



FEDERATION

OF COMMUNITY LEGAL CENTRES VIC



A JUST FUTURE

A 10-YEAR PLAN FOR
COMMUNITY LEGAL CENTRES

ABOUT THE FEDERATION

The Federation is the peak body for Victoria's Community Legal Centres (CLCs). Our members are at the forefront of helping those facing economic, cultural or social disadvantage and whose life circumstances are severely affected by their legal problem. For over 40 years CLCs have been part of a powerful movement for social change, reshaping how people access justice, creating stronger more equitable laws, and more accountable government and democracy.

We pursue our vision of a fair, inclusive, thriving community through challenging injustice, defending rights and building the power of our members and communities. As an influential advocate, our voice is distinct and courageous: we are not afraid to challenge government, big business, or other powerful actors to ensure equality and fairness for all.

Read our strategic plan online fclc.org.au/about

**WE WANT A COMMUNITY THAT IS FAIR, INCLUSIVE AND THRIVING:
WHERE EVERY PERSON BELONGS AND CAN LEARN, GROW,
HEAL, PARTICIPATE AND BE HEARD.**

The Federation:

- ▼ Enables a strong collective voice for justice and equality;
- ▼ Mobilises and leads CLCs in strategic, well-coordinated advocacy and campaigns;
- ▼ Works with members to continuously improve the impact of community legal services;
- ▼ Drives creativity and excellence in the delivery of legal services to communities;
- ▼ Helps make justice more accessible.

Our members lead collaboration and advocacy via several Working Groups, providing guidance and direction for the Federation's work, as well as opportunities for joint advocacy.

Together with our members and communities, we work to dismantle unjust systems that perpetuate racism, sexism, homophobia, ableism, economic injustice, postcode injustice and other inequalities.

Our priority is to be fully accountable to the communities we represent.



WE ACKNOWLEDGE THE TRADITIONAL ABORIGINAL OWNERS OF COUNTRY AND WE PAY OUR RESPECTS TO ELDERS PAST, PRESENT AND EMERGING. WE RECOGNISE THEIR CONTINUING CONNECTION TO LAND, WATER AND COMMUNITY. SOVEREIGNTY WAS NEVER CEDED.

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SECTION 1:

INTRODUCTION

For more than 40 years, Victoria's Community Legal Centres (CLCs) have provided high-quality legal assistance to Victorians most impacted by disadvantage and have been part of a strong movement for systemic change. CLCs have focused on promoting access to justice and ensuring that Victorians who are most vulnerable to injustice receive the support they need to live full, happy and healthy lives.

The environment in which CLCs operate has been in a constant state of change for many years. Need for free legal assistance in Victoria was already growing alongside the State's population and widening inequality. It has now increased significantly in the wake of recent disasters and the COVID-19 pandemic and it will only continue to grow.

CLCs have demonstrated the ability to adapt to changing circumstances while keeping the focus on improving access to justice and service delivery for people who are vulnerable and their communities. This ability to adapt and respond will be critical to ensuring the sustainability of CLCs in Victoria over the next decade.

DISCUSSION PAPER

Community Legal Centres play an integral part in ensuring a fairer, more equitable Victoria. However their role is often misunderstood, or worse, not well known across the wider Victoria. To ensure CLCs can continue to thrive and are adequately funded and valued within the community, it's important for CLCs and the Federation to work together. A plan for the future will help ensure the longer term sustainability of CLCs and will help to cement their position as a vital service within Victoria.

The aim of this discussion paper is to inform the development of a 10-Year Plan for CLCs in Victoria through consultations with the community legal sector.

A 10-Year Plan will ensure that CLCs in Victoria are well placed to continue to meet the challenges of the future. It will define the vision of CLCs in Victoria for the next 10 years and into the future.

This discussion paper provides an overview of key social, economic and policy trends affecting CLCs in Victoria and discusses key priorities identified for inclusion in the 10-Year Plan following initial consultation with the CLC sector and relevant stakeholders. Throughout these consultations, other priorities may emerge.

We have presented these issues in a way that reflects what you have told us over the years, but this discussion paper is not intended to comprehensively cover the range of challenges faced by CLCs, or the many ways in which these may be addressed. The purpose of this paper is to begin the consultation process by identifying key priorities and strategic issues that the CLC sector may collectively decide to focus on.

It raises a series of questions throughout to obtain the views of the CLC sector to inform the development of a 10-Year Plan. There is no need to respond to all questions, rather the intention is to stimulate consideration of strategic issues, some of which may be more or less relevant to you or your CLC.

There is a wealth of expertise across the sector that we are keen to tap into to inform the 10-Year Plan. We will be seeking your feedback through written responses to this discussion paper, surveys and workshops on key topics. Further details on this consultation process are provided in Section 10: Have Your Say.

We will be seeking feedback on how the CLC sector should evolve and adapt over the next decade to enhance service delivery and access to justice, to have a strong collective voice, to have real impact in the community, and long-term sustainability.

We welcome your feedback and look forward to having this important discussion with you throughout 2021.

Please note: We have defined 'CLC' in the broadest sense throughout this paper to include all 47 CLCs that are members of the Federation of Community Legal Centres, including the legal assistance services for Aboriginal and Torres Strait Islander people, Victorian Aboriginal Legal Service and Djirra. We stand with them in their fight for self-determination and make any decisions with them, not for them.

SECTION 2:

BACKGROUND

OVERVIEW OF
COMMUNITY LEGAL
CENTRES IN VICTORIA

CLCs are independent, community-based organisations providing free legal assistance to people across Victoria. The CLC sector plays a crucial role in ensuring equitable access to justice and in strengthening the capacity of Victoria's community service network to meet the needs of people who are vulnerable, including in rural and regional areas where access to services is limited.

Each CLC is either a Specialist or Generalist CLC and provides members of the community with legal advice, information, ongoing assistance and referral services. Specialist CLCs provide expert advice on certain types of legal problems and work with particular client cohorts, whereas Generalist CLCs provide legal advice and assistance to people in their local community, primarily to those in a certain catchment area, and typically on a broad range of legal problems. There are two CLCs that are Aboriginal Community Controlled Organisations, Victorian Aboriginal Legal Service and Djirra.

There is a lot of variation among CLCs regarding the types of legal problems (civil, criminal or family law) that they will assist with, the type of service that is provided for certain legal problems (advice, information or ongoing casework), and the eligibility criteria for who can be provided with assistance. Generally, CLCs will primarily focus on people who are experiencing disadvantage or have complex needs. Because CLCs can assist people who are not able to access legal aid or cannot afford a private lawyer, they are widely relied on to fill that gap.

Due to limited funding and resources, CLCs across Victoria can only provide services to a small fraction of the people who would benefit from free legal assistance. Numerous reports have highlighted the extent of unmet legal need in Australia, the additional funding that would be required for CLCs to be able to meet this level of need, and the benefits to the economy and social support system that would result from additional investment in free legal assistance.¹

A core element of CLCs is their work directly with and in their local community. CLCs often take a holistic, community development approach to responding to the needs of clients and work within their local communities to ensure their services are accessible. CLCs recognise that people most in need of legal assistance are often the least likely to seek help directly, and are also more likely to have multiple and complex needs.

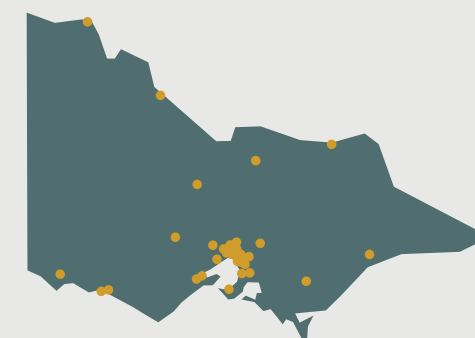
CLCs are increasingly using integrated service models and partnerships with other services in their local community – to ensure that they are more accessible to the people who most need their help, and to ensure a holistic response to client needs. CLCs have developed partnerships with community doctors, nurses, psychologists, social workers, financial counsellors and teachers to connect with and provide people with the assistance they need.

ACROSS THE STATE:

28 specialist CLCs; provide expert advice on certain types of legal problems; and/or work with particular client cohorts

20 generalist CLCs provide legal advice and assistance on a range of legal problems

10 CLCs provide access to legal services in **regional/rural** areas



1. See e.g. Productivity Commission (2014), 'Inquiry Report: Access to Justice Arrangements' pc.gov.au/inquiries/completed/access-justice/report; Senate Legal and Constitutional Affairs References Committee (2009), 'Report: Access to Justice', aph.gov.au/parliamentary_business/committees/senate/legal_and_constitutional_affairs/completed_inquiries/2008-10/access_to_justice/report/index; Department of Justice and Regulation (2016), 'Access to Justice Review', engage.vic.gov.au/accesstojustice; Law Council of Australia (2018), 'The Justice Project' lawcouncil.asn.au/justice-project/final-report

HOW ARE CLCS FUNDED?

