

National CLC Data Consistency Guide – Draft 1

20190412 This is a direct copy-and-paste of the text contained in the online Guide <https://naclc.info/DataGuide>.

Please see last page of this document for details on how to provide feedback – due by C.O.B Thurs 2 May 2019

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About the Data Consistency Guide

<https://naclc.info/DataGuide/About>

Updated 12 April 2019 – the following changes were made:

- Hyperlinks within the Guide fixed (some were broken)
- Updated the Feedback Due Date from Friday 26 April to 5pm Thursday 2 May 2019
- The following Note:

Note: We have now made available a Word and PDF version of this Draft Guide with very simple formatting - available from http://www.naclc.org.au/cb_pages/naclc_data_consistency_project.php

Please note that as the Guide will change after feedback received in April/May, you should only use these hard copies for providing feedback and initial training / discussion with your staff. Please update your hard copies with the revised draft in May 2019.

What is the Data Consistency Guide?

The Data Consistency Guide has been prepared by the National Association of Community Legal Centres (NACLC) to assist your Centre whether it is a community legal centre, family violence prevention legal service, or another type of legal service to understand how to record data relating to your legal and nonlegal work.

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

The Guide uses as its starting point the National Legal Assistance Data Standards (<https://naclc.info/DataGuide/NationalDataStandards>).

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

NACLC is continuing to discuss proposed changes with all of you, and with the National Data Standards Working Group (<https://naclc.info/DataGuide/NationalDataStandards>).

Who should use this Guide?

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

Most Centres across Australia (around 150 community legal centres and family violence legal services) are using CLASS as their client database. For this reason the Guide contains helpful hints and crossreferences to the CLASS Online Guide (<http://confluence.classhelpdesk.org.au/display/CM/User+Manual>). Please be patient as we create and update these links during April 2019.

How was the Guide developed?

The Guide was developed as part of the National Data Consistency Project which commenced in July 2018 and is continuing until June 2019. You can read more about the project here (<https://naclc.info/DataGuide/DataConsistencyProject>).

During our consultations as part of the Data Consistency Project, we found many Centres had developed their own interpretations of the National Data Standards (<https://naclc.info/DataGuide/NationalDataStandards>) and so there were wide variations in how Centres were recording things.

In January 2019 NACLC provided feedback to the National Data Standards Working Group (<https://naclc.info/DataGuide/NationalDataStandards>) about changes to the Manual that we felt would clear up areas of

vagueness and also align with legal practice in our sector. These recommended changes are incorporated into this Guide. The Working Group is meeting in March 2019 to discuss any potential changes.

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

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

We are now seeking your feedback and suggestions due Friday 26 April 2019 – now updated to Thursday 2 May 2019

We see the Data Entry Guide as at March 2019 a work-in-progress. We will continue working on it to provide greater clarity, more useful case studies, and more resources. We also actively invite comments and feedback from all of you, who are faced with applying the standards on the ground, and are best place to advise us if we got it wrong.

We ask that you use the period to **Thursday 2 May 2019** to:

- read the text in the Guide
- provide us with feedback about why you agree or disagree, or what you think might help to clarify text provide us with any case studies or examples that you feel illustrate tricky areas.

Consultation questions appear at the bottom of each page, and details about how you can answer those questions and provide feedback are available from the feedback page (<https://naclc.info/DataGuide/Feedback>).

Other tools and resources

Over the coming months NACLCL will be developing a webinar, online training and some face-to-face training sessions particularly in NSW as we have been specifically funded by Legal Aid NSW to undertake this training.

We are also developing a flowchart that will assist Centre staff identify which service type applies to particular interactions. If you have ideas for other resources to help you understand the Guide, please let us know in your feedback (<https://naclc.info/DataGuide/Feedback>).

I need help

For information about using CLASS, a good place to start is the CLASS Online User Manual (<http://confluence.classhelpdesk.org.au/display/CM/User+Manual>)

For personalised assistance to understand the data standards or CLASS, contact

CLASS Helpdesk:
1300 484 498
naclc@classhelp.org.au

If you have a specific query about the Data Consistency Guide you can directly email dataconsistency@naclc.org.au. (Note that as our Project Worker is part-time it may take several days to respond).

Questions and Feedback (<https://naclc.info/DataGuide/Feedback>)

Q Do you feel that the purpose of the Guide is clear?

Q Do you have any suggestions for other information that should be contained in this page?

National Legal Assistance Data Standards

<https://naclc.info/DataGuide/NationalDataStandards>

What are the National Legal Assistance Data Standards?

The National Legal Assistance Data Standards are a set of standardised legal service data item, counting rules and collection protocols relevant to the legal assistance sector, ie legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander Legal Services, and Indigenous family violence prevention legal services.

The Standards were set out in 2015 in the National Legal Assistance Data Standards Manual (<https://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Pages/NationalLegalAssistanceDataStandards.aspx>).

What is the National Data Standards Working Group?

The National Legal Assistance Working Group is a group convened by the Commonwealth Attorney General's Department and consisting of representatives of the four main legal assistance sectors legal aid commissions, community legal centres, Aboriginal and Torres Strait Islander Legal Services and family violence prevention legal services as well as the Commonwealth Attorney General's Department and Prime Minister and Cabinet.

Why were the National Data Standards developed?

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

In the final 2014 Access to Justice Report (<https://www.pc.gov.au/inquiries/completed/accessjustice/report/accessjusticevolume2.pdf>), the Productivity Commission found the following:

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

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

Those responsible for collecting and reporting data also face constraints, including: management systems that inadequately collect and store data collection 'fatigue' and a lack of resources to collect useful data." (p 882)

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

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

Early feedback from the Productivity Commission to the legal assistance sector led in 2013 to the establishment of a National Legal Assistance Data Standards Working Group, facilitated by the Commonwealth Attorney General's Department. Brought together representatives of the four main legal assistance providers, to discuss and agree on a common data set for legal services.

Why do legal assistance providers have to comply with the Standards?

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

For community legal centres, the National Partnership Agreement for Legal Assistance Services 20152020 (<https://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Documents/NationalPartnershipAgreementOnLegalServices.pdf>)

f) requires state and territory governments to report to the Commonwealth Government about certain services as defined by the National Legal Assistance Data Standards Manual (see clause 53). State and territory government funding agreements with individual community legal centres then bring in this reporting requirement as a condition of funding.

Family violence prevention legal services are required to comply with the Data Standards Manual in their individual funding agreements with Prime Minister & Cabinet.

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

In June 2015, as recommended by the Productivity Commission, the Commonwealth Attorney General's Department provided funding to NALCL (<https://www.ag.gov.au/LegalSystem/Pages/responsetoreportintoaccesstojustice-arrangements.aspx>) for the redevelopment of CLSIS. The funding agreement with NALCL required that the new system be built using the data items and definitions in the Data Standards Manual.

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

It was for this reason that in June 2018 NALCL embarked upon the Data Consistency Project which has led to the development of this Guide.

Questions and Feedback

Q Is there anything else you would like to know about the development of the Data Standards?

National Data Consistency Project

<https://nacl.info/DataGuide/DataConsistencyProject>

What is the National Data Consistency Project?

The National Data Consistency Project is a NALCL project run in collaboration with CLCQ, and working closely with the Victorian Federation of CLCs, from June 2018 to June 2019.

The aim of the project is to ensure that:

CLCs collect, understand and use accurate and consistent data and information about the services they deliver, to inform their service planning and service provision decisions.

State, territory and national governments have reliable CLC data to use for the purposes of NPA as well as reporting and service planning local, regional, and jurisdictional.

How did it come about?

In March 2017, NALCL rolled out the new CLC client and project management database CLASS to around 150 community legal centres and Indigenous Family Violence Prevention Legal Services. You can find more information about CLASS here (<http://confluence.classhelpdesk.org.au/display/CM/User+Manual>).

During 2017/2018, the CLASS Helpdesk noted that a large number of their inquiries related not so much to how to use CLASS, but more about trying to understand the National Data Standards (/NationalDataStandards). Some service types contained in the National Data Standards Manual were familiar to Centres from CLSIS Information, Referral, and Legal Advice however Centres struggled to understand the new service types of Legal Task, Duty Lawyer, and the three Representation Services. In some states such as NSW, principal solicitors worked on developing a set of guidelines to assist Centres to apply the new data standards. In Queensland, the state peak body CLCQ was also working to clarify definitions.

In July 2018, NACLCL received separate grants of funding from Legal Aid NSW and from the Commonwealth Attorney-General's Department for a National Data Consistency Project. A Project Outline was developed and circulated amongst state and territory CLC associations in August 2018.

What are the project's main activities?

Phase 1 of the project (July 2018-December 2018) was to **consult** directly with community legal centres to understand how they were interpreting and recording particular types of interactions between Centres and clients. Between NACLCL, CLCQ and the Victorian Federation of CLCs, over 40 Centres across all states and territories were interviewed or consulted. (Note that consultations with Indigenous Family Violence Legal Services are still ongoing)

Phase 2 (December 2018 February 2019) was to **analyse** the findings from our consultations. A powerpoint about our main findings is available here (http://www.naclc.org.au/cb_pages/naclc_data_consistency_project.php), and a report will be made available in April 2019. As a result of our analysis, in January 2019 NACLCL provided feedback to the National Data Standards Working Group on suggested changes to the Data Standards Manual (<https://naclc.info/DataGuide/NationalDataStandards>) that would better clarify the definitions of particular service types.

