

**Project on
Free Civil Legal Aid and
Assistance for
Vulnerable Groups
in the Russian Federation**

(RUS/FCLA)

Free Civil Legal Aid Decision-Making Tool

*Tool outlining assessment
and decision-making process
for regional public authorities
responsible for planning,
implementation, monitoring
and evaluation of schemes
of free civil legal aid
in the Russian Federation.*



Funded by a Voluntary
Contribution
from the Grand Duchy
of Luxembourg
Implemented
by the Council of Europe

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

FOREWORD

The Project on Free Civil Legal Aid and Assistance for Vulnerable Groups in the Russian Federation (hereafter «the project») aims to improve access to justice for disadvantaged and vulnerable children, women and men in the Russian Federation. The project is about the realisation of the Federal Law No. 324-FZ of 21.11.2011. on Free Legal Aid (hereafter «The Federal Law») in the regions of the Russian Federation. It seeks to develop a set of methodological solutions to help improve the manner in which the Federal Law can be applied in practice. The Project is funded by a voluntary contribution from the Grand Duchy of Luxemburg.

The Council of Europe has responsibility for the overall management, co-ordination and implementation of the project. It is also responsible for facilitating communication with the main institutional partners, stakeholders and bilateral and international organisations. The main coordinating mechanism is a Project Advisory Group whose initial membership includes the Council of Europe, the Ministry of Justice of the Russian Federation, and international and Russian experts.

The first step of the project is the creation of a tool for the use of those who are responsible for the realisation of the Federal Law in the regions of the Russian Federation:

The tool gives guidelines on how to make informed decisions in view of improving the provision of free civil legal aid (hereafter «FCLA»). It describes an approach to decision-making based on a better understanding of the type of provision of FCLA that is needed by the population entitled to it, and on a more comprehensive knowledge of the type of FCLA that is actually provided. To know that there may be a mismatch between the type of FCLA need and the FCLA provided, and to understand why such a mismatch exists, is a necessary step in order to make efficient decisions for the improved planning and implementation of FCLA. By facilitating this learning and decision-making process, the tool aims to ensure that FCLA as a public service can effectively be used by its target public.

This version is the third draft of the tool, updated to incorporate feedback received at the following meetings of the Project Advisory Group in Moscow and in consultation with regional partners from three pilot regions: Ulyanovsk, Tambov and Volgograd oblasts.

The tool includes several methodological steps, some of which were tested in these three pilot regions within the framework of the project. It is the process of testing these methodological steps, rather than the end results of the experience, that provided (and can still provide) the ideas and corrections necessary to the fine-tuning of the tool. It is expected that the fine-tuned tool embodies a methodology that can be applied and replicated in other regions of the Russian Federation, with the same objective to improve the provision of FCLA, but in different contexts.

CONTENTS

Introduction: A decision-making tool for improving free civil legal aid (schemes)	5
Summary of the tool	7
Stage 1: Recruit your Co-ordinating Group	10
Stage 2: Define your vision	15
Stage 3: Conduct preliminary study (desk study)	20
Stage 4: Conduct more in-depth study (field study)	22
Stage 5: Define your priorities and use them to make decisions	26
Individual model measures specifications	33
List of Appendices:	
Appendix 1 Illustrative list of partners	54
Appendix 2 Draft Terms of Reference of the Co-ordinating Group	56
Appendix 3 Core Values	58
Appendix 4 Draft Terms of Reference to commission research	61
Appendix 5 Brief manual: How to conduct primary research	64
Appendix 6 Databank of questions and instructions	74
List of Annexes:	
Annex 1 Primary Plan Template	78
Annex 2 Research Report Template	82
Annex 3 Action Plan Template	85
Backup (only available in the Russian language)	
Questions for the desk study	
Guidelines for administration of target group (potential FCLA users) surveys	
Instructions to the interviewers working with the target groups	
Indicative questionnaire for target groups (potential FCLA users)	
Guidelines for administration of applicant surveys at FCLA service outlets	
Indicative questionnaire for FCLA applicants	
Guidelines for administration of FCLA user surveys	
Instructions to the interviewers working with FCLA users	
Indicative questionnaire for FCLA users	
Guidelines on the quality component (focus groups, face-to-face interviews)	
Guidelines on setting up a focus group	
Guidelines on setting up a face-to-face interview	
Guidelines for administration of FCLA provider surveys	
List of questions to management and staff of FCLA provider organizations	
List of questions to FCLA providers re hard-to-access and/or new target groups	

INTRODUCTION: A DECISION-MAKING TOOL FOR IMPROVING REGIONAL FREE CIVIL LEGAL AID SCHEMES

What

A simple guide designed to assist you in the process of assessing the demand for and supply of Free Civil Legal Aid (hereafter «FCLA») in your region, then to use the results of your assessment to inform decision-making on actions to improve the targeted provision of FCLA.

Why

This will help you to:

- Understand better the precise nature of the demand that exists for FCLA services in your region, in order that you can tailor current service provision to your region's needs.
- Accurately identify exactly where strategic action is required to develop or improve service provision in order to fully implement the federal law № 324-FZ on FCLA in your region.
- Ensure optimal allocation of FCLA resources within your region.
- Improve or develop continuous, rigorous, quality assurance processes for the provision of FCLA in your region.
- Facilitate the sharing of good practices within your region, and with other regions.

How

By assisting you through a simple, clearly signposted and action-oriented 5-stage process.

