



MINISTRY OF
JUSTICE
Tāhū o te Ture

**NATIONAL PERFORMANCE
STANDARDS FOR MANAGING
AND DELIVERING
COMMUNITY LEGAL
SERVICES**

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Preface

On 1 July the Legal Services Agency was disestablished, and legal aid functions transferred to the Ministry of Justice. Legal aid is a major part of a new business group, The Legal Services and Treaty Group, with a new Deputy Secretary who is also the Legal Services Commissioner.

Taking on responsibilities for legal aid business will see the Ministry taking an even bigger role in assisting people to access justice. A significant programme of change in the justice sector is underway – one which will bring benefits to all court and service users.

The Ministry of Justice and community legal service providers work together to ensure that people who do not have the means to pay for legal services have access to justice. The aim is to assist people to address their legal needs and, when possible, to prevent problems from escalating to the courts and other parts of the justice system. Community legal services also help people resolve their non-legal problems by providing information on the support available and by referring them to a wide range of other social agencies.

Community legal services provide an extremely valuable service for New Zealanders. They are delivered by Community Law Centres and these organisations have a strong commitment to contributing to the development and wellbeing of our diverse communities. Through law-related information and education, and advice, community legal services enable individuals and other community agencies to develop their legal knowledge and to apply this to their work.

The National Performance Standards are an important component of the framework for community legal services and they apply to contracted providers of these services. The Standards outline the Ministry's expectations of the type and the quality of community legal services they will deliver.

The introduction of these standards will also ensure greater consistency in the delivery of services across community law centres. This is important as people accessing community legal services in different parts of the country should receive a similar service.

The National Performance Standards apply to service delivery and the governance and management of Community Law Centres. Performance to the Standards will be monitored. For most community legal service providers, the Standards formally recognise the professionalism and integrity that they bring to their work. They bring clear guidance on the provision of these standards, and will ensure that everyone can have confidence in the quality and value of community legal services.



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Introduction

The performance standards have six criteria and these cover service delivery and organisational requirements. The contract for community legal services has four service components and these make up the service delivery criteria.

The groups and criteria are outlined in the table.

Group	Component	Criteria
Service delivery	Casework services including legal advice, assistance and representation	Casework services assist clients without the means to otherwise pay for legal advice and representation to resolve their legal problems
	Legal information	Legal information services are accurate, respond to community needs and are delivered in a cost effective manner.
	Law-related education	Law-related education meets the needs of the community and the expectations of participants.
	Law reform	Law reform services respond to the community's need for advocacy as identified either through community engagement or through experience gained from the delivery of community legal services.
Organisation	Governance of a Community Law Centre	The Community Law Centre has effective and efficient governance.
	Management of a Community Law Centre	The Community Law Centre is managed in an efficient and effective manner that ensures the provision of timely, appropriate and quality community legal services to clients and the community.

Each of the criterion has a set of standards and performance indicators that are required to be met and the attainment measures are shown in the table below. The stages range from Unattained (**UA**) through to Continued Improvement (**CI**).

Attainment level		Interpretation
CI	Continued improvement	Having fully attained the standard the service can clearly demonstrate a review process including analysis and reporting of findings, evidence of action taken based on this finding, and improvement to service provision as a result of the review process.
FA	Fully attained	The service can clearly demonstrate implementation (practice evidence, training, records etc) of the process, systems or structures in order to meet the standard.
PA	Partially attained	There is evidence of the appropriate process (policy/procedure etc) is in place but without evidence of implementation.
UA	Unattained	The organisation is unable to demonstrate appropriate process, systems or structure to meet the required standard.

National Performance Standards for managing and delivering community legal services

Casework services

Criteria: Casework services assist clients¹ without the means to otherwise pay for legal advice and representation to resolve their legal problems.

Standard 1: People with low incomes and no other means have access to legal advice and representation.

Indicators:

- 1.1. The services are accessible to clients and available throughout the geographic area and/or to the specific community of interest.
- 1.2. Processes are in place to ensure that casework services are provided to clients who lack the means to otherwise pay for legal services. These processes include financial and means testing.

Standard 2: Clients receive legal advice, assistance and representation that meet their assessed needs.

