



NATIONAL PERFORMANCE STANDARDS FOR MANAGING AND DELIVERING COMMUNITY LEGAL SERVICES

**Issued by Legal Services Agency
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PREFACE

The National Performance Standards presented in this document are an important component of the framework for the delivery of community legal services. Following the recommendations of the Bazley Report, changes have been made to the framework for delivery. The changes are designed to ensure that the legal services delivered to communities reflect identified needs and are delivered to high and consistent standards throughout New Zealand.

The Legal Services Agency and Community Law Centres work together to make sure that the needs of those who do not have the means to pay for legal service are met. In fulfilling this shared responsibility, the Agency and Centres have distinct roles.

The Agency acts on behalf of Government to purchase the specific services the Government has decided it wants to make available in communities throughout New Zealand.

Centres are responsible for providing those services to agreed standards.

The National Standards have been developed to provide clarity about the nature and quality of community legal services. The standards are based on a set of principles that underpin the management of funding to non-government organisations. These are:

- Lawfulness
- Accountability
- Openness
- Value for Money
- Fairness
- Integrity

The principles are not new and are already largely reflected in the work and values of most community law centres.

The Agency is responsible for ensuring that the community legal services provided by Centres meet the needs of clients and also achieve Government's outcomes for the justice sector

I agree with Dame Margaret Bazley who says that ideally people should be able to access the right services and achieve the best outcome before the problems escalate to legal problems that need to be resolved in court. This relies very much on Centres working with other providers of services to those disadvantaged within their communities and with the Agency and other parties involved in the legal system

In order to make this happen across New Zealand there must be greater consistency in the delivery of community legal services. We all acknowledge that there have been performance problems. Some Centres have struggled to meet agreed standards. Performance problems impact on all of us and most

importantly, they impact on our clients seeking access to community legal services.

To promote greater consistency the Agency has developed National Standards. These cover service delivery, the stewardship of community law centres and the day-to-day operations. They are the Agency's interpretation of what it needs to be able to manage the expectations arising from its responsibilities for the use of public monies and the associated risks.

The National Standards deliberately sit outside of the contract for the provision of community legal services. This is because we recognise that there is a need for flexibility. We also understand that requirements will change over time in response to changing community needs and the ongoing development of community legal services.

The National Standards are about providing clarity and to give stronger accountability as the Agency and Centres work together in their shared purpose to deliver community legal services.

I expect that compliance with the National Standards will not require change for most Centres. The feedback we have received on the Standards to date confirms that view. The Standards are a mechanism for clearly articulating expectations of service type and quality and providing a sound benchmark for the Agency to perform its monitoring role.

A handwritten signature in black ink, appearing to read 'J. W. Hansen', with a horizontal line underneath.

Sir John Hansen
Chairperson

NATIONAL PERFORMANCE STANDARDS FOR MANAGING AND DELIVERING COMMUNITY LEGAL SERVICES

Service Delivery

Criteria for Casework services

The casework services purchased by the Crown under the contract for the provision of community legal services are of a high quality, are delivered in a cost effective manner and ensure the clients achieve a good outcome.

Indicators

1. The services are accessible for all clients who lack sufficient means to pay for legal services throughout the geographic or other community of interest, in person and by telephone;
2. The services are targeted and the community law centre has a process to identify that the services would address an unmet legal need and be provided to people who have insufficient means to pay for legal services;
3. The personnel providing the services have:
 - a. understood the client's needs and the legal issues;
 - b. met all statutory and professional obligations;
 - c. acquired the required level of expertise in the legal issue;
 - d. communicated with the client in a manner that is appropriate to each client;
 - e. understood the community values inherent in the delivery of community legal services;
 - f. provided advice that is both correct and appropriate in the circumstances;
 - g. provided advice and taken action in a timely manner;
 - h. kept the client informed of all progress/developments;
 - i. advised the client as to date, time and place of hearings or other meetings;
 - j. advised the client on the merits, likely outcomes and settlement options;
 - k. made an appropriate referral to another source where it is not appropriate for the community law centre to address the client's needs;
 - l. maintained accurate, adequate and legible records of case management to facilitate continuity and auditing;
 - m. supplied accurate time records;
 - n. supplied accurate records of client numbers.
4. The services are delivered in a manner consistent with:
 - a. the New Zealand Law Society Rules of Conduct and Care for Clients;
 - b. the restrictions on reserved areas of work and supervision requirements defined in the Lawyers and Conveyancers Act 2006;
 - c. the parameters of community legal services defined in the contract for the provision of community legal services;