CLCs receive funding from a mix of sources, including the Commonwealth Government, various Victorian Government departments, local government, the Legal Services Board and the Victoria Law Foundation, universities, service-generated income, philanthropy, and through fundraising/donations.

Over time, each CLC's funding pool has developed independently, variously reflecting the needs of each CLC's community and its initiatives and strategic decisions.

The Commonwealth Government provides funding to the states and territories for the legal aid commissions and CLCs (including Aboriginal and Torres Strait Islander legal services) in their jurisdiction. Funding amounts and requirements are set out in the National Legal Assistance Partnership (formerly the National Partnership Agreement on Legal Assistance Services).

The Victorian Government also contributes funding to CLCs. Some Victorian Government funding is core or recurrent funding, while other funding pools are tied to particular services or service types, or policy programs. For example, the Victorian Government set up an Integrated Services Fund in 2018-19 to provide grants of up to \$200,000 to support the delivery or development of integrated services by CLCs and Aboriginal legal services.

CLC funding is administered by Victoria Legal Aid, the Department of Justice and Community Safety, and the Federation. Victoria Legal Aid administers funding for CLCs from both Commonwealth and State government sources through the Community Legal Services Program. The Federation administers some funding provided through the Integrated Services Fund, as does the Department. Occasionally, CLC funding accountability has been shared between Victoria Legal Aid and other State Government entities, including the Department of Health and Human Services and Consumer Affairs Victoria.

This means that the makeup of funding sources varies significantly from CLC to CLC, and the funding landscape of the community legal sector as a whole is complex.

HOW HAVE CLCS CHANGED OVER THE PAST DECADE?

In order to contextualise our discussion about what CLCs might look like in 10 years' time, and the changes that we will need to make over the next decade to help CLCs thrive, it is important for us to look back at how much CLCs have changed over the past decade.

Over the past decade, the CLC sector has grown phenomenally. Over this time CLCs have embraced new ways of working and professionalism, and adopted new models of service design and delivery.

We have seen increasing inequality and population growth, and subsequent increases in legal need. We have also seen changes to technology that have impacted how people communicate and access services.

A few key events that happened in the world in 2010:

- ▼ Julia Gillard was sworn in as Australia's 27th Prime Minister, and first female Prime Minister
- ▼ Ted Baillieu became the Premier of Victoria, replacing John Brumby
- ▼ A boat carrying around 90 asylum-seekers sunk off the coast of Christmas Island, fuelling political debate on boat arrivals
- ▼ The civil war in Syria began
- ▼ WikiLeaks released classified cables that had been sent to the US State Department #CableGate
- ▼ BP was responsible for the largest marine oil spill in the history of the petroleum industry and one of the worst environmental disasters in US history
- ▼ Apple released their first iPad and Instagram was launched

INDEPENDENCE

CLCs have a strong history as independent organisations with a range of different strengths, weaknesses, priorities, areas of expertise and differing levels of capacity to meet the needs of clients.

However, the independent nature of CLCs is changing over time as CLCs have increasingly recognised the benefits of working collaboratively, while also maintaining independence. There is now strong sector engagement across Victoria and CLCs work together for a range of different purposes.

INTEGRATED SERVICES

CLCs have been increasingly innovative in their approach to providing legal assistance and reaching people who may otherwise be unable to access their services by developing integrated practices. The increased use of integrated services in Victoria has changed the way that CLCs access their clients and provide services.

TECHNOLOGY

A decade ago, CLCs did not have the range of technological tools that are now available to them to provide services and increase access to justice. Since 2010, we have seen the rise of smart phones, social media and high bandwidth internet. CLCs have incorporated technology into their practice to the extent that they were able to move swiftly to remote-working during the COVID-19 pandemic. This adaptability made CLCs resilient in a way that would not have been possible 10 years ago.

Some CLCs have adopted technological tools to improve access to services by providing user-friendly legal resources online and developing tools to provide legal assistance in efficient and accessible ways. For example, Justice Connect has been a pioneer in this field and have received awards for their innovative approach.

However, most CLCs in Victoria are still struggling to keep up with community expectations when it comes to technology. CLC clients also have differing levels of access to technology, particularly those in remote and regional areas.

INNOVATION

CLCs in Victoria have been increasingly innovative over the past decade, adopting new approaches to reach people experiencing disadvantage and to provide holistic and multi-disciplinary services. CLCs in Victoria are now recognised as being a leading jurisdiction in employing innovative strategies to improve access to justice.

FUNDING

In the 1970s, CLCs relied largely on volunteers to provide services to the community and maintained independence from government. Over the past few decades, CLCs have increasingly developed relationships with government.

The majority of CLCs are now highly dependent on government funding. A report by the VCOSS found that out of all community sector charities, CLCs are the most dependent on government grants, which accounted for 85 per cent of their income in 2014.²

CLCs have always had funding challenges, however the way in which CLCs raise these issues and deal with funding challenges have changed over the past decade. In 2017, the CLC sector faced a significant cut to Commonwealth funding by 30 per cent, known as the 'funding cliff'. By working together on an extensive targeted national advocacy campaign, CLCs were able to avoid the 'funding cliff' and maintain levels of Commonwealth funding.

OUTCOMES AND IMPACT EVALUATION

Over the past decade, governments have begun to shift the funding of other community sectors towards outcome-based funding models. In the CLC sector, governments have increasingly required CLCs to demonstrate the impact of their programs and services. Instead of receiving funding for services up-front, CLC funding is often tied to performance measures that CLCs must demonstrate to receive funding.

2. VCOSS, More than Charity: Victoria's Community Sector Charities (July 2016) vcooss.org.au/wp-content/uploads/2016/08/VCOSS_More_Than_Charity_2016_FINAL.pdf



ADVOCACY AND LAW REFORM

In 2014, the Commonwealth Government implemented changes to the CLC funding model to restrict the ability of CLCs to undertake policy and law reform work. This has required CLCs to balance their strategic advocacy initiatives against the constraints imposed by federal funding. It also serves as a reminder that funding stability can vary and that the government of the day may have particular views as to service and funding priorities, and may not see the benefit of CLCs engaging in systemic advocacy work.

All governments, however, frequently seek information and the views of the community service sector in developing policy and implementing reforms. It is vital that the CLC sector, in particular, has a strong voice on policy and law reform to ensure that it reflects the legal needs of communities, particularly the most vulnerable.

POSITION WITHIN THE LEGAL LANDSCAPE

Although CLCs have maintained their independence and remained critical of social structures that entrench disadvantage, CLCs are now widely recognised across government as an important part of the justice system landscape.

Over the past few years, the implementation of the Access to Justice Review has made changes to the position of CLCs in relation to Victoria Legal Aid (VLA), with VLA being established as the primary entry point for information about legal issues for the Victorian community and as the co-ordinating system manager for the legal assistance sector.³

3. Access to Justice Review – recommendations 2.1 and 6.1 (August 2016) engage.vic.gov.au/accesstojustice

WHAT TRENDS WILL INFLUENCE CLCS OVER THE NEXT DECADE?

Over the next decade, major change is anticipated.

We have seen rising inequality in recent years and this will continue to impact on demand for CLC’s services. Recent analysis of inequality in Australia found that pre-COVID, the incomes of those in the highest 20 per cent were 6 times higher than those in the lowest 20 per cent, with that gap quickly widening since 2015-16 (when the ratio was 1:5).⁴ Income inequality can be expected to be further exacerbated by the COVID-19 pandemic.

Increasing inequality, along with population growth, has significant implications for the level of demand for CLC’s services. CLCs are currently unable to meet demand for services due to limited funding and resources, and this will only continue to increase as demand escalates, including in response to emergency situations, such as the bushfire crisis in Victoria and COVID-19.

Climate change, global pandemics and disasters will continue to impact on the ways that CLCs work in the years ahead. It is the most marginalised people in Victoria who will bear the major brunt of climate change impacts and are disproportionately affected by pandemics and disasters. Climate change will result in sudden, immediately disruptive events and disasters that CLCs will need to respond to, but it will also have long-term impacts on communities and how services are delivered.