Indicators:

- 2.1 Intake and assignment policies and procedures are in place.
- 2.2 The legal needs and issues of each client are fully assessed.
- 2.3 Advice is timely and delivered in a manner appropriate to the client's communication needs and circumstances.
- 2.4 The advice provided is both correct and appropriate in the circumstances.
- 2.5 Where the client has a claim, they are advised on the merits of the claim, the likely outcomes and settlement options.
- 2.6 Clients are kept informed of progress with their case including hearing and meeting dates and other developments.

¹ Definition of Client: For the purposes of this Standard, Client is defined as an individual, or the parent or guardian of the individual, for whom services are sought and who retains the services of a legal professional to represent him/her in any legal business.

Standard 3: Casework services are provided by staff members or volunteers with appropriate legal expertise and supervision.

Indicators:

- 3.1 Cases are assigned to a staff member or volunteer with the appropriate level of knowledge and expertise required to resolve the legal matter. Where the staff member or volunteer does not have the knowledge and expertise required their work is supervised.
- 3.2 All staff members and volunteers receive an appropriate level of supervision.
- 3.3 Support and review procedures are in place and include review of case files.

Standard 4: Clients are referred to other community agencies as appropriate.

Indicators

- 4.1 As part of the assessment of a client's legal needs, their other needs (such as social, income related and housing needs) are identified as appropriate.
- 4.2 Where non-legal needs are identified clients are referred to other community supports and agencies to address these needs.

Standard 5: Accurate records are maintained.

Indicators

- 5.1 An accurate and legible record for each client is established and maintained.
- 5.2 Accurate time records and records of client numbers are maintained.

Legal information

Criteria: Legal information services are accurate, respond to community needs and are delivered in a cost effective manner.

Standard 6: Legal information is accessible to individuals and communities.

Indicators:

- 6.1 Information services are available in person, by telephone or electronic medium to individuals and community organisations throughout the geographic area and/or to the specific community of interest.
- 6.2 Information is provided in a manner and formats most appropriate to the community being served, including consideration of language and other needs.

Standard 7: The development of information and resources is appropriate.

Indicators

- 7.1 Procedures are in place to identify information gaps. This includes consultation with community and stakeholder groups about information needs and the likely effectiveness, nature and content of a publication.
- 7.2 Procedures are in place to ensure that before any information is developed or republished, a check is made to ensure that similar material is not already in circulation and available for use.
- 7.3 Procedures are in place to ensure that all written information and materials are accurate and reviewed on a regular basis to ensure accuracy and relevance is maintained.

Standard 8: Legal information is provided by staff members or volunteers with appropriate knowledge and skills.

Indicators:

- 8.1 Staff members or volunteers providing unpublished or oral legal information are competent to know the information being conveyed is accurate.
- 8.2 Staff members and volunteers receive an appropriate level of supervision.

Standard 9: Accurate records are maintained.

Indicators

9.1 Accurate time records and records of client numbers are maintained.

Law-related education

Criteria: Law-related education meets the needs of the community and the expectations of participants.

Standard 10: Law-related education is accessible to individuals and communities.

Indicators:

- 10.1 Services are available in person or electronic medium to community organisations and participants throughout the geographic area and/or to the specific community of interest.
- 10.2 The nature, frequency and scheduling of law-related education is prepared in consultation with the community and stakeholder groups.
- 10.3 The language and learning needs of participants is considered in the design of an education programme.
- 10.4 A policy on fees and charges for the delivery of law-related education is in place.
- 10.5 There are clear delivery guides for those who present the material.

Standard 11: Accurate and appropriate law-related education materials are developed.

Indicators:

- 11.2 Procedures are in place to identify educational gaps and needs. This will include consultation with community and stakeholder groups about the likely effectiveness, nature and content of an education programme.
- 11.2 Procedures are in place to ensure that before a programme is developed a check is made to ensure that similar material is not already in circulation and available for use.
- 11.3 Procedures are in place to ensure that all information and delivery guides are accurate. This includes consulting with and developing the material in collaboration with relevant agencies and subject matter experts.
- 11.4 Procedures are in place to ensure that all written information and materials are reviewed on a regular basis to ensure accuracy and relevance is maintained.

- 11.5 Procedures are in place to trial and test the material and delivery plan before releasing the material for general use

Standard 12: Law-related education is prepared and provided by staff members or volunteers with appropriate knowledge and skills.

