

NACLC National Position Paper on Collaborative Service Planning

Overview and Vision

Community-based legal services play a vital and unique role in ensuring people across Australia are able to access the legal help they need. The community legal sector firmly believes that all those who need it should be able to access free, client-focussed, culturally appropriate and holistic legal help.

There are a number of components to ensuring appropriate coverage of services across Australia and that those services are responsive, effective and holistic. The central component is adequate, sustainable and predictable funding of services to meet legal need.

To ensure legal and related services are provided in an appropriate and effective way, there is also a need for co-design, coordination and collaboration between governments, the community legal sector, Legal Aid Commissions, and other providers of legal and non-legal support and assistance.

Acknowledging that it is unlikely Government funding for the legal assistance sector will ever be sufficient to meet all legal need, there is also a need to determine ways in which to target and tailor delivery of services to best meet the needs of priority groups or people who seek legal help in priority areas.

One of the key processes and mechanisms most likely to support the achievement of these things is collaborative service planning (CSP). While CSP is a term developed in the context of the National Partnership Agreement on Legal Assistance Services 2015-2020, in this National Position Paper the community legal sector outlines its vision of what collaborative service planning could and should be, and the hallmarks of good practice CSP.

NACLC has worked with the community legal sector to develop this National Position Paper on Collaborative Service Planning. This Paper reflects the agreed national position of community legal centres and is the result of national consultation and discussion across Australia.

Key Elements of Good Practice Collaborative Service Planning

Commonwealth Leadership and National Consistency

1. The Commonwealth Government should provide leadership, guidance and support in relation to CSP, including through:
 - Provision of additional funding to the sector to undertake and engage in CSP (discussed further below)
 - Facilitation of national consistency in the key elements of, and approaches to, CSP
 - Sharing information with governments and the sector about CSP processes and progress across jurisdictions
 - Developing good practice guidance and/or materials to inform CSP

2. A national inter-agency forum or similar should be created to oversee CSP nationally, hosted by the Commonwealth Attorney-General's Department. Such a forum would provide oversight over CSP nationally and should include representatives from each of the four key legal assistance providers, through their peak bodies, as well as representatives from the Commonwealth government and State and Territory Governments. It should be separate to the Australian Legal Assistance Forum (ALAF). Briefings should be provided to the group from jurisdictional CSP forums/groups.

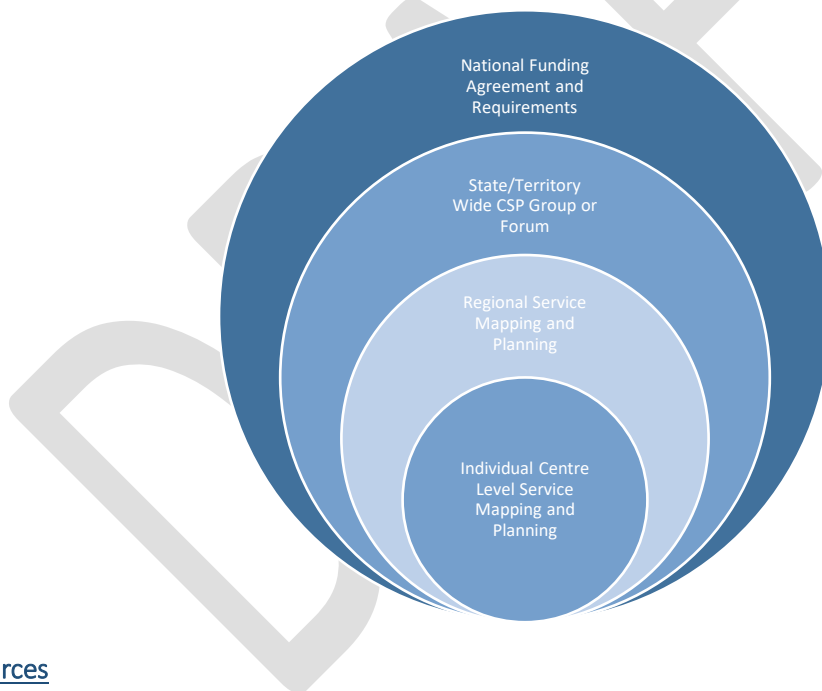
Purposes

3. The purposes of CSP include:
 - building understanding of the existing and emerging legal and related needs in communities
 - facilitating coordination between service providers in the planning and delivery of services as well as referral pathways and opportunities for partnerships
 - mapping of existing services and identification of service gaps
 - facilitating information-sharing between providers
 - providing a mechanism and/or forum for consideration of research, projects and similar that will support and facilitate CSP and good practice service delivery
 - informing the allocation of LAC, CLC, ATSILS and FVPLS funding, and
 - providing information and guidance to governments on the administration and funding of the legal assistance sector.
4. CSP should involve mapping and consideration of all services provided by legal assistance services and actively inform decisions about ongoing service delivery by all service providers.