At the same time, governments are increasingly reluctant to fund services unless they can demonstrate their impact and provide a ‘return on investment’. CLCs will need to be able to engage in more comprehensive outcomes measurement and communicate service impact and effectiveness in solving problems – including reducing pressure on other public services and overall costs to government.

New and disruptive technologies will continue to change the way that CLCs provide services, access clients, and structure their workforce. The justice system will also undergo significant changes

4. ACOSS and UNSW Sydney, Inequality in Australia 2020 – Part 1: Overview, (2020) povertyandinequality.acoss.org.au/wp-content/uploads/2020/09/Inequality-in-Australia-2020-Part-1_FINAL.pdf

over the next decade, particularly with increasing reliance on technology to facilitate access to justice. We will see the use of digital courts and systems expand. Clients will also be increasingly reliant on technology over the next decade in order to access services, and CLCs will need to be more accessible via technology to meet their needs.

Given the increasingly complex needs of people in Victoria who are experiencing disadvantage, the need for early intervention, holistic and integrated approaches to service delivery will be more important than ever. The trend of governments implementing increasingly harsh approaches to law and order is likely to continue. If this toxic debate on criminal justice in Victoria does not subside there will be increased demand for criminal law, and associated civil and family law assistance, from CLCs.

A list of trends that will influence CLCs over the next decade is outlined below:

ECONOMIC
COVID recovery
Population growth/change
eEconomic instability/insecurity
Increasing inequality
Demand for legal assistance
SOCIAL
COVID and social cohesion
Aging population
Aboriginal Victorians/Treaty/ Makarrata
Family violence
Child protection
Mental health
Alcohol and other drugs
LEGAL
Criminal law
Civil law
Family violence/family law
Increased legal complexity
POLITICAL
Change of governments
Law and order debates
Fiscal environment
ENVIRONMENTAL
Climate change
Disasters
Technology (Artificial Intelligence, Big Data, Digital Platforms, Online Courts)

SECTION 3:

DEVELOPING A 10-YEAR PLAN

WHY DO WE NEED A 10-YEAR PLAN FOR COMMUNITY LEGAL CENTRES?

The 10-Year Plan will articulate a vision for the Victorian community legal sector over the next 10 years and the required steps and preconditions to achieving this vision. Sector planning is part of a sector's natural evolution and life cycle. Every sector needs to continue to adapt and respond to new challenges and opportunities.

Like other sectors, the community legal sector is faced with challenges and opportunities for transformation. At a time of such significant change and opportunity, it is vital that Community Legal Centres continue to have a shared vision of the future we want for our community, for individual CLCs and for the sector as a whole.

The community legal sector plays a vital role in providing legal assistance to people in Victoria that are the most vulnerable, and takes a community-based and holistic approach to ensuring that people receive the support they need when they need it so that their legal problems do not escalate.

However, there is limited understanding in the community and across government of the community legal sector, including the work that CLCs do as a sector to address legal need, increase access to justice and reduce inequality. This lack of visibility and difficulty demonstrating wide-scale impact has a flow-on effect on the funding and resources of CLCs and therefore their sustainability into the future.

Outside the community legal sector, it is not well known that the legal assistance provided by CLCs delivers important social and economic benefits. CLCs, and legal assistance more generally, are often perceived as a cost to society, rather than an important support system that intervenes early and prevents legal problems from escalating and reduces social and economic costs.

A shared vision for CLCs can help reshape the narrative about what the sector provides to society. If we can enhance public understanding of the benefits of legal assistance, we can build community support for a sustainable, well-funded community legal sector.

Because people facing vulnerability and disadvantage generally experience a range of interconnected legal and related social problems that one lawyer alone cannot solve, it is also important that the community legal sector, a key strength of which is its diversity, also has shared values, goals and aspirations.

Overall, there is an opportunity for the community legal sector to articulate its common values and shared purpose that can assist in promoting it as an important and valuable sector.

We are a resilient sector, but if we are going to meet the opportunities of the future we need to think strategically about the direction that we want to head in. We need to continue working together to create a coordinated, cohesive system that provides high quality legal assistance services, as well as demonstrable value and outcomes for the community.

There is a lot more work that can be done over the next decade to ensure that CLCs are acknowledged across the wider community for the vital role they play in ensuring equal access to justice and maintaining a fair and just Victoria/providing an integral social support system.

SECTION 4:

EXISTING STRENGTHS AND OPPORTUNITIES TO IMPROVE



WHAT MIGHT THE PLAN INCLUDE?

This plan is about positioning CLCs as a vital component of the social support structures within Victoria and embedding their role within the hearts and minds of Victorians. We are keen to hear your views on how we can best achieve this. As such the plan may encompass a broad range of initiatives that position the community legal sector within the community, such as:

- ▼ As a builder of social capital and community resilience;
- ▼ As a trusted voice for communities and people facing disadvantage;
- ▼ As a valued contributor to the economy, public policy development and law reform.

It can consider how the community legal sector will work with people, for example:

- ▼ Supporting people to live good lives within the community;
- ▼ Breaking the cycle of disadvantage by identifying emerging issues and intervening early to tackle its causes;
- ▼ Collecting evidence, backed by data and research, to show that the outcomes delivered create real and lasting change in people's lives; and
- ▼ Collaborating to provide integrated support to people when they need it.

The plan could also identify the enablers that will need to be in place, for example:

- ▼ Sustainability, with stable funding sources and new philanthropic or social investment partners identified;
- ▼ Attraction and retention of a high quality workforce, with employees of diverse backgrounds and experiences bringing new ideas and skills;
- ▼ Sector-wide systems, best practice models, policies and procedures for collaboration, coordination and maximising resources to improve service delivery and increase access to services; and
- ▼ Technological capability to improve efficiency and increase access to justice.

QUESTIONS:

1. How can the CLC sector ensure that it is well placed to meet the challenges of the future?
2. What topics should a 10-Year Plan for CLCs cover?
3. What changes to CLCs over the past decade would you like to see continue into the next decade? What are the key lessons to take into the next 10 years?
4. What other trends are impacting/likely to impact on CLCs now and in the future?
5. How can the CLC sector ensure that communities receive the services and support that they will need in the future?

EXISTING STRENGTHS

The strengths of CLCs are numerous and we have not listed them all here. However, a few key strengths are outlined below, including:

- ▼ Connection to community;
- ▼ Specific expertise in clients with complex needs who are experiencing disadvantage;
- ▼ Flexibility and capacity to adapt to change;
- ▼ Innovative approaches to service delivery;
- ▼ Focus on identifying systemic problems and unfair laws and policies;
- ▼ Independent voice for people who are experiencing disadvantage;
- ▼ Volunteer and pro-bono contribution; and
- ▼ Diversity in funding.

CONNECTION TO COMMUNITY

CLCs operate with a strong connection to their local or client community and prioritise a community development or ‘place based’ approach. This increases access to legal help among members of the community who are experiencing disadvantage and means that CLCs can identify emerging issues and formulate targeted responses to meet community need. In addition to assisting clients with specific legal problems, CLCs also contribute to reducing legal need in the broader community by providing access to community legal education.

SPECIFIC EXPERTISE IN CLIENTS WITH COMPLEX NEEDS WHO ARE EXPERIENCING DISADVANTAGE

CLCs have expertise in working with clients with complex needs who are experiencing disadvantage. The CLC model of integrated service provision and holistic practice means that CLCs respond to a range of needs, beyond a person’s immediate legal needs. CLC lawyers are trained in working with people who are experiencing disadvantage, people with mental health issues, victim-survivors who have experienced trauma and other people with multiple and complex needs.

FLEXIBILITY AND CAPACITY TO ADAPT TO CHANGE

CLCs are relatively small and flexible organisations that operate outside a large bureaucracy or bureaucratic structure. This means that CLCs can move swiftly to adjust resource allocation and their approach to service delivery in response to changing needs, and can develop innovative and creative responses. Many CLCs have integrated practices to ensure that lawyers are available where they are needed most, including inside courtrooms, classrooms, and rural and regional areas. Most recently, CLCs in Victoria have had to be flexible and innovative in their delivery of services to ensure access to justice in response to the bushfire crisis and COVID-19.

INNOVATIVE APPROACHES TO SERVICE DELIVERY

As recognised by the Access to Justice Review Report⁵, CLCs in Victoria have been at the forefront of finding new ways to provide legal help to people facing disadvantage, hardship, and discrimination. The growth in health-justice partnerships in Victoria demonstrates that Victoria is a leading jurisdiction in employing innovative strategies to improve access to justice for the most vulnerable groups. CLCs have often acted as crucial incubators in which innovative projects can be trialled and their effectiveness can be evaluated.