- ▶ *See also a summary in [Appendix 1: FCLA Tool Summary](#).*

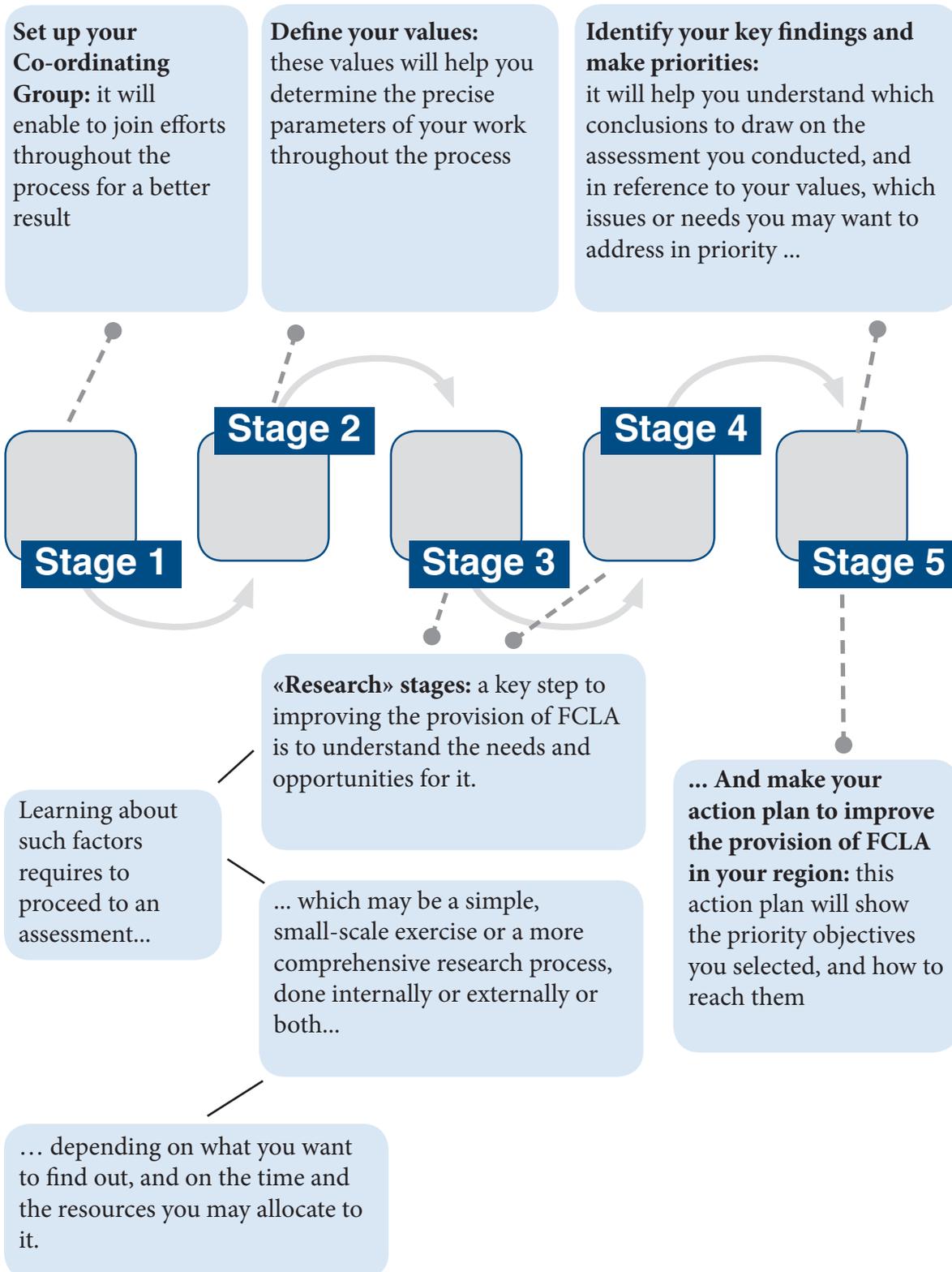
Several templates are annexed to the tool that you can progressively fill out throughout the process. It will help you at each stage sum up the key results and information that you need to record before proceeding to the following stage, and lead you, at the conclusion of the 5-stage process, to your **plan** for improving the provision of FCLA in your region.

- ▶ *See [Annexes](#).*

It is up to you to decide how best you can utilise the tool in your region. It is designed to be:

- Comprehensive – coming with a complete set of appendices containing resources that you can utilise or customise as little or as much as is appropriate.
- ▶ *See [Appendices](#).*
- Flexible – allowing you to tailor your approach according to the unique situation in your region.

This means that whether you are at the initial planning stage for implementing the Federal Law on FCLA, looking to improve the current implementation in your region, or seeking to fine-tune a well-developed system, the tool will help you achieve your goals!



SUMMARY OF THE TOOL: A QUICK GUIDE

What this document is about

Federal law provides for free civil legal aid (FCLA) across the RF. Some FCLA schemes work well, but some vulnerable groups may be missing out on the legal help they need; improvement is always possible. Ministry of Justice is strongly encouraging this process of improvement.

In order to see if people are missing out in your region, and to decide how to remedy it or otherwise improve your scheme, this guide gives you a fully signposted route-map through the process.

The steps in the guide are designed to show you how to initiate your regional FCLA plan. Start by finding out clearly what is going on by way of free civil legal aid (FCLA) in your region, and see what other free legal help is needed by people in your region. Some of that research is done on the internet or by phoning or e-mailing people. Some is done in the field. After you have assessed the demand and supply of FCLA you can see what the gaps are. You can then start to prioritise which gaps should be met first, and which other ones come later on.

This quick guide is just a summary. The full tool contains a lot more useful detail. Refer to it at each stage for full guidance and help. There is also a toolkit of documents that goes with it that you can freely adapt and use in your region.

Stage 1: who will your partners be?

Identify groups and people who are going to help you.

Include statutory organisations

regional departments (social protection, justice, health)	lawyers	legal aid bureaux	education sector
NGOs	campaign groups	ombudspersons	others

Don't forget organisations that aren't to do with law but who do serve a relevant client-group.

What to do?

- Network vigorously – explain why you would like these people's collaboration and make it inviting for them to be partners.
- Put together a steering group and set up a meeting schedule.
- Then meet!

At your meetings, you will...

Stage 2: define your vision

...decide on the characteristics, values, priorities, goals you want your FCLA scheme to have.

This means:

- agreeing the core values we set out for you
- adding your own if you so decide
- adopting a statement of the values
- looking at your region's stated priorities as to
 - social action

That will give you some precise statements about how you want your FCLA to look.

The statements will be a guide, against which to test performance once it is running, and to gauge the appropriateness of future initiatives.

- reform of legal services
- deciding on your FCLA's strategic social goals
- finetuning them into some specific aims

Stage 3: early research

This is desk study.

Find out about your region on the internet:

- what FCLA is there?
- who gets help?
- who needs it?
- identify strengths and weaknesses in existing legal aid provision

What to do?

- examine the secondary data: reports, online documents, policies, regional plans, socio-economic and demographic data
- collate and organise this data
- summarise it
- keep it in mind
- identify other sources for future use
- consider how it feeds back into your goals (Stage 2)

Stage 4: conduct your field study

This is to find out what is the actual demand for, and supply of FCLA in your region. Some of this stage involves making decision about what to find out. You will need to know what resources you can devote to this research. That will decide how in-depth it can be. Then you either do the research or commission others to do it.

It will involve:

- reminding yourself of the legal definitions of FCLA in the Federal Law – look at article 6 again
- reviewing your stage 3 data again
- looking again at your goals in stage 2: are there geographical areas/towns or certain populations to concentrate on most?
- thinking about confidentiality
- deciding how to process the data you get
- estimating volumes (of users, matter-starts, justiciable events)
- seeking your partners' co-operation with sampling clients
- undertaking the practical tasks for getting the research underway
- approaching your informants
- making your research qualitative as well as quantitative
- adjusting your results to avoid sex- and age-bias, etc
- consulting your steering group about how best to capture the less obvious unmet demands of vulnerable users

You are seeking to find out:

- who needs FCLA (the demand) and
- who supplies it

Map those things – with actual maps.

Again, consult your steering group to check you haven't missed anything.

Stage 5: priorities – and an action plan

This stage is about understanding what is missing – what are the gaps or shortcomings – and how to start remedying this.

You will:

- process your results by spreadsheet to see what gaps there are;
- understand what is meant by «gaps»;
- list the gaps and shortcomings that your research reveals;
- encourage innovative thinking around the delivery of legal advice regardless of gaps;
- consult your steering group about what the priorities are in meeting unmet demand: acknowledge their agendas;
- apply a simple scoring system...
- ...to decide the hierarchy of priorities;
- create your action plan: identify the remedial actions or other initiatives you will take, and
 - check it against the values and goals;
 - consider the risks facing it;
 - check it against regional plans and the legislation;
- check your plan against a wide range of criteria that will help it stay resilient;
- communicate the plan widely.

STAGE 1: RECRUIT YOUR CO-ORDINATING GROUP

What

Identification of an existing group (or forming of a new group if no appropriate group already exists) of diverse, interested partners to play the lead role in the planning and coordination of your FCLA assessment and decision-making process. We refer to this as a management or co-ordination structure – the «Co-ordinating Group» for short.

