

Practicalities - Accountability & Compliance Requirements for Community Legal Education

This Information Sheet provides information on the practicalities of doing community legal education (CLE) that are vital to the sound management of CLCs:

- Professional Indemnity Insurance
- Service Standards and Performance Indicators
- Community Legal Services Information Scheme (CLSIS)
- Strategic Planning.

Read on!

Professional Indemnity Insurance

Most community legal centres in Australia participate in the National Professional Indemnity Insurance (PII) Scheme. The obligations of members centres and the procedures which CLCs must follow in order to comply with Scheme requirements are outlined in the *Risk Management Guide: A Guide to assist Centres in meeting the National Professional Indemnity Insurance Scheme Requirements*, produced by the National Association of Community Legal Centres in July 2005.

People undertaking CLE work should be familiar with the Guide generally. Sections 3.9 – 3.12, page 28, of the *National Risk Management Guide* are particularly relevant to CLE.

“3.9 Publications

Information in any brochures or publications produced by a centre must be checked by the Responsible or Nominated Person for accuracy prior to distribution.

The publication must contain a disclaimer as to the reliability of the information contained in the publication and the need for the reader to obtain legal advice in relation to their particular circumstances.

3.10 Community Legal Education (CLE)

Centres undertaking CLE activities must make it clear that the information provided in those sessions is in the manner of general legal information, not legal advice, and accordingly must not be relied upon or applied by participants in their own case. Participants must be advised that each set of circumstances needs to be looked at individually and they must seek individual legal advice if they have a legal problem.

Similarly, legal advice must not be given by workers conducting CLE sessions; as such sessions are not appropriate for obtaining sufficient and comprehensive instructions upon which to provide advice.

The Responsible Person or Nominated Person must ensure that the content of CLE sessions is accurate and up to date, and workers conducting such sessions are aware of the law of defamation.

3.11 Law Reform

The Responsible Person or Nominated Person involved in law reform activities must ensure that the context of legal submissions and other documents prepared by the centre are legally accurate and do not contain any defamatory material.

3.12 Media

The Person Responsible or Nominated Person must ensure that the content of a press release is correct and not defamatory, and ensure that all workers who speak with the media are aware of issues around defamation.”

Definitions of Responsible Person and Nominated Person are provided on page 17 of the *Guide*.

The requirements outlined above, highlight the importance of the CLC having thought through the connections between the centre’s legal practice and CLE program and put into place procedures that ensure compliance with the *Guide*. What is the relationship between the principal lawyer/responsible person/nominated person and those undertaking CLE work? When and how is content of CLE activities and publications checked? How does the legal team support the work of the CLE team?

Service Standards and Performance Indicators (SSPIs)

CLCs that are funded through the Commonwealth State Community Legal Services Program (CLSP) are required to demonstrate compliance with the nine standards and their associated attributes that are described in the *Service Standards Manual for the Community Legal Services Program* (Community Link, 2002). All CLCs should have a copy of this document.

To demonstrate that it complies with the Service Standards, each centre must

- have documented and up to date policies and procedures addressing each standard and its associated attributes; and
- be able to demonstrate that staff, management and volunteers have a working knowledge of the policies and procedures which relate to their areas of responsibility.

Compliance with the above requirements is monitored through a three yearly cycle of internal and external audits.

Standard D (p27) relates to CLE. The Standard and attributes are as follows:

“The Standard

Community legal services provide high quality and accessible community legal education to meet the needs of target groups and the community with which they work.

Attributes

Documented procedures, appropriate to the size, nature and location of the service, requiring legal education to

- a. be designed, as appropriate, within a community development framework
- b. plan priorities and objectives in accord with resources and assessed needs
- c. implement activities in partnership with the community, using input from the community and optimising accessibility
- d. evaluate activities on the basis of stakeholder feedback, checking outcomes against objectives, and identifying new and better ways of delivering community legal education.”

CLCs should have written manuals that document policy and procedures relevant to both Service Standards requirements and broader centre operations. Centre manuals will usually have a section dedicated to CLE.

In the spirit of co-operating and information sharing, some CLCs have posted copies of their manuals, or sections of them, on the national bulletin board system (BBS).

Community Legal Services Information System (CL SIS)

CLCs funded through the Commonwealth State Community Legal Services Program (CLSP) are required to collect statistical data about clients and activities. Data collection, processing and reporting occur under the umbrella of CLSIS.

The Agreement between the Commonwealth of Australia and (funded CLCs) Relating to the provision of community legal services 1 October 2005 – 30 June 2008 states in section 11. Data Collection that –

“11.1 The organisation must collect and record into CLSIS accurate, comprehensive and timely data on the provision of services cross the core services and activities including client demographic data.”

Under CLSIS, centres are required to collect information about CLE activities and to submit this to funding bodies. In addition to meeting accountability requirements, the collection and analysis of this information can assist in centre based record keeping, planning and evaluation.

Some centres adapt information collection tools (surveys, evaluations sheets) to collect both the data required by CLSIS and other information that the centre has identified as relevant for its purposes.

Each CLC should have a staff member who has the “CLSIS Administrator” responsibility. This person should be able to advise of central and centre based CLE data collection requirements. The requirements will usually also be documented in the centres’ policy and procedures manual.

The NACLC and Federation of Community Legal Centres offer regular opportunities to undertake CLSIS training. Keep an eye on the BBS or contact the Federation.

See *CLE Made Easy Information Sheet 13: Community Legal Services Information System*.

Tip!

CLSIS is one of the sources that CLSP funding bodies use to assess CLC services. It is imperative that centres capture and enter non-casework (CLE, law reform/legal policy and other projects) data onto CLSIS. If your centre is not doing this it is missing the opportunity, both individually and as part of the broader CLC sector, to demonstrate the extent, significance and value of this aspect of work to funding bodies.

Strategic Planning

Centres undertake strategic planning for internal purposes and to meet accountability requirements. Plans are regularly reviewed and reported against.

The formal incorporation of CLE related goals, objectives, strategies and targets into centre strategic and shorter term work plans, helps to ensure that CLE is recognised as a core component of the centre’s work. It helps to ensure that human, financial and other resources are allocated to this area of work.

BIBLIOGRAPHY

- Australian Government Attorney-General's Department website, Commonwealth Community Legal Services Program, www.ag.gov.au/cclsp (centres will require a user name and password to access this site) – contains information, guides, manuals and other resources relevant to centres funded through the Program. Look for information about CLSP funding agreements, planning, the Community Legal Service Information Scheme and Service Standards.
- Community Link Australia, (2002), *Service Standards Manual for the Community Legal Services Program*, Attorney-General's Department, Canberra.
- National Association of Community Legal Centres (2005) *Risk Management Guide: A Guide to assist Centres in meeting the National Professional Indemnity Insurance Scheme Requirements*

FURTHER READING & RESOURCES

- Federation of Community Legal Centres (Vic) Inc., *Federation Toolkit*, www.communitylaw.org.au (centres will require a user name and password to access the intranet located within the Federation's website)