

The logo for Community Legal Centres NSW is a white speech bubble with a tail pointing towards the bottom right. Inside the bubble, the text "Community Legal Centres NSW" is written in a white, sans-serif font, stacked in three lines.

Community  
Legal Centres  
NSW

# Application Resource Guide

NEW SOUTH WALES  
COMMUNITY LEGAL CENTRE FUNDING  
2019–2022

OCTOBER 2018

## Acknowledgements

CLCNSW wishes to thank the Cameron Review Implementation Committee for their contribution and review.

This resource adapted from Community Legal Centres Qld Updated Evidence and Analysis of Legal Need October 2016.

Adapted and written by CLCNSW 2018.

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## FOREWORD

Questions, Support & Contact

### Foreword

The allocation of NSW State funding and Public Purpose Funds (PPF) for community legal centres via an application-based model is a new process for the community legal sector in NSW. The process was a recommendation made in the Cameron Review of NSW Community Legal Centre Services, which has now been adopted by the NSW Government.

While it can be a challenge for organisations to respond to an application process, it is also an opportunity. The Cameron Review recommended an application-based funding model to promote transparency, an efficient and effective allocation of funding and to allow longer term service planning with a 3-year funding cycle.

The application is an opportunity to ensure that resources for legal assistance are allocated in a way that reflects the values of:

- Collaborative service planning
- Maximising the accessibility of services
- Ensuring transparent decisions based on the available evidence of legal need.

This application process is an opportunity for community legal centres in NSW to articulate the legal needs of their community (be it a local or a state-wide community) and to ensure that resources are appropriately directed based on the best available evidence.

Organisations that are providing free legal services are already well placed to engage in the application process. A proven history in providing services to vulnerable and disadvantaged residents of NSW means there is already a wealth of experience, expertise and information about how services are best delivered to those that most need them. This application process is an opportunity to collect and collate your expertise to continue a viable service system in NSW.

### FOR FURTHER QUESTIONS AND SUPPORT CONTACT

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## ABOUT THIS GUIDE

Application documents

Evidence of legal need

### Application documents

The Request for Tender (RFT) consists of six parts:

- Part A contains the Introduction and Description of the Requirement.
- Part B contains the Conditions of Tender.
- Part C contains the Application Form.
- Part D contains the current Community Legal Services Program Service Agreement.
- Part E is a Dictionary of terms used in Parts A, B and C.
- Part F: Application Resource Guide

Please note that the terms ‘tender’ and ‘application’ are used interchangeably. Refer to Part E Dictionary of Terms for clarification.

### EVIDENCE OF LEGAL NEED

The Law and Justice Foundation was commissioned to develop a resource specifically for this application process. The Evidence of Legal Need in NSW to support the Cameron Review Implementation (referred to as LJF Evidence of Legal Need throughout this document) is available on the Law and Justice Foundation NSW website [www.lawfoundation.net.au](http://www.lawfoundation.net.au)

### About this guide

This document was developed by Community Legal Centres NSW (CLCNSW) to assist community legal centres and other eligible organisations to apply for State Funding (including the Public Purpose Fund) under the Community Legal Services Program (CLSP), administered by Legal Aid NSW. The Guide is based on a similar guide developed by Community Legal Centres Queensland (CLCQ) in 2014 to support the application-based funding program introduced in Queensland at that time.

The purpose of this guide is to provide community legal centres with assistance in responding to the Application Form (Part C) and, in particular, assistance with interpreting the assessment criteria. The interpretive aspect of the guide is based upon concepts in the National Strategic Framework for Legal Assistance 2015-2020. CLCNSW also sought feedback from NSW community legal centres about the Queensland application guide to assist in ensuring relevant local NSW context. This guide also provides suggestions for a range of evidence sources that centres may use in developing their applications.

This guide provides some practical examples of responses to assessment criteria used in the Application Form. The examples are not the ‘perfect response’ in either content and length, but an indication of how the theoretical concepts could be applied in the response.

<sup>2</sup> Randell, S & Mulherin, G 2018, *Evidence of legal need in NSW to support the Cameron Review Implementation*, Law and Justice Foundation of New South Wales, Sydney.

## KEY DATES

### Application Preparation

### Key Dates

**Prior to the application opening**

Register for eTendering

**19th October 2018**

Application process opens

**Tuesday 23rd October****Monday 29th October**

Tender briefing and Application Information Sessions for applicants (repeat sessions)

**23rd November 2018**

Application closes – applications must be submitted by Friday 23rd November 11:45 PM

### Application preparation

It is important to review all parts of the application to become familiar with the overall components and requirements of the application process. In particular, read the Introduction and Description of the Requirement (Part A) carefully, as this document includes important details about eligibility criteria, mandatory requirements, the application process and how applications will be evaluated. This Application Resource Guide (Part D) has been developed to assist in preparing your responses to the Application Form (Part C).

Begin to draft your responses to the assessment criteria in the Application Form (Part C) early in the five weeks available to prepare the application. Your application will benefit from a number of drafts as you research, develop and refine your overall application. You should aim for a cohesive evidence-based approach to addressing all the assessment criteria.

Page limits apply to parts of the Application Form and it is important for applicants to comply with these. Page limits have been set as a maximum to accommodate a broad range of applications, many of which may need to outline a number of services or programs. It is not necessary to meet the maximum page limit.

## MANDATORY REQUIREMENTS

Eligibility requirements  
Quality standards  
Other requirements  
Other supporting documents

### Mandatory requirements

(see 3.2 in Part A)

As a priority, review the Mandatory Requirements table in section 3.2 of Part A to ensure you can meet mandatory requirements.

#### Mandatory requirements include:

- Eligibility requirements for pool 1 funding
- Eligibility requirements for pool 2 funding
- Quality standards (Certificate or evidence required)

#### Other requirements:

- Audited 2016-17 financial statements
- Unaudited 2017-18 financial statements
- Copy of latest annual report
- Completion of all relevant sections of Application form (Part C)
- Completion of table of Other Income for 2016-19

### ELIGIBILITY REQUIREMENTS

Two pools of funding are available. Only certain organisations are eligible to apply for each funding pool. Refer to Part A section 2.3 for the amount of funding available in each pool and organisations that are eligible to apply. Eligible organisations include:

Only organisations that are currently funded under the CLSP are eligible for Pool 1 funding.

Only organisations that are currently funded under the CLSP, members or associate members of CLCNSW, or the organisations listed in section 7.5 of the Cameron Review report are eligible for Pool 2 funding.

Eligible organisations have been formally notified by Legal Aid NSW that the application process is open.

### QUALITY STANDARDS

The National Accreditation Scheme (NAS) is an industry-based accreditation process for Community Legal Centres.

If needed, community legal centres that are certified under this scheme can obtain another copy of their NAS certificate from CLCNSW. Contact Laurel Draffen at CLCNSW: laurel.draffen@clcnsw.org.au

If your organisation is not certified under NAS, you must provide evidence that your organisation is certified under equivalent quality standards or meets the Community Legal Service Standards.

### OTHER REQUIREMENTS

All of the following other requirements must be met:

- The organisation has submitted copies of its audited 2016-17 financial statements and unaudited 2017-18 financial statements through eTendering
- The organisation has submitted a copy of its latest annual report through eTendering
- The organisation has completed all relevant sections of the Application Form (Part C)
- The organisation has completed the Table of Other Income for 2016-19

### OTHER SUPPORTING DOCUMENTS

Other supporting documents, such as letters of support, will not be considered. Time and energy in the application process is best placed in developing succinctly worded and well considered responses.

## GUIDANCE FOR COMPLETING APPLICATION FORM

Questions during the application process

Profile of the Applicant

Services

### Questions during the application process

The eTendering NSW Government platform (<https://tenders.nsw.gov.au/>) is how information about the application process will be disseminated. All applications and documents listed in the requirements must be submitted through eTendering. Registration as a supplier with eTendering is an important preliminary step for all potential applicants.

As questions arise about the application process, Frequently Asked Questions and responses will be disseminated through eTendering by Legal Aid NSW.

### Guidance for completing application form (Part C)

#### 1. PROFILE OF THE APPLICANT

##### 1.1 ORGANISATION DETAILS

##### 1.2 APPLICANT'S AUTHORISED REPRESENTATIVE

Provide contact details for your organisation's authorised representative. The declaration at the end of the application form must be signed by the authorised representative, who confirms that the Chair or authorised representative of the management committee has approved the Application.

Your organisation's constitution or approved chart of delegations should identify the appropriate person delegated to sign the application declaration.

##### 1.3 JOINT APPLICATION

Two or more eligible organisations may make a joint application for funding. Joint applications will need to nominate a lead organisation who will be accountable for reporting and financial acquittals.