Why

The tool envisages this process being undertaken not by you alone, but in partnership and collaboration with interested partners you identify.

See also **Box 1** for more details on the idea and benefit of partnership.

Widening participation in this way will:

- Spread the work burden, enabling efficient, targeted and inclusive planning, implementation, monitoring and evaluation of the FCLA assessment and decision-making.
- Minimise misunderstandings of the goals of the assessment, which could decrease access and inhibit overall effectiveness/usefulness.
- Enable you to benefit from the different perspectives of the participants, stimulating reflection, learning, and dialogue.
- Build a more robust, accountable and sustainable FCLA scheme.

Box 1

What Partnership is about

Horizontal partnering between suppliers and non-supplier-but-interested agencies within a region creates a cohesive scheme. It is not just about good relationships between different organisations: it makes the scheme more robust, through:

- better information sharing
- less likelihood of duplication of services
- better referrals between suppliers and other partners
- promotion of a greater common aim of making sure the scheme works

Users are likely to benefit directly from a collaborative rather than a competitive approach by suppliers.

Good **vertical** partnerships help **the regional authority get better value from organisations it funds**, in partnerships that may incorporate a contractual relationship.

► *See also Appendix 3: Core Values.*

How

Step 1.1 – Check for existing management or co-ordination structures.

Do you have some form of already existing FCLA management or co-ordinating group in your region?

- Yes, and it is active** – This group should be your starting point (though you may wish to add members – see stage 1.2).
- Yes, but it is not really active** – This process is a good opportunity to activate it.
- No, we have no such group** – This process is a reason to form a group focused on FCLA.

Step 1.2 – Decide who should be part of the Co-ordinating Group.

There is no perfect list of partners and new participants can be included as the process unfolds. However, as mentioned, the process will benefit from diverse participation:

- It should include all those directly involved in the implementation of FCLA in your region (primary stakeholders).
 - It should also ideally include others not directly involved in implementing FCLA, but who have a particular interest or knowledge that will aid the assessment and decision-making process (secondary stakeholders).
 - It may encompass agencies who do not deliver FCLA or represent an interest-group but whose involvement will be useful for dissemination of the idea of access to legal aid for target groups or the hosting of outreach advice.
- See *Box 2* for examples of partnerships.

In the same way as there is no perfect list, there is also no perfect way to do it. Some recommendations can be made:

- **Be creative:** start identifying potential partners without strict criteria, and be curious about examples of good partnerships in other regions and in other sectors (unusual partners may prove to be very helpful!).
- **Be inclusive.** Partners may be large or small. They may be invited to be permanent members of the Co-ordinating Group or act as additional partners collaborating with the Co-ordinating Group. Some partners will be very helpful for a specific step of the process only, or for a very specific aspect of your work, but for various reasons cannot formally participate in the Co-ordinating Group.

Whether they represent very marginalised interests or marginalised groups, or operate in a limited scale, the help they can provide in terms of access to justice is no less important. In particular, don't forget the organisations that do not necessarily have a direct connection to legal aid, but which may have helpful expertise and experience with the most vulnerable groups that you aim to support.

- It is critical to start by **listing all the possible stakeholders** that may help you throughout the process, whether they will be members of the Co-ordinating Group or not, and to remember those stakeholders. You will need to contact them and motivate them to be involved in the relevant step(s) of the process.

Box 2**Examples of partnerships****Mapping Legal Clinics – Moscow**

In Moscow, the autonomous non-profit organisation «Centre for the Development of Legal Clinics» (researcher and implementer) entered into a partnership with the City of Moscow (donor) to produce a booklet compiling all practical information on legal clinics providing FCLA in the city. It appears that the booklet can serve a double purpose. It is useful as part of an assessment to learn about needs and opportunities for the provision of FCLA in the city, as it is part of the mapping of suppliers. It is also useful as an implementation measure to improve the provision of FCLA, as it is part of the measures to disseminate information about FCLA to the general public. www.codolc.com

Lawyers' Solidarity Bus – Paris

In Paris, the Paris Bar Association won in 2008 a Chrystal Scales of Justice prize of the Council of Europe for their initiative to provide free legal advice from a mobile bus in selected districts. The initiative is first a partnership with the City of Paris. The bus' target locations were selected from the districts that have been assessed as socially and economically vulnerable, and prioritised by the City for various public policy programmes (and about which statistical information is available online). The City also provides in-kind contribution through the organisation of information campaigns and the publication of communication materials. It is also a partnership with the Ministry of Social Affairs, Health and Women's Rights, which provided the necessary initial funding to launch the initiative.

<http://www.avocats.paris/le-barreau-de-paris-solidarite>

Sharing Public Space – Tambov

In Tambov oblast, NGO Garant has established legal information points and provides free legal aid services hosted in fully equipped rooms and facilities in public libraries. It is a partnership that may bring complementary benefit to its parties. Through the allocation of public facilities, it gives the administration a low-cost solution to effectively support the performance of a mission of public service, and enables the NGO to fulfil their mission with visible support and in a dialogue with decision-makers. Through the diversification of services to the public, it enhances or confirms the position of libraries as places of social activity in the community. For the public, it means an accessible and familiar place where they can find information and advice.

<http://minjust.ru/ru/fla/center/negosudarstvennyy-centr-besplatnoy-yuridicheskoy-pomoshchi-avtonomnoy-nekommercheskoy-0>

«Street Lawyers» – Saint-Petersburg

In Saint-Petersburg, NGO Humanitarian Action has developed a model of «Street Lawyers» that relies on collaboration between lawyers and social workers in the health sector. There are various barriers that can challenge the principle of accessibility in the health sector, especially when it comes to particularly vulnerable or marginalised patients and clients who lack information, resources, experience or confidence to exercise their rights. By having social workers, who can reach out to these vulnerable clients, to cooperate with lawyers, who can translate the social work into legal cases, and vice versa, this partnership aims to bring together complementary skills for the benefit of the client and for the good management of the case.

<http://www.haf-spb.org/>

FCLA Hotline – Ulyanovsk

FCLA Hotline was set up in 2011 pursuant to an interagency agreement on provision of FCLA in the Ulyanovsk region. By dialling 8-800-100-13-84, every person can receive primary legal advice regarding their problem, and the institution to apply to (be it lawyers, housing or labour inspectorate, etc.). Parties to the agreement include the regional Government, Bar, Notary, Ombudsmen, legal clinics, etc. All of them contributed to raising awareness of the public regarding the Hotline, and started liaising directly with each other for the purposes of FCLA. The Hotline receives over 1500 calls a year. Given the social value of the initiative, since 2015 the Hotline is administered by the public legal bureau. The parties also cooperate under the new initiative of the Association of the Russian Lawyers – shared internet portal

[бесплатнаяюрпомощь.рф. http://www.apuo.mpro.ru/bup/](http://www.apuo.mpro.ru/bup/)

In the tool, we use «members» or «partners from the Co-ordinating Group» to describe stakeholders acting as permanent members of your group, and «partners» and «partnerships» to describe collaborative relationships with stakeholders who are not necessarily members of the Co-ordinating Group.

► See also **Box 3** on the idea of inclusive partnership.

Box 3

Inclusive partnership

When considering how to improve the provision of a public service, it is critical to ensure that not only the perspectives of decision-makers and large suppliers, but also those of the services' users and small-scale providers (who often bring new or complementary perceptions that they have themselves collected or tested in practice) are reflected in the process.