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

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

Phase 5 (May 2019 June 2019) is to **embed** all training and resources relating to the data consistency guide into CLASS Helpdesk and training resources, so that it becomes part of business as usual for the CLASS team.

Questions or feedback

Q Do you have any questions about the project or feedback about the text on this page?

How the Services Are Grouped

<https://naclc.info/DataGuide/Groupings>

How we have grouped Services in this Guide

The diagram below sets out how this Guide groups together the Service types.

It is important to understand that these groupings are simply convenient ways of collecting together similar services. They do not exist in CLASS as service or reporting categories.



For those who are familiar with the National Data Standards Manual you will see that our diagram is slightly different to the Manual's groupings:

	Data Consistency Guide	Data Standards Manual
Duty Lawyer Service	Sits within Discrete Services - we think they are discrete, point-in-time services	Stand-alone service type
Ongoing Services	A grouping for all services where a Centre provides legal services to a client over a period of time	Equivalent was Representation Services
Ongoing Non-Legal Support Service	Sits within Ongoing Services	Appeared as a sub-category within Non-Legal Support Service which sat within Discrete Services
Ongoing Legal Support Service	Possible new service type . The diagram also allows for the alternative that Other Representation Services might be redefined.	No service.

Questions or feedback

Q Do you have any thoughts on the new way we have grouped the Services?

Discrete Services

(/DataGuide/DiscreteServices)

Discrete Services are unbundled, discrete, point-in-time legal or nonlegal services that are provided to people or organisations.

Note that in the Guide, we use the term "people" or "client" because even where a client may actually be an organisation, it is a person who is interacting with the Centre.

These intermittent, discrete, point-in-time services are to be differentiated from Ongoing Services where an organisation provides ongoing assistance to a client.

Note that the National Data Standards Manual did not group Duty Lawyer Services within Discrete Assistance, but we see these services as fitting within the definition see the diagram of our groupings here (/Groupings).

Click on each of the following Discrete Services for information and case studies.

Information Services

<https://naclc.info/DataGuide/Information>

Definition

An Information Service is the provision of information to a person in response to an enquiry about:

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

The information provided is of general application, rather than specific to the circumstances of the person seeking the information (which would then be Legal Advice. The NACLCL Risk Management Guide (http://www.naclc.org.au/cb_pages/naclc_members_page.php#RiskManagementGuide) provides more information about the difference between Legal Information and Legal Advice. (Note that NACLCL will update the Risk Management Guide to incorporate any changes to definitions of Service Types set out in this Guide).

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

- Provided from an office or at outreach, for example at a NAIDOC week stall
- Provided by phone, in person, via online chat, by letter, fax, email, videoconference
- Provided by legal or nonlegal staff or volunteers
- Provided to an individual person or to a third party receiving it on behalf of another person (eg case worker from another organisation)
- Provided autonomously, for example where a chatbot helps a person navigate the website to find or build a useful resource.

Information Services do not include:

- administrative tasks such as booking appointments for legal advice sessions this could be an action within a Triage (if you are using CLASS) or within a Legal Advice
- downloads of factsheets from websites, as this is not a direct communication between the Centre and an individual.

How many Information services?

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

In order to provide useful data for analysing service provision, Information Services should also record suburb / postcode / state details should be recorded.

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

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

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

Information Services are often provided at the same time as a Referral, and can be counted separately from the Referral.

Case studies and examples

[to be provided]

Questions or feedback

Q Do you have any suggestions for changes or additions to the text on this page?

Q Do you have any examples or case studies that might help Centres understand Information Services better?

Referral Services

<https://naclc.info/DataGuide/Referrals>

Definition

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

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

Simple Referral

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

Facilitated Referral

A Facilitated Referral is when a person is directly assisted by the legal service to make contact with another individual or organisation. A Facilitated Referral may include one or all of the following:

- making an appointment on behalf of a person
- contacting the target service to check a person's eligibility and the availability of service within the appropriate timeframes attending the target service with a person and providing background information or a professional assessment relevant to the provision of the target service.

How many Referrals?

Referrals to an external individual or organisation are counted except in Representation Services when they are subsumed.

Internal referrals, where a Service Provider refers a Service User to another individual or section within the same organisation, are not counted as a Referral for the purpose of Referral reports, although a Centre can record these and report on them through Centre reports..

Incoming referrals, where an external individual or organisation refers a Service User to the Service Provider, are not counted as a referral.

Case studies and examples

Case study Carmel referred to financial counsellor (</DataGuide/CaseStudyCarmelReferral>)

Case study Zoe's internal referral (</DataGuide/ZoeInternalReferral>)

Questions and feedback

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Referrals better? Reasons for Referral: see below

Reasons for Referral

[NACLC is soon to undertake a rescoping of Reasons for Referral in consultation with community legal centres and Family Violence Prevention Legal Services. We have developed the following table as a starting point to clarify when each reason should be used, and welcome your feedback.]

Why do we need to record reasons for Referrals?

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

Note: NACLC recently rolled out a new tool that assists Centres to enter bulk Information and Referrals. This tool does not allow for the recording of Reasons for Referral.

What are the main Reasons for Referral?

The Data Standards Manual (<https://naclc.info/DataGuide/NationalDataStandards>) sets out the following four main reasons for referral:

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

In CLASS, there are seven main Reasons for Referral available to all CLASS Users. However individual Centres frequently have their own custom reasons for referral, many of them brought across from CLSIS.

In 2019 NACLC hopes to work with Centres to:

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

The seven main Reasons for Referral currently in CLASS are set out below, with guidance as to which reasons should be used in which circumstances:

CLASS Reason for Referral	Circumstances in which to use	National Data Standard Reason (1-4)
Already instructing a private solicitor	Where caller or client is already receiving assistance from a private solicitor and it is appropriate that they keep using that solicitor. If during an Advice, it is clear that a client clearly cannot afford a private solicitor, but the CLC also doesn't have capacity, this should be recorded as "Centre does not have capacity"	3
Centre does not have capacity to deliver service	"Capacity" here means "resources", that is, the CLC does, or could, provide services in this area of law, but has insufficient resources to provide the service to that particular person. This should be the default Reason selected where the Centre knows that the person is being turned away because of lack of capacity. Examples of lack of capacity that could fall into this Reason include: <ul style="list-style-type: none"> • The Centre already has a full caseload • The Centre has key staff on leave • The Centre has Advice and Casework / Legal Practice Guidelines that specify it will only provide particular services to people within a particular priority group and/or in particular circumstances • The Centre has made an historical decision not to practice in a certain area of law due to lack of resources – eg many Generalist Centres do not assist people with wills, personal injury, family law - property etc • Where a person has received some services from the Centre (eg Legal Advice) but needs or would like more services (eg Representation). This Referral should be recorded as part of the Legal Advice. 	2
Centre does not offer service required	This category applies when, the person who is seeking assistance is: <ol style="list-style-type: none"> 1. Really looking for a non-legal service that the CLC does not provide, eg financial counselling, mental health support. Looking for legal help in an area of law that the CLC does not and would never provide advice in eg. a person contacts Welfare Rights Centre about a migration law issue (that is not related to social security law). <u>Do not</u> use this category for the situation where a person is seeking help in an area of law in which the Centre: <ul style="list-style-type: none"> • provides one-off Legal Advice but refers to state Legal Aid Commission for other services such as Duty Lawyer Services or Family Law Representation - instead select "Eligible for Legal Aid" • could provide advice if it had the resources to employ a solicitor with those skills (eg employment law inquiry to a generalist CLC) - instead select "Centre does not have capacity to deliver service" 	1
Conflict of Interest	Your Centre cannot assist due to a conflict of interest. This includes conflicts of interest with former clients, staff, volunteers, Management Committee/ Board members.	4

Eligible for Legal Aid	<p>Your Centre should only use this category where it is highly likely that person would be eligible for services provided by a Legal Aid Commission or Aboriginal and Torres Strait Islander Legal Service.</p> <p>This category can be used:</p> <ul style="list-style-type: none"> • At the Referral stage (before a Legal Advice or other service is provided) • During or at the end of a Legal Advice • For a Legal Task where your Centre is assisting someone to apply for Legal Aid 	3
*** Internal Referrals	<p>Try not to use this reason, as Internal Referrals should not be counted towards Referrals generally. If your Centre wants to record these, contact CLASS Helpdesk to discuss creating a separate custom field called "Internal Referral" which can sit within existing Services eg Legal Advice, Representation Service.</p> <p>Also see Case Study - Zoe's internal referral</p>	Should not be captured
Other	<p>All efforts should be made not to use this Reason.</p> <p>If you have a Reason for Referral that you think is not covered by <u>any</u> within this Table, email us so we can consider this while we rescope the list of Reasons for Referral: naclc@classhelp.org.au.</p> <p>Alternatively, Helpdesk can help you create a custom Reason that makes sense for your Centre, and maps up to one of the seven reasons.</p>	Each custom field should be mapped accordingly
Not in Catchment area	Use this category where the person seeking assistance lives, and/or the legal problem occurred in, a geographic region not covered by the Centre.	4
Person could not be assisted within time frame needed or wanted by them	<p>Use this category where your Centre cannot provide the person with an initial appointment:</p> <ul style="list-style-type: none"> • within a timeframe that the person wants to wait for • in time to meet a limitation date • in time for a Court or Tribunal imposed date. 	2
Referred to Funded Agency (ie. Welfare Rights)	<i>Try not to use this reason, instead use "Specialist Service Available" (NACLCL is considering hiding this Reason)</i>	3
Specialist Service available	<p>Your Centre could assist the person in the area of law, but there is specialist service better placed to assist.</p> <p>For example, a person calls generalist Centre about a social security matter, is referred to the state-wide Welfare Rights Centre.</p>	3
*Wanted guaranteed Court representation	Where client has explicitly asked for, or clearly needs someone to represent them in court, but the Centre does not have the capacity to do this. This Reason can be captured during an initial Information and Referral, or during another Service such as Legal Advice or Duty Lawyer.	2

Questions and feedback

Q Having read through the circumstances we have suggested for using each reason above, do you think: the circumstances set out above provide sufficient clarity as to when you should use each Reason? the list of Reasons can be reduced from 7 to the 4 set out in the Data Standards Manual?

