL was forced to seek funding from each State and Territory Government to access CLASS reports/ongoing maintenance funding, and this money is generally taken out of the CLC NPA allocation for each State and Territory. These eight separate negotiations took considerable NACLCL time and resources.

5. no guaranteed ongoing funding for ongoing/maintenance of the database
 - o Although the Commonwealth Government advised both NACLCL and the State and Territory governments that some of the funding provided to the states and territories under the NPA included funding that should be reserved for CLASS, as far as NACLCL understands, there was no formal quarantining of these funds. As a result, NACLCL was then required to negotiate separately with each of the 8 different jurisdictions to gain funding for the ongoing maintenance of the database.

The lack of sufficient initial funding by AGD, or provision of guaranteed ongoing funding, has led to NACLCL carrying an increasing amount of the cost of CLASS from within its core budget, diverting resources from other sector support functions, and having a significant effect on NACLCL's overall financial sustainability.

CLASS Roll-Out and Implementation

The overview of CLASS roll-out is provided in the main sector submission. Briefly however, CLASS roll-out occurred in a staged approach as follows:

1. February-March 2017: Migration of data from each centre's local CLSIS database to the online CLASS database, and CLASS 'goes live' with core functionalities in place
2. August 2017: Release of document management system allowing documents to be attached to client and/or service records
3. September 2017: Release of a suite of NPA reports to meet AGD NPA funding and reporting requirements
4. May 2018: Release of significant improvements to client and service reports for centres, more detailed accountability reporting for SPMs, and range of bug fixes
5. July-September 2018: Release of key functionality tools, for example the ability to upload Bulk Information and Referrals, removal/merging of duplicate records, ability to Copy a Service, automatic geo-location tagging of records so that CLCs can map their service provision, and a range of bug fixes
6. September 2018: Release of 'Do It Yourself' Reports providing functionality for centres to create their own reports including using data from individual custom fields
7. October 2018 – Ongoing: Future developments are currently being scoped, but the pace and extent will be contingent on securing additional funding.

We are of the view that the functionality, reliability and security of CLASS as a product is fit for purpose for the majority of CLCs. We believe that CLASS will increasingly enhance the ability of individual centres to manage their legal practice and to access and analyse data about their service delivery, clients and areas of service delivery.

However, as with any new IT system, there have been system and reporting functionality issues during the roll-out. We have worked hard with the developers to address these issues.

Consistent with our Service Level Agreement with users that CLASS will be available 99.9% of business hours (that is unplanned downtime for no more than 45 mins in any 31 days), there have been no instances of unplanned downtime we are aware of in the last 12 months.

Most issues and bugs that were present when CLASS went 'live' in stage 1 have now been resolved with the September 2018 release, and future developments can occur with less time pressures.

However, a small number of CLCs continue to report slowness in response time or in moving through screens. For example, over the last 6 months there have been 19 hours of slow performance. We are continuing to investigate and improve these issues where possible. We frequently discover that some problems are caused simply by poor internet connections / ISP data plans, and some are due to unusual network configurations at the CLC end.

Help Desk Support

We run a CLASS Help Desk every day (except NSW public holidays) during business hours which has been staffed between 1-4 people since CLASS was rolled out.

Between October 2017 and September 2018, we received 2,674 contacts. The average time to resolve a ticket (an issue that can't be resolved with the assistance of the Help Desk staff member in a short period of time) is five days. The following provides a breakdown of Help Desk contacts by jurisdiction:

Jurisdiction	Percentage of Total HelpDesk Contacts
ACT	0.77%
NSW	31.48%
NT	5.95%
QLD	16.51%
SA	4.8%
TAS	1.34%
VIC	22.84%
WA	16.31%

Training

Since migration of the data from CLSIS, we have provided face-to-face training in every jurisdiction except Tasmania through a combination of group and individual centre training sessions. We are currently developing the training schedule moving forward, which will involve visits to every jurisdiction between October 2018 and March 2019.

We have also provided online live training sessions between 2-3 times a week with each specific module offered every fortnight.

Next Steps

With the critical business requirements of CLASS now delivered, we are focusing on providing enhanced face-to-face CLASS training to the sector over the next 12 months, to be run in parallel to training in the Data Standards Manual (as outlined above).

Many CLCs are only just beginning to use the new functionalities delivered in September, and we are confident that as they use the new tools they will have increasing confidence in the system. For example, the delivery of the much awaited 'Do-It-Yourself' reports on 28 September 2018 will greatly enhance centres' experience of the database.

As outlined above, we are currently in the process of scoping future developments, however the capacity to deliver these is contingent on securing additional funding. This includes the development of APIs to enable CLASS to interact with other databases; streamlining (and possibly customising) workflows; maximising integration and planning opportunities provided by geo-tagging; enabling fewer click-throughs to enter data for high-volume advices; and new ways to group particular sets of services for individual clients.

The challenge for NACLCL is to reach the right balance between a product that delivers on speed, stability and security for all users, and a product that permits greater flexibility and customisation at a centre level: all on a very limited budget.

[Further Information and Contacts](#)

We give permission to be identified in the report as having made this submission and quoted with attribution in the reports of the NPA Review.

We would be happy to provide any additional information in relation to the issues raised in this submission.

The key NACLCL contacts for the purposes of the NPA Review are:

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