#### 2. SERVICES

Description of the Services



## GUIDANCE FOR COMPLETING APPLICATION FORM

Catchment Regions

Office and Outreach locations and service availability

Priority Client Groups

### 2.1 CATCHMENT REGIONS

Applicants are required to indicate the region(s) in which your organisation will target service delivery. Some applicants may need to indicate more than one region. Organisations providing specialist services provided on a state-wide basis can select the option for New South Wales (state-wide) at the beginning of the list.

The LJF Evidence of Legal Need identifies the 22 NSW catchment areas used for this application and provides a profile for each catchment area.

This question is compulsory information as part of this application process. This question is about identifying the particular catchment regions where proposed services will be focused, rather than an analysis of where previous or current clients of your organisation live. Your responses to selection criteria later in the Application Form will provide details of why and how services are being targeted and delivered in particular regions.

For applicants applying for both Pool 1 and Pool 2 Funding, you should identify catchments where you will be providing all proposed services, whether from Pool 1 or Pool 2 funding or both.

If you are proposing a statewide service, it is important that you outline in the assessment criteria later in the application which elements of the service are statewide and how the service delivery model ensures a statewide reach e.g. telephone advice line.

### 2.2 OFFICE AND OUTREACH LOCATIONS AND SERVICE AVAILABILITY

Applicants are required to indicate the office and outreach locations of the services. Where there are branch offices please include the address and contact details for each branch office.

If you are identifying specific outreaches it is important that you outline in later assessment criteria the reasons for your choice of outreach locations. Bear in mind that multiple services may be providing outreach services at similar locations, so it is important for your application to be clear about the focus of each outreach (e.g. target clients, areas of assistance etc.). The fact that there may be multiple outreaches in similar locations is not necessarily problematic if there is a sound analysis of legal need and important service gaps are being filled. An outreach service might also be shared with another legal assistance provider as part of a collaborative arrangement.

### 2.3 PRIORITY CLIENT GROUPS

Applicants are required to indicate the specific priority client group(s) to which your organisation will target service delivery. The list of client groups is based on the priority client groups identified under the National Partnership Agreement on Legal Assistance Services 2015-20 (NPA).

The NPA requires legal assistance service providers to focus services on people experiencing financial disadvantage and for providers to 'plan and target their services to people who fall within one or more of the priority client groups'.

Refer to the LJF Evidence Legal Need for data and information about NPA priority groups.

This question is compulsory information as part of this application process. This section is about identifying the particular client groups for whom services will be delivered, rather than an analysis of the attributes of previous or current clients of your organisation. Your responses to the selection criteria later in the Application Form will provide details of why and how particular groups should be the focus of service delivery.

## GUIDANCE FOR COMPLETING APPLICATION FORM

### Overview of the organisation

The NPA defines financial disadvantage to mean a person who does not have the means to pay for legal representation without incurring significant financial difficulty, including a person who is:

- in receipt of Centrelink benefits as their main source of income;
- has an income equal to or below the Henderson Poverty Line, which equates to an annual income of \$26,883.48 for a single person and \$50,494.60 for a family of four; or
- cannot access finances temporarily due to circumstances outside of their control.

An older person is generally understood to be aged 65 years or over, except for Aboriginal people, where an older person is defined as a person aged over 50 years.

The NPA is currently under review and priority groups will be reconsidered as part of the review.

Centres are not precluded from applying for funding for non-priority client groups. However, centres providing specialist services to particular high needs groups not identified by the NPA listing should ensure that they demonstrate how they meet the legal needs of selected priority groups. It is strongly recommended you address the assessment criteria for NPA priority groups before identifying other high needs groups with which you will work.

### 2.4 OVERVIEW OF THE ORGANISATION

Responses to this question provide an organisational context for the proposed services and indicate the stability and sustainability necessary for providing services based on previous performance. The types of information that can be provided include:

- the overall vision and purpose of the organisation and the relevance of this to the proposed services
- how the focus of the organisation is meeting needs in the community
- history or track record in providing services
- staffing profile and expertise
- the resource base (financial and non-financial) of the organisation
- plans to ensure the ongoing viability of the organisation's resource base

This question is not weighted for evaluation purposes, however is compulsory information as part of this application process. Your response will assist the evaluation panel to understand your service.

## GUIDANCE FOR COMPLETING APPLICATION FORM

Example – Specialist Service

Example – Generalist Service

### EXAMPLE – SPECIALIST SERVICE:

Specialist Employment Law Service (SELS) is a statewide community legal centre that provides free legal assistance to vulnerable workers in New South Wales experiencing legal problems in the area of employment and industrial relations. SELS targets services to non-unionized workers with a particular focus on trainees and apprentices, migrant workers, and taxi drivers. SELS has been providing legal services to vulnerable workers in New South Wales for over 10 years, and over this time has developed practice expertise in the areas of unfair dismissal, unpaid wages, general protections under the Fair Work Act, and discrimination. SELS has developed a web-friendly guide to lodging claims in the Fair Work Commission and has undertaken extensive law reform work in relation to underpayment of young workers. SELS is part of a network of community legal centres, assisting clients who are referred by generalist centres, mentoring solicitors from generalist centres, and partnering with generalist centres to provide advocacy for systemic law reform. In 2006 SELS started as a volunteer-only service and has since grown to a service with 10 staff (consisting of lawyers, industrial advocates and support staff) and over 50 volunteers. SELS has a number of funding streams as identified in the Table of Other Income, including Department of Industrial Relations funding to enable SELS to operate a statewide employment hotline which triages inquiries to appropriate legal assistance. In 2017 the employment hotline service was awarded outstanding service for employees in community services and small business by the Chamber of Commerce.

### EXAMPLE – GENERALIST SERVICE

ACME Community Legal Centre is seeking funding to provide legal information, referral, advice and representation services targeted to people who are financially disadvantaged in the eastern district catchment. In addition, we will provide a state-wide service for survivors of childhood sexual abuse. ACME Community Legal Centre is an established community legal centre with strong community links that has grown in the last ten years from a small office of 2 volunteers to a staff of 7 solicitors, 3 paralegals and 4 support staff with a team of 20 specialist pro bono solicitors.

Information and referral will be provided by our intake workers in response to telephone and/or face to face enquiries. Advice services in all civil law matters will be provided by appointment with our solicitors in person or by phone. Our solicitors will be available during business hours at Location X, and for three days a week at our two outreach locations in small community A and outreach location B. In addition, we will coordinate and supervise a pro bono evening service for clients in our catchment area.

ACME's statewide service will also assist vulnerable survivors of childhood sexual abuse by providing information, advice and representation on legal matters related to their experience and reparation. We will provide a confidential phone line for advice and representation services as required. We will continue to grow our partnership with survivor support group A and healthcare service B to ensure that this client group receives timely and appropriate legal assistance.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

Overview of the nature and types of Services

Funding Pools

### 2.5 OVERVIEW OF THE NATURE AND TYPES OF SERVICES

Responses to this question should broadly describe the nature and types of services which you currently provide.

The kinds of information that can be provided here include:

- Target clients
- Areas of law
- Location of services
- Service delivery model e.g. mixed service delivery model where a wide range of services can be utilised to assist a client or community depending on needs
- Types of services:
  - Discrete assistance (unbundled, once-off assistance, including providing information, making a referral, giving legal advice or preparing a document)
  - Representation services (lawyer takes carriage of a matter in an ongoing, representative capacity)
  - Duty lawyering
  - Community legal education (CLE)
  - Law reform
- Key relationships and partnerships

### 3. FUNDING POOLS

There are two parts to the application form to reflect the two pools of funding available. Check your organisation's eligibility criteria for making an application in either or both funding pools. (See page 5-6 of this Guide and/or Part A).

The six assessment criteria for Pool 1 funding are the same as the first six assessment criteria for Pool 2 funding.

Applicants for Pool 2 funding will need to address an additional assessment criterion to demonstrate how the proposed service will meet a critical service gap.

#### Pool 2 applicants will need to:

7a) Describe the critical service gap in terms of a catchment region, area of law and/or priority client group that the Services will address, and

7b) Describe how the Services will address the identified critical service gap.

Applicants who are eligible and wish to apply for funding from both Pool 1 and Pool 2 will need to complete both parts of the application form. In addition to addressing the assessment criteria, both parts of the application require applicants to provide a breakdown of Service deliverables, total funding applied for and a breakdown of income and expenditure for each funding pool sought.