FOCUS ON IDENTIFYING SYSTEMIC PROBLEMS AND UNFAIR LAWS AND POLICIES

CLCs’ client work combined with their connection to community means that they are particularly well placed to identify the impact of laws and policies in the community, and can use this knowledge and understanding to inform advocacy for law reform and policy development. CLC lawyers are on the ground working with people who are experiencing disadvantage, are more likely to be negatively impacted by unfair laws or policies and have valuable insights to provide to decision-makers. CLC lawyers often work on a broad range of legal issues and are also well placed to identify the compounding impact of multiple unfair laws or policies on their clients and the entrenched disadvantage that can result.

5. Department of Justice and Regulation, Victorian Government, Access to Justice Review – Report and Recommendations Volume 1 (August 2016) engage.vic.gov.au/accesstojustice

INDEPENDENT VOICE FOR PEOPLE WHO ARE EXPERIENCING DISADVANTAGE

CLCs’ status as independent organisations mean that they can work to change unfair laws, policies and practices, even when this involves advocating for changes to government policy and being critical of government. It is vitally important for CLCs to be able to advocate against unfair laws, policies and practices, particularly given their unique role in being able to identify and communicate the impact of laws on people who are experiencing disadvantage, and their role in ensuring that people who are vulnerable have a voice in public debate.

VOLUNTEER AND PRO BONO CONTRIBUTION

CLCs rely on volunteers and pro-bono lawyers to provide services to clients and bolster government-funded services. CLCs play an important role in galvanising members of the public and legal professionals to contribute their time to helping people who are experiencing disadvantage with their legal problems. This takes the pressure of government funding and provides a vehicle for members of the community and the legal profession to act in service of those that are in need or less fortunate. Pro bono contribution to CLC work is also an important way for the legal profession, an inherently privileged institution, to give back to the community and redress inequalities in a coordinated way.

DIVERSITY IN FUNDING

As independent, not for profit organisations, CLCs can attract funding from a wide range of sources to embark on new, innovative or short-term programs or projects. CLCs often attract philanthropic, short-term or ad hoc funding to delve into new areas of service provision, to respond to emerging areas of legal need, or to trial innovative projects to enhance access to justice. This diversity in funding enables CLCs to explore new opportunities and respond to changing needs as they arise.

OPPORTUNITIES TO IMPROVE

If we want to ensure our sector is the best that it can be we need to look at the areas that we do well, and the areas that we can improve upon.

We know that if we are to thrive as a sector, we need to continually improve and prioritise the work that we do.

We’re keen to hear your views on areas for collective improvement, but some areas to consider include:

- ▼ Capacity to meet demand
- ▼ Funding and resources
- ▼ Community understanding of legal need and CLCs
- ▼ Government understanding of CLCs
- ▼ Adapting to change
- ▼ Workforce
- ▼ Sector cohesion

CAPACITY TO MEET DEMAND

CLCs do not have the capacity to meet the current demand and anticipated demand over the next decade, including in emergency situations, for its services. To respond to this issue, some CLCs have limited their target clients and eligibility for services to Victorians who are the most vulnerable, prioritising those with multiple and complex needs who would otherwise be unable to receive legal assistance. This means that there is a growing ‘missing middle’ of people who are unable to access services. There are also people who are extremely vulnerable who still miss out on CLC services due to lack of capacity to assist. It also means that some CLCs are reluctant to increase their visibility and access to their services, which then undermines the case for additional funding and resources.

FUNDING AND RESOURCES

Despite improvements in recent years, CLCs remain chronically under-funded and lack the resources to meet demand for services or to engage in the expansion and improvements needed to create a strong, thriving and sustainable CLC sector over the next decade. Project-based and ad hoc funding also limit CLCs’ ability to engage in longer-term work or to invest in organisational improvements and resources that are needed to provide best-practice services.

COMMUNITY UNDERSTANDING OF LEGAL NEED AND CLCS

Low levels of legal literacy in the community and a limited understanding of CLC work is reducing individuals’ access to CLC services and increasing disadvantage that could be avoided. However, due to difficulties meeting existing demand for services, there can be a reluctance to increase visibility and access to services.

GOVERNMENT UNDERSTANDING OF CLCS

The way in which CLCs receive government funding through Victoria Legal Aid can limit the visibility of CLCs to government and undermine recognition of the distinct value of CLCs. This impacts on CLCs’ capacity to undertake effective advocacy and engage independently with government, which has flow-on effects on funding and sustainability.

ADAPTING TO CHANGE

CLCs often do not have the capability to adapt to changes in legal need, including in emergency situations, with consequential individual, society and system costs. Although CLCs in Victoria have been able to respond to increased demand for legal assistance in response to the bushfire crisis and then the COVID-19 pandemic, these efforts have required additional, urgent investment from government. Without continual investment, CLCs will have difficulty adapting to new emergencies and disasters over the next decade, which will almost certainly arise as climate change continues to wreak havoc on our ecosystem and our communities.

WORKFORCE

CLCs in Victoria face challenges with low pay scales, fewer opportunities for progression, lack of training and development opportunities, and difficulties retaining leaders and experienced professionals. Additionally, there is a lack of relevant preparation across tertiary education providers for social justice lawyering, both restricting a pipeline of future skilled workers and requiring the sector to invest heavily in on-the-job training. Limited resources can lead to higher workloads in an environment that often involves emotionally demanding work. CLC workers often move on within two to three years to higher paid roles at other legal assistance providers.

QUESTIONS:

- 6. Do you agree with this summary of the strengths and weakness of the CLC sector in Victoria? What is missing?
- 7. How can the CLC sector improve in any of these areas?

KEY PRIORITIES

A number of different futures could emerge from the various trends that will shape our community and the work of CLCs over the next decade. The challenge for CLCs is to develop a plan that puts it in the best possible position to shape the future it wants.

THE FOLLOWING FOUR SECTIONS SEEK TO FACILITATE DISCUSSION ON PRIORITY AREAS. THESE AREAS WILL HELP US EXPLORE THE OPPORTUNITIES THAT ARE AVAILABLE TO THE CLC SECTOR IN ORDER TO SECURE OUR FUTURE.

The key priority areas are:

Priority 1: Service Delivery and Access to Justice

Priority 2: A strong, collective voice

Priority 3: An evidence-informed approach

Priority 4: Sustainability into the future

These priorities have been identified through initial consultation with CLCs across Victoria, however they are not exhaustive or definitive. We anticipate that new priorities will emerge through the ongoing consultation process and through the collaborative development of the plan.

There are a number of different ways that the ideas in this paper could be discussed given that many of the challenges that CLCs face are interrelated, and therefore so are the ways in which we could respond to those challenges.

We invite you to consider the following questions and help us to understand more about how the answers individually and collectively shape the future of the community legal sector and the communities we serve.



SERVICE DELIVERY AND ACCESS TO JUSTICE



A STRONG, COLLECTIVE VOICE



AN EVIDENCE-INFORMED APPROACH



SUSTAINABILITY INTO THE FUTURE

PRIORITY 1:

SERVICE DELIVERY AND ACCESS TO JUSTICE

IF CLCS ARE TO RESPOND TO THE CHALLENGES OF THE NEXT DECADE, WE MUST STRENGTHEN WHAT WE ALREADY DO WELL IN PROVIDING HOLISTIC, PERSON-CENTRED SERVICE DELIVERY, BETTER UTILISE OUR EXISTING CAPABILITIES AND RESOURCES, AND IMPROVE ACCESS TO OUR SERVICES.

HOLISTIC, PERSON-CENTRED SERVICE DELIVERY

While the future is unpredictable, initial consultations have demonstrated that a key priority for CLCs is ensuring that CLCs can provide holistic and person-centred service delivery to all Victorians who are vulnerable and require legal assistance, particularly those with complex needs.

This section invites discussion on how CLCs can:

- ▼ Ensure holistic, person-centred service delivery
- ▼ Promote best practice; and
- ▼ Better focus on people who are vulnerable with complex needs

ENSURING HOLISTIC, PERSON-CENTRED SERVICE DELIVERY THAT MEETS BEST PRACTICE AND FOCUSES ON PEOPLE WHO ARE VULNERABLE WITH COMPLEX NEEDS

The growing body of research on legal need; the confluence of legal need and disadvantage; and the increasingly sophisticated understanding of what constitutes effective legal service delivery, affirms approaches to legal service provision developed in Australia by CLCs over the past 40 years.