Q Do you think the bulk Information and Referral Tool in CLASS should allow Reasons for Referral to be included? Q Do you have any other thoughts about the Reasons?

Legal Advice

<https://naclc.info/DataGuide/LegalAdvice>

Definition

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

The client can be an individual or a person seeking advice on behalf of an organisation, a group, or another individual (see Secondary Consultations below).

How many Advices?

If a client receives advice for more than one problem from the same lawyer during the same appointment, it is counted as one Legal Advice, with different problem types recorded in the service characteristics.

Some Centres have reported difficulties in CLASS recording just one Advice where there are several different other parties ranging across different legal problem types, eg family law, civil law, criminal law. If you are one of these Centres, please provide an example see *Questions and Feedback* below.

Where the same advice is provided to a client by more than one method, for example where advice provided in person, and the solicitor then provides the client with notes of the advice, it is not counted separately, provided the advice is exactly the same.

If there is any difference in the advice provided in the second method, then this is recorded as two Advices. For example, a solicitor provides advice one day, and then the next day when reviewing their own advice they realise they may not have been very clear about time limitations, so then sends a follow-up email setting out the advice in writing.

Where a client makes contact with a Centre on a subsequent date with additional or new information, and new advice is provided, it is counted as a separate Legal Advice Service. This is the case whether it is in relation to the same problem for which advice was initially sought or a different problem.

Legal Advice vs other Services

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

Reviewing a client's documents and researching the law to prepare legal advice for the client is part of a Legal Advice. It is not a Legal Task. NACLCL was advised by some Centres that they wanted to record these longer Legal Advices as a Legal Task to reflect the extent of the work involved. However NACLCL is of the view that a better way of recording the complexity of the Legal Advice is to record time spent on the service. NACLCL is exploring the possibility of adding a new Time Spent field to Legal Advice Services in CLASS. In the meantime, Centres that want to record time spent on a Legal Advice can contact CLASS Helpdesk (<http://confluence.classhelpdesk.org.au/display/CM/Help+and+Support>) for help creating a custom field.

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

Legal advice provided in the course of a Court/Tribunal Representation Service, Dispute Resolution Service), Other Representation Service or an Ongoing Legal Support Service is not counted as a separate Legal Advice service, but is simply part of that ongoing service (note that within CLASS Centres could choose to identify this as an Activity).

Secondary Consultations

Many Centres provide legal advice to nonlegal workers or solicitors from other agencies or organisations in relation to an individual client of that other agency. These are often called "secondary consultations" but are sometimes also called "backup advices" where the Centre is providing advice to a lawyer from another Centre or legal assistance service.

Currently these matters are being recorded in CLASS as a Legal Advice with the client being the Organisation. There are (at least) two problems with this approach:

- It may not accurately fit with the definition of Legal Advice in legal practice management rules, or the NACLCL Risk Management Guide (<http://confluence.classhelpdesk.org.au/display/CM/Help+and+Support>)
- There is no way of differentiating these matters from matters in which an organisation is genuinely the client that is, the Centre is providing advice to an organisation about (for example) their legal structure.

Centres have provided feedback to NACLCL during data consistency consultations and CLASS training sessions that a better way is needed across the sector to accurately record and report on the work we do do in relation to secondary consultations or legal "back up" work. Possibilities are:

- The creation of a new standalone Service type called Secondary Consultation
- Inclusion of a tickbox field "Secondary Consultation" in Legal Advice and other relevant Service Types this would then at least allow the Centre to generate a report identifying secondary consultations.

NACLCL has asked the National Data Standards Working Group (/DataGuide/NationalDataStandards) to consider how best to record secondary consultations, and this will be discussed in March 2019.

Case studies and examples [to be inserted]

Questions and Feedback

Q Do you have a case study that describes a Legal Advice involving multiple parties, which may require separating into separate Legal Advices in CLASS? Please explain who this causes difficulty in CLASS and what your suggestion is to deal with these advices.

Q What do you think is the best way to record Secondary Consultations?

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Legal Advice better?

Legal Task

<https://naclc.info/DataGuide/LegalTask>

Definition

A Legal Task is where a Centre completes a discrete, oneoff piece of legal work, to assist a person in their own efforts attempting to resolve a problem or a particular stage of a problem.

Legal Tasks involve either communicating with a third party on behalf of a client, or preparing a document for use by the client in relation to third parties. They generally fall into one of four types of activities:

Preparation or assistance with the drafting of documents to be used by a selfrepresented client in their legal matter, or
Preparing a will (but note *Questions and Feedback* below), or
Liaising with a third party to find out information to assist a client in their legal matter (eg preparing an FOI application to a government department in client's name), or

An instance advocating on behalf of the client (eg writing a letter outlining the person's circumstances, attending a meeting with client and third party) without taking ongoing carriage of the matter.

How many Legal Tasks, and what is the date of Service?

A Legal Task usually only has one legal problem type. If a Centre undertakes legal work for one client in relation to a number of different legal problems with different Other Parties, each piece of work is a different Legal Task.

Legal Tasks are discrete services and so it usually has one date only. Where one Legal Task (eg preparation of a will but note *Questions and Feedback* below) takes place over more than one day, the Date of Service is the date the Task is completed.

Where the Centre conducts a number of Legal Task activities on one date to help a client resolve a particular legal matter, it is to be counted as one Legal Task.

Where the Centre provides assistance to a client in relation to a different legal problem, even if this work is done on the same day, this is a separate Legal Task.

Where there is contact with the client on a subsequent day, and further assistance with a Legal Task is provided it is counted as a separate Legal Task.

Difference between Legal Task and other discrete services

Reviewing a client's documents and researching the law to prepare legal advice for the client is not a Legal Task, it is part of a Legal Advice. This is because it does not involve any interaction with a third party or preparing something for the client to use in relation to their interactions with a third party. It is simply reviewing the client's own documents, and researching the law, in order to provide a detailed piece of Legal Advice.

It is common for a Centre to provide a Legal Advice then identify and provide a Legal Task during that advice session. When this occurs, it should be recorded as one Legal Advice and one Legal Task. In other words, a Legal Task does not subsume a Legal Advice they are two separate Services.

In some rare occasions, a Legal Task might be provided before any Legal Advice is provided to that client - see Case Study Maha v Centrelink (<https://naclc.info/DataGuide/CaseStudyMahaCentrelink>).

Where a duty lawyer/advocate at a court or tribunal assists a client in drafting court documents or negotiating with other parties, this is a Duty Lawyer Service.

Difference between Legal Task and an ongoing legal service

When performing a Legal Task, the Centre is not promising to help the client in an ongoing capacity over a period of time.

If the Centre makes a commitment to the client to provide ongoing legal support to them over a period of time, to help them resolve a legal dispute or represent themselves in legal proceedings, NACLCL proposes that this be recorded as an Ongoing Legal Support Service (<https://naclc.info/DataGuide/OngoingLegal>) (or potentially as a newly defined Other Representation & Ongoing Legal Service see discussion of this in Other Representation (<https://naclc.info/DataGuide/OtherRep>)).

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

Where information is provided in the same session as a Legal Task, it should not be counted as an Information Service and is subsumed as part of the Legal Task.

Assistance with Legal Tasks provided by a duty lawyer to a client at a court or tribunal is not counted as a Legal Task but as Duty Lawyer Service.

Case studies and other examples

Case Study Yousef v the bank <https://naclc.info/DataGuide/CaseStudyYousef>

Case Study Maha v Centrelink <https://naclc.info/DataGuide/CaseStudyMahaCentrelink>

Case Study Ali's employment issue <https://naclc.info/DataGuide/CaseStudyAliEmployment>

Ready Reckoner When you do more than advice <https://naclc.info/DataGuide/ReadyReckoner>

Questions and Feedback

Q Preparation of a will usually consists of at least four distinct interactions that take place over a period of a few weeks:

- 1) providing initial advice and taking instructions
- 2) producing the first draft and sending to the client
- 3) discussing the draft with the client, providing further advice and making the requested changes
- 4) finalising and sending the will.

Do you think that the preparation of a will should be recorded as:

- One Legal Task with a start date and an end date?
- Two Legal Advices and Three Legal Tasks?
- One Ongoing Legal Support Service?

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Legal Tasks better?