Structure, Parties and Processes

5. All legal assistance providers, including Community Legal Centres, Legal Aid Commissions, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services should be invited and encouraged to contribute to and engage in CSP.
6. CSP processes should be governed by clear structures, processes, project plans and timetables, as well as appropriate timeframes for consultation and decision-making.
7. CSP should occur at (or be informed by input from) national, State and Territory and regional/local levels, each feeding into the other (see diagram below).
8. Peak CLC bodies, including NACLCLC and State and Territory Associations have a key role to play in CSP.
9. At a State/Territory level there should be one central group/forum with dedicated responsibility for leading collaborative service planning. In addition:
 - The State/Territory Department of Justice or equivalent should lead and have secretariat responsibility for CSP
 - The group must have established Terms of Reference and clear and consistent membership, including representatives of all legal assistance providers nominated by the relevant organisation or peak body
 - The group must develop a clear Project Plan, with appropriate implementation and monitoring mechanisms and provision of progress reports against the Plan
 - Working Groups with responsibility for progressing specific elements of CSP could be established to sit under and report back to the central group/forum.

10. At a regional/local level, regional CSP provides an opportunity to build more locally based service plans through data collection and analysis and consideration of local/regional service delivery. At a regional level CSP may involve legal and non-legal providers outside the legal assistance sector.
11. Individual centres should undertake centre-based mapping and service planning, this can include use of the NALCL Legal Needs Assessment Toolkit, to inform their work and engagement with broader CSP processes.
12. CSP must be undertaken in a culturally safe and appropriate way, acknowledging the expertise of Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services as community controlled organisations in providing services to Aboriginal and Torres Strait Islander people and communities.
13. All providers must be treated equally as part of collaborative service planning. Consultation, discussion and collaboration must be genuine, respectful and in good faith.
14. State and Territory CLC Associations should establish an internal sector CSP Working Group or similar to oversee, coordinate and guide sector engagement in CSP processes in each jurisdiction.



Resources

15. Additional and separate funding must be provided to support collaborative service planning. This should include funding for: individual centres; jurisdictional groups/forums undertaking or contributing to CSP; and peak CLC bodies at a State/Territory and national level.

Research and Evidence Base

16. It is vital that a solid, relevant and current evidence-base is established to inform CSP that is easily accessible to governments and the sector.
17. There is a need to ensure that both quantitative and qualitative data is captured and considered as part of CSP so that it is a 'data informed' process rather than 'data driven' process.

18. The NSW Law and Justice Foundation Collaborative Planning Resources should be used to support collaborative service planning, but must be up-to-date and accessible. Other data sources/evidence bases should also be used to inform planning. This should include information, research and data in relation to demographic data, factors driving or impacting legal need (for example the impact of Government policy decisions and implementation on priority groups and the impact of local factors including natural disasters, major employer closures and similar), the existence of relevant social and community services and supports, and good practice service design and delivery.
19. There is a need for funding and support for research and thinking about CSP, including consideration of work being undertaken in other sectors of relevance to measuring a particular need and then funding and planning delivery of services accordingly.

Relationship between CSP and Funding

20. CSP processes and outcomes should inform the allocation of Commonwealth and State/Territory funding for legal assistance services (not limited to the NPA), but those decisions should be made by way of separate and independent process(es).
21. CSP should only be used to inform decision-making with respect to new or additional funding, or in the context of a guaranteed base for existing services.

Support, Capacity Building and Training

22. It is important that senior and wherever possible, consistent representatives from organisations are involved in CSP mechanisms and processes and that they are provided with appropriate support, training and resources to support their engagement.

Other Issues

23. It is important for CSP in each jurisdiction to consider and account for:
 - specialist and generalist services
 - national and state-wide services
 - pro bono services and partnerships (including for example beginning with mapping of jurisdiction-wide pro bono services)
24. CSP should involve mapping and planning of direct client service delivery, but also Community Legal Education and systemic law reform/policy work (where permitted by the State/Territory Government and/or undertaken using alternative funding sources)
25. CSP is likely to be an iterative process and it is important for there to be monitoring and accountability mechanisms in place, including reviews of CSP in each jurisdiction to ensure the structure, processes and outcomes are effective and appropriate.