In contrast to other types of legal services, CLCs tend to:

- ▼ pursue holistic approaches that can tackle multiple, interconnected legal problems, and work with other professionals to tackle interconnected legal and other issues;
- ▼ tailor services for specific problems and to particular demographic groups;
- ▼ focus on accessibility, including through outreach and community development activities; and
- ▼ integrate assistance for individual clients with community legal education, community development, and law reform projects informed by client need and that focus on early and timely intervention.

As such, CLCs are uniquely placed to assist their clients with pressing legal issues while affording wraparound service provision through referrals to other appropriate local community services. An example of this is the integrated services that have become a highly effective part of Victoria's community service provision. In this way, CLCs form a valuable part of the community service network in Victoria and provide a crucial service for people who are experiencing disadvantage. The holistic, community-based nature of CLC services distinguish CLCs from other legal services, which do not tend to be as embedded in local communities and support networks.

Many CLC clients access community legal services to request assistance with urgent legal problems – such as an imminent eviction, family violence or unfair dismissal – but also present with a range of complex and intersecting needs, both legal and non-legal. CLCs are community-based, meaning that many have multidisciplinary teams and/or strong relationships with other local community services, such as health and substance dependency treatment clinics; financial planners; social workers; child, youth and family services; and the courts. Many CLC lawyers have recognised the need to develop expertise both in the relevant areas of law and in responding to the complex needs of people who are vulnerable to injustice.

QUESTIONS:

8. Do you agree that CLCs in Victoria should focus on providing holistic and person-centred service delivery?
9. How can CLCs continue to enhance service design and delivery to meet the needs of the community?



PROMOTE BEST PRACTICE, EFFICIENCY AND EFFECTIVENESS

If we assume that a key strength of CLCs is their ability to ensure holistic, person-centred service delivery, then there is an opportunity for CLCs to continue to build on that strength through efforts to learn 'what works' to successfully meet diverse needs and ensure that all CLCs across Victoria are supported to adopt best practice.

Integrated service models are one way in which CLCs provide holistic, person-centred services. What and how best practice models in integrated service delivery can be employed to enhance service provision across Victorian CLCs, through collaborative practice, effective referral, and partnership, are avenues to be explored. This would ensure that CLCs have a clear distinguishing model of service delivery that is recognised by government and by the community and meets a standard of excellence.

In turn, this holds the promise of improved funding for CLCs and access to services through increased visibility and recognition of what CLCs do and the high quality of services they provide.

It is essential that the CLC sector can demonstrate what CLCs do well, what they do distinctly from other types of legal assistance providers, and the important contribution they make to the accessibility and effectiveness of other services and public policy initiatives.

For example, 40 per cent of the work of the CLC sector is providing assistance and support to victim-survivors of family violence, and CLCs played a unique role in assisting with bushfire recovery in Victoria. These types of services could be scaled up and adopted by CLCs across Victoria to build on what individual CLCs already do well.

QUESTIONS:

10. How can CLCs better identify and support best practice across Victoria?
11. How can CLCs enhance efficiency and effectiveness?
12. What are the strengths and weaknesses of having consistent state-wide models of service delivery?

BETTER FOCUS ON PEOPLE WHO ARE VULNERABLE WITH COMPLEX NEEDS

It is generally accepted that the priority target client group for CLCs is people who are vulnerable, particularly those with complex needs. However, there is inconsistency across Victoria regarding who can receive assistance from which CLC, and what eligibility criteria must be met to receive assistance.

In prioritising the most vulnerable for CLC assistance, it is likely that there will continue to be a growing 'missing middle' over the next decade of people who CLCs are unable to serve. If the trend of escalating community legal need and circumscribed funding continues it may further concentrate and skew service provision towards the most disadvantaged and most in need and leave those only marginally less disadvantaged unable to access justice. Where will that leave those who are experiencing only marginally less disadvantage but unable to afford a private practitioner? On the other hand, even if CLCs were to only provide services to the people who are the most vulnerable, some will still miss out on CLC services due to lack of capacity to assist. This raises questions about what role CLCs can and should play in facilitating and supporting the access to justice of Victorians across the broader community.

We know that the people who are the most vulnerable are the least likely to recognise that they have a legal problem or to be aware of and understand CLC services. Therefore, the way in which CLCs increase access to services for people who are vulnerable is very specific. The current focus on integrated services is mostly aimed at increasing access to services for those specific clients who will be in touch with another service provider who can then engage in 'issue spotting' and link them in with legal assistance.

On the other hand, if CLCs were not focused on only reaching this specific client cohort, there would be other methods that would need to be employed to increase understanding of legal problems and the need to seek CLC assistance.

A discussion needs to be had about who CLCs should prioritise assisting over the next decade, how best to carve out that niche, and then target and tailor service offerings accordingly.

QUESTIONS:

13. How should CLCs be targeting their services over the next decade?

BETTER USE OF EXISTING CAPABILITIES AND RESOURCES

While there are ways in which CLCs can continue to improve advocacy for additional funding and resources, there are also ways that CLCs can better use existing capabilities and resources.

This section invites a discussion on how CLCs can:

- ▼ Increase collaboration and co-ordination of services
- ▼ Adopt new technology to increase efficiency and effectiveness

INCREASE COLLABORATION AND CO-ORDINATION OF SERVICES

Given that all CLCs engage in similar work, there is more that CLCs can do to continue to work together and learn from each other, to improve service delivery and access to services.

Collaborative service planning is an important part of this and can be utilised to ensure that all target clients across Victoria are covered by CLC services. For example, Victoria Legal Aid has piloted collaborative service planning in particular areas to demonstrate the benefits of collaboration and communication in providing joined-up services.

The Federation has also established Communities of Practice to create ongoing spaces for sector collaboration and to facilitate discussion about how to best provide joined-up service delivery across Victoria.

QUESTIONS:

14. How can CLCs improve collaboration and co-ordination across the sector and with other services?
15. What can CLCs do themselves and what is needed from others to make these improvements?

IMPROVING ACCESS TO SERVICES

CLCs understand that many people within the community will not recognise when they have a legal problem. This lack of understanding means that people often do not seek help until it is too late and their legal problems have escalated. At the societal level, this means that lack of understanding about CLCs and lack of access to assistance reduces access to justice and increases disadvantage.

Despite the increase in integrated services across the sector to improve access to legal assistance for the most vulnerable, there are still numerous barriers to Victorians accessing CLC services. The Victorians who are the most vulnerable with complex needs are often the least likely to know that they have a legal problem or to have the means to access a CLC. In addition to this, many potential clients get stuck on a ‘referral roundabout’, are unable to meet eligibility criteria or the CLC does not have capacity to assist.

The lack of a centralised system for accessing information about CLCs and the services they provide, or a system to make referrals to an appropriate CLC and other appropriate services, means that often people struggle to navigate their way to the correct service and some fall through service gaps. The lack of readily available information about the types of assistance that CLCs provide also makes it difficult for other legal and community service providers and government to make appropriate referrals to CLCs.

It is difficult for people in the community to know which CLCs offer what types of legal assistance. Not all CLCs offer the same types of legal assistance –generalist CLCs differ in the types of legal matters they will assist with. CLCs often rely on intake processes, administrative staff and volunteers to handle these queries at a significant cost to resources.

The use of integrated services is a means to increase access for specific priority cohorts, however there are many other ways to increase access to services, such as improving CLC branding, advertising services, use of technology, improving referral pathways and triage, and generally increasing visibility and recognition in the community of CLCs and legal need.

- A few ideas for how access to services could be improved are discussed below, including:
- ▼ Strengthening entry points to CLCs
 - ▼ Increasing the use of integrated services
 - ▼ Increasing awareness and understanding of law, legal need and CLCs
 - ▼ Adopt new technology to increase access to CLCs and legal information

STRENGTHENING ENTRY POINTS TO CLCS

The Victorian Government’s Access to Justice Review considered the need for a primary entry point for legal information and assistance in Victoria. This would minimise duplication and gaps in legal information, coordinate the development and dissemination of legal information, work with CLCs to ‘up-scale’ existing resources, ensure that they meet best practice, and to track the quality, consistency, and currency of legal information.

Since the implementation of the review, the Victorian Government has focused on enhancing the resources of the primary entry point, through Victoria Legal Aid. It may arguably be more cost-effective for the government to ensure that existing resources are better utilised by directing potential clients to the most appropriate assistance and support. CLCs can play a role in facilitating access to the most appropriate service, and in fact this may be essential for some of the members of the community who are vulnerable and experiencing disadvantage. We know that people in need of legal assistance often embark on a search for someone to help them, and for people who are experiencing disadvantage it is often a desperate search in a time of crisis.