Duty Lawyer Services

<https://naclc.info/DataGuide/DutyLawyerService>

Definition

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

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

There are a number of Duty Lawyer Service subcategories:

Duty Lawyer Service sub category	Circumstances in which this subcategory is selected
Duty Lawyer Service – Advice	Solicitor / advocate on duty provides advice only does not provide assistance in relation to document preparation or negotiating with the other party
Duty Lawyer Service – Minor Appearance – Adjournment	Solicitor / advocate on duty acts as the client's representative in front of the court or tribunal in relation to an adjournment (ie no substantive issues discussed)
Duty Lawyer Service – Minor Appearance – Procedural Orders only	Solicitor / advocate on duty acts as the client's representative in front of the court or tribunal in relation to any other procedural orders (ie no substantive issues discussed)
Duty Lawyer Service – Assistance – Advice and Drafting court documents	Solicitor / advocate on duty does not act for the person, but instead provides advice and/or drafts court documents for the person to use themselves in the court or tribunal
Duty Lawyer Service – Assistance – Advice and negotiating with other parties	Solicitor / advocate on duty does not act for the person, but instead provides advice and negotiates with the landlord/agent on behalf of the tenant

How many Duty Lawyer Services?

Where a person receives a Duty Lawyer Service, it is counted as one Duty Lawyer Service.

Where a person comes in to see the Duty Lawyer / Advocate on another date and a Duty Lawyer Service is again provided, it is counted as a separate Duty Lawyer service. This is the case whether the new Duty Lawyer Service is about the same legal problem for which advice was initially sought or a different legal problem.

Duty Lawyer Service v other Services

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

Case studies and examples

Case study: Christopher and the Duty Lawyers <https://naclc.info/DataGuide/ChristopherDutyLawyer>

Ready Reckoner: When you do more than advice <https://naclc.info/DataGuide/ReadyReckoner>

Questions and Feedback

Q Does the table on this page clearly explain when you should select each subcategory of Duty Lawyer Service? If not, please advise how it could be made clearer

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Duty Lawyer Services better?

Non-Legal Support Service (Discrete)

<https://naclc.info/DataGuide/NonLegalSupportDiscrete>

Definition

A NonLegal Support Service (Discrete) is a discrete, oneoff, pointintime nonlegal service provided by a Centre to assist and support a person to resolve specific, nonlegal problems.

The support service is provided directly to the individual person by an appropriately qualified or experienced person such as a:

- Counsellor
- social worker
- financial counsellor
- alcohol or other drugs counsellor
- mental health caseworker
- court support worker
- domestic violence caseworker
- case coordinator
- Aboriginal and/or Torres Strait Islander field officer, community liaison officer, legal access worker - the roles of these workers are often very broad, covering a range of work supporting Indigenous people to access legal services, including locating clients to bring them to court or to legal or other appointments.

Non-Legal Support Service - Discrete or Ongoing?

The difference between a Discrete NonLegal Support Service and a NonLegal Support Service (Ongoing) is that a Discrete NonLegal Support Service:

- is usually one appointment for a particular session (eg one financial counselling appointment)
- in which the Centre does not commit to provide ongoing support.

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

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

How many Services?

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

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

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

Case studies and examples

Case Study Fleur nonlegal support <https://naclc.info/DataGuide/FleurNonLegalSupport>

Ready reckoner when you do more than advice

Questions and Feedback

Q Do you have any other examples of nonlegal support provided by your Centre?

Q Does this page clearly explain the difference between a Discrete and Ongoing NonLegal Support Service, or could it be made clearer (and if so, how)?

Q Would it be useful for your Centre if standard CLASS reports clearly separated Discrete from Ongoing NonLegal Support Services?

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand NonOngoing Support (Discrete) better?

Facilitated Resolution Process

<https://naclc.info/DataGuide/FacilitatedResolutionProcess>

Definition

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

The only Facilitated Resolution Processes currently conducted by community legal centres that NACLCL is aware of are Family Dispute Resolution (<https://www.ag.gov.au/FamiliesAndMarriage/Families/FamilyDisputeResolution/Pages/default.aspx>) processes, sometimes called Lawyer-Assisted Family Dispute Resolution. If you know of any others, please let us know (see *Questions and Feedback* below).

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

Facilitated Resolution Process v Dispute Resolution Service

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

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

Activities and results

There are a number of Activity Types within this Service Category as follows:

- Screening
- Arbitration
- Conferences
- Mediation.

Centres should record the results of the Facilitated Resolution Process as follows:

- Fully settled
- Partially settled
- Not held
- Not resolved.

How many Services?

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

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

Recording in CLASS

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

Potential solutions to this are:

- Naming one party as a client and the other as an Additional Party, with the Centre creating a custom field tickbox or "flag" against the client to ensure that future conflict checks reveal the fact that the Centre has provided a Facilitated Resolution Process to both parties
- NACLC to rescope Facilitated Resolution Process so that it accurately reflects the service type, allowing for the entry of the details of the two parties, and ensuring that both parties names come up during conflict checks in the future.

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

Case studies and examples

Case Study Malka and Juan Family Dispute Resolution <https://naclc.info/DataGuide/CaseStudyMalkaJuanDisputeRes>

Ready Reckoner When you do more than advice

Questions and Feedback

Q If your Centre conducts Facilitated Resolution Processes, we would love to hear from you about how CLASS could be improved to manage these services.

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Facilitated Resolution Processes better?

Ongoing Services

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

To understand which services are grouped into Ongoing Services, refer to our groupings diagram (/Groupings).

Select any of the Ongoing Services listed below to learn more about them.

Non-Legal Support Service (Ongoing)

<https://naclc.info/DataGuide/NonLegalOngoing>

Definition

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

The ongoing support is provided directly to the individual person by an appropriately qualified or experienced person such as a:

- Counsellor
- social worker
- financial counsellor
- alcohol or other drugs counsellor
- mental health caseworker
- court support worker
- domestic violence caseworker
- case coordinator
- Aboriginal and/or Torres Strait Islander field officer, community liaison officer, legal access worker – the roles of these workers are often very broad, covering a range of work supporting Indigenous people to access legal services, including locating clients to bring them to court or to legal or other appointments.

Non-Legal Support Service Ongoing or Discrete?

The difference between a Non-Legal Support Service (Discrete) and Non-Legal Support Service (Ongoing) is that a discrete service:

- is a one-off time-limited appointment for a particular session (eg one financial counselling appointment or one meeting with the Aboriginal access worker) in which the Centre does not commit to provide ongoing support.

The National Data Standards Manual identified Non-Legal Support as one service type, with Discrete and Ongoing as sub-categories. This Guide has separated them out (correctly) into the separate categories of Discrete and Ongoing – see our service groupings (<https://naclc.info/DataGuide/Groupings>).

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

How many Services?

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

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

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

Case studies and examples

Case Study Fleur nonlegal support <https://naclc.info/DataGuide/FleurNonLegalSupport>

Ready reckoner when you do more than advice

Questions and feedback

Q Do you have any other examples of nonlegal support provided by your Centre?

Q Does this page clearly explain the difference between a Discrete and Ongoing NonLegal Support Service, or could it be made clearer (and if so, how)?

Q Would it be useful for your Centre if standard CLASS reports clearly separated Discrete from Ongoing NonLegal Support Services?

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand NonOngoing Support (Ongoing) better?

Dispute Resolution Service

<https://naclc.info/DataGuide/DisputeResolution>

Definition

A Dispute Resolution Service is the legal representation by a Centre of a client in an alternative dispute resolution process.

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

Some common legal areas that use alternative dispute resolution are family law (including Family Dispute Resolution, sometimes called Lawyer-Assisted Family Dispute Resolution), discrimination, employment or neighbourhood disputes. See the Ready Reckoner <https://naclc.info/DataGuide/ReadyReckoner> for more examples.

Dispute Resolution Service v Facilitated Resolution Process

In a Dispute Resolution Service, the Centre's lawyer is *representing* / acting for the party to a dispute. However in a Facilitated Resolution Process, the Centre's lawyer is *mediating* the dispute between two parties.

Dispute Resolution Service v Court/Tribunal Representation Service

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

Assistance provided to self-represented parties involved in an alternative dispute resolution process

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

How many Services?

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

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

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

Case studies and other examples

Case study Sunila Family Dispute Resolution <https://naclc.info/DataGuide/CaseStudySunilaFamilyMediation> Ready Reckoner When you do more than advice

Questions and Feedback

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Dispute Resolution Services better?

Court/Tribunal Representation Service

Definition

A Court/Tribunal Representation Service is an ongoing representation of a client by a Centre for any matter that has commenced in a court, tribunal or inquiry, where a Centre takes carriage of a matter in an ongoing, representative capacity.

Once a legal matter is defined as a Court/Tribunal Representation Service, the Service type does not change, even if the legal matter is settled outside of court.

Court/Tribunal Representation Service v Duty Lawyer Service

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

Court/Tribunal Representation Service v Dispute Resolution Service

A Court/Tribunal Representation Service can include alternative dispute resolution processes that are part of the court/tribunal process, eg a court-ordered mediation. These are different to Dispute Resolution Services which are separate processes outside of any court or tribunal proceedings, specifically designed to avoid matters moving to a court or tribunal.

Where these court-ordered mediation sessions occur, they are part of, and subsumed by, the Court/Tribunal Service. In CLASS these can be recorded as actions within the Court/Tribunal Representation Service.

Court/Tribunal Representation Service v Other Representation Service

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

If the matter proceeds to a court or tribunal, whether because the other party or the Centre representing the client initiates litigation, the Other Representation Service should be closed and a new Court/Tribunal Representation Service should be opened.

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

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

How many Services?

One Court/Tribunal Representation Service can involve multiple problem types which can be recorded as service characteristics.