### Responding to Assessment Criteria: Evidence of Legal Need

Applicants should be able to demonstrate evidence of legal need to support their proposed services. A range of data sources, both qualitative and quantitative, can be used to provide evidence to support your responses to the assessment criteria. Where possible and appropriate in your responses, briefly refer to evidence that will best assist in demonstrating the basis for why and how your organisation will provide proposed service(s) for the clients, catchment(s) and area(s) of law you have identified.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

Law and Justice Foundation Evidence of Legal Need

CLSD Regional profiles

CLASS Reports

### LAW AND JUSTICE FOUNDATION EVIDENCE OF LEGAL NEED

#### The LJF Evidence of Legal Need includes:

- data on NPA priority groups in NSW, information on the experience of legal problems and sample strategies for making services more appropriate and accessible for each priority group; and
- demographic profiles of 22 community legal centre catchment regions and information on legal assistance services currently provided in each region.

It is important that all centres reference this resource as evidence of legal need. It is available from the Law and Justice Foundation website:

[http://www.lawfoundation.net.au/ljf/site/templates/reports/\\$file/CLC\\_Legal\\_need\\_NSW.pdf](http://www.lawfoundation.net.au/ljf/site/templates/reports/$file/CLC_Legal_need_NSW.pdf)

The Law and Justice Foundation conducts independent research to identify and analyse unmet legal needs and strategies for addressing unmet legal need to support access to justice initiatives. Research reports on the Foundation website may provide additional assistance to applicants in responding to selection criteria.

### CLSD REGIONAL PROFILES

The Cooperative Legal Service Delivery (CLSD) program, a program of Legal Aid NSW, has 12 justice partnerships in regional and remote NSW. Each partnership works to address unmet legal need and achieve better outcomes for vulnerable and disadvantaged people in regional, rural and remote NSW.

Regional profiles are available for Albury, Central West, Far West, Hunter, Kempsey Nambucca, Moree, Northern Rivers, Taree/Forster and Wagga Wagga via the CLSD webpage:

<https://www.legalaid.nsw.gov.au/what-we-do/community-partnerships/cooperative-legal-services-delivery-clsd-program>

Regional profiles identify legal need drawing on a range of evidence sources relevant to the region. CLSD evidence sources have included:

- Law and Justice Foundation legal needs surveys and research
- Australian Bureau of Statistics (ABS) census data
- CLSD program surveys
- Legal Aid NSW (advice) data
- Bureau of Crime Statistics and Research (BOSCAR) crime data
- Liquor and Gaming annual reports
- Primary Health Network data
- Revenue NSW - Work and Development Order (WDO) data,
- Justice Health surveys
- Department of Education, Family and Community Services Data (FACSAR) – school suspension and expulsion rates

CLSD regional profiles demonstrate how diverse sources of local data have been used as evidence of legal need in planning strategies to address unmet legal need.

### CLASS REPORTS

CLASS was introduced as the new national database for community legal centres in 2017. It replaced the CLSIS system. Service delivery and client data may provide valuable evidence of services being delivered by your centre and legal needs and service gaps to support your application. Previous data held in CLSIS has been migrated into CLASS.

Community legal centres that use CLASS can now run a number of CLASS reports on service

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

Other Organisational Data	Local Government Data
Evaluation Reports	Court and Tribunal data
Community Trends	Academic or related research

and client data. Information about what reports are available and guidance on how to access the reports are available on the CLASS helpdesk website:

<http://confluence.classhelpdesk.org.au/display/CM/Reporting+and+Accountability>

A dedicated webpage to assist NSW applicants that have access to CLASS will also be updated with further guidance in response to requests during the application process

<http://confluence.classhelpdesk.org.au/pages/viewpage.action?pageId=17437867>

### OTHER ORGANISATIONAL DATA

Other organisational data that might provide useful evidence include information about people turned away from your organisation and/or an absence of particular groups in an organisation's data due to access barriers.

### EVALUATION REPORTS

Recent academic and/or professional evaluation reports about programs or services commissioned by your centre may provide useful evidence to demonstrate need and gaps in service delivery.

### COMMUNITY TRENDS

Community trends identified through your centre's networks and collaborative processes, such as interagency meetings, may be highly relevant.

### CLIENT FEEDBACK

Client feedback reports may provide valuable evidence of organisational strengths, gaps in services and/or opportunities for innovation and improvement.

### LOCAL GOVERNMENT DATA

Local government data can provide demographic information about the region; project future changes to the demographic composition of a region; highlight current trends; and/or outline plans for future community infrastructure. Projected changes to a region, such as a new major employer or significant development may inform legal need over the three-year period.

Justice Reinvest has an online calculator which provides comparative data on a number of issues that affect the economic, health and social well-being of a community. It also provides important information on the amount being spent on corrective services in a community. The data is based on 2013 figures by Local Government Area.

<http://www.justreinvest.org.au/jr-calculator/>

### COURT AND TRIBUNAL DATA

Court publications of the courts can provide information about the volume and trends of matters heard by a particular court.

See Appendix A for links to Court and Tribunal Annual Reports and Law and Justice Foundation Reports on civil justice data.

### ACADEMIC OR RELATED RESEARCH

Also relevant may be academic or related research about the prevalence of, or risks experienced by, particular client groups within a locality.

Appendix A provides links to sources that may provide useful data.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

CLASS NSW state-wide data

Assessment criteria for Pool 1 Funding

Question 4.1a

### CLASS NSW STATE-WIDE DATA

The following data may assist in understanding the current NSW context by identifying total Community Legal Centre service delivery to priority client groups in 2017/18.

Priority Group	NSW total CLCs
People experiencing financial disadvantage	34556
Children and young people 0-17	638
Children and young people 18-24	5633
Indigenous Australians	3580
Older people 65+	6099
CALD (incl. main language spoken at home not English)	5790
Disability and/or mental illness	9310
People experiencing Domestic Violence (Family Law)	4126
People experiencing Domestic Violence (Civil or Criminal Law)	4972
Outer Regional and Remote	1908
Homelessness Indicator	2218

Table 1. Total clients - NSW community legal centres CLASS report C03 Clients by Priority Group 1/07/2017-30/06/2018

### 4. ASSESSMENT CRITERIA FOR POOL 1 FUNDING

The assessment criteria are based on the principles of the National Strategic Framework for Legal Assistance 2015-2020. There is some cross-over between each of the Principles (and the criteria), so it is important to look at responses to individual criterion. Within the constraints of page limits, there may be a level of repetition in responses, but with a slightly different focus.

All responses to the assessment criteria have a maximum page limit. Each Assessment Criteria has an evaluation weighting – refer to Section 3.3 in Part A for weightings.

#### 4.1 AJ DESCRIBE WHY YOUR ORGANISATION WILL DELIVER SERVICES TO THE CLIENT GROUPS IN THE CATCHMENT REGIONS IDENTIFIED IN SECTION 2

Responses to this criterion will establish the evidence base for your organisation's request for funding to provide services to particular catchment regions and client groups.

The LJF Evidence of Legal Need provides data on NPA priority groups in NSW and demographic data on each of the 22 catchment areas in NSW.

You can also use additional evidence from the other data sources to demonstrate evidence of legal need to support your response. Suggestions for other evidence sources are provided in the previous section on Responding to the Assessment Criteria: Evidence of Legal Need.

The evidence should be able to demonstrate legal need and provide a basis for directing resources to meet the need. It is important that responses to this criterion are clear regarding what sources of evidence are being relied upon to identify the legal need.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.1b

Responses should identify client's specific barriers to accessing legal assistance.

Examples of barriers to accessing legal services experienced by people who are vulnerable and disadvantaged include:

- Financial barriers e.g. costs of alternative legal services, access to other free legal services such as Legal Aid NSW
- Social isolation and exclusion e.g. attributes, experiences or circumstances impacting people's understanding that they have a legal problem and/or that they can get assistance
- Health and mobility e.g. the ability to physically access a legal service
- Cultural e.g. finding assistance in languages other than English, distrust of mainstream services, lack of cultural safety
- Geographical distance and access to services in regional and rural communities
- Fragmentation of the legal system that is problem-focused rather than client-focused, requiring involvement of multiple services

#### **4.1 B) DESCRIBE HOW THE SERVICES WILL FOCUS ON, AND BE ACCESSIBLE TO, PEOPLE FACING VULNERABILITY AND DISADVANTAGE**

Responses to this criterion will address how your organisation will ensure that services are targeted to, and accommodate the access issues of, the client groups in the catchment regions identified in section 2. The response to this assessment criterion should include examples of targeting strategies and demonstrate how proposed services will overcome clients' specific barriers to accessing legal assistance.

The evidence-based response to the previous subquestion should identify particular groups of people experiencing vulnerability and disadvantage, and the particular barriers that make accessing services difficult.

