



National Legal Aid

National Legal Aid Best Practice Standards

Minor Assistance

Principle

The provision of self-help assistance greater than information and advice but short of direct representation designed to enable filtered clients progress resolution of identified legal problems

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Element	Includes	Best Practice Standard
<p>Assistance short of direct representation</p>	<ul style="list-style-type: none"> • Oral advocacy. • Assisting with / preparing formal court documentation. 	<ul style="list-style-type: none"> • Advocacy is sufficient to resolve or further resolution of the client’s legal problem. • All materials prepared for clients must be prepared in consultation with the client. • Documents, draft orders and other materials must be of sufficient clarity and written in a Plain English format to enable the client to understand and use them in a court or other setting. • Where required, accredited interpreters shall be used to help obtain and provide instructions and assistance, including providing a clear translation of matters contained in materials produced for the client to use.
<p>Enable clients to progress resolution</p>	<ul style="list-style-type: none"> • Provision of subsidiary procedural supports etc. • Provision of subsidiary court preparation instructions (court etiquette, information management, evidence in chief and cross examination techniques etc). • Ensuring proper referral to other LAC or alternative services if the matter is no longer suitable for the programme. • Coaching and motivation. 	<ul style="list-style-type: none"> • Clients are provided with all relevant information necessary to progress the matter, including clear details about limitation periods, information about filing and serving requirements and other associated procedural requirements. • All support materials and information should be provided in writing and in a Plain English format. • Commissions shall work towards production of support materials, kits and other self-help publications in the main community languages and/or formats relevant to LAC clients. • Clients prepared for a hearing are provided with information about forum etiquette and requirements, guiding information about arranging and presenting materials and information about courtroom

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		<p>evidentiary processes and requirements.</p> <ul style="list-style-type: none"> • Where further help is required but no longer available through Minor Assistance, the service provider will endeavour to facilitate appropriate referrals to alternative services. • Services shall be provided in such a manner as to encourage the client’s self-confidence in progressing the matter without legal representation.
Identified legal problems	<ul style="list-style-type: none"> • Managing the provision of previous advice on all reasonable options / alternatives and client decision about how the matter should progress. 	<ul style="list-style-type: none"> • Where a range of alternatives exist to resolve the legal problem, clients shall be informed of all reasonable options and assisted to determine how the matter should progress. • No decisions about progressing resolution of the problem should be made without ensuring the client is fully appraised of the consequences and makes an informed decision about his/her ability to undertake the necessary action.
Professional practice standards	<ul style="list-style-type: none"> • Client records and file management. • Client confidentiality. • Managing client expectations. • Keeping the client informed of progress. • Managing conflicts. • Managing matter “transfers” or supplementary services. • Managing client matters within provider 	<ul style="list-style-type: none"> • Client record and file management systems shall accord with professional practice requirements. • The service shall establish systems to ensure client confidentiality in compliance with professional practice standards. • The client shall be fully informed about the level of service available to them through minor assistance. • Services shall take steps to ensure the assistance provided does not extend client expectations beyond reasonable levels or beyond the reasonable capacity of the client to progress resolution without legal representation.

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	<p>competencies (training etc).</p> <ul style="list-style-type: none"> • Ensuring relevance of materials to client needs (plain Englishing etc). • Ongoing training and support. 	<ul style="list-style-type: none"> • In circumstances where materials or other assistance is not finalised within the time frame agreed, the client shall be contacted within 2 working days and provided with a new completion date. • The client shall be informed about any matter relating to the legal problem arising subsequent to the service provided within 2 working days of that matter arising. • Conflict searches in compliance with professional practice requirements shall be undertaken prior to the provision of minor assistance. • Where a conflict is found, all reasonable steps shall be taken to refer the client to a service provider or other resources that can provide the help needed for the client. • The service shall establish systems to ensure any previous records or information about the presenting legal matter is available at any further consultation. • A practitioner competent in the issues raised by the client shall provide services to clients. • Paralegal services shall only be provided under the supervision of a suitably qualified practitioner. • Where practical, practitioners and paralegals providing minor assistance services shall undertake on-going training specific to providing services and materials relevant to clients. • All material produced for the client shall be in a form enabling the client to understand and work with them.

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		<ul style="list-style-type: none">• Plain English format shall be used wherever possible.• Readability scales should be applied at approximately year 8 education standards unless the materials or client needs require otherwise.• At all times, accredited translators shall be used for client materials produced in a language other than English.• Commissions shall undertake to provide time and resources to enable minor assistance service providers to undertake necessary on-going training including legal updates, client and file management skills and other relevant matters.• The development templates, precedents and other materials specific to self-help services shall be continually reviewed, evaluated and monitored for relevance and quality control.