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

For criminal matters, the number of charges which are related in subject, time and/or can be finalised in the same court proceedings should be recorded as one Court/Tribunal service. The number of charges involved, as well as criminal cases and hearing type, may be counted as a service characteristic. If a new request for representation services by a Centre is unrelated by subject or time to an existing court/tribunal service, and cannot be finalised in the same court proceedings, then a separate Court/Tribunal Service count is recorded. For example, where the initial representation is for summary criminal charges and a further request for representation on an indictable criminal charge is sought.

A new request for assistance by a client about the same matter on appeal (or at the next level of Tribunal review) should be counted as a new Court/Tribunal service, as it is proceeding in a different court / review level, and being disposed of at a separate point in time.

Characteristics to be recorded against the Service

The particular Court or Tribunal should be recorded against the Service. If the matter goes to a Hearing, a range of hearing types can be recorded. For more information about how to record these in CLASS, see the CLASS online guide (<http://confluence.classhelpdesk.org.au/display/CM/Court+Attendance+action+type>).

Case studies and examples

Case Study Maia's tenancy dispute <https://naclc.info/DataGuide/CaseStudyMaiaTenancy>

Ready Reckoner When you do more than Advice

Questions and Feedback

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Court/Tribunal Representation Service?

Other Representation Service

<https://naclc.info/DataGuide/OtherRep>

Definition

Other Representation Services are services in which the Centre takes carriage of a legal matter in an *ongoing, representative capacity*, but where the Service does not fit within the definition of a Court/Tribunal Representation Service or a Dispute Resolution Service. In practice, this means that an Other Representation Service relates to any legal matter for which, at the time of the Centre opening the Service, there are no current legal proceedings in a court, tribunal or dispute resolution forum.

NACLC is seeking feedback as to whether this Service Type should be amended to be defined as Other Representation & Ongoing Legal Support Service, so it then also includes the provision of ongoing legal support to a person who is self-representing through the legal system. See the discussion set out in Ongoing Legal Support Service.

What happens if a matter opened as an Other Representation Service proceeds to a court, tribunal or alternative dispute resolution?

It is common for Centres to take on a matter representing a client at early stages when the issue is simply a dispute between the client and the other party, but there has been no court, tribunal, or dispute resolution proceedings commenced. Many community legal centres and Indigenous Family Violence legal Services are keen to intervene in matters at as early a stage as possible, in order to head off the possibility that the client will have to be involved in more formal, costly, and lengthy dispute resolution processes or court/tribunal proceedings.

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

During our consultations as part of the Data Consistency Project, NACLC found there were two different ways that Centres were recording services where they had originally started with an Other Representative Service but the matter the proceeded to a court or tribunal proceeding:

1. Some Centres were closing the Other Representative Service and opening a new Court/Tribunal Representation Service or Dispute Resolution Service (as relevant).
2. Other Centres were keeping the Representation Service open but changing the Service Type from Other Representation Service to Court/Tribunal Representation Service.

NACLC is currently of the view that it is preferable to close the Other Representative Service and open a Court/Tribunal or Dispute Resolution Service for a number of reasons.

When litigation commences, this is a decision point for Centres: the matter enters into a different stage and very different work. Some Centres have a Casework Policy that states they will act for a client in early stages of a legal dispute, but that they will reconsider the decision at the point that it proceeds to a court / tribunal or other dispute forum. The options for the Centre at this point are to:

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

If the Centre decided to continue acting for the client, and the matter is changed from Other Representation Service to Court/Tribunal Representation Service, the Other Representation Service is never "counted" for reporting purposes (as Ongoing matters are only counted when closed). This then operates to hide the substantial and unique work that

community legal centres undertake in this early intervention work, that is, acting for clients when they are in the early stages of a dispute, prior to there being any involvement in formal court, tribunal or dispute resolution forums.

This would be recorded as one count of a Court/Tribunal Representation Service, which would be considered the same as a Court/Tribunal Representation Service provided by (for example) a Legal Aid Commission or an Aboriginal or Torres Strait Islander Legal Service, which are primarily litigation based services.

Separating Other Representation from Court/Tribunal Representation for the one legal matter allows legal assistance providers to understand what proportion of their work is in this early intervention, prelitigation space.

How many Services?

All services provided in relation to a matter are counted together as one Other Representation Service. For example, Information, Legal Advice, and Legal Tasks are considered to be part of, and subsumed, by the Other Representation Service and are not counted separately.

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

Case studies and examples

[provide links to relevant case studies]

Ready Reckoner: When you do more than advice (/DataGuide/ReadyReckoner).

Questions and Feedback

Q. See the question as to whether Other Representation should include Ongoing Legal Support in the page on Ongoing Legal Support Service

Q. Do you think that, when a matter proceeds to a formal court, tribunal or dispute resolution forum, the Other Representation Service should be

1. closed and a Court/Tribunal Representation or Dispute Resolution Service opened?

2. recharacterised based on where it ends up?

Q. Do you have any suggestions for further clarifying the definition of Other Representation?

Q. Do you have any case studies that help to explain Other Representation?

A new service – Ongoing Legal Support Service?

What did we find during consultations with the sector?

One of the main areas of inconsistency when NACLCL consulted about the data standards related to how Centres were recording matters where the Centre was providing ongoing legal support to a person who was selfrepresenting through the system.

During our consultations regarding data consistency, NACLCL found that most Centres have been recording this work as separate Legal Advices and Legal Tasks, as required to by the National Data Standards (/DataGuide/NationalDataStandards). However many Centres advised NACLCL that they were of the view that these ongoing legal support matters were substantially different to simply providing a number of discrete Legal Tasks and Legal Advices.

In addition, Centres told us they were becoming increasingly frustrated with:

- the sheer volume of Legal Advices and Legal Tasks they had to enter
- the difficulty, in an ongoing service, in trying to determine when one Legal Task ended and another Legal Task began, and
- how to view the chronology of the matter when it's a bunch of different Services, compared to viewing file notes within an Ongoing Service.

Some Centres advised that they have been recording these matters as an Other Representation Service even though they clearly did not fit within the definition of Other Representation Service contained in the National Data Standards.

Do we need a new Service?

NACLCL is of the view that providing ongoing legal support to a self-represented person is a model of legal practice that is quite unique to community legal centres. The clients we support through this work are those who

- cannot afford to pay for a private solicitor, but
- cannot access a grant of legal aid either either because they are just above the eligibility levels, or because the state/territory Legal Aid Commission does not assist in relation to that area of law.

We think it is really important that this work is adequately captured in data systems. In discussions with other legal assistance providers, there is growing recognition that the current National Data Standards do not adequately cater for this kind of work.

How would the new service be defined?

NACLCL describes this service as an Ongoing Legal Task or an Ongoing Legal Support Service, which might have the following definition:

Ongoing Legal Support is an ongoing service in which a Centre supports a client over a period of time to resolve a legal problem or to represent themselves in legal proceedings. In these matters, the Centre makes it clear to the client and to third parties that the Centre is not representing or acting for the client, they are rather providing support to the client who is selfrepresenting.

In Ongoing Legal Support Services, a Centre:

- actively makes a decision to start providing ongoing support to the client in regards to a particular legal issue clearly communicates this decision to the client, and
- takes a proactive role in remaining in contact with the client in between advices or tasks, rather than waiting for the client to initiate the contact each time.

Some Centres write a letter or email to the client setting out their decision to provide ongoing support throughout the client's legal matter, providing the client with the name of their key contact person and/or details of the way the client will receive this ongoing support.

NACLC encourages this as an effective practice management tool because it clarifies the role of the Centre and effectively manages the expectations of the client (so they don't think the Centre will be representing them in court). It would also provide the Centre with clear criteria for opening an Ongoing Legal Support Matter, as compared with simply continuing to record Legal Advices and Legal tasks.

Options for recording this ongoing legal support work

At the moment, the National Data Standards Manual does not recognise Ongoing Legal Support to self-represented clients as a service type, and CLASS has no easy way of identifying these matters.

NACLC has identified four potential ways forward, with a view to settling on an option and implementing it by 1 July 2019:

1. No change yet, just watch and see Centres to continue to record each separate Legal Advice and Legal Task, but NACLC will support Centres with a system in CLASS of "tagging" all Legal Advices and Legal Tasks that relate to the client's legal problem.

- This would allow NACLC to first try and identify the extent of the problem how many Centres are actually doing this work supporting self-represented clients? Is it really as much of a common practice as we suspect?
- The greater clarity provided in this Guide in relation to the definition of Legal Task being point-in-time services may assist Centres to differentiate where one Legal Task starts and another one ends, thus reducing confusion.
- We can also consider improved ways within CLASS to better view the chronology and detail of all Services relating to a particular legal matter.
- Once we understand the extent of the practice, and whether CLASS design might provide a solution, we can then determine the best way forward.

2. Split Legal Task into two categories Legal Task (Discrete) and Legal Task (Ongoing) Divide Legal Task into two categories, with a new definition of Ongoing Legal Task that is in effect similar to Ongoing Legal Support Service.

- In CLASS this could be implemented quickly by rolling out a checkbox within Legal Task for "Discrete" and "Ongoing". This would mean that in the short-term, one Ongoing Legal Task is mapped up to one Legal Task as far as reporting across the Legal Assistance Sector.
- in CLASS, Centres can (and should) keep track of the amount of time spent on the Ongoing Legal Task. They can also do a DIY report showing how many of their Legal Tasks are discrete and how many are ongoing.
- In the long-term, NACLC could create a new Service in CLASS called Ongoing Legal Support Service (see 4 below)
- All Ongoing Services would be grouped together, as we have suggested within this Guide
- The Risk Management Guide would be updated to reflect the redefined Service type and provide guidance in differentiating between a Discrete and an Ongoing Legal Task.