Setting values and objectives that promote the principle of user-centeredness and accessibility is a first fundamental step in this effort. Sociological research and assessments that can provide information on expectations and needs on the demand side is another important way to ensure it. But these are not the only methods. Most importantly they will be insufficient if those individuals who will be directly concerned by the services as clients or small-scale suppliers cannot have a say and their interests represented in the process of deciding over values, objectives, assessments, and measures that may eventually be taken on their basis.

Mobilising an inclusive partnership matters not only because it is fair, but also because it is efficient. It enables to adjust ideas so that policy and public services can be better targeted, and more cost-effective. It may also bring legitimacy to the decisions made by the group of partners, and provides a channel for outreach and information of the population.

Establishing a Co-ordinating Group can facilitate the task of including those whose interests are usually under-represented in most areas of public action. It is not necessarily an easy task when particularly vulnerable and marginalised citizens do not seem to have any collective form of representation. But this is a task which social partners, civil society organisations, self-help groups and grassroots organisations may help you with.

The Council of Europe supports this approach. Recommendation (2003)19 of the Committee of Ministers includes to “establish and actively support appropriate partnership among all those concerned (users, users' representatives, local authorities, social partners, social protection institutions, NGOs and other actors of civil society) with the development, implementation and evaluation of measures taken to promote access to social rights», which in that regard echoes Recommendation (93)1 on effective access to the law and to justice for the very poor.

- Remember that partnerships are also a **matter of negotiation**. Consider the various interests your partners may have for cooperation, and don't forget those organisations which may have diverging interests: you will need to persuade your partners and motivate them.

The tool includes in the appendices an indicative list of possible partners – whether primary or secondary, as well as an illustration of what a Co-ordinating Group could look like.

► See **Appendix 1: Illustrative List of Partners**.

► Step 1.3 – Complete essential preliminary tasks for the Co-ordinating Group.

You should:

- Inform the participating members of the general purpose of the Co-ordinating Group.
- Agree on the rules of functioning of the Group. It may include rules relating to the integration of new members as the need arises.
- Managing the work of large groups of partners who have different mandates, experiences and perspectives might sometimes seem a challenge. But you can keep it workable by agreeing on good rules of engagement.

To that end, you may want to devise basic «terms of reference» (ToR).

The tool includes in the appendices an example of ToR that you may adapt for your purposes.

► See **Appendix 2: Draft Terms of Reference of the Co-ordinating Group**.

- Appoint a Chairperson.
 - The role of the Chairperson will involve motivating the partners, so he or she will need knowledge and enthusiasm to effectively drive the process.
- Appoint a co-ordinator, and agree on his/her terms of reference. This person will:
 - Ideally come from within the regional decision-making or governing body.
 - Act as contact point for the subsequent stages outlined in this tool.
- Keep the membership and wider legal community informed about the project, and advise the Co-ordinating Group of problems and opportunities.

Use the above information to fill out [Annex 1: Primary Plan Template Steps 1.1 to 1.3](#).

Checklist

Before moving onto Stage 2 you should have:

- Identified an «FCLA Co-ordinating Group» with a diverse membership.
- Completed the preliminary tasks of your Co-ordinating Group.

STAGE 2: DEFINE YOUR VISION

What

Your Co-ordinating Group goes through the vital initial process of discussing and deciding core values, a mission statement, and strategic goals for FCLA provision in your region, plus overall objectives and areas of inquiry for the assessment you will conduct (see the «research» stages).

Why

These elements will provide a sound basis and structure for the whole FCLA assessment and decision-making process. In addition, once decided, they can also be used as a basis for internal self-evaluations, periodic strategic planning, new programme development, as well as for external peer reviews and expert assessments.

How

Proceed through the following steps at the first meeting of your Co-ordinating Group.

Due to its importance and the time likely to be required, this process may be best undertaken at an extended meeting or Co-ordinating Group launch event.

Step 2.1 – Check the existing policy.

Check whether your region has existing:

- strategic legal aid plan
- strategic social policy plan
- political objectives regarding target groups.

Does the legal aid plan document have clearly identified mission statement, values and objectives?

- Yes** – This document should be your starting point.
- We have a document, but no values, mission statement or clear objectives** – This process is an opportunity to use and update this document to include these important elements and make it as useful as possible.
- No** – The 5 stages of this FCLA assessment process will be used to create such a document.

Step 2.2 – Adopt the Core Values.

Now look at the core values which will form the underlying value-system of your free legal aid scheme.

► *See also* **Appendix 3: Core Values.**

The core values we suggest are the ones which we see as essential underlying characteristics of a successful free legal aid strategy:

- They should **pervade** every aspect of the planning of goals.
- They are **mutually reliant**, and **mutually reinforcing**. You cannot fully achieve one without working on the rest also.

You may decide to formalise the adoption of those values in a statement such as this:

*«We will provide high **quality** free civil legal aid that is **accessible** to all eligible persons, focused on meeting the **needs of users**, **sustainable** and **efficiently run**, based upon close **partnership between government, service providers, and users**».*

You will need to agree those core values, and make sure that all stakeholders have understood them and are happy to sign up to them. They will form a benchmark against which to test future plans, policies and initiatives in your scheme.

It is possible to add to these, but you should be cautious not to add more than one or two more. If you do add more, check first to ensure they are constant values, not ones that may change in time or according to the political direction changing in the region. In other words, the values should be very resilient and embedded.

Once you have decided on these values, fill out [Annex 1: Primary Plan Template Steps 2.1 and 2.2](#).

Step 2.3 – Develop concrete FCLA Strategic Goals.

In view of defining your Strategic Goals:

In addition to the Core Values, which are a constant, and likely to be non-negotiable, you will also need to factor in additional aims which derive from the priorities that you identify as specific to your region.

These we describe as political priorities because they are likely to be based, not on objectively determined needs-assessment, but rather on the preferences of the regional players in the context of the given region, with its specificities, socio-economic and other conditions.

For example:

User-Centredness	Accessibility	Quality	Sustainability	Partnership
responding to actual clients' needs	available and attractive to all potential users	adopting high expectations of the quality of delivery of legal advice	a scheme which will have longevity and momentum	a scheme which works inclusively with all participating groups

- A regional governor may have included certain objectives amongst his or her priorities whilst in office.
- Or it may be a long-standing commitment by government within a region to prioritise certain social problems.
- Additionally, there may be a consensus within the Co-ordinating Group as to certain agreed priorities.
- They should reflect regional needs rather than political dogma of course, but even a politically-driven initiative may be a valid priority to build into your region's FCLA scheme goals, if it seems to reflect the mood of the region. These political objectives then are not objectively defined, and they may well reflect the subjective values of the local governor and duma, according in turn with the priorities of the population.

Examples of the kind of priority-setting commitments that may already exist in your region are:

- improving the region's record on homelessness
- tackling domestic violence
- increasing the availability of services to young people under 25
- better integrating the education and social services systems
- reducing crime

- a faster system of finding foster carers for children in the regional authority's care
- a new approach to mental health services
- regenerating a particularly deprived area
- a focus on resolving housing repairs more efficiently
- more use of out-of-court resolution methods
- correcting a gender imbalance in the provision of certain services by regional government
- You may not know yet what the priorities such as these are in your region. Some mayors and governors will be more open and forthright about them than others. So it is an area for which you might need to do some research at the following stages.