Targeting strategies ensure that services are provided to those who are most vulnerable and disadvantaged. Examples of targeting strategies that might be used to identify and reach those most in need include:

- Client eligibility criteria
- Visibility in the community –co-location with other services, centre engagement and promotion at relevant community events e.g. NAIDOC week
- Outreach services
- Intake processes
- Triage or legal diagnosis processes
- Referrals to and from legal and non-legal services
- Community Legal Education
- Collaboration or partnership with other legal and community agencies

The response should demonstrate that the proposed Services will overcome the barriers to accessing legal assistance.

#### **USING EVIDENCE TO SUPPORT YOUR RESPONSE**

The LJF Evidence of Legal Need includes strategies to make services more appropriate and accessible for each priority group with a summary table in Appendix 1 of that report. CLSD regional profiles include locally identified strategies for improving access to services. Your centre's strategic plan may have already identified access strategies for future implementation. Local data from other agency and/or organisation reports with whom you collaborate may provide evidence of access strategies to assist specific priority group(s).



## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Criterion 1a Example

#### CRITERION 1A EXAMPLE

Regional City Community Legal Centre (RCCLC) has been providing free legal services to people in the Regional City area for over 20 years. The population of Regional City is currently 1 million. A recent analysis of Regional City Council local data indicated that the region is likely to experience population growth of over 2%, a rate of growth that is higher than any other regional local authority across NSW.

The Law and Justice Foundation's Evidence of Legal Need found that Regional City has a higher than average number of low income residents and culturally and linguistically diverse residents, in addition to a larger than average population aged over 65 years. As a result, the population of Regional City is more likely to experience legal needs in the areas of social security, tenancy and other minor civil law legal problems.

RCCLC's data has indicated that over the last 3 years the top 3 legal problems for which Regional City community members have sought assistance include:

1. Tenancy
2. Social Security
3. Family Law.

In the last 12 months, RCCLC has collected data on matters where they could not provide assistance due to limited capacity ('turn aways'). There were a total of 400 'turn aways'. 20% of 'turn aways' were seeking assistance for tenancy matters and 18% were seeking assistance in the area of social security. This is confirmed by RCCLC's involvement in the Regional City network of community service providers which has been working to address the increasing demand on community services for housing and the increasing risks of homelessness.

A recent survey conducted by RCCLC in accordance with funding guidelines concluded that 90% of people surveyed found the help RCCLC had given them was "Very Useful".

A Very Important Government Report indicated that Regional City is a hotspot for housing stress for people who are newly arrived in the community.

This application for funding seeks to prioritise legal services in social security and tenancy law with a targeted focus on culturally and linguistically diverse communities and people aged over 65 years.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Criterion 1b Example – Specialist

#### CRITERION 1B EXAMPLE – SPECIALIST

The target population of Specialist CLC (SCLC) is older people aged over 65 years who experience abuse by family members. SCLC has observed that older people often experience social isolation, have very little control over their financial affairs and can experience health and mobility issues that make attending an office-based service difficult. The services of SCCLC will meet the needs of older people by:

- Ensuring client eligibility criteria is applied so that the most vulnerable receive the most extensive casework services;
- Providing holistic service delivery involving SCLC lawyers and social workers working collaboratively to meet the legal and social needs of the older person;
- Offering telephone advice;
- Operating outreach services to respite centres and RSLs;
- Conducting a Health Justice Partnership with Geriatric Community Health Service; and
- Collaborative partnerships with the network “Professionals who care about older people” to ensure warm and effective referral pathways, prioritising the most urgent and at-risk cases.

A key feature of SCLC’s success in appropriately targeting services to older people will be our links with communities of “noticers” ie. relationships with members of the community and services that are best placed to identify when an older person has a legal need that needs to be addressed in order to prevent their susceptibility to abuse by family members. SCLC will seek to build and consolidate these relationships over the next 3 years through providing community legal education in partnership with The Elder Abuse Agency.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Criterion 1b Example – Generalist

#### CRITERION 1B) EXAMPLE – GENERALIST

Generalist Community Legal Centre (GCLC) will focus on people in our community experiencing vulnerability and disadvantage, and those most in need of assistance if they experience a legal problem. GCLC will ensure that our services reach the people most in need of assistance by:

- Putting our clients at the centre of what we do
- Ensuring client eligibility criteria are applied
- Providing culturally safe services which recognise and acknowledge the needs, sensitivities and rights of Aboriginal and Torres Strait islander clients
- Ensuring appropriate referral and information processes are followed to ensure clients don't remain on a "referral roundabout"
- Providing consistent and well evaluated intake and triage processes to ensure 'a one stop shop' for clients seeking assistance
- Provide Outreach to 3 locations in our catchment

- Collaborative service partnership with XXX Legal Aid office, XXX school, and XXX Aboriginal Legal Service,
- Constantly reviewing our client feedback and service data to identify emerging local legal need and gaps in service delivery

A key feature of GCLCs success in appropriately targeting timely services to people who are disadvantaged and vulnerable is our strong and established connections with each community to which we provide services. This is evidenced by our physical presence in the community via outreach services or field officers, our reputation developed through our active relationships with agencies in each area, and our regular consultation with communities. Through these activities we have links with communities of noticers or problem spotters i.e. relationships with members of our communities and health providers who are well placed to identify when vulnerable people have a legal need. GCLC will continue to actively maintain and build relationships over the next 3 years with a community legal education program.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.2

#### **4.2 DESCRIBE HOW THE SERVICES WILL BE COLLABORATIVE WITH GOVERNMENT SERVICES AND OTHER SERVICES TO PROVIDE JOINED-UP SERVICES TO ADDRESS PEOPLE'S LEGAL AND OTHER PROBLEMS**

The purpose behind this criterion is to ensure that the service system fits together in NSW. This criterion focuses on people experiencing multiple legal problems and recognises that legal problems often co-exist with other problems. To address this criterion applicants should focus on how the services bring together complementary legal and non-legal services. This includes strategies that ensure people's needs are 'noticed' and identified, that people can access the right service across the service system and that there is collaboration between services so referrals for legal and non-legal services are effective. The response to this criterion should identify government and other services and demonstrate how the proposed Services will contribute to the development of an integrated, system wide approach to addressing client's legal and other problems. This could include collaboration with other legal assistance service providers, including Legal Aid NSW, Family Violence Prevention Legal Services and the Aboriginal Legal Service, to maximise collaborative service delivery across the legal sector and ensure that clients are offered the legal assistance they require no matter which provider they approach for assistance.

#### **Types of collaboration can include:**

- Delivering complementary joined up services
- Developing strong partnerships with other service providers (e.g. through a contract or Memorandum of Understanding)
- Establishing clear referral pathways
- Participation in the Cooperative Legal Services Delivery program
- Establishing Networks
- Participation in Interagency activities
- Co-location with other services
- Case management frameworks
- Developing a multi-disciplinary practice
- Project or short-term work based on emergent legal needs e.g. natural disaster
- Sharing accurate, reliable and consistent data
- Collaborative service planning

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.2 Example

#### EXAMPLE:

##### **Metropolitan CLC (MCLC) is co-located in Metropolitan Community Centre.**

Metropolitan Community Centre will provide a range of community programs including financial counselling, parenting programs, assistance for victims of domestic violence, emergency relief and child care. MCLC will maintain a formal partnership agreement with Metropolitan Community Centre which sets out the basis for the co-location arrangement and the referral pathways between the programs of the community centre and MCLC. The referral and practice arrangements between MCLC and the programs of the community centre will ensure that there is strong integration between a client's legal problems and other social issues. MCLC lawyers will work closely with the community centre's social workers and counsellors so that clients are supported after receiving legal assistance. MCLC will participate in the

Metropolitan Interagency, which is regularly attended by a number of other service providers including government service providers. This Interagency runs regular local events targeted at addressing the needs of homeless people, and MCLC will be a key stakeholder in these events. MCLC will also offer an outreach at Big City Women's Service to provide accessible legal services to women experiencing domestic and family violence. MCLC will work collaboratively with Legal Aid NSW to share delivery of outreach services on alternative days for homeless adults and young people at the drop in centre. MCLC's assistance with advice and representation on Centrelink and tenancy matters will complement Legal Aid NSW's provision of services for clients with criminal matters. MCLC will employ an Aboriginal field worker to build relationships with local communities at the Aboriginal Men's Shed, the Lands Council and Aunties Gathering Place for Aboriginal women.

#### **USING EVIDENCE TO SUPPORT YOUR RESPONSE:**

The LJF Legal Needs Analysis identifies legal assistance services currently operating in each catchment area.

Examples of collaboration and joined up services are included in the CLSD regional profiles.