3. Change the definition of Other Representation Service to incorporate Ongoing Legal Support Broaden the existing Service Type of Other Representation Service so that it becomes "Other Ongoing Legal Services" with two subcategories (checkboxes in CLASS) for "Other Representation Service" and "Ongoing Legal Support Service"

- In a discussion on 22 March 2019, the National Data Standards Working Group indicated they would not support this because it muddled the definition of Representation Service.

4. Create a new service type Ongoing Legal Support Service.

- This would require work in CLASS so is subject to NACLC's time and resource constraints (we are currently determining whether this will be achievable by 1 July 2019)

NACLC continues to hold discussions with you all, as well as with the National Data Standards Working Group about the best way forward. **Our primary concern is to improve consistency across the CLC and FVPLS sector.**

Once an option has been settled on:

- NACLC will seek to make any necessary changes in CLASS (noting we do not currently have the resources for major systemwide changes)

- NACLCL will update this Guide and provide training, documentation and clear simple communications about the changes
- A start-date would be chosen, such as 1 July 2019
- Centres would be asked to start recording data in the new way from the startdate
- Centres will not be expected to "migrate" Services provided before the start-date into any new Service type
- NACLCL will update the Risk Management Guide and CLASS Online.

Questions and Feedback

Q. Does your Centre provide ongoing support to people as they selfrepresent through legal proceedings? Q. Do you think there is (or needs to be) a clear difference between a Centre:

providing a series of Legal Advices and Legal Tasks to a client, and making a decision to proactively support a person through their legal proceedings (but not representing them)?

Q. Of the three options about the way forward, which do you prefer?

1. "Watch and See" No change, but require Centres to tag all discrete Services that relate to one client in relation to the one legal issue, then NACLCL will review the information to determine how many Centres
2. Change Other Representation Service to incorporate ongoing legal support to self-represented clients.
3. Create a new service type called Ongoing Legal Support Service.
4. Divide Legal Task into two subcategories: Legal Task Discrete and Legal Task Ongoing.

Q. Do you think that the proposed definition of Ongoing Legal Support is right? What changes might be needed?

Community Projects

[NACLC has received feedback that the Community Projects service types need rescoping and we will be looking into this shortly. In the meantime, please feel free to provide your feedback (/DataGuide/Feedback) about improve Community Projects.]

Community Projects capture the work that Centres do in the community, in other words, that work that cannot be defined as one-on one service to an individual.

The current groupings and lists of Services in Community Projects are from the National Data Standards Manual.

It is important to know that in CLASS, in order for Community Project Services to show up in reporting, Centres need to first create a Community Project and then create individual services underneath the Project.

The current Service types are set out below.

Community Legal Education

<https://naclc.info/DataGuide/CommunityLegalEducation>

[Note that the following text is substantially the same as the text in the National Legal Assistance Data Standards Manual. See Questions and Feedback below].

Definition

Community Legal Education (CLE) is provided to the general community, community services, community groups, organisations or schools.

Community Legal Education Services inform and build individual and community resilience by enhancing:

awareness and understanding about the law and how to identify, prevent and deal with problems awareness of the help available from legal and support services.

There are two service types within this service group:

Community Legal Education Resources Community Legal Education Activities.

Community Legal Education Resources

CLE Resources involve the development or substantial amendment of publications and resources that provide:

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

Examples of CLE Resources include:

- booklets
- pamphlets
- selfhelp kits
- legal information websites
- development of CLE Activities (for example, modules, workshops or presentations).

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

- printed/hard copy

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

Each CLE Resource developed and/or published is counted as one CLE Resource, regardless of the number of copies that may be printed or published. For example, if a DVD is produced about juvenile crime and 1000 copies of the DVD are made, then this is counted as one CLE Resource not 1000 resources. The number of copies distributed may be recorded as a service characteristic, where applicable.

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

Community Legal Education Activities

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

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

- Workshops
- presentations and meetings in person
- web-based and electronic media.

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

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

Case Studies and Examples

Case Study Family Law Pamphlet <https://naclc.info/DataGuide/CaseStudyPamphlet>

Case Study Information Session on Working in Australia <https://naclc.info/DataGuide/CaseStudyWorkingAust>

Volunteer Induction:

A few Centres have asked whether volunteer training and induction could be accurately described as CLE.

In our view, educating legal or nonlegal volunteers about particular legal topics, and about the Centre's systems and processes, could accurately be recorded as a Community Legal Education Activity, and supporting material included as a CLE Resource. Volunteers are really members of the community who want to provide support, and the training provided often crosses over with CLE provided to local welfare workers.

(In CLASS, Centre Administrators can create a new Custom Activity type within Community Projects, but all Custom Services must map up to one of the four types of Community Projects. See CLASS Online Guide for more information.

Questions and Feedback

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Community Legal Education better?

Community Education

<https://naclc.info/DataGuide/CommunityEducation>

[Note that the following text is substantially the same as the text in the National Legal Assistance Data Standards Manual. NALCLC invites your feedback see Questions and Feedback below].

Definition

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

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

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

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

Difference between a Community Education Activity and Non-Legal Support Service

Nonlegal information or support delivered to an individual by a nonlegal worker is a Non-Legal Support Service.

Nonlegal information delivered to a group of people by a nonlegal worker is a Community Education Service.

How many Activities?

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

A Community Education resource that has been translated or amended substantially to meet the needs of different groups is regarded as a separate Community Education Service.

NALCLC received feedback that Community Education should have two subcategories, Community Education Resource and Community Education Activity, to align with similar service types in Community Legal Education.

Examples and Case studies

Examples of Community Education include:

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

Case Study: Healthy Relationships Community Education Session <https://naclc.info/DataGuide/CaseStudyHealthyRel>

Questions and Feedback

Q Do you think Community Education should have two categories, Community Education Activity and Community Education Resources?

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Community Education better?

Law and Legal Service Reform

<https://naclc.info/DataGuide/LawLegalServiceReform>

[Note that the following text is substantially the same as the text in the National Data Standards Manual. See Questions and Feedback below].

Definition

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

Law and Legal Service Reform Activities may include:

- participation in research, analysis and evaluation activities (including programme evaluation)
- developing papers about legal assistance services and systems
- developing submissions to government, parliamentary body or other inquiry to provide factual information and/or
- advice strategic advocacy, such as law reform work.

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

How many activities ?

Each activity is counted as one Law and Legal Reform Activity.

Case studies and examples

Case Study Submission to Senate Inquiry <https://naclc.info/DataGuide/CaseStudySenateInquiry>

Questions and Feedback

Q Do you think there should be a list of subcategories under Law and Legal Service Reform? What should these include?

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Law and Legal Service Reform Activities better?

Stakeholder Engagement

<https://naclc.info/DataGuide/StakeholderEngagement>

[Note that the following text is substantially the same as the text in the National Legal Assistance Data Standards Manual. See Questions and Feedback below].

Definition

Stakeholder Engagement activities may include the following activities:

- participating in national, state, territory and local forums to improve the coordination and delivery of legal
- assistance services participating in national, state, territory and local bodies to represent the interests of the legal assistance providers and Service Users
- making and implementing collaborative arrangements with other legal and nonlegal service providers to integrate and improve coordination across the legal assistance system.

How many activities?

Each relevant activity is counted as one Stakeholder Engagement Activity. For example, a Service Provider may prepare for and attend two successive state/territory jurisdictional forums. This would be counted as two Stakeholder Engagement activities. The number of people in attendance at each Stakeholder Engagement Activity could be recorded as a service characteristic.

Case studies and examples

Running an event

A few centres have asked where they should record work done to actually run an event. We think that where the event involves bringing stakeholders together to discuss particular issues, this could be Stakeholder Engagement. Other possibilities are recording this as Community Education.

[Other examples as they are provided by you all!]

Questions and Feedback

Q Do you have any suggestions for changes or additions to the information on this page?

Q Do you have any examples or case studies that might help Centres understand Stakeholder Engagement Activities?

Resources

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

We welcome feedback or questions about any of these resources via our various Feedback mechanisms.

Ready Reckoner – When you do more than advice

<http://naclc.info/DataGuide/ReadyReckoner>

The Ready Reckoner is available as a Word Online document for you to view, download, and adapt for your own purposes:

https://nationalaclc-my.sharepoint.com/:w:/g/personal/polly_porteous_naclc_org_au/EcmZ_ibH_LZFhUi65j5Sq2ABK2gOecnR_XpKgtP_Gj18DA?e=dX2BSG

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

Please provide us with any additions or feedback about this document through the Feedback page.

Flowchart

<http://naclc.info/DataGuide/FlowCharts>

We are working on a flowchart which will help you identify when a record a particular interaction as a particular service type eg an Information, Referral, Legal Advice, Legal Task, or one of the Ongoing Services.

Case studies

<https://naclc.info/DataGuide/CaseStudiesHomePage>

You are welcome to provide more case studies, or ask questions / provide feedback on any of the case studies below. We are particularly keen to receive more case studies from Family Violence Prevention Legal Services.

Case Study – Carmel referred to financial counselling

Carmel visits a community legal centre to seek assistance with her family violence matter. The Centre lawyer identifies that she has numerous debts and therefore also needs to see a financial counsellor

Scenario 1:

There happens to be a separate independent financial counselling service colocated at the same premises as the Centre. The Centre lawyer walks with Carmel to the reception area for the financial counsellors. They peak to the financial counselling service receptionist, who then makes an appointment for Carmel, and takes some initial details. This is recorded as a Facilitated Referral.