Indicators:

- 12.1 Staff members or volunteers are competent in the legal content and delivery of the service and know that the information being conveyed is accurate.
- 12.2 Staff members or volunteers are skilled in the preparation and delivery of education programmes and can tailor a presentation to suit the needs of participants audience.

Standard 13: Education programmes are evaluated and the feedback informs further programme improvements.

Indicators:

- 13.1 All sessions are evaluated by participants for the content, delivery and relevance of the education programme.
- 13.2 Evaluation information is analysed and used to improve the education programme.

Standard 14: Accurate records are maintained.

Indicators

- 14.1 Accurate time records are maintained and include time spent developing, planning, delivering or reviewing law-related education material, plans or programmes.
- 14.2 Accurate reports on participants attending law-related education programmes are maintained.

Law Reform

Criteria: Law reform services respond to the community's need for advocacy as identified either through community engagement or through experience gained from the delivery of community legal services.

Standard 15: The community is involved with law reform.

Indicators

- 15.1 There is a policy in place that outlines how advocacy needs are identified. This includes the methods used to consult with community and stakeholder groups to identify the issues and advocacy goals, and to agree the priorities.
- 15.2 The effectiveness of the policy is demonstrated through a case study.

Standard 16: Legal issues are well researched and understood and there is agreement on the law reform goals.

Indicators

- 16.1 Each law reform activity has a clear set of advocacy goals that have been agreed with community stakeholders.
- 16.2 Law reform activities are well prepared and include review of all relevant legislation, policy documents, reports and other sources.
- 16.3 Procedures are in place to ensure that information and representations are accurate. This includes engaging with relevant agencies and subject matter experts to check material, and a review process.

Standard 17: Law reform matters are represented well.

Indicators

- 17.1 The approach to representation for each law reform activity is documented. This includes how media and other queries will be managed and the personnel that may be involved in public forums and activities.

Standard 18: Accurate records are maintained.

Indicators

- 18.1 Accurate time records are maintained and include time spent developing, planning, delivering or reviewing law reform material, plans or programmes.

Governance of a Community Law Centre

Criteria: The Community Law Centre has effective and efficient governance.

Standard 19: An appropriate governance structure is in place.

Note: Depending on the type of structure the governing body may be a board, committee, trustees or similar arrangement.

Indicators

- 19.1 The Constitution or Deed of Trust clearly defines the organisations philosophy and purpose.
- 19.2 The governance board has clearly defined its purpose and functions and distinguished these from management responsibility for day-to-day operations.
- 19.3 The membership of the governance board is a balance of members who represent the community's interests and those with technical skills relevant to strategy and the delivery of effective and quality services.
- 19.3 The governance board has agreed the management structure; resourcing levels, and delegations.
- 19.4 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.
- 19.5 The governance board decides all key policies² prior to the implementation of these policies.
- 19.6 The governance board decides the processes used to develop and review all policies and procedures.

Standard 20: A strategic plan is in place and reviewed annually.

Indicators

- 20.1 The organisation has a strategic plan and this plan is reviewed annually.
- 20.2 The strategic plan is developed in consultation with the community, other key agencies and the Ministry of Justice, and reflects the needs of the community.

² Key policies are those relating to client intake, availability and location of services, range of services, revenue and investments, delegations of authority and risks management

20.3 The strategic plan includes the organisation's goals, the actions that will be taken to achieve those goals and performance measures.

20.4 Progress towards the strategic goals is monitored on a regular basis.

Standard 21: A risk management plan is in place and reviewed annually.

Indicators

21.1 Procedures to assess and manage risks to the delivery of services and continued operation of the organisation are documented and used on an ongoing basis.

21.2 The organisation has a risk management plan and this plan is reviewed at least annually.

Standard 22: Financial management practices are in place.

Indicators

22.1 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.

Standard 23: Reporting and monitoring processes are in place.

Indicators

23.1 The governance board meets regularly and maintains written records of all its discussions and decisions.

23.2 The governance board receives adequate management reports that enable it to monitor compliance to the contract with the Ministry of Justice and the performance of the organisation.

Standard 24: Statutory and legal obligations are complied with.

24.1 The governance board demonstrates compliance with all its statutory obligations and responsibilities as a legal entity, an employer, party in contracts, and tenant/owner of premises.