- d. the scope of the intake policies of the community law centre;
 - e. the risk management provisions of the Professional Indemnity and Public Liability Policy purchased by the community law centre.
5. The services provided are subjected to file review and an appropriate level of supervision according to a procedure approved by the governance board of the community law centre that provides adequate assurance over the quality of the services.

Criteria for Legal Information

The legal information services provided under the contract for the provision of community legal services are accurate, responsive to community needs and delivered in a cost effective manner.

Indicators

1. The services are accessible including in person, by telephone or electronic medium to all persons and bodies throughout the geographic or other community of interest;
2. The services are provided in the manner and formats that are most appropriate in terms of the community demographics;
3. The written information provided and available is checked regularly for legal accuracy;
4. The personnel providing unpublished information are competent to know the information being conveyed is accurate;
5. The information is developed and disbursed in a cost effective manner for both the community law centre and the community;
6. The personnel before developing or republishing information have:
 - a. checked that similar suitable material is not already in circulation and available;
 - b. consulted with the community and stakeholder groups about the likely effectiveness, nature and content of the publication;
7. All personnel providing Legal Information services keep accurate time records and report accurate client numbers

Criteria for Law-related education

The law-related education purchased by the Crown under the contract for the provision of community legal services are to be of a high quality, meet community expectations and enable those persons who participate in sessions.

Indicators

1. The services are accessible including in person or electronic medium to all persons and bodies throughout the geographic or other community of interest at times suitable to the target audience;
2. The nature, frequency and scheduling of the programme of law-related education is prepared in consultation with the community and stakeholder groups;
3. The personnel preparing material for delivery of the services must:
 - a. be competent in the legal content and delivery of education;
 - b. have checked that similar suitable material is not already in circulation and available for use;
 - c. have established through community and stakeholder consultation or representations there is an unmet legal need for the material to be delivered;
 - d. have consulted and developed the material in collaboration with relevant agencies and persons who have experience in the subject matter;
 - e. have trialled and tested the material and delivery plan before releasing the material for general use;
 - f. have the material independently assessed for accuracy;
 - g. ensure there are clear delivery guides for those who present the material.
4. The personnel delivering the material are knowledgeable in the topic and are competent to tailor the presentation to suit the target audience;
5. All sessions will incorporate an evaluation by each session participant as to the content, delivery and relevance and these evaluations will be analysed by the community law centre as an ongoing quality assurance;
6. All law-related education material, delivery plans and programmes must be reviewed regularly for up-to-date accuracy, relevance and suitability;
7. The community law centre will have a policy on fees and charges as appropriate for the delivery of law-related education;
8. All personnel developing, planning, delivering or reviewing law-related education material, plans or programmes will keep accurate time records and report accurate numbers of participants attending the law-related education programmes.

Criteria for Law Reform

Law reform services that may be purchased by the Crown under the contract for the provision of community legal services are in response to a perceived need for advocacy in the community.

Indicators

1. The community law centre will have a policy which will be reviewed annually on its intention to provide for advocacy on legal and social change and/or to participate or initiate law reform activities;
2. In determining unmet legal need for reform advocacy the community law centre must:
 - a. consult with the community and stakeholders to identify issues;
 - b. identify unmet need from matters revealed in its delivery of services.
3. The personnel providing the services have:
 - a. understood the legal issues;
 - b. researched relevant legislation, policy documents, reports and other relevant resources;
 - c. consulted with the members of the governance board, manager and other staff and appropriate persons in the community who have experience in the subject matter;
 - d. ensured the accuracy of the information contained in the representations.
4. The community law centre will have a policy on which personnel may represent it through the media and public forums on matters of reform/advocacy.
5. All personnel developing, planning, delivering or reviewing law reform material, plans or programmes will keep accurate time records.