Scenario 2:

The local financial counselling service is located in the next town. The Centre lawyer tries to ring but cannot get through. The Centre provides Carmel with the phone number for the financial counselling service, and encourages Carmel to call them to make an appointment. This is recorded as a 'Simple Referral'.

Scenario 3:

The Centre employs a financial counsellor, and all appointments are centrally managed by the Centre's reception staff through CLASS. The lawyer asks reception staff to make an appointment for Carmel the following day. When Carmel attends, the Centre creates one Non-Legal Support Service Financial Counselling.

As this is not referring Carmel to an external body, this is not recorded as a Referral. [Note that some centres might want to capture this in CLASS as an Internal Referral so they can identify those matters]

Case Study – Zoe's Internal Referral

Zoe is seeing the Centre's employment lawyer. As she has also has a dispute with her flatmates in a share house, the Centre's lawyer refers her to a tenants advocate within the Centre. As Zoe is referred internally, although this may be recorded by the Centre using their own "internal referral" field, this does not get counted as a Referral for reporting purpose.

Case Study - Ahn vs his landlord

Ahn approaches a Centre for help. He is in dispute with his real estate agent in regards to making minor alterations to the property which he rents. Ahn stripped off the lino and polished the floors, not the agent is claiming he should pay to have new lino installed. The Centre provides Legal Advice (Legal Advice 1), but it is clear that more needs to be done.

Scenario 1:

The Centre helps Ahn write a letter (Legal Task 1). Ahn sends the letter, and several weeks later, calls and says the real estate agent has agreed not to take the matter further. The Centre provides advice about what to do if something happens again (Legal Advice 2).

Scenario 2:

Several weeks after Ahn last spoke to the Centre, he calls again. The real estate agent is now asking for access to the premises at a time when Ahn cannot be home. The Centre fears the agent is now beginning to harrass Ahn in retaliation for asserting his rights. The Centre assesses Ahn's matter and his capability, and decides he can manage the matter on his own with the Centre providing support. The Centre opens an Other Representation Ongoing Legal Support service.

Scenario 3:

Ahn drops in with a notification from the Tenancy Tribunal that the agent is taking him to the Tribunal. The Centre assesses Ahn's matter and his capability, and decides he can manage the matter on his own with the Centre providing support. The Centre opens an Other Representation Ongoing Legal Support service.

Scenario 4:

Ahn drops in with a notification from the Tenancy Tribunal that the agent is taking him to the Tribunal. When the Centre assesses Ahn's matter and his capability, they note that Ahn does not read or write English well, is on a low income, and is at risk of homelessness if the landlord retaliates and evicts him. The Centre decides to act for Ahn. As the matter is already in the Tribunal, a Court/Tribunal Representation Service is opened.

Case Study – Fiona separation

Fiona has recently separated from her husband. She has bad debts to a Major Bank due to putting her name on a personal loan her ex-husband took out. These debts are incurring interest that she cannot pay. Fiona attends an appointment at a Centre.

A volunteer lawyer provides advice in person in relation to both problems.

Although Fiona has both a family and civil law matter, only one 'Legal Advice Service' is recorded. The Other Party is her husband, in both the family law and the debt matter, and the Major Bank for the debt matter. It is not difficult to record Other Parties in CLASS, so only one Legal Advice is recorded.

Case study – Christopher and the duty lawyer

Christopher attends court without legal representation in relation to a charge for drink driving. Before entering the court, Christopher seeks advice from the duty lawyer but the duty lawyer does not represent him during court proceedings. This should be recorded as Duty Lawyer Service 1 Advice.

Scenario 1:

Christopher is subsequently convicted, ordered to pay a fine, and loses his licence. Immediately following court proceedings, Christopher returns to the same duty lawyer for legal advice in relation to the penalty imposed. As the same duty lawyer talks to Christopher and provides advice on the same legal matter, this should just be treated as part of Duty Lawyer Service 1 Advice.

Scenario 2:

Christopher is convicted, ordered to pay a fine, and loses his licence. Two days after the court proceedings, Christopher returns to the duty lawyer for additional legal advice. Although the same duty lawyer is engaged and provides advice on the same legal matter, this is counted as Duty Lawyer Service 2 Advice.

Scenario 3:

Christopher is convicted, leaves the Court and is immediately arrested and taken into custody for a 2:15pm sameday court appearance in relation to breaching bail in connection with burglary charges. The duty lawyer advises Christopher prior to this second court appearance. Although the same duty lawyer is engaged, this is counted as a separate service (Duty Lawyer Service 2 Advice) as the subsequent occasion of service relates to a different legal problem.

Scenario 4:

As per Scenario 3 except this time when Christopher sees the duty lawyer, she decides to represent him to seek an adjournment for full legal advice. This is recorded as Duty Lawyer Service 2 Minor Appearance.

Case study – Maha v Centrelink

Maha calls a Centre about a debt to Centrelink. The Centre's volunteer answers the call, and:

- Takes Maha's name and details
- Checks to see if they have helped Maha before (no)
- Checks to see if the issue involves another person ie do they need to do a conflict check (no)
- Makes an appointment for Maha to talk to a lawyer in two week's time
- Explains to Maha that the Centre will help her find out more about the debt to do this, they will need Maha to give consent to the Centre to contact Centrelink in her behalf
- Emails a form to Maha that she needs to fill out to provide consent to the Centre to contact Centrelink on her behalf.

In CLASS, the Centre creates Maha as a Triage client, and uses Actions to record the work undertaken with Maha to this point.

Two days later, the Centre receives an email from Maha providing consent to Centrelink to provide information about Maha to the Centre. A Volunteer calls Centrelink, explains the issue, emails Maha's consent, and asks Centrelink to get back to the Centre with copies of relevant documents. This is recorded as a Legal Task in CLASS. Maha's consent form can be attached to the Legal Task.

Three days later, Centrelink emails back with copies of relevant documents. A Volunteer acknowledges receipt of the documents. As this is a new communication between the Centre and a third party on a different date, it is a new Legal Task (Legal Task 2). Documents are saved to Legal Task 2.

The next week, the solicitor reviews all documents, calls Maha at the appointment time, explains Centrelink documents and information, and provides advice about her options (Legal Advice 1).

This Centre is keen to capture the complexity of their Advices and Tasks. They have a custom field in Legal Advice that allows them to record time spent on advice, including reviewing the documents and researching the law.

Scenario 1: Advice and Tasks only

Maha is satisfied with the advice and indicates she doesn't want to challenge the debt.

The Centre will have provided Maha with one Legal task and one Legal Advice.

Scenario 2: Ongoing legal support

Maha wants to challenge the debt. The solicitor tells her they will need to review their capacity and get back to her.

The Centre discusses Maha's matter at the next Casework Meeting. They agree that Maha is capable of disputing the debt with a little bit of help from the Centre.

A solicitor contacts Maha and advises that they will provide her with ongoing support to help her challenge the debt through an ARO Internal Review although they will not represent her.

The Centre opens an Other Representation and ticks "Ongoing Legal Support Service." All subsequent interactions between Maha and the Centre are recorded as Actions or file notes within this service.

Scenario 3: Court/Tribunal Representation Service 1

The Centre has been helping Maha challenge Centrelink's debt. She is unsuccessful in the first stage of the review, but on reviewing the decision, the Centre is convinced that an error has been made.

At the next Casework Meeting, the Centre agrees that they will represent Maha in an appeal to the AAT.

The Centre closes the Other Representation Ongoing Legal Support Service, and opens a new Court/Tribunal Representation Service. All subsequent interactions between Maha and the Centre are recorded as Actions or file notes within this service.

Scenario 4: Court/Tribunal Representation Service 2

The Centre wins the AAT case yay! Unfortunately Centrelink appeals.

The Centre decides to continue representing Maha in the second AAT review. The first Court/Tribunal Representation Service is closed, and a new Court/Tribunal Representation Service is opened. All subsequent interactions between Maha and the Centre are recorded as Actions or file notes within this service.

Case Study – Ali's employment matter

Ali contacts a generalist Centre for employment law advice relating to workplace performance. He attends an appointment Legal Advice 1.

Ali makes further contact one month later in relation to the same employment matter. The Centre this time provides written advice including options about legal action he could take Legal Advice 2.

Ali contacts the Centre about the written advice. He would like the Centre to represent him. The Centre explains that it does not currently have the resources to provide Ali with ongoing assistance, but will help him to write a letter to respond to the employer. The Centre writes a letter on Ali's behalf to his employer, setting out the law Legal Task 1.

The Centre also refers Ali to his union and to the Law Society website for a list of private employment law solicitors in his suburb. This is recorded as

- one Referral
- with two referral destinations
- reason for referral is "Centre Does not have capacity to offer service."

Case Study – Fleur non-legal support

Fleur attends a Family Violence Prevention Legal Service. During the course of receiving Legal Advice in relation to parenting arrangements with her children's father, Fleur is referred by her lawyer to the Service's social worker. The social worker provides her with one session of counselling (NonLegal Support Service)

A week after the initial counselling session, the Service's staff meet to discuss Fleur's circumstances and the range of support they can provide. It is agreed that Fleur will be represented by the Centre in relation to her parenting dispute, and will also receive ongoing trauma counselling.