So where, like in these examples, there may be a link between i) regional political priorities and ii) the provision of FCLA, you should incorporate these into your goals.

Try to express your Strategic Goals as outcomes or Goal statements.

► See also **Box 4** for examples of such Goal statement.

Your own set of goals should number up to 10, no more, and should inform FCLA decision-making later in the process.

They are a kind of prism though which the objective results of the research that you will plan at a later stage can be viewed and calibrated.

Now agree on, and write, your Strategic Goals.

Once you have decided on your FCLA Strategic Goals, fill out **Annex 1: Primary Plan Template Step 2.3**.

Box 4

Examples of FCLA Strategic Goal statements

The following lists shows examples of how Strategic Goals could be formulated:

- Goal 1: FCLA will target users who are homeless or at risk of homelessness
- Goal 2: FCLA will strive to be accessible to those in the region living with mental health problems
- Goal 3: FCLA in our region will ensure that there is a minimum of x FCLA practitioners with conflict resolution skills
- Goal 4: Because of its specific social problems City X will get priority in the level of FCLA supply, aiming at X FCLA lawyers per 1000 population
- Goal 5: FCAL suppliers will work in tandem with social care services so as to be accessible to children in care in the institutions where they live
- Goal 6: FCLA will ensure it has suppliers based in organisations (government or NGO) which are used by young people under 25
- Goal 7: FCLA will ensure a focus on delivery of pre-release legal advice to prison-leavers
- Goal 8: reduce the overall level of debt in low-income households by 25% in 5 years
- Goal 9: encourage more women to take up FCLA by delivering the services to places they go to

Some goals will reflect a wider view on the delivery of free legal advice and help:

- Goal 10: FCLA will ensure that no town/city of more than 15,000 population is without a FCLA supplier
- Goal 11: No citizen of the region should be more than X hours' travel from their nearest FCLA supplier
- Goal 12: there should be at least X FCLA suppliers of family/matrimonial law advice and help per 1000 population or per 1000 instances of family breakdown.

Step 2.4 – Discuss what Indicators you may use as evidence under each Core Value and FCLA Strategic Goal.

Under each Core Value and Strategic Goal, what performance indicators can you use as evidence?

What will you look at to measure or check performance under each Core Value and Strategic Goal? Which factor will you use as evidence?

Consider the areas of inquiry you have identified as a guide.

You will update these performance indicators as you proceed through Stages 3 and 4. However, you may wish to provisionally now fill out Step 2.4 of [Annex 1: Primary Plan Template](#).

Transition step – Discuss your areas of inquiry

Once you have your Core Values and your Strategic Goals, you should have an idea of possible **areas of inquiry**, i.e. the questions you want to investigate in order to see to what extent the situation corresponds to your values or how far it is from it. Although it is not excluded that your assessment might have a broader scope, depending on your preferences and choices.

The tool includes a table in the appendices, which presents lists of such possible areas of inquiry under each Core Value.

► See also [Appendix 3: Core Values](#).

Identifying areas of inquiry will help you define precise **objectives for the assessment** you will conduct to find out about the needs and opportunities of FCLA in your region.

► See also [Box 5](#) to understand what the assessment, or research, is about.

Box 5

What the assessment is and is not about

It is important to bear in mind that the methodology proposed in this tool is practice-oriented. The type of assessment suggested is not necessarily about scientific research (unless you have the resources for and want a comprehensive analysis of the situation, done with the scientific rigour of academic work), but mainly about the occasion to reflect together with your Co-ordinating Group and relevant partners on the real needs and the possible good practices in the provision of FCLA in your region. The assessment can be the opportunity to raise a specific series of questions, for which preliminary answers can be found through simple consultations, while a more detailed research can be planned later when more time and resources can be made available.

It is also important to remember that the assessment proposed in the tool does not seek to produce standardised results for a direct comparison between one region and another. This is because the tool is not about monitoring the performance of the regions in applying the Federal Law, but to help each region, within their own regional context, to find solutions tailored to meet needs which are better understood. It is, however, possible to adapt the methodology and keep a simple basis for the assessment that will be common to several regions and allow comparison. It is most likely that what will be relevant to compare is not so much the data collected itself, but the way in which each region could complete the exercise.

This is what the experience has shown in another project of the Council of Europe with the creation of a self-assessment tool for citizen participation at the local level: C.L.E.A.R. Self-Assessment Tool, European Committee on Local and Regional Democracy, 2008 (CDLR(2008)42): «*Even though CLEAR proposes to focus on the particularities of each municipality, experience has shown that it can be very helpful for municipalities to work together and to exchange experiences. Cooperation enhances learning and has been judged most helpful by local authorities having tested the tool. Usually the focus of the exchange is not on the data collected, even though it can provide orientation. At the centre of attention is firstly the exchange of experience on the process and on how to carry out self-assessment in a municipality. Secondly, quite naturally, the exchange tends to be on policy responses and innovative ideas*».

*Checklist***Before moving onto Stage 3 you should have:**

- Agreed on your Core Values and Strategic Goals.
- Identified the areas of inquiry and objectives of the assessment you will conduct in your region.

STAGE 3: CONDUCT PRELIMINARY STUDY (DESK STUDY)

What

Conducting a Preliminary Study of all relevant information already available to you (secondary data) before you conduct more in-depth, field research. This secondary data may consist of existing data, reports, and other documents, usually compiled by other persons or organisations, and often for purposes other than those of the present FCLA analysis.

It may also include checking the political priorities that may exist on the part of your regional government (see Stage 2, deciding on your FCLA strategic goals).

Why

It should enable you to:

- Obtain **preliminary findings** on the potential strengths and weaknesses in your region that you can explore through field research. Gain a detailed understanding of key socio-economic, geographic and demographic factors of the region, relevant to FCLA.
- Clarify the background context of primary field research, help define additional areas of inquiry (**information needs**), questions and methods to be used in the primary field research.
- Save time and resources directed toward primary data collection in the field by allowing more tailored approaches at that stage.
- When properly incorporated into the process of analysis, secondary data provides an essential complement to the primary data collected through field_research (Stage 4).

How

The following steps should be conducted by an individual or sub-group nominated by the Coordinating Group to undertake the task of preliminary desk research.

Step 3.1 – Identify secondary sources of demographic and socio-economic information for your region.

You should collect as much relevant information as possible on the region and populations of interest. You may wish to gather information that will help you to establish, for example:

- Detailed information about populations and other relevant social demographics, economics and geographic information:
 - Census population data at various levels; age and gender distribution.
 - Levels of achievements disaggregated by ethnicity, main spoken language, income, school attendance, literacy rates, gender, other groups, religion, housing, numbers of single parent families, health (including mental health) statistics, incidence of substance misuse, etc.
 - The locations and distribution of different ethnic, cultural or religious groups.
- Social characteristics of those who currently benefit or might potentially benefit in the future from various legal services in specific locales, and particularly where unmet needs are involved.
- Do some areas have more needs than others, or different types? Where? Why?
- Map data (digital) with political/administrative boundaries, roads, and localities.
- A comparison between rural and urban settings.

Step 3.2 – Identify secondary sources of information on FCLA in the region.

Go through the Goals and areas of enquiry you have identified in Stage 2.

Seek to identify and then gather secondary sources that will help you address your areas of inquiry, and potentially identify new areas of inquiry.