Management of a Community Law Centre

Criteria: The Community Law Centre is managed in an efficient and effective manner that ensures the provision of timely, appropriate and quality community legal services to clients and the community.

Standard 25: The policies and procedures required for service delivery are in place.

Indicators

- 25.1 The process for developing and reviewing policies and procedures is implemented.
- 25.2 Policies and procedures for managing service delivery to clients are in place. These include (and are not limited to) intake and assignment procedures; waiting list management; referrals to other services; and terminating services to clients.
- 25.3 Client feedback processes are in place. This feedback is received, analysed and responded to in order to improve service delivery. This may include but is not limited to satisfaction surveys, community meetings and regular review of complaints and their management.
- 25.4 The services delivered:
 - (a) match the priorities identified as unmet legal needs after consultation and collaboration with members of the public and other service providers in the community; and
 - (b) form the basis of the annual service delivery proposal submitted to and purchased by the Ministry

Standard 26: Community legal services are provided ethically and comply with all statutory and legal requirements.

Indicators

- 26.1 There are policies in place that identify the care, support parameters, ethical and professional boundaries of all personnel. The policies will include (and are not limited to):
 - a) Code of ethical behaviour and client rights.
 - b) Confidentiality and privacy.
 - c) Conflict of interest.
 - d) The levying of fees and charges.
- 26.2 All statutory and professional obligations are met including:
 - a) the New Zealand Law Society Rules of Conduct and Care for Clients.
 - b) the requirements of the Lawyers and Conveyancers Act 2006.

- c) the restrictions on reserved areas of work and supervision requirements defined in the Lawyers and Conveyancers Act 2005.
- d) The parameters of community legal services defined in the contract for the provision of community legal services between the organisation and the Ministry of Justice.
- e) the risk management provisions of the Professional Indemnity and Public Liability Policy of the insurer.

Standard 27: Human resource management processes are conducted in accordance with good employment practice and comply with relevant legislation.

Note: Community legal services are delivered by a mix of staff and volunteers.

Indicators

- 27.1 The Community Law Centre is managed by a suitably qualified and/ or experienced person with authority, responsibility and accountability for the provision of services.
- 27.2 Procedures are in place to ensure staff recruitment and selection processes encompass the requirements and these include:
 - a) Job descriptions that outline the skills and knowledge required of each position along with the outcomes, accountability, functions, responsibilities and authority of each position.
 - b) Vetting of applicants including education/ qualification checking.
- 27.3 An induction process is in place and this ensures that all personnel are orientated with the systems, procedures, policies, and have the necessary tools to perform their duties. This includes all employees (full-time and part-time) and volunteers.
- 27.4 A system is in place to identify, plan, and facilitate training and continuing educational development for staff and volunteers.
- 27.5 The performance and development needs of all staff are appraised annually and this is documented.
- 27.6 A system is in place to support personnel through performance issues and for the application of corrective or disciplinary action when that is appropriate.

Standard 28: There is a complaint management system in place and this is accessible to clients and personnel.

Indicators

- 28.1 A clearly documented process is implemented for the identification, recording and management of complaints/disputes procedures for clients and personnel.

- 28.2 The complaint management process is clearly communicated to clients and as part of the induction of personnel.
- 28.3 The outcome of the complaints process is communicated to the complainant.
- 28.4 There is a system in place to analyse and identify any pattern of complaints.

Standard 29: Accurate records are maintained and these are securely stored.

- 29.1 The requirements for individual client records are recorded in policies and procedures.
- 29.2 All steps are taken to maintain the confidentiality of information about each client.
- 29.3 Records related to personnel and finances, are established and maintained in a manner that is readily accessible for audit purposes.

Standard 30: Health and Safety requirements are met.

Indicators

- 30.1 Evacuation procedures, training and the review of safe systems (including regular checking of electrical and other equipment that is used by the staff) are in place.
- 30.2 Procedures for reporting and investigating accidents and incidents for staff, volunteers and clients are in place.

Standard 31: The organisation has a communication strategy.

- 31.1 There are approved instructions for communicating through the media.
- 31..2 There are approved guidelines for the circumstances of when anyone other than the specified Contact person defined in the Contract may communicate with the Ministry in relation to matters relating to the services provided in accordance with the Contract.