The review also made it clear that a primary entry point should not detract from the provision of targeted support for groups that are vulnerable and experiencing disadvantage. CLCs continue to do this in a number of ways, including through outreach services and other integrated services that target specific cohorts. It is important for governments to understand that targeted support for groups that are vulnerable and experiencing disadvantage provided by CLCs through outreach and other integrated services is an equally, if not more, important means of ensuring access to justice for those people.

INCREASING AWARENESS AND UNDERSTANDING OF LAW, LEGAL NEED AND CLCS

There is limited understanding of legal need, how legal problems impact on Victorians who are vulnerable and how they can exacerbate and escalate a person’s disadvantage over time. This lack of understanding leads to lack of community support for the work of CLCs, which in turn impacts on CLC funding.

Low levels of legal literacy in the community also reduce individuals’ ability to identify that they have a legal problem and therefore limits access to CLC services and increases adverse consequences of unmet legal need.

If CLCs increase community understanding and generate public support for CLCs, there are fears that it will only create demand that CLCs will not be able to meet. Yet, if unmet legal need is not better identified and understood there is less incentive for governments to fund CLCs.

QUESTIONS:

- 16. What are the strengths and weaknesses of a centralised state-wide primary entry-point to legal assistance?
- 17. What role should CLCs play in facilitating access to the most appropriate assistance and support?

INCREASING THE USE OF INTEGRATED SERVICES

These issues have led CLCs to develop innovative ways of ensuring access to their services, including through integrated services.

The CLC integrated services model is built on the understanding that people most in need are often the least likely to seek help directly. CLCs use integrated services, including partnerships with community doctors, nurses, psychologists, social workers, financial counsellors or teachers, to connect with and provide people with the legal assistance they need.

QUESTIONS:

- 18. How can the integrated service model be improved or made more sustainable in the long-term to increase access to services?

QUESTIONS:

- 19. Should CLC’s increase community awareness and understanding of law and legal need, despite limited capacity at present to assist those who seek out their services?



ADOPT NEW TECHNOLOGY

Technology has an important role to play in improving access to justice in Victoria by improving CLC's processes and increasing the reach and impact of services.

Many CLCs are currently operating with systems and technology that have fallen behind community expectations. Out of date infrastructure and business processes constrain efficiency, service quality, scalability, the ability to communicate, share and analyse information, and consequently also the ability to assess work and demonstrate impact.

There are opportunities for CLCs to make more use of technology to support and scale-up their work. The entire legal assistance sector could use digital solutions to streamline processes, improve accessibility for clients and referrers, and improve the way that CLCs connect with each other and with the justice system and service providers more broadly. Technological solutions are, however, expensive and implementation can be difficult.

CLCs can adopt new technology to change the way that they deliver services and connect to clients by engaging in 'service delivery innovation', where technology supports the delivery of legal assistance and connected services to clients, and 'process innovation', where CLCs enhance their own processes for providing legal assistance and connecting with clients.⁶

Service delivery innovation is one way of tackling unmet legal need in Victoria and finding alternative approaches to delivering meaningful legal assistance on a large scale. Some CLCs have already been innovative in their approach to addressing unmet legal need through online platforms and tools. There is an opportunity to upscale the accessibility of legal information through technology.

Although the perception might be that people who are the most vulnerable with complex needs do not access services online, this can be expected to change over the next decade as technological advancement continues to impact every part of our lives. In addition to this, if CLCs choose to not

6. Justice Connect, 'Joined Up Justice' justiceconnect.org.au/about/digital-innovation/joined-up-justice/

only focus on increasing access to justice for that priority cohort, then engaging in service delivery innovation would be a useful way to increase access to justice for the 'missing middle'.

Process innovation is about embracing new infrastructure and business processes to enhance efficiency and effectiveness. It involves using technological tools to streamline processes, integrate and improve systems.

An issue that can be addressed through process innovation is the lack of a comprehensive and up-to-date directory of CLC services online, which makes it difficult for potential clients and referrers to access CLC services. While Victoria Legal Aid has funding to administer Legal Help Online, this does not currently provide a comprehensive referral system into CLCs across Victoria. The Justice Navigation Working Group, led by Justice Connect, is engaging in ongoing work across the legal assistance sector to attempt to resolve this and other issues that impact access to justice in the technology space.

QUESTIONS:

20. How can technology be used to improve the efficiency and effectiveness of CLCs and to improve access to justice for the community?

21. How can technology be used to improve the help-seeker experience for clients accessing legal assistance?

22. What service delivery innovations or process innovations are needed? What are the barriers to implementing these?

PRIORITY 2:

A STRONG, COLLECTIVE VOICE

OVER THE NEXT DECADE, IT WILL BE IMPORTANT FOR CLCS TO HAVE A STRONG, COLLECTIVE VOICE IN THE COMMUNITY AND TO GOVERNMENT TO ENSURE THAT CLCS REMAIN INFLUENTIAL AND SUSTAINABLE IN THE LONG-TERM.



STRENGTHENING OUR COLLECTIVE VOICE AND INFLUENCE

Despite the many common elements of CLCs in Victoria, due to their historically independent and distinct nature some CLCs have not necessarily viewed themselves as part of a ‘sector’. Limited funding and resources has meant the CLCs have historically had to protect what is theirs and focus on providing assistance to their immediate community.

As we move into the next decade, there is an opportunity to think about how CLCs can further strengthen their influence and ability to achieve their goals collectively, given that there is so much that unites us.

A few ways that we could strengthen our influence as a sector are:

- ▼ Taking a collective approach to advocacy for funding
- ▼ Taking a consistent approach to state-wide best practice service delivery
- ▼ Better communicating our impact and effectiveness to government and to the community
- ▼ Increasing awareness and understanding of legal need and CLCs
- ▼ Increasing access to services across Victoria

The community legal sector plays a unique role in policy development and law reform in Victoria. Given that CLC clients are often the people who are the most vulnerable in society, CLCs advocate for improvements to policy, legislation, and support systems to promote equality and ensure that all Victorians have access to justice.

The work of CLCs often includes advocating for improvements to government processes and decision-making, and raising awareness about systemic issues that generate inequality because these issues particularly affect CLC clients. In this way, CLCs both assist their clients in the individual sense and in the collective sense.

CLCs have a unique contribution to make to the political landscape and policy decision-making in Victoria because they have first-hand experience

and insight into the impact of law reform and policy changes on the ground. It is therefore vitally important for CLCs to have a voice in public debate to ensure that decision-makers understand the needs of Victoria’s people who are experiencing the most disadvantage. In the fight for equality in Victoria, CLCs have a vested interest and their voices must be at the forefront.

However, many CLCs do not receive any specific training on the best ways to influence policy development or law reform, despite their role in contributing to written submissions to government or providing case studies to demonstrate the impacts of laws or policies on their clients. With additional training and strategic planning, the influence of CLC sector advocacy could be significantly enhanced.

An important part of CLC work is raising the voice of the community and creating safe spaces for the community to speak out on issues that affect them. CLCs have a strong history of collective advocacy and have worked together to fight for reforms to make society fairer and more equal. Many CLCs also undertake individual campaigns or prepare individual submissions to inquiries or royal commissions, and will engage in lobbying efforts individually. Given the limited resourcing of CLCs and the strength in numbers of having CLCs across Victoria combining their advocacy efforts, there is an opportunity for CLCs to be more coordinated in their advocacy and having a stronger, collective voice.

QUESTIONS:

- 23. What are the barriers to strengthening our influence as a sector and how can these be overcome?
- 24. How can CLCs enhance their influence in policy development and law reform?
- 25. What strategic advocacy and campaigns will be important over the next decade?

PRIORITY 3:

AN EVIDENCE-INFORMED APPROACH

ANY STRATEGIC APPROACH TO LONG-TERM IMPROVEMENT NEEDS TO BE EVIDENCE-INFORMED AND RELY ON COMPREHENSIVE, PURPOSEFUL AND QUALITY DATA FOR MONITORING AND EVALUATION. OVER THE NEXT DECADE, CLCS WILL NEED TO BUILD STRONG DATA SYSTEMS AND OUTCOMES MEASUREMENT CAPABILITY TO ENSURE THEY ARE SUSTAINABLE INTO THE FUTURE.