These could include, for example:

Written policies or plans for FCLA in your region	Records of the Legal bureaux	Records of FCLA service providers	Newspaper reports
Assessments of FCLA in other regions	Narrative reports of NGOs concerned with Legal Aid	Academic Reports on legal aid provision in your region	Records of the Ombudsperson's offices

Research on legal aid has been undertaken by some organisations like PILnet, so there exist lists of sources which you might use.

Make sure you evaluate the quality and relevance of all secondary sources, especially where a direct comparison between secondary and primary data gathered may be made. Consider particularly:

- What is the information source?
- What are the source's credentials?
- What is the potential level of bias?
- Is the material well referenced?
- Is the information relevant to the current context or is it out-of-date?
- Is the source simplifying the information too much for your use (for instance if it is for the general public and not for a professional audience)?

Fill out Steps 3.1 and 3.2 of **Annex 1: Primary Plan Template**.

Treat this as a bibliography of sources. This will make it easy to identify and access information gathered if you should need it later in the process, and to ensure your final report is fully referenced.

Step 3.3 – Summarise key information from secondary sources.

Collect information from the sources you have identified.

Update your areas of inquiry on your plan, and structure this information under each FCLA Strategic Goal for use in later reporting.

Identify any preliminary conclusions you may seek to explore further with field research in Stage 4.

Fill in Step 3.3 of **Annex 1: Primary Plan Template**.

Checklist

Before starting Stage 4, you should have:

- Identified and analysed your secondary sources.
- Updated your areas of inquiry.
- Obtained a summary of key information and preliminary findings gathered.

STAGE 4: CONDUCT MORE IN-DEPTH STUDY (FIELD STUDY)

What

Building on the Core Values, Goals, areas of inquiry and preliminary desk research conducted in Stages 2–3, you will now complete your *primary* research.

This means deciding on the resources you will mobilise for this research, its actual scope (timeframe, scale, etc.), and its practical organisation.

Why

It is more than likely that the desk research you conducted in Stage 3 will not give you all the answers you need to have a proper understanding of the situation regarding the provision of FCLA (what is actually needed, and what is offered). At the very least it will need to be verified. As a consequence you will most probably need to find out these answers, or to verify your data through primary research.

How

The following steps are then about how you will be able to conduct your research, depending on your research objectives and your available resources.

Step 4.1 – Identify resources available for your research.

It is important to establish first of all what resources are available, so you can tailor your approach.

It is useful to think of resources in three basic categories:

- Human Resources:
 - People – Are there existing staff available to manage, co-ordinate and/or undertake the research tasks?
 - Person-hours – How much time will existing staff (if any) be able to commit to the tasks?
- Financial Resources – Do you have funding available to use, for example, to hire a research company, fund researchers or research assistants, or for training, equipment (computers, printers, recorders), supplies (paper, batteries, printing costs, etc.); for communication (telephone, postage, internet, etc.).
- Other Resources – Vehicles that can be utilised? Office space that can be used?

Consider these questions with your Co-ordinating Group, then fill out step 4.1 of [Annex 1: Primary Plan Template](#).

Step 4.2 – Consider possible approaches that might best suit your current situation.

Before moving onto deciding how specifically you want your research to be, it is important to consider that different research approaches and methods require different levels of resources and sets of skills.

If your resources, timeframe and objectives are for now limited, there are possibilities you can consider to make your task easier.

- You may for instance choose to target your research efforts to improve the legal aid schemes on particularly vulnerable localities (towns or smaller areas within the region) where social and economic data you will have collected through desk research seem to indicate a potentially high level of need for legal aid, but where there are low levels of FCLA provision. This targeting exercise is different from sampling and is rather about ensuring an efficient use of limited resources.
- You may also choose to adopt a phased approach, i. e. not to complete the full research at once, but rather to undertake parts of it over several cycles. For instance, in Year 1 you will pursue your Research Objective 1; then in Year 2 you will focus on the topics of your Research Objective 2; and so on.

Step 4.3 – Assign the task.

Depending on your resources and preferences, you may choose between two options to complete your research: external or in-house.

Option 1: You may choose to outsource the complete research (or part of it) to an external researcher or team of researchers.

To that end, you will need to select the research(es) based on criteria and through a procedure agreed with your Co-ordinating Group.

Depending on the level of resources you plan to allocate to the task to be commissioned and your procurement rules, you may launch an open call for proposals, with clear competitive procedures and quality-cost-based selection criteria. Or it might be a more restricted consultation with experienced and reliable experts.

Whatever the chosen procedure, you may want to start by drafting Terms of Reference and selection criteria.

The tool includes in its appendices templates of Terms of Reference you may adapt for your purposes.

- ▶ See **Appendix 4: Draft Terms of Reference to commission research.**

Option 2: Alternatively you may choose to do the research directly yourself and/or with your partners (for instance, the work can be distributed among the members of your Co-ordinating Group).

If you choose Option 2, you will find a brief manual in the appendices of the tool includes, with methodological notes, instructions and possible survey questions.

- ▶ See **Appendix 5: Brief manual: How to conduct primary research.**

Whatever the option chosen, there are a few key principles which you will need to ensure are mainstreamed in your research:

- The research will need to comply with **ethical** requirements. In particular, it might be necessary to check whether you will need an official authorisation from the local Ethical Committee, which controls whether ethical rules are applied when interviewing particularly vulnerable categories of population, for instance.
- The research will need to respect **confidentiality**. In particular, service providers might not breach confidentiality by providing the research team with client contact information without permission. Obtaining the permission from clients can be organised in advance, by inserting clauses into FCLA case forms on «informed consent» on privacy and sharing of information for determined purposes that the client would need to confirm.

- The research should avoid excessive **generalisation**. It is important, for instance, that the research obtains sex-disaggregated data and that it uses the criterion of *individual* income rather than *household income* when targeting low income individuals. This is critical, for instance, when cases concern family matters or domestic violence. It is also important to ensure that there is no hidden bias in the conclusion of the research about individuals' needs for legal aid.

In case you plan to outsource the research, you may still want to share with your contracted researcher(s) the materials that have been tested and included in the tool: model questionnaires that you may use and adapt, or from which you may draw specific sets of questions to suit your research objectives. In particular, it includes model questionnaires to assess the demand of FCLA on the side of groups of population targeted under the Federal Law who may be particularly vulnerable or marginalised, requiring an adapted approach.

► See [Appendix 6: Databank of questions and instructions](#).

Once you have done this, fill out the section 4.2 of [Annex 1: Primary Plan Template](#).

Step 4.4 – Conclude on your research.

Whether your research has been conducted by an external specialist (or team of specialists) or done in-house, it may be critical to take the time to discuss its findings with your Co-ordinating Group.

It will help ensure everyone has the same understanding of what the findings mean.

(If the situation arises: it will also help agree on possible shortcomings in the research that could be solved by practical solutions, whether at the regional or other level (e.g. developing an electronic database for collecting information on cases in a safe and confidential manner).

To facilitate this task, you may use a standardised report for your research (that you may share with your contracted researcher if you have outsourced the research).

Use [Annex 2: Research Report Template](#).

You should base the structure of your report around the Goals and categories identified in Stage 2, and cover the following:

- Introduction – Including description of the research, purpose, objectives, and how it can be achieved.
- Methodology – Outline how the results were achieved, how data was gathered, collated, and analysed.
- Results and discussion – Provide the interpretation of your data into results.
- Conclusions – what overall conclusions are identified under each goal.

