



Best Practice Framework for the Provision of Discrete Task Legal Services

Introduction

Legal Aid Commissions may assist clients to pursue their legal rights by providing a range of discrete task legal services.

These services may include:

- Information
- Advice
- Minor assistance
- Duty lawyer services at a court or tribunal
- Workshops and Training
- Self Help Publications
- Self Help Centres
- Document preparation or review
- Negotiation assistance
- Coaching for various steps in a matter
- Representation for part only of a matter

In making decisions about the range of services to offer Legal Aid Commissions must have regard to all relevant considerations which may include:

- The characteristics of the person seeking assistance such as
 - Financial capacity
 - Geographic location
 - Degree of social disadvantage
 - Access to other means of assistance
 - The ability of the person to self represent
- The nature of the process or procedure involved
 - Complexity of the procedure
 - Complexity of the case
- Reasonableness
 - Prospect of success / legal merit
 - Prospect of recovery
 - Wider public interest
 - Reasonable use of resources
- Impact
 - Seriousness of the consequence
- Needs Assessment
 - Demographic data may indicate the need in a particular geographic area

- A need may be identified from other work undertaken including community consultation and development.

Best Practice Framework

In offering discrete task services, Legal Aid Commissions should ensure:

That services provided complement other services.

To do this programs will

- Work collaboratively with other service providers to avoid duplication
- Work collaboratively with other service providers and stakeholders to ensure effective pathways for clients

Effective diagnosis of issues and referral to appropriate service.

To do this programs will

- Take sufficient information from the client to ascertain the nature of their legal problem and to direct them to the service which best meets their needs
- Refer clients who are eligible for full casework services or specialist assistance from another service to those services
- Refer clients who have the capacity to pay for private legal services to private lawyers
- Ensure that clients who will be required to take some steps themselves in the course of resolving their legal issues have reasonable capacity to take those steps with the level of assistance which will be provided

That services are accessible and equitable.

To do this programs will endeavour to provide the level of service which meets the clients needs. This may include

- Provide interpreters
- Provide specially designed access routes for target client groups

That there is a clear understanding by the client about the scope of services to be provided to a client.

To do this programs will

- Provide clients with clear information about those tasks which will be carried out by the lawyer and those which will remain the responsibility of the client

That services are of high quality and reflect good professional practice.

To do this programs will

- Ensure staff have the professional competence to provide the level of assistance which they are required to provide. In this context, competence is wider than technical legal competence and includes high level communication and client management skills
- Ensure staff receive appropriate training, professional development and professional supervision. Where paralegal staff, students or volunteers are used, services should demonstrate appropriate supervision.

That any written materials provided to clients are of high quality.

To do this programs will ensure that materials are:

- Clear, concise and accurate
- Use plain language
- Are regularly evaluated and updated

That services maximise the use of limited resources.

To do this programs will

- Ensure that their activities are well targeted to client need
- Ensure that services are provided in an efficient manner

That services collect appropriate data to allow evaluation and replication.

To do this programs will

- Recognise that discrete task services should be able to demonstrate their effectiveness
- Have a range of measures to demonstrate effectiveness which may include: quality, productivity, client access, client satisfaction, client outcome, systemic change
- Document their processes so as to allow easy replication of effective service models

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