QUESTIONS:

28. What systems, structures and processes would strengthen CLC engagement in evaluation and outcome measurement?

29. What opportunities exist to increase engagement in evaluation and outcome measurement?

30. What are the barriers to this and how can they be overcome?

EVALUATION AND DEMONSTRATING VALUE

In December 2017, the Federation released an Outcomes Measurement Framework that can be utilised by CLCs across Victoria to measure and evaluate their services, and to evidence-inform stories about CLC's individual and collective impact. The Framework enables the Federation to engage and support CLCs to strengthen their evaluation capability and capacity, while encouraging a shared commitment to evidence-informed practice.

Current levels of capacity and capability to carry out such evaluation activities is variable across the sector. A strategic and purposeful approach is needed to ensure that such capabilities are supported, built and strengthened across both generalist and specialist CLCs.

A selected cohort of services that have been evaluated and achieve measurable outcomes would be extremely useful in demonstrating the value of CLCs to the community and to government, and in turn in improving funding and the sustainability of CLCs across Victoria. Outcomes and outcomes measurement are expected to become an increasingly important feature of community legal assistance services and funding requirements, just as it has in other community service sectors.

In addition to this, if CLCs across Victoria engaged in purposeful and consistent outcome measurement and evaluation activity, the Federation would be able to identify successful models of service delivery to be identified and replicated across the sector. These state-wide models would enable CLCs to adopt best practice and scale up service delivery to increase impact and efficiency, collaborate, reduce costs, and maximise use of existing resources, and support stronger business cases to government for increased CLC funding.

QUESTIONS:

26. What are the barriers to improving data collection and insights across the CLC sector? How can they be overcome?

27. How can we better enable de-identified data sharing across the CLC sector and externally?

OUTCOME MEASUREMENT

In recent years, there has been a shift in the way that government measures performance and the effectiveness of programs and services– from only measuring outputs to also measuring outcomes. Increasingly, service providers are implementing outcome measurement to determine whether their projects or programs are achieving their objectives. Outcome measurement can demonstrate to government how well participants have benefited from a service or program, demonstrate the net effects of the CLC sector, and be used to identify those with greater needs.

Ongoing outcomes measurement and evaluation across CLCs in Victoria can evidence-inform decision-making about which services are best suited to community needs and are having real impacts on people's lives. CLCs face increasing demands from funders for accountability and verification of service delivery effectiveness through demonstration of evidence-informed practices. As governments reshape service sectors there is an expectation that outcomes will be measureable.

To remain relevant in this fast-changing context, CLCs need to take a proactive approach to developing outcomes measures that demonstrate the value of their services to the community. Many CLCs have already recognised the need to measure the effectiveness of their services and programs and understand the importance of building a knowledge base to inform and influence sector change, however often lack the capacity to do so. In recent years, there have been efforts across the CLC sector to monitor and evaluate whether CLCs are achieving effective outcomes for clients, but there is more to do.

COMPREHENSIVE, HIGH QUALITY DATA

In order to perform its role in supporting and enhancing the work of CLCs, the Federation needs comprehensive data on legal need and demand for services, service delivery provided by CLCs, and outcomes and impact. The Federation is already working to support data improvements across the sector, however there is more work to be done. CLCs need to explore opportunities for comprehensive and consistent data collection, maintenance, analysis and reporting.

The existing data system for the CLC sector is fragmented – there is no comprehensive and consistent approach to data across Victoria. CLASS is the primary system used for data collection by CLCs in Victoria and is administered by Community Legal Centres Australia; however it is only used by 31 CLCs. Further to this, only 75 per cent of the data of these 31 CLCs is collected on CLASS because it relates to government-funded services. The Federation does not have ready access to the majority of this data, which creates difficulties when communicating the sector's work to government or the public.

Effective data collection across all CLCs would provide a much more comprehensive picture of the work that CLCs do. This would assist CLCs in being able to communicate the work that they do to the community and to government, in turn improving CLC funding and sustainability in the long-term. The Federation would be better able to identify gaps and opportunities for improvement, as well as have a better understanding of existing strengths and successes so that they can be built on.



STAFF SKILLS, RECRUITMENT AND RETENTION

CLCs in Victoria face challenges with low pay scales, fewer opportunities for progression, lack of training and development opportunities, and difficulty retaining leaders and experienced professionals. Additionally, there is a lack of relevant preparation across tertiary education providers for social justice lawyering, both restricting a pipeline of future skilled workers and requiring the sector to invest heavily in on-the-job training. Workers often move on within two to three years to higher paid roles at other legal assistance providers.

There is a clear pay disparity between CLC workers and other legal assistance providers, including staff at Victoria Legal Aid. The majority of lawyers and other staff working in the CLC sector are women, adding a gender dimension to the pay disparity issue and raising concerns about wage justice. CLC workers also have insecure work because they are often employed on a short-term contractual basis due to funding uncertainty.

It is arguable that the low paid nature of CLC work stems from it not only being undervalued by those that do not understand the importance of access to justice and the benefits to society of CLC work, but also undervalued by those who do not value work that is predominantly undertaken by women. The same arguments have been made to increase wages for workers in the broader community sector of which about 75 per cent of the workforce is women.⁷

The social services sector of which CLCs are a part, employs 150,000 people - more than any other key industry in the Victorian economy. Community services are positioning to attract future workers and recognising the unequal gender disparity of the services professions and the disproportionate impact of low wages on the majority female workforce. Consequently they are increasing pay, conditions, training and career opportunities. If CLCs cannot also make these improvements, it will be faced with a major skills shortage in the future and lack a strong, skilled and supported workforce able to adapt to the changing environment, negatively impacting the people and communities in need of legal assistance.

The Federation has been working with the Victoria Law Foundation to undertake the CLC Workforce Survey 2020 that will provide us with a better understanding of the current CLC workforce, changing needs of the workforce and opportunities to strengthen the workforce over the next decade.

The Victoria Law Foundation will analyse and report the findings of the CLC Workforce Survey 2020 to the Federation and then we will engage in further consultation to develop a Workforce Development Strategy that will be rolled out as part of the 10-Year Plan.

7. VCOSS, Community Services Industry Plan: Discussion Paper (October 2017) vcoss.org.au/wp-content/uploads/2018/02/10-Year-Community-Services-Industry-Plan-Discussion-Paper-FINAL-OCT-2017.pdf

PRIORITY 4:

SUSTAINABILITY INTO THE FUTURE

ENSURING THE SUSTAINABILITY OF CLCS OVER THE NEXT DECADE MEANS ENSURING THAT WE HAVE A WORKFORCE FOR THE FUTURE, GOOD GOVERNANCE AND LEADERSHIP, INCREASED FUNDING AND RESOURCES, AND RESILIENCE AND CAPABILITY TO ADAPT TO CHANGE.



FUNDING AND RESOURCES

There are a number of complex and interrelated factors that influence the limited funding and resourcing of CLCs in Victoria and across Australia. These include lack of understanding in the community and across government about:

- ▼ The work of CLCs and the benefits to society, which impacts on political will to support CLCs
- ▼ How early intervention through legal assistance reduces pressure on other parts of the justice system and broader social support system, thereby reducing long-term and overall costs to government
- ▼ Misperception that community lawyers increase justice system demand instead of reducing it;
- ▼ The difference between CLCs and Victoria Legal Aid

Other key factors include:

- ▼ The perception of community lawyers as 'left-wing activist lawyers' that create difficulties for governments
- ▼ The role of community lawyers in advocating for policy change and law reform, and in holding governments accountable to the community and to standards of acceptable treatment, equality, justice, fairness and human rights
- ▼ Disagreement between levels of government at the state and federal level about who is primarily responsible for funding legal assistance, particularly in the context of a restrained fiscal environment and limited government resources

It has always been the case that CLCs are chronically under-funded by governments and lack the capacity to meet demand for their services. Over time, CLCs have increasingly understood the value of diversifying funding and many CLCs have secured substantial additional funds to deliver services and programs far beyond those supported by recurrent government funds alone.

ACCREDITATION AND REPORTING OBLIGATIONS

The National Accreditation Scheme (NAS) provides a quality assurance process that gives confidence to CLCs, funding bodies and clients that CLCs are operating according to good practice and industry standards. The NAS promotes a culture of ongoing continuous improvement across areas such as governance, organisational management and legal practice. The Federation ensures compliance with the NAS and works closely with CLCs to administer the scheme.