Annual Reports and research reports from other agencies may provide examples of collaborative relationships to inform your thinking about potential collaborations to better assist clients.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.3

#### Priority client group/s needs and capabilities

### 4.3 DESCRIBE HOW THE SERVICES WILL BE APPROPRIATE, PROPORTIONATE, CLIENT-FOCUSED AND TAILORED TO PEOPLE'S LEGAL NEEDS AND CAPABILITIES

#### Responses to this criterion should address two key areas:

- The legal needs and capabilities of the priority client group/s; and
- How the proposed service delivery is appropriate and proportionate to the legal needs and capabilities of this group/these groups.

The National Strategic Framework of Legal Assistance 2015-2020 states that:

...where practicable, a client-centred approach should be used to tailor services to people's individual legal needs and capabilities... To facilitate this, service delivery models should be multi-faceted and integrate a range of strategies to cater for different capability levels...

The outcomes of service delivery should be focused on:

- Improving people's outcomes (client-focused)
- Being culturally appropriate (client-focused/appropriate)
- Being appropriate to clients who identify as having a disability
- Delivering the right mix of legal assistance to meet legal needs and capabilities (appropriate)
- Using innovative models that better address legal need (tailored to meet legal needs and capabilities)
- Ensuring the cost of providing the services are proportionate to the complexity and significance of the legal need and the person's capability (tailored to meet legal needs and capabilities/proportionate)

### PRIORITY CLIENT GROUP/S NEEDS AND CAPABILITIES

Responses to the previous quality evaluation criteria will outline the particular priority client groups and catchment regions that you are seeking to address through targeted service delivery. Responses to Criterion 4.1 identified the legal needs of clients who you will work with, and barriers they experience in accessing legal assistance. The response to this question should elaborate further on the legal needs and capabilities of the particular priority client groups identified.

There are a number of aspects to client legal needs and capabilities:

#### 1. How do priority client group/s respond to their legal problems?

- Do they ignore legal problems?
- Is the client group proactive in seeking expert advice or accessing legal information?
- Are other professionals relied upon to address legal problems?

#### 2. What constrains the priority group/s from accessing and using legal help?

- Environmental factors e.g. distance and access to resources in remote areas
- Systemic factors e.g. location of services, opening hours, waiting times, costs, eligibility requirements
- Cultural factors e.g. communication and language factors, previous negative experiences of the legal system and authority.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.3

#### Priority client group/s needs and capabilities

### 3. What are the personal and legal capabilities of the client?

- Personal capabilities of a client include factors such as access to resources; knowledge, skills and attitudes; literacy and numeracy; health etc.
- Legal capabilities of a client refer to the competencies necessary to effectively identify and resolve a legal problem.

### HOW SERVICE DELIVERY WILL BE APPROPRIATE AND PROPORTIONATE TO PRIORITY CLIENT GROUP(S) LEGAL NEEDS AND CAPABILITIES

The second area to be addressed in this criterion is to demonstrate how the proposed service delivery methods will be appropriate, proportionate and accessible to the priority client group/s, considering their particular legal needs and capabilities.

Client- focused services consider how particular groups will seek legal help and, in some cases, whether a person can identify that they need legal assistance in the first place. Some client groups may be best identified by others in the community and then directed to a legal service. Other client groups may be more capable of identifying whether they have a legal problem and of seeking assistance. Service responses should take into account referral pathways, key relationships within the service sector and visibility of the service.

Culturally appropriate services will take into account the needs of culturally and linguistically diverse groups and Aboriginal and Torres Strait Islander people. Service responses could include ensuring cultural safety and sensitivity; appropriately trained and qualified staff; and collaborations with community agencies that are trusted by particular cultural groups.

Service responses should also match the personal and legal capability of the client to the most appropriate service. Responses could outline strategies that will ensure clients access the appropriate level and types of service such as client intake processes, diagnostic triage and referral, eligibility criteria or screening.

Consideration of the personal and legal capabilities of clients will determine the kinds of legal assistance required by a particular group. For example, clients that are less able to 'self-help' will need more comprehensive legal services, such as representation services, rather than one-off advices.

The Law and Justice Foundation's Collaborative Planning Resource – Service Planning suggests a suite of strategies which take account of differing need and capability which include:

- legal information and education strategies
- self-help tools
- accessible legal services
- community legal education and referral training for non-legal problem noticers, relevant to the legal problems of their clients
- integrated legal services (able to assist with a range of legal problem types)
- integrated responses to legal and non-legal needs, including networking and service partnerships
- tailoring of services for specific problems
- tailoring of services for specific demographic groups

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.3 Example

#### USING EVIDENCE TO SUPPORT YOUR RESPONSE

Your response should outline the evidence of the legal needs and capabilities of your priority client group/s. This evidence can be based on your organisational data and/or sourced from the evidence base used in the first criterion.

The LJF Evidence of Legal Need provides a profile of priority groups.

The Law and Justice Foundation's Collaborative Planning Resource – Service Planning provides further analysis about capability to respond to legal problems and the types of legal problems people in each priority group are likely to experience. This publication is available to download from:

[http://www.lawfoundation.net.au/ljf/site/templates/reports/\\$file/CPR\\_Service\\_Planning\\_Nov2015.pdf](http://www.lawfoundation.net.au/ljf/site/templates/reports/$file/CPR_Service_Planning_Nov2015.pdf)

#### EXAMPLE:

Outer Metropolitan Community Legal Centre (OMCLC) is situated in a satellite suburb of Sydney which has a significant population of CALD residents. The needs and capabilities of people in our area are also informed by:

- Financial disadvantage as a result of high unemployment levels
- Limited access to legal information in appropriate community languages
- The high number of young people (under 21) in the community.

OMCLC will provide advice services at our office in the Plaza, a weekly outreach at the Nearby Suburb community centre and a fortnightly outreach at Further Away community centre. We will employ multilingual intake staff and use interpreters for face to face and phone appointments with solicitors as needed. We will provide an information website with capability for translation into 5 key languages and a printed promotion flyer in 5 languages will be available.

Training will be provided to key community service partners in each location so that effective warm referrals are made to our services. Key relationships will be built and maintained with CALD support workers based in the three communities that might help support the client to take next steps after receiving legal advice. CLE will be provided with an interpreter and arranged in partnership with the CALD worker in each outreach location and at least 4 other locations supporting specific CALD communities

OMCLC's previous experience with CALD clients indicates that clients are likely to need representation services to assist in resolving their legal problem. While we will provide appropriate information, referral and advice, we will plan for a higher volume of representation services to ensure that CALD clients will be appropriately assisted and will seek additional funding for interpreter and translation services.



## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.4

#### Example

#### 4.4 DESCRIBE HOW THE SERVICES WILL IDENTIFY AND RESOLVE LEGAL PROBLEMS IN A TIMELY MANNER BEFORE THEY ESCALATE

Your response to this criterion should include a range of timely intervention services to address clients' legal problems and identify and address systemic causes of legal problems. Your response should demonstrate where relevant, how proposed services will contribute to the efficiency of the courts and tribunals and assist to facilitate the resolution of matters.

##### Examples include:

1. Early intervention and prevention strategies – these services help resolve legal problems before they arise or escalate. These can include information, legal advice, community legal education, alternative dispute resolution and restorative justice processes. These strategies can assist with the efficiency of a court or tribunal process in resolving legal issues early or preventing them from arising in the first place.
2. Timeliness is focused on timeliness as relative to the experience of the client, rather than the effectiveness of the service delivery (early intervention). Timeliness takes into account that the client is able to access a service when they identify they need assistance, and this could be at the point of crisis.
3. Systemic prevention – these strategies identify the systemic causes of legal problems to reduce the number of individual clients from experiencing the same legal problem. These strategies include law reform and policy activities and strategic litigation.
4. Contributing to efficiency of courts and tribunals - assisting self-represented parties to present their case as effectively as possible and facilitating meaningful cooperation between legal assistance services, prosecution services, relevant authorities and courts and tribunals.

The Cameron Review (p.42) recommended continued funding for strategic advocacy and law reform activities that seek to identify and remedy systemic issues.

#### EXAMPLE

The clients of Domestic Violence CLC (DVCLC) are generally in crisis when they come to the door of the Magistrates Court seeking an order for protection. DVCLC will provide duty lawyer services at the local Magistrates Court on a weekly basis, so that applicants can obtain legal advice prior to appearing in court and, wherever possible, representation at the first mention. Many of the clients DVCLC sees at the court are distressed about appearing at court and have not been advised to get legal advice by the Police. The duty lawyer ensures that clients are fully informed about what is likely to happen in the court and supported through the court process. Many clients have indicated to DVCLC that having legal assistance at the court enabled them to better engage with and understand the court process.