Consider how close your region is to the ideal situation you have outlined in your goals.

Under each overall goal you should:

- Present the most relevant areas of inquiry as sub-sections.
- Identify key findings clearly.
- Quotes from qualitative research may be useful to demonstrate or support findings.

*Checklist***Before moving on to Stage 5, you should have:**

- A research plan that describes the key aspects of the research, its practical organisation.
- A research report discussed and agreed with your Co-ordinating Group.

STAGE 5: DEFINE YOUR PRIORITIES AND USE THEM TO MAKE DECISIONS

What

The conclusions you will draw from this analysis will show some gaps in the provision of FCLA for which remedial actions should be taken. These gaps may be shortcomings in

- quantitative aspects (e.g. not enough lawyers in a given district) or
- qualitative terms alike (e.g. information about FCLA not available in a user-friendly manner).

It is likely that not all the identified gaps can be addressed at the same time, as implementing new measures takes time and resources. It is therefore important to make priorities.

In this Stage, you will therefore use the findings of the research, translated into a prioritised list of gaps to address, to inform a full strategic planning process that outlines remedial actions to address weaknesses identified. It will require to make priorities among the gaps you will have identified. It is these priority gaps that will then be translated into action steps.

Why

Having completed research and drawn conclusions, the final step in the process is working out how to address these gaps and problems identified, i.e. define and agree on priority implementation measures to arrive at a better model of FCLA scheme in your region.

How

Step 5.1 – Identify the gaps.

Use your Core Values and your agreed Strategic Goals from Stage 2 to decide which gaps are identified in your findings.

You should start with a short summary list of the gaps in provision. Each ‘gap’ should be accompanied by a descriptive paragraph and any numerical data that underline the issue. It will be specific to your region’s own conditions and modalities.

- ▶ See also [Box 6](#) for examples of how gaps can be summarised and formulated.

Box 6

Examples of gap formulations:

- only 23% of legal advice clients were women in City X in 2015 (with details about what areas of law they sought advice in, where they got the advice and why more did not seek it);
- suppliers in X area were unable to meet the demand for divorce advice (and why this might be, how many suppliers there are, why there are not more if the demand is so high, etc);
- supplier Z in city D has a monopoly on all childcare and education law. Clients for that area of law in that city do not have any choice but to use that law firm;
- Supplier T (a small local chain of commercial lawyers) had a high number of complaints registered against them but they are the main providers of consumer law advice;
- employer H who used to employ 600 people has just closed down in City Q – there is high level of sudden poverty, debt, worklessness and homelessness, and substance abuse there;
- Residents in Town K have to travel at least 6 hours by bus and train to get to the nearest supplier of social welfare and family law advice. Most go without;
- X clients in area W complained about inadequate...

Step 5.2 Do some innovative thinking.

Not all desirable initiatives emerge only from ‘gaps’ and shortcomings. Some will be generated by lateral and innovative thinking based on ‘what is desirable?’ rather than ‘what is missing?’ Generate some discussion in your group about what FCLA initiatives you can think of based on your research but do not simply plug a gap.

For example, you may feel, based on your research, that:

- alternative methods of delivery like hospital-based or supermarket/mall-based law-kiosks could be a creative way to get FCLA to the people who need it, or
- different monetary models might be appropriate, like commercial law suppliers being encouraged to offer pro bono ‘free first 30 minutes advice’ sessions, or
- community training of a cadre of ‘street-paralegals’ might hit the mark.

Those creative ideas are not usually triggered by merely identifying the gaps.

Take time to brainstorm those sorts of solutions and make sure good ideas are not lost in the rush to ‘fill gaps’.

Problems and potential solutions

Problems	Solutions
Low coverage of the regional population (difficult access for target groups)	<p>Ensure combination of approaches, e.g.:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Set up a network of free legal aid offices to cover most cities and towns in each region; <input type="checkbox"/> Organise free legal aid lawyers regularly travelling to the countryside and providing consultations at public offices targeting potential free legal aid clients; <input type="checkbox"/> Establish (as a support measure) distance counselling, i.e. consulting via e-mail, phone, websites and skype; <input type="checkbox"/> Open or connect to the existing free legal aid hotline (as a support measure).
Lack of awareness among target groups	<ul style="list-style-type: none"> <input type="checkbox"/> Inform those who have actual legal problems by placing legal aid specialists/consultants in Multi-Functional Centers (MFC). MFC personnel to inform clients about availability of FCLA. The centers should have all the information of available free legal aid in the city/area/region. <input type="checkbox"/> Establish formal and informal agreements with the government and municipal authorities to refer people with judiciary problems to FCLA providers. <input type="checkbox"/> Develop a mechanism to provide information to people with existing legal needs in the court premises. <input type="checkbox"/> Disseminate information via Internet, mass media and telephone, as well as in public transport, in local supermarkets and multi-functional centers, etc. <input type="checkbox"/> Develop a mechanism for providing information to the target free legal aid user groups through respective associations and community groups.
Partnership	<ul style="list-style-type: none"> <input type="checkbox"/> Establish referral systems. <input type="checkbox"/> Establish formal and informal agreements with the government and municipal authorities to refer people with judiciary problems to FCLA providers.
Limited representation in court or other proceedings	<ul style="list-style-type: none"> <input type="checkbox"/> Regional authorities can expand the list of cases eligible for representation.

Problems with providing evidence of entitlement to free legal aid	<input type="checkbox"/> Simplify requirements and procedures for providing the evidence of low income status. <input type="checkbox"/> Introduce emergency free legal aid advice. <input type="checkbox"/> Accept confirmation of selected facts as stated by the clients (without a written certificate). <input type="checkbox"/> Widen the list of documents acceptable as evidence of entitlement for free legal aid. <input type="checkbox"/> Add new categories of free legal aid users including those who have a permanent status (e. g. WWII veterans), who and therefore do not need a new confirmation of the status every time. <input type="checkbox"/> Create an internal database of the people who are entitled to free legal aid (in collaboration with social services and other structures that provide the respective documents for the low-income people).
Low payment rates for advocates. Complicated procedures to claim payment for advocates	<input type="checkbox"/> Use the fee recommended by the regional bar association as a benchmark. <input type="checkbox"/> Keep the FCLA fees as close to the market levels as possible. <input type="checkbox"/> Simplify the settlement procedure to pay the lawyers for the legal aid provided within the FCLA system.
Low level of coordination between legal aid providers in the region. Providers compete and overlap with each other	<input type="checkbox"/> Create a regional legal aid co-ordination group, involving free legal aid stakeholders, NGOs and target groups. <input type="checkbox"/> Separate roles between FCLA providers, introduce specialization by type of clients, or by type of legal aid. <input type="checkbox"/> Develop a referral system to help the client find the appropriate free civil legal aid option.
Low cooperation between FCLA providers and other institutions diminish the overall value of the FCLA system	<input type="checkbox"/> Create a regional legal aid co-ordination group, involving free legal aid stakeholders, NGOs and target groups. <input type="checkbox"/> In decision-making, consider partnership opportunities.
Lack of FCLA information for making informed decisions in the region	<input type="checkbox"/> Organize regular detailed assessment of the regional FCLA system (via desk research, qualitative, quantitative analysis, etc.). Introduce a more detailed monitoring of the system. <input type="checkbox"/> More detailed data to be collected by the decision-making body from the service providers. <input type="checkbox"/> Collate the data collected at the point of application; expand the set of data to be collected. <input type="checkbox"/> Ministry of Justice to provide targeted methodological support. <input type="checkbox"/> Survey the FCLA service providers and associations representing target groups on their needs and how to meet them. <input type="checkbox"/> In cooperation with the Ministry of Justice, develop a fully functional tool kit for data collection and analysis (basing on the existing monitoring tool).
Quality of FCLA is unstable. No comprehensive quality control of free legal aid	<input type="checkbox"/> Assess the demand – supply balance in the free legal aid system. <input type="checkbox"/> Monitor client satisfaction. <input type="checkbox"/> Introduce complaint procedure and remedial mechanisms. <input type="checkbox"/> Organize peer review. <input type="checkbox"/> Regular trainings for lawyers. <input type="checkbox"/> Organize trainings on the quality of service.