Governance

Criteria for Governance of the Community Law Centre

The community law centre contracted by the Crown for the provision of community legal services:

- has a legally defined purpose and an appropriate structure that can identify the legal needs of its community;
- demonstrates leadership within its geographic or other community of interest in the making of policies and authorising management systems;
- regularly plans, reviews and evaluates the appropriateness of services being provided and associated risks;
- is accountable for the resources provided by the Crown and other agencies

all aimed at the provision of high quality and sustainable community legal services to communities with unmet legal needs and in particular to people with insufficient means to pay for legal services.

Indicators

1. The community law centre is established by a Constitution or Deed of Trust that has a clearly defined philosophical basis and purpose which identify the services it intends to provide;
2. The community law centre which operates not-for-profit is registered with the Charities Commission and its governance board responsible for its direction and oversight comprises a balance of people representative of the geographic or other community of interest and people with the technical skills relevant for strategic and quality services;
3. There is a defined and documented separation of functions, responsibilities and accountabilities between governance/strategic direction and management/operation;
4. The governance board reviews regularly the services and decides at no less than annual intervals long and short-term plans, developed in consultation with the community and purchasers of its services, for the sustainable delivery of services;
5. The governance board has put in place management systems to ensure the effective operation of the community law centre;
6. The governance board has decided policies relating to client intake, financial eligibility, location and priorities for services consistent with the staff resources approved by the board and the philosophies and purposes of the centre;
7. The governance board participates in consultation and networking with the community served by the community law centre, other service providers and other community law centres;
8. The governance board meets regularly and maintains written records of all its decisions and discussions;
9. The governance board receives adequate reports to enable it to monitor the service delivery according to the contract with the Agency;
10. The governance board approves budgets, monitors all revenue and expenditure, exercises formal financial delegations, ensures solvency and has its financial performance externally audited annually by a

member of the New Zealand Institute of Chartered Accountants holding a certificate of public practice;

11. The governance board has procedures in use for assessing and managing risks to the delivery of services and continued operation of the community law centre;
12. The governance board demonstrates compliance with all its statutory obligations and responsibilities as a legal entity, an employer, party in contracts, tenant/owner of premises and custodian of personal information.

Management

Criteria for Management of the Community Law Centre

The community law centre contracted by the Crown for the provision of community legal services will have effective management policies and systems in operation to ensure the delivery of high quality and sustainable community legal services.

Indicators

1. The community law centre will have documented policies and evidence of their application and adherence for:

Service Delivery

- a. Hours and places of operation;
- b. The
 - i. range and scope of services;
 - ii. intake, referral, prioritising and termination of services to clients and other members of the community.
- c. The regular review of unmet legal needs in the community and trends to inform annual (if not more frequent) planning of services;
- d. The collaboration with other service providers in the planning and delivery of services;
- e. Code of ethical behaviour and clients' rights;
- f. The requirements of the Lawyers and Conveyancers Act 2006;
- g. Clients' evaluation of services;
- h. Confidentiality/Privacy;
- i. Conflict of Interest;
- j. The levying of fees and charges;

Organisational Requirements

- k. The
 - i. organisation structure, and
 - ii. selection, vetting, appointment, supervision, orientation, training and continuing education, retention, appraisal and termination of personnel – paid and voluntary;
- l. The functions, duties, responsibilities and delegations of the governance board, any committees and personnel – paid and volunteer;
- m. The financial processes, including maintaining a sound and auditable financial management system;
- n. Complaints/disputes procedures for clients and personnel;
- o. Health and Safety, including evacuation;
- p. Risk assessment and management;
- q. Security of personnel, finances, premises, systems, files and other information;
- r. Insurance cover;
- s. Accountability and meeting all reporting expectations to the purchasers and funders of its services, including recording of client data and time;

- t. Accountability to and consultation and liaison with people, other service providers and central and local government agencies in its geographic or other community of interest;
- u. Profiling the services, including access to and by media.