DVCLC also conducts community legal education with domestic violence services to provide support and education to DV workers on the drafting of applications for protection orders. This CLE ensures that where a client is unable to access a legal service prior to coming to court, an application for an order meets the requirements of the domestic violence legislation and increases the prospects of the order being made by the court. DVCLC also maintains strong working relationships and referral pathways with local domestic violence services. DVCLC will contribute to advocacy campaigns to ensure any changes to the legal process for orders for protection consider the issues for this group of clients who need timely assistance.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.5

#### USING EVIDENCE TO SUPPORT YOUR RESPONSE

If available, refer to evidence from your organisational data, other research and/or annual reports that demonstrate the need for early intervention with priority client groups and particular legal problems. Identify strategies that have proved effective in providing timely intervention and prevention and how you will develop and/or build on particular strategies.

#### 4.5 DESCRIBE HOW THE SERVICES WILL EMPOWER PEOPLE TO UNDERSTAND AND ASSERT THEIR LEGAL RIGHTS AND RESPONSIBILITIES AND TO ADDRESS, OR PREVENT, LEGAL PROBLEMS

Your response should demonstrate how your proposed services will help people to understand and assert their legal rights and responsibilities. Examples of effective service outcomes include:

- People have access to information about their legal rights, responsibilities, and options for action;
- Community legal education is tailored to the needs of particular groups and is coordinated to avoid duplication; and
- People are equipped with skills and knowledge to resolve future problems.

#### There are a range of services that could address this criterion:

- Information, referral and advice services provided to individual clients about their options, which may be legal or non-legal

- A range of CLE activities, including
  - Informal sharing of service information
  - Community development work
  - Formal education activities such as seminars, training programs, conference presentations etc.
  - Development of resources such as fact sheets, brochures, websites and other written publications
- Education on non-legal issues that could assist people involved in a legal process e.g. healthy relationships, managing finances etc.
- Law and legal reform activities which can involve a range of activities from formal submissions to working with other community groups and networks on policy issues
- Activities which focus on systemic issues affecting access to justice such as community legal education or a submission to a government or parliamentary body

Audiences for these types of services may extend beyond client groups to others in the community who work with these groups.

It is also important to link these services and activities in your response back to the access issues and barriers identified earlier in the application, so that you demonstrate that the services in this area are appropriate for the priority client group/s and catchment region.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

Question 4.5 Example

Question 4.6

### EXAMPLE:

Rural CLC (RCLC) will operate a community legal education program for community-based workers working with young people in 4 neighbouring rural locations. The training is based on a toolkit for community-based workers to identify and support young people who are coming into contact with the criminal justice system and other areas of the law. The toolkit is regularly reviewed and distributed with the assistance of community networks.

This community legal education program will ensure that community workers are aware of a young person's legal options, including where to get legal assistance when they need it. Community-based workers will be the most appropriate target audience for this program as they can be early "noticers" of young people's legal problems when young people may not be aware they have a legal problem.

RCLC will also provide local residents who contact the centre with information and resources from Statewide Legal Information Website. These resources are designed to help people resolve their legal problems and support people who may be self-representing. RCLC remains up to date in its knowledge of all Legal Information Websites and regularly reviews them for new information which may be of benefit to the community.

### USING EVIDENCE TO SUPPORT YOUR RESPONSE

If available, refer to evidence from your organisational data, other research and/or annual reports that demonstrate effective strategies for assisting clients to assert their rights. Identify strategies that have proved effective and will best assist clients and describe how you will focus and build on the identified strategies.

### 4.6 IN THE CONTEXT OF CLIENT NEEDS AND LOCALITY, DESCRIBE HOW THE MODEL FOR DELIVERING THE SERVICES WILL PROVIDE VALUE FOR MONEY IN TERMS OF THE SERVICES THAT CAN BE DELIVERED WITH THE POOL 1 FUNDING SOUGHT.

The motivation behind the "value for money" question is to enable organisations to provide a rationale behind the amount of funding sought relative to the nature and context of service delivery.

The factors to consider include:

- Types and number of services e.g. legal advice services are less time consuming; casework services provide comprehensive support to more vulnerable people; fostering effective partnerships;
- The cost of geographic coverage e.g. the impact of rural and regional coverage; the size of the catchment area;
- Proportion of funding that is directed to service delivery e.g. operating cost ratios.

A particular service model or geographic focus may necessitate a greater amount of funding due to the challenges of a particular target group experiences in accessing services and the intensity of support that is required. For example, an intensive casework support service model for Aboriginal women will require more resources per service than high volume advice services using volunteers. Both types of services are valuable as part of the total service system but require different levels and types of resources.

Responses to this question are not about proving that you have the cheapest services, but that the amount of funding is proportionate to provision of effective services. Value for money involves the non-cost factors of sustainability, quality and appropriateness of service.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 4.6 Example

Responses can also draw upon the LJF Evidence Legal Needs which identifies different types of service delivery methods that may be appropriate for priority client groups.

Other value for money considerations can include how your organisation can capitalise on the funding being sought to harness other resources in the community, such as:

- Use of volunteers to provide direct services and/or assist with the operational aspects of the organisation
- Pro bono assistance to provide direct services and/or assist with operational aspects of the organisation
- Partnerships, such as with university clinics
- Shared resources, such as resources and support as a result of membership of peak bodies such as CLCNSW and National Association of Community Legal Centres (e.g. legal research tools, affordable professional indemnity insurance, shared advocacy and law reform work)
- Service models that build future capacity in the community e.g. train the trainer, capacity building with other professionals
- Co-location with other services or other types of shared services arrangements
- Funding diversification strategies that supplement or add value to funded services
- Any other types of investment in the organisation that would not be possible but for the funded services e.g. free or discounted operational expenses.

Your proposed budget should be capable of delivering sustainable and high-quality Services appropriate to the aims of the organisation.

### EXAMPLE:

Local Town Advocacy Service (LTAS) provides exceptional value for money in providing cost-effective quality services to the community. The proposed service delivery model involves a mix of:

- face to face legal casework assistance in highly visible well-connected outreaches in towns with high populations of Aboriginal people;
- court support in 3 Magistrates Courts in a catchment area in excess of 500 square kilometres; and
- legal assistance via video conferences to more remote rural locations.

Due to LTAS's location in rural NSW, there are few volunteers that can provide direct legal services without a conflict of interest. However a small pool of volunteers at each outreach allows LTAS to provide low cost administrative support for booking and confirming outreach client appointments.

Intensive casework support provided to Aboriginal people requires the employment of specialised lawyers and Indigenous liaison officers to ensure that the services are provided in a culturally sensitive manner. The casework numbers for this work are limited to ensure that comprehensive support is provided to client with complex needs.

Due to the local public profile of LTAS, we have important local fundraising and in-kind support that ensures that the operational costs of rent and other overheads are less than 20% of the total cost of providing a service to the community.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 5

#### 5. SERVICE DELIVERABLES FOR POOL 1 FUNDING

Provide the types and numbers of Services (table format).

These are the targets against which successful applicants will report and will form part of the service agreement. Should your organisation not be successful in obtaining the full amount of funding that your organisation is seeking, the funding body will negotiate with you about reduced and realistic targets at the time of forming the service agreement.

Note that the Service Agreement provided in Part D is the existing service level agreement for CLSP funded services. New service agreements with successful Applicants for the three-year period from 1 July 2019 – 30 June 2022 will be largely consistent with the current CLSP Service Agreement in Part D, however revisions, including changes to the reporting framework, will be made following consultation with the sector.

The National Legal Assistance Data Standards Manual provides the definition and counting rules for each type of service. The Manual can be found here:

<https://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Pages/National-Legal-Assistance-Data-Standards.aspx>

There are a couple of aspects to bear in mind in setting targets.

Firstly, under the National Partnership Agreement on Legal Assistance Services 2015 – 20 at least 90% of total Representation Services by community legal centres must be delivered to people experiencing financial disadvantage (to be achieved as a NSW aggregate in each six

month period). The National Legal Assistance Data Standards Manual defines Representation Services as where a Service Provider takes carriage of a matter in an ongoing, representative capacity. There are three types: Dispute Resolution Service; Court/Tribunal Service; and Other Representation Services. Applicants setting targets for Representation Services should review organisational data to analyse whether 90% of current Representation matters are being provided to clients who have a low income to ensure that targets are realistic.

Secondly, applicants should take a realistic view of achievable targets as they will form the basis of service agreement reporting. In setting targets applicants should consider their history of meeting targets under previous service agreements; staff continuity and leave; and any other contextual issues that would impact upon continuity of service delivery across the 3-year funding period.