CLCs are also subject to a range of reporting requirements to various funders and oversight bodies, which can create duplication. Phase 2 of the NAS gave the Federation the ability to develop individualised methods for CLCs that have diverse Quality Assurance reporting streams, with the objective of minimising duplication at time of NAS Certification.

As part of striving for best practice, there may be further opportunities to streamline and integrate the NAS and other reporting obligations, improve compliance related assistance and advice provided by the Federation, or to use data provided by CLCs for multiple purposes where appropriate and where this would not compromise intended outcomes. This would allow CLCs to focus their time and efforts on providing services to the community instead of on reporting.

QUESTIONS:

37. What aspects of the NAS and other reporting obligations work well?

38. Are there opportunities for improvement?

39. How could obligations placed on CLCs be streamlined or integrated without compromising the intended outcomes of the NAS?

40. Are there duplications in reporting? What are they? How could these be minimised?

QUESTIONS:

31. How can CLCs improve skills and diversity in board recruitment?

32. How do boards continue to ensure they are representative of the communities they serve?

33. What support do CLCs need to achieve good governance and leadership?

34. How can we measure the effectiveness of CLC boards?

35. What leadership skills will CEOs and senior managers require in the future?

36. How will this be different to now?

GOVERNANCE AND LEADERSHIP

CLCs often face challenges recruiting board members. Currently, many CLC boards are made up of volunteers from within the communities in which CLCs are based. This level of community knowledge and interest is vital and would be of even greater value if coupled with diverse skill sets of board members from a range of backgrounds.

Good governance is defined as the processes, policies, practices and relationships involved in running an organisation. At a minimum, it includes meeting the Australian Charity and Not-for-Profit Governance Standards. However, having skills-based and diverse governance is increasingly seen as important for having a more sustainable, dynamic and resilient organisation.

A strong, experienced and well-informed board can transform the contributions CLCs make to the sector. Good governance is critical to the successful future of the CLC sector, and to the communities they serve. Strong and accountable organisations begin with a strong and effective board.

This includes:

- ▼ **Accountability** – meeting obligations, managing finances and operating transparently.
- ▼ **Strategy** – setting long-term goals and ensuring pursuit of purpose.
- ▼ **Resources** – securing funding and other resources to support the work of the organisation.
- ▼ **Advocacy** – Representing the organisation to community, members and stakeholders.
- ▼ **Monitoring** – ensuring the organisation is run as required under its governing documents and the law.
- ▼ **Diversity** – Boards reflect their communities and have the necessary skill mix required

IMPROVING CAPACITY TO ADAPT AND BE RESILIENT TO CHANGE

CLCs in Victoria have learned a lot about adapting to change over the past few years through surviving the COVID-19 pandemic and responding to the bushfire crisis, and are well-placed to respond to emergency situations in the future.

CLCs have also shown that they can be open and collaborative with each other – are willing to share ideas, learn from each other, and are keen to work together to avoid reinventing the wheel wherever possible. CLCs recognise that many CLCs across Victoria face the same challenges and can work together to respond. It is this togetherness that will make us stronger in the years ahead.

To be even more sustainable in the future, we will need to learn from these experiences, take stock and engage in continuous improvement in the future. A strong, thriving and resilient CLC sector will ensure that CLCs have the capacity to adapt to any challenges over the next decade.

QUESTIONS:

46. What processes and strategies can be put in place to ensure that CLCs are well-equipped to respond to change over the next decade?

8. Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, Legal Australia-Wide Survey: legal need in Australia, Law and Justice Foundation of NSW, Sydney

FUNDING MODELS

As population growth and widening inequality continue over the next decade, demand for CLC services should be expected to increase.

Another challenge for the CLC sector is that CLC funding is not needs-based or demand-based. This means that funding is not linked to the need/demand for services in the community, and typically falls short and lags increased need/demand. This means that when need for CLC services increases, CLCs have to tighten their eligibility criteria. In addition to this, whenever Victoria Legal Aid tightens their eligibility criteria for the same reasons, their caseload flows onto CLCs to provide assistance.

The solution to this problem in other sectors has been to move to a needs-based funding model. For example, in the education sector the Gonski review called for needs-based funding for schools across Australia.

However, a correlated issue impacting on the ability of CLCs to move to a needs-based funding model is the lack of data on legal need in Australia. The last nation-wide survey of legal need in Australia was undertaken by the Law and Justice Foundation of NSW in 2012.⁸ There has been limited government investment in legal needs analysis since then.

We know that CLCs are significantly under-funded and resource-constrained. CLCs need to think about why this is the case and think strategically about what they can do to address this issue together.

QUESTIONS:

41. How can CLCs increase community and government understanding of CLCs and the benefits they provide to society?

42. What strategies should be pursued to sustain and improve CLC funding?

43. How can CLCs better demonstrate their value to government and other funders?

44. Should CLCs be looking at state-wide service models to improve funding?

45. Should CLCs be engaging in collective, state-wide funding bids?

Federal funding for CLCs has been under threat in recent years. In 2017, CLCs across Australia were faced with a 30 per cent funding cut, which was only narrowly avoided through extensive advocacy by the CLC sector. The Federal Government has also refused to provide funding to CLCs for law reform or advocacy work, which is a core part of CLCs' contribution to public debate, and a vital means of ensuring that laws do not disproportionately or unfairly impact clients.

The view that the Commonwealth Government is primarily responsible for funding CLCs has meant that the State Government can be reluctant to provide additional funding, noting however that the Victorian Government does provide core and recurrent funding to CLCs, as well as funding tied to particular services or service types and policy programs.

Victoria Legal Aid mainly administers government funding for CLCs. This funding arrangement means that VLA has direct engagement with CLCs as the key funder. Because of this, there is limited visibility of Victorian CLCs within the Department of Justice and Community Safety at the State level or the Attorney-General's Department at the Federal level. This makes it difficult for CLCs to communicate to government at all levels about the work that they do and the value that they provide to the community.

Due to limited government funding, CLCs rely on philanthropy and temporary project-based funding to do a lot of their work, including the provision of outreach services, integrated services, community legal education, and advocacy projects.

The limited funding and resourcing of CLCs in Victoria, constant threats to core funding and lack of certainty, and the provision of temporary project-based funding, create a number of significant

challenges for CLCs, including:

- ▼ meeting demand for services;
- ▼ managing resources;
- ▼ improving service delivery and increasing access to service;
- ▼ investing in capacity building and organisational development;
- ▼ providing long-term value to staff to build a workforce of the future; and
- ▼ demonstrating value to government by engaging in data collection, outcomes measurement and evaluation.

When governments announce new packages of funding for support services to respond to an issue, for example family violence or elder abuse, the CLC sector has consistently been left out. This could be for a number of reasons, including:

- ▼ lack of understanding across government about the value of CLCs and the contribution they make to these issues
- ▼ lack of understanding in the community about the value of CLCs;
- ▼ lack of political will to fund CLCs due to disagreement on which level of government has funding responsibility
- ▼ the misperception that lawyers are not best-placed to engage in early intervention work or that lawyers contribute to increasing justice system demand instead of reducing it; and
- ▼ difficulties faced by CLCs in demonstrating to government their value and ability to achieve effective outcomes for clients.



HAVE YOUR SAY

GENERAL QUESTIONS:

- 47. Do you agree with the priorities for a 10-Year Plan outlined in this paper?
- 48. Are there any other key priorities that should be included?
If so, what are they and why?

WORKSHOPS

All staff, volunteers, students and board members working at CLCs in Victoria are invited to attend online consultation workshops during April and May 2021.

To register for a workshop see fclc.org.au/10-year_plan



WORKSHOPS

WRITTEN RESPONSES

Written responses to the Discussion Paper are welcome. Answer as many or as few questions from this paper as you wish.

Send written responses to 10yearplan@fclc.org.au by 21 May 2021.
Please indicate if you wish your written response to be kept confidential.



WRITTEN
RESPONSES

Alternatively, you can provide a written response by completing a survey online that asks the questions in the discussion paper. To complete the survey go to fclc.org.au/10-year_plan (closes 21 May 2021). *Individuals or organisations can choose to answer the survey anonymously.*

SURVEYS

Detailed feedback on specific topics can be provided by completing an online survey.

To complete a survey go to fclc.org.au/10-year_plan (closes 21 May 2021).
Individuals or organisations can choose to answer the surveys anonymously.



SURVEYS

NEXT STEPS:

After these initial consultations are completed, the Federation will prepare a report on the views of the CLC sector and will engage in further consultations with the sector, key stakeholders and the wider community to further inform development of the 10-Year Plan.

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the heart of a movement for justice.*