The Service opens a Court/Tribunal Representation Service and an Ongoing Non Legal Support Service (note: the initial Legal Advice and NonLegal Support Service have already been separately recorded.)

Fleur continues to visit counselling sessions for a few weeks whilst the Family Law Court decides what is in the best interests of the children. During a counselling session, it is identified that Fleur needs support with budgeting and managing debts. Fleur is referred to a financial counsellor for an initial appointment in relation to Fleur's rent and other financial commitments. This is one NonLegal Support Service. Several weeks later, Fleur visits the financial counsellor again for a second appointment. This is an additional Non Legal Support Service.

Fleur has thus received the following separate services from the FVPLS:

- Legal Advice x 1
NonLegal Support Service trauma counselling session
- Ongoing NonLegal Support Service trauma counselling
- Court/Tribunal Representation Service
NonLegal Support Service financial counselling x 2

Case Study – Maia tenancy matter

Maia receives a Notice of Hearing for rent arrears in the Civil and Administrative Tribunal. Maia contacts her local Centre, who provides her with Legal Advice. Maia is a single mother with three children, on a low income, reliant on casual work and Centrelink benefits. The Centre decides to represent Maia as she is at risk of homelessness. The Centre opens a Court/Tribunal Representation Service. The Centre immediately writes to the real estate agent, seeking a settlement, advising that Maia will begin paying off the rent arrears by an additional \$20 per week. The agent agrees in writing to withdraw the rent arrears application in exchange for the repayment plan. The Centre emails the paperwork to the Tribunal. The Tribunal issues orders to this effect.

Although the Centre did not end up attending the Tribunal at any stage, and the matter settled prior to hearing, the matter is still characterised as a Court/Tribunal Representation Service. This is because at the time of opening the Representation Service, the matter was listed in the Tribunal.

Case Study – Malka and Juan family dispute resolution

<http://naclc.info/DataGuide/CaseStudyMalkaJuanDisputeRes>

A Centre that conducts family dispute resolution services on contract from the Legal Aid Commission. The Centre has been referred Malka and Juan for a family dispute resolution. The Centre conducts two screening processes and a conference. Malka and Juan cannot agree to the terms of a parenting arrangement. Both parties are represented by lawyers on grants of aid during the conference. The Centre records one Facilitated Resolution Process while Legal Aid records two Dispute Resolution Services.

Case Study – Sunila family dispute resolution

<http://naclc.info/DataGuide/CaseStudySunilaFamilyMediation>

Sunila is in dispute with her former partner over relationship related debt and the custody of her three children following a recent separation. A Family Dispute Resolution conference has been scheduled. Sunila contacts a Centre for support. The Centre decides that as Sunila is vulnerable, they will support and represent her in the mediation. The Centre opens a Dispute Resolution Service, and provides information, advice and support to prepare documents to enable Sunila to participate in the Facilitated Dispute Resolution conference. The Service also attends the conference with Sunila.

There are several different legal subject matters that arise while the Centre prepares Sunila for the conference, including parenting, family law property, child support, and debts arising from her relationship. All advices and legal tasks undertaken in relation to these are subsumed within the Dispute Resolution Service.

While waiting for the date of the conference, Sunila seeks advice from her lawyer about a separate tenancy issue unrelated to her former partner. As this matter has no direct link to her participation in the Dispute Resolution process, nor to the former partner, this further Legal Advice is counted separately.

Case study – Franklin criminal matter

<http://naclc.info/DataGuide/CaseStudyFranklinCrim>

An Aboriginal Legal Service is representing Franklin in relation to six criminal charges. The first three – unlawful use of a motor vehicle, driving whilst unlicensed, and driving an unregistered vehicle – occurred on the 13 June 2016. The other three charges – committing a public nuisance, and obstructing and assaulting a police officer occurred on the 28 June 2016. All of Adam’s charges were finalised together on the 29 June 2016 by way of pleas of guilty. As they were finalised together, it should be counted as one ‘Court/Tribunal Service’ – comprised (as a subset) of six ‘Charges’.

Case Study – Yousef vs the bank

<http://naclc.info/DataGuide/CaseStudyYousef>

Yousef calls the Centre seeking advice about a debt to a bank. The Centre provides some initial advice, and then initiates a 3way call between the client, the Centre and the bank’s hardship department. After the call, the Centre drafts a letter to the bank in Yousef’s name, and emailed it to Yousef with details on how to submit the letter to the bank. This is recorded as one Legal Advice and one Legal Task.

Several weeks later Yousef calls again. The bank has rejected his offer of repayment of the debt, and has said they will seek payment of the debt in full. The Centre lodges an application on Yousef’s behalf with AFCA, and provides advice about what Yousef needs to do. This is recorded as one Legal Advice and one Legal Task. The Centre explains that they do not have the resources to provide any further assistance, but that AFCA should explain how the process works from this point.

Yousef does not return to the Centre.

Case Study – Information Session on Working in Australia

<http://naclc.info/DataGuide/CaseStudyWorkingAust>

An information session on 'Working in Australia' is designed to educate the community on their rights at work. The first presentation from 9am-11am focuses on employment law and attracts more than 80 attendees. The second presentation from 11am-1pm focuses on immigration law and visa restrictions and attracts 50 attendees.

This is counted as two CLE Activities, with the number of attendees at each presentation being recorded as a service characteristic.

Following the information session, a person approaches a Centre lawyer and says they had been sacked last week by a large multi-national company, and didn't know what to do. The lawyer takes the person's name and details, provides immediate advice about the time limitations, and advises the person to call the statewide specialist employment law centre. This should be recorded as one Legal Advice and one Referral.

Case Study – Family Law Pamphlet

<http://naclc.info/DataGuide/CaseStudyPamphlet>

A Centre has produced a pamphlet on family law proceedings. Originally written in English, the resource is translated into Vietnamese and Mandarin. Translating the pamphlet into a further two languages, means that three different 'CLE Resources' can be counted.

Case Study – Healthy Relationships Community Education Session

<http://naclc.info/DataGuide/CaseStudyHealthyRel>

A Family Violence Prevention Legal Service hosts a 'Healthy Relationships' session for young Indigenous women. The aim is to increase awareness and education amongst Indigenous women, in order to prevent future incidents of family and domestic violence. The session is attended by 25 women. This is recorded as one Community Education Activity, with the number of attendees recorded in service characteristics.

Case Study – Meetings about Family Violence issues

<http://naclc.info/DataGuide/CaseStudyFamilyViolenceMeetings>

A Family Violence Prevention Legal Service (FVPLS) sends their Chair and a senior solicitor to a statewide jurisdictional planning meeting in Sydney focusing on family violence services.

The following day, the same two participants attend a roundtable discussion on changes to family violence laws in NSW. During this discussion, the senior solicitor provides a 30-minute PowerPoint presentation on the legal issues facing Aboriginal women in western NSW, and what legal changes are needed to improve the situation.

The FVPLS records this work as follows:

- A new Community Project is created with the title 'Jurisdictional Planning'.

- Recorded under this Community Project is one Stakeholder Engagement Activity called 'Attendance at meeting on family violence in Sydney', with the relevant date as a service characteristic.
- Another Community Project titled '2019 Family Violence Law Reforms' is created. Recorded under this Project are three Community Project services:
 - one Stakeholder Engagement Activity 'Attendance at Roundtable on 2019 Changes to FV Laws' with the relevant date as a service characteristic
 - one Community Legal Education Resource 'Presentation on legal issues and changes needed to protect Aboriginal women in rural NSW', and
 - one Law and Legal Services Reform Activity 'Presentation on legal issues and changes needed to protect Aboriginal women in rural NSW'.

Note that in CLASS, it the FVPLS only records the Projects without creating separate Activities, this work will not show up in reports.

Case Study – Submission to Senate Inquiry

<http://naclc.info/DataGuide/CaseStudySenateInquiry>

A community legal centre provides a submission to the Senate Standing Committee on Finance and Public Administration on access to legal assistance services.

The Centre creates a Community Project titled Senate Inquiry into Access to Legal Assistance Services. The preparation of submission is recorded as one Law and Legal Service Reform activity.

A month later, the Senate Committee invites the Centre to provide evidence in a public hearing. The Centre solicitor prepares notes and attends the Inquiry. The attendance at the Inquiry is a second Law and Legal Service Reform activity.

Feedback

<http://naclc.info/DataGuide/Feedback>

NALCL is inviting all community legal centres, Family Violence Prevention Legal Services, and relevant Government Program managers to provide their feedback about this Guide **by Friday 26 April 2019 – NOW EXTENDED TO THURSDAY 2 MAY 2019**.

There are four different ways you can provide feedback. Keep in mind that the Data Consistency Project Worker only works one day a week, so please be patient while she responds to your inquiries.

1. **Online survey:** Answer the questions we ask throughout the Guide via an online survey accessible **here** (<http://www.surveymzmo.com/s3/4902412/FeedbackontheNationalDataConsistencyGuide>) you can answer the survey as many times as you like, so if you are using the Guide and come across something you think should be clarified, or have a great case study you'd like to send in, you can just log back in and send it through.
2. **Email** dataconsistency@naclc.org.au
3. **Engage in our online forums** **click here** (<http://naclc.info/DataGuide/Forum>). There is a pretty simple registration system. This is the best place to start if you want to chat to other people across CLCs and FVPLS interested in that particular topic. NALCL will also engage in the forums.
4. **Call** NALCL on a Friday and ask to talk to Polly: 02 9264 9595.