Legal Task is defined in the Data Standards Manual as:

“where a Service Provider completes a discrete piece of legal work to assist a Service User to resolve a problem of a particular stage of a problem. Examples of a Legal Task include:

- Preparation or assistance with the drafting of documents (such as a will)
- Writing a letter to another party asking them to do something or stop doing something, or
- Advocating on behalf of a Service User without taking ongoing carriage of a matter”

The Data Standards Manual provides some further examples of Legal Task that may assist applicants.

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

Questions 6 – 6.3

Questions 7 – 7.7a

### 6. REQUEST FOR POOL 1 FUNDING

#### 6.1 INSTRUCTIONS

#### 6.2 REQUEST FOR POOL 1 FUNDING

This section requires applicants to identify the total amount of funding sought per annum over the 3-year period from 2019 - 2022.

#### 6.3 BREAKDOWN OF REQUEST FOR POOL 1 FUNDING

This section requires applicants to provide detailed budget information in the income and expenses line items across the 3-year funding period of 2019-2022.

### 7. ASSESSMENT CRITERIA FOR POOL 2 FUNDING

Applicants wishing to apply for funding from Pool 2 should respond to the following assessment criteria (7.1 – 7.7 Part C). Before completing this section check your organisation meets the eligibility criteria for making an application for Pool 2 funding. (See page 5-6 of this Guide and/or Part A).

Applicants should complete Sections 1-3 of Part C - 1. Profile of Applicant, 2. Services and 3. Funding Pools before attempting to complete this section.

These questions require you to provide organisation details, identify the catchment regions you propose to provide services in and identify the priority target groups for whom you wish to provide services.

For guidelines about catchment regions and priority groups please refer to the early part of this guide – pages 7 – 8 and the Law and Justice Foundation Evidence of Legal Need.

Pool 2 Funding assessment criteria 7.1 to 7.6 are the same as the assessment criteria for Pool 1 Funding. Please refer to the earlier part of this guide for guidance and examples to assist you in responding to assessment criteria 7.1 – 7.6.

Applicants must respond to an additional assessment criterion 8 (7.7 part C) to demonstrate how the proposed service will meet a critical service gap.

#### 7.7 A) DESCRIBE THE CRITICAL SERVICE GAP IN TERMS OF A CATCHMENT REGION, AREA OF LAW AND/OR PRIORITY CLIENT GROUP THAT THE SERVICES WILL ADDRESS.

Your application will need to demonstrate how the services you are proposing will meet a critical service gap. Your response should use evidence to demonstrate the nature of the critical service gap. Please note that this criterion is weighted as either YES or NO. Your response to this criterion will demonstrate whether you have identified a critical service gap or not. Consider the following questions:

- Will the new service be offered in a catchment where there is currently no generalist community legal centre, or where we can demonstrate legal services are not available or severely limited?
- Will the new service meet the needs of specific priority groups who have not had access to free legal services previously?
- Will the new service provide free legal help in areas of law where there is a recognised critical need?

The LJF Evidence of Legal Need provides data about four catchments where there are currently no generalist community legal centres. These include:

- No Generalist – Central Region
- No Generalist – Northern Region
- No Generalist – Southern Region
- No Generalist – Western Region

The catchment profiles include legal assistance services already provided in the area and demographic profile for that catchment. This includes population data for LJF's Need for Legal Assistance (NLAS) (CLC) indicator

## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

### Question 7.7b

#### Example

(LJF Evidence of Legal Need p.13) and data on which priority groups are represented in the local catchment as a relatively higher proportion when compared to the general NSW population in that catchment.

The CLSD regional profiles may assist in providing evidence of gaps in area of law and/or priority groups in some regional, rural and remote areas. The Cameron Review referred to types of civil law problems most likely to be experienced by disadvantaged people, drawing on LJF data and CLASS data. These areas of law included consumer, credit and debt, government (fines and payment), housing, domestic violence, injury compensation, wills and estates, motor vehicle property damage, discrimination, care and protection and environment.

### **7.7 B) DESCRIBE HOW THE SERVICES WILL ADDRESS THE IDENTIFIED CRITICAL SERVICE GAP.**

Once you have clearly identified the critical service gap in part a) of this criterion, you will need to describe how the proposed service will meet the critical service gap identified. Your responses to all previous criteria will have described how the service will be targeted, collaborative, appropriate, timely and empowering. The focus of your response here will be on how your service will meet the critical service gap. Your response should provide a sound rationale behind why resources should be directed to meet the identified service gap.

### **EXAMPLE**

Quiet Achiever Legal Service (QALS) will provide advice and representation services to people who are financially disadvantaged in the Underserved catchment area. The LJF Evidence of Legal Needs identified that a relatively higher proportion of financially disadvantaged people and people with low educational levels reside in the catchment. The Underserved catchment area does not have a generalist community legal centre office. People living in the area who need free legal assistance, likely to constitute a high population based on the NLAS (CLC) criteria, are unlikely to seek legal assistance for their legal problems or rely on outreach services with limited availability.

The proposed new service will provide a shopfront office in Redtown. We propose the service will co locate with the community hub supported by the Local Council and police. The service will provide a regular presence, increase access for people seeking legal assistance, and target priority groups through collaboration with other agencies. The service will focus on early intervention strategies via community legal education to assist people early with their problems.

The legal needs of Underserved catchment area are exacerbated by population health issues such as a high incidence of drug and alcohol use, particularly the use of the drug known as ICE. According to Local Health District Drug and Alcohol Plans, a mobile drug and alcohol treatment day program will be established in 5 small community locations in the catchment to address this. QALS will further develop our partnership with the local health district to provide a CLE session at the same location as the Drug and Alcohol treatment program in each of the nominated locations to assist in identifying legal needs and referring clients for legal assistance. QALS will monitor the demand for providing an outreach solicitor service in response to enquiries from clients in the catchment area.

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## RESPONDING TO ASSESSMENT CRITERIA: EVIDENCE OF LEGAL NEED

Questions 8 – 10.1

### 8. SERVICE DELIVERABLES FOR POOL 2 FUNDING

Please refer to guidance provided for Pool 1 funding in point 5.

### 9. REQUEST FOR POOL 2 FUNDING

Please read the instructions (9.1 Part C) carefully before providing a total amount sought (9.2 Part C) and detailed breakdown of proposed income and expenditure for the 3 years from 1 July 2019 – 30 June 2022 (Part C 9.3).

### 10. APPLICANT'S REPRESENTATIONS

#### 10.1 COMPLIANCE WITH REQUIREMENT (PART A)

Applicants for either or both pools of funding must demonstrate that they can meet compliance requirements and complete the declaration.



## APPENDIX A

### Appendix A

#### Family Law/Criminal Child Protection/Domestic Violence/Divorce/Separation

<https://www.ag.gov.au/familiesandmarriage/marriage/pages/default.aspx>

<http://crimestats.aic.gov.au/>

<https://aic.gov.au/publications/vt/vt07>

<https://www.alrc.gov.au/publications/11-alternative-processes/family-dispute-resolution-and-family-violence>

#### Contract Law/Consumer Credit/Consumer Complaints/Insurance

<https://www.fos.org.au/publications/fact-sheets/>

#### Employment Law/Fair Work/Unfair Dismissal

<https://www.fwc.gov.au/about-us/news-and-events/unfair-dismissal-statistics-results-and-outcomes-published>

#### Property Disputes

<https://www.correctiveservices.justice.nsw.gov.au/Documents/Related%20Links/library/legal-portal/other-legal-problems/neighbours-and-the-law.pdf>

#### Wills/Estates/Trusts/Power of Attorney/Elder Law

<https://www.bdm.nsw.gov.au/Documents/stats-general.pdf>

[https://www.alrc.gov.au/sites/default/files/pdfs/publications/ip47\\_whole\\_issues\\_paper\\_47\\_.pdf](https://www.alrc.gov.au/sites/default/files/pdfs/publications/ip47_whole_issues_paper_47_.pdf)

[https://www.alrc.gov.au/sites/default/files/pdfs/publications/elder\\_abuse\\_131\\_final\\_report\\_31\\_may\\_2017.pdf](https://www.alrc.gov.au/sites/default/files/pdfs/publications/elder_abuse_131_final_report_31_may_2017.pdf)

[http://www.advocare.org.au/uploaded/files/client\\_added/NEA%20Annual%20Report%202014-2015.pdf](http://www.advocare.org.au/uploaded/files/client_added/NEA%20Annual%20Report%202014-2015.pdf)

[https://www.eapu.com.au/uploads/annual\\_reports/2016-2017%20EAPU%20Year%20in%20Review.%20Final%20June%202018.pdf](https://www.eapu.com.au/uploads/annual_reports/2016-2017%20EAPU%20Year%20in%20Review.%20Final%20June%202018.pdf)

[http://www.advocare.org.au/uploaded/files/client\\_added/NEA%20Annual%20Report%202015-2016\(1\).pdf](http://www.advocare.org.au/uploaded/files/client_added/NEA%20Annual%20Report%202015-2016(1).pdf)

#### Criminal Law

<http://www.crimeprevention.nsw.gov.au/> and also [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_crime\\_stats/bocsar\\_latest\\_quarterly\\_and\\_annual\\_reports.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_crime_stats/bocsar_latest_quarterly_and_annual_reports.aspx)

<http://crimestats.aic.gov.au/>

#### Alternative Dispute Resolution/Mediation

<https://www.ag.gov.au/LegalSystem/AlternateDisputeResolution/Documents/NADRAC%20Publications/ADR%20Statistics.pdf>

<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/reports-and-publications/speeches-conference-papers/2014/speech-harman-alternate-to-primary-dispute-resolution>

<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/reports-and-publications/publications/dispute-resolution/fs-dispute-resolution>

#### Disability/Discrimination/Human Rights/Immigration

<http://www.antidiscrimination.justice.nsw.gov.au/Documents/Anti-Discrimination%20Board%20Annual%20Report%202016-17%20for%20web.pdf>

## APPENDIX A

Government Annual Reports (New South Wales/Federal Jurisdiction)  
Court/Tribunal Annual Reviews and Reports

### Neighbourhood Disputes

[http://www.cjc.justice.nsw.gov.au/Pages/cjc\\_whatismediation/com\\_justice\\_neighbours.aspx](http://www.cjc.justice.nsw.gov.au/Pages/cjc_whatismediation/com_justice_neighbours.aspx)

### GOVERNMENT ANNUAL REPORTS (NEW SOUTH WALES/FEDERAL JURISDICTION)

#### Family Law/Child Protection/Domestic Violence/Divorce/Separation

[http://www.domesticviolence.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0004/379849/dfv-blueprint-for-reform.pdf](http://www.domesticviolence.nsw.gov.au/__data/assets/pdf_file/0004/379849/dfv-blueprint-for-reform.pdf)

[https://www.women.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0010/435979/172909-Women-NSW-Blueprint-Annual-Report-Card\\_RD4\\_CON10-21-Sept.pdf](https://www.women.nsw.gov.au/__data/assets/pdf_file/0010/435979/172909-Women-NSW-Blueprint-Annual-Report-Card_RD4_CON10-21-Sept.pdf)

[https://www.parliament.nsw.gov.au/lc/papers/DBAssets/taledpaper/WebAttachments/72106/2015-2017\\_DVDRT%20REPORT%20PDF.pdf](https://www.parliament.nsw.gov.au/lc/papers/DBAssets/taledpaper/WebAttachments/72106/2015-2017_DVDRT%20REPORT%20PDF.pdf)

#### Contract Law/Fair Work/ Unfair Dismissal

[https://www.ombo.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0007/49498/NSW-Ombudsman-Annual-Report-2016-17.pdf](https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0007/49498/NSW-Ombudsman-Annual-Report-2016-17.pdf)

#### Employment Law/Fair Work/Unfair Dismissal

[https://www.fwc.gov.au/documents/documents/annual\\_reports/ar2017/fwc-annual-report-2016-17.pdf](https://www.fwc.gov.au/documents/documents/annual_reports/ar2017/fwc-annual-report-2016-17.pdf)

#### Property Disputes/Neighbourhood Issues

<https://files.tenants.org.au/about/TU-Annual-Report-2016-2017-final-web.pdf>

#### Wills/Estates/Trusts/Power of Attorney/Elder Law

[http://www.publicguardian.justice.nsw.gov.au/Documents/Publications%20-%20Advocacy%20Report/PG\\_Advocacy\\_Report\\_2016.pdf](http://www.publicguardian.justice.nsw.gov.au/Documents/Publications%20-%20Advocacy%20Report/PG_Advocacy_Report_2016.pdf)

[http://www.tag.nsw.gov.au/verve/\\_resources/NSW\\_Trustee\\_Guardian\\_Annual\\_Report.pdf](http://www.tag.nsw.gov.au/verve/_resources/NSW_Trustee_Guardian_Annual_Report.pdf)

#### Criminal Law

<https://www.odpp.nsw.gov.au/sites/default/files/attachments/2015---2016-annual-report.pdf>

<https://www.legalaid.nsw.gov.au/publications/annual-report/annual-report-2016-2017/Legal-Aid-Annual-report-2016-2017.pdf>

#### Disability/Discrimination/Human Rights/ Immigration

[https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC\\_Annual\\_Report\\_2016-2017.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/AHRC_Annual_Report_2016-2017.pdf)

### COURT/TRIBUNAL ANNUAL REVIEWS AND REPORTS

<http://www.lawfoundation.net.au/reports/datainsights>

#### District Court of New South Wales

<http://www.districtcourt.justice.nsw.gov.au/Documents/2017DistrictCourtAnnualReview.pdf>

#### Local Court of New South Wales

<http://www.localcourt.justice.nsw.gov.au/Documents/Annual%20reviews/13093%20Local%20Court%20Annual%20Review%202017%20v4%20accessible.pdf>

#### Supreme Court of New South Wales

<http://www.supremecourt.justice.nsw.gov.au/Documents/Publications/Annual%20Reviews%20+%20Stats/AnnualReview2016.pdf>

## APPENDIX A

### Mental Health Review Tribunal

<https://www.mhrt.nsw.gov.au/files/mhrt/pdf/MHRT%20Annual%20Report%20Final%202016%2017.pdf>

<http://www.health.nsw.gov.au/patients/mhrt/Publications/mhrt-review-report.pdf>

### Land and Environment Court of New South Wales

<http://www.lec.justice.nsw.gov.au/Documents/Annual%20Reviews/2017%20Annual%20Review.pdf>

### Family Court of Australia

[http://www.familycourt.gov.au/wps/wcm/connect/7456589e-fc98-409b-8d1c-7b909bd30dcf/2743-Family\\_Court\\_of\\_Australia\\_AnnualReport\\_2016\\_17\\_WEB.pdf?MOD=AJPERES&CVID](http://www.familycourt.gov.au/wps/wcm/connect/7456589e-fc98-409b-8d1c-7b909bd30dcf/2743-Family_Court_of_Australia_AnnualReport_2016_17_WEB.pdf?MOD=AJPERES&CVID)

### New South Wales Children's Court

[https://www.kidsguardian.nsw.gov.au/ArticleDocuments/493/OCG\\_annualreport\\_16-17.pdf.aspx?Embed=Y](https://www.kidsguardian.nsw.gov.au/ArticleDocuments/493/OCG_annualreport_16-17.pdf.aspx?Embed=Y)

<http://www.childrenscourt.justice.nsw.gov.au/Documents/paper%20for%20jj%20summit%2020.3.14.pdf>

### New South Wales Civil and Administrative Tribunal

[http://www.ncat.nsw.gov.au/Documents/ncat\\_annual\\_report\\_2016\\_2017.pdf](http://www.ncat.nsw.gov.au/Documents/ncat_annual_report_2016_2017.pdf)

<sup>6</sup> Criminology/Violence Statistics.

<sup>7</sup> Criminology/Violence Statistics.

<sup>8</sup> Statistics and Infographics from the Financial Ombudsman Service Australia.

<sup>9</sup> General Publication on resolving neighbourhood disputes.

<sup>10</sup> Issues Paper on Elder abuse, from pg. 11 for statistics.

<sup>11</sup> Criminology/Violence Statistics.

<sup>12</sup> Office of the Ombudsman New South Wales Annual Report 2016-17.

<sup>13</sup> Fair Work Commission Annual Report 2016-17.

<sup>14</sup> Office of the Public Guardian Advocacy Report 2016.

<sup>15</sup> Public Trustee and Guardian Annual Report 2016-17.

<sup>16</sup> Office of the Department of Public Prosecutions Annual Report 2015-16.

<sup>17</sup> Legal Aid New South Wales Annual Report 2016-17.





**Community  
Legal Centres  
NSW**

Community Legal Centres NSW (CLCNSW) is the peak representative body for almost 40 community legal centres in NSW. Community legal centres (CLCs) are independent non-government organisations that provide free legal services to people and communities, at times when that help is needed most, and particularly to people facing economic hardship and discrimination.

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We acknowledge the Traditional Owners, Custodians and Elders of the Gadigal People of the Eora Nation, past and present, on whose traditional land we work.