Budget funding	<input type="checkbox"/> Fully use and develop the potential of the legal clinics. <input type="checkbox"/> Consider the opportunity to introduce co-financing (to have the client pay a share of costs, if they can). <input type="checkbox"/> Employ modern channels (skype, etc.). <input type="checkbox"/> Consider working with bar associations, NGOs addressing free legal aid issues. <input type="checkbox"/> Open or join an existing free legal aid hotline.
----------------	---

A list of individual pilot measure specifications is introduced on page 33, with detailed descriptions on how solutions can be developed to fill in the identified gaps.

Step 5.3 Identify your priorities.

At this stage you can then start to assign priorities to the ideas on how to close the gaps.

The priority should be assigned in reference to your present Core Values and Strategic Goals.

Assess each idea and solution against your core values and your goals

You can if you wish apply a simple 1–10 scoring system which will combine measures reflecting:

- how far the gap to be eliminated by the respective Solution contravenes your FCLA values defined in Stage 2;
- how much this will accord with your region-specific goals in Stage 2;
- how urgent this appears to the group (subjective);
- how closely the remedy accords with the letter and the spirit of the federal and regional FCLA legislation;
- how readily the remedy can put into practice the value of ‘partnership’ (are several players likely to co-operate in addressing it?).

You may wish to apply a negative score to barriers in the way of remedial action e.g.:

- what are the resources likely needed to address the gap (i.e. to implement the solution)?
- how long a project is the remedial action?
- will it be politically contentious or run into opposition.

Example:

	how far the gap contravenes your FCLA values?	Positive scores: remedial action			Negative scores: barriers			Total score (out of ...)
		e. g. urgency	e. g. compliance	etc	e. g. cost	e. g. duration	etc	
gap 1	+7	+3	+5	+2	-6	-1	-3	8
gap 2	+3	+2	+2	+5	-1	-1	-4	6

The resulting scores will give you a reasonably clear sense of the hierarchy of priorities facing you.

If there are glaring anomalies (i.e. items on your list you feel are important but which score low) then you might need to think why, and revisit your scoring system.

Score your creative ideas differently but in a way that they can compete fairly with the gap-filling measures.

Keep in mind that scoring ideas is one way to proceed, but not the only one. In any case, it should only be used as a tool or exercise to facilitate the substantial discussion you will need to have on the matter of prioritisation with your Co-ordinating Group.

► See also *Box 7 on inclusive process*.

Box 7 Making choices in an inclusive way

Choosing the priorities is a deliberative process that entails some judgement. It is recommended to organise a working session with a group bringing together representatives not only of the regional FCLA decision-making entity, but also from external organisations and groups so that: perspectives can be balanced, and the process does not lead to results that may neglect or de facto discriminate underrepresented individuals, groups, or interests. It is important to bear in mind that decisions that are meant to be neutral in principle may have in effect indirect discriminatory results, as they may apply differently to women and men, to individuals with a disability, to people living in isolated settings, etc, depending on the positions these different groups have de facto in society.

The Coordinating Group can play this role, provided that it includes representatives from the vulnerable groups of population targeted under the law on FCLA, in order to reflect their perspectives, and key indirect stakeholders who can bring complementary points of view on equal access to justice and social needs.

Remember that your priorities are decided for the present: while your FCLA scheme develops, your Goals (and possibly even your Core Values) may change over time, reflecting gradual improvements in the situation. For instance, better gender-balance amongst clients may be one of your primary Goals at present, while targeted services for people living with HIV is something you aim at in the medium term.

So your priorities will also change. As a result, gaps which you feel can't be addressed in priority in the present time, may be addressed at a later stage when your Goals have changed and new assessments point to different findings.

Step 5.4 – Draft an action plan.

Identify remedial actions:

- The Co-ordinating Group needs to identify and discuss realistic measures that could be implemented to fill in the gaps you want to address in priority.
- It could be useful to look for examples of measures to address similar gaps from other regions, from other sectors, or from other countries, provided that comparison can effectively be realistic and relevant.

Conducting a proper strategic planning process is then the optimal way to ensure realistic, pragmatic implementation of the remedial actions you have identified. This drafting process must be as much as possible participatory, drawing on the key groups involved in the research process. Your action plan should have 1-year, 2-year and 5-year goals.

Each measure may, depending on its complexity, require several tasks. For each of the tasks, agree on the following with your Co-ordinating Group and possibly other participants:

- **what** is the task about?
- to which **outcome** the task is expected to lead?
- does it need new regional **legislation**?
- **who** has the responsibility to undertake this task? are they resourced and have they authority?
- **who** are the main stakeholders who will need to be involved in the process?
- **when** is the task to be completed?
- **how** will the task be completed from a material point of view? what are the resources required to complete the task? which resources are already available and which additional

resources are needed? how is the responsible person or group going to get these additional resources?

- how will your Co-ordinating Group **monitor** the progress of the task? Which indicators or major milestones do you want to check? how will you check the **progress** of the remedial action against your Core Values and your Strategic Goals?
- Think also of a contact person from whom information can be sought in order to follow up on the task's progress.
- What will the **quality** systems be like?
- which **risk** factors? Make sure you predict, and are aware of, things that could thwart or de-rail you plan. Make brief contingency planning notes on the eventualities that could upset the plan.
- will the plan be endorsed by
 - funders (the region)?
 - suppliers?
 - non-supplier stakeholders?

You may use a simple table to sum up your plan.

Use **Annex 3: Action Plan Template**.

Step 5.5 – Check the consistency of your action plan with your values and goals, and initial indicators.

You should test each element of your plan against your agreed Core Values and Goals: they should not only comply with your Core Values and Goals but should also **promote** them.

So, firstly, is each component consistent with your values and goals?

- And, are all of these values properly supported by your plan?
- And overall, do you feel the values resonate throughout your scheme – stepping back and looking at your scheme in the round, have you for example put users' needs at the heart of the whole operation?
- Will your action plan enable you to achieve the target indicators you have defined for each of your Goals?
- Is it sustainable?

You may look back to Stage 2: your region has now a plan, which should reflect Core Values and Goals.

Step 5.6 – Validate your action plan, and link it to your region's development and other plans.

It is critical that your action plan be validated by your Co-ordinating Group to ensure commitment of the main participants in the process.

But it is also essential to share it with the key decision-makers in your region: you need to ensure that other plans in your regions that may have a relation to FCLA (e.g. annual business planning, budget making processes, etc.) are consistent with your action plan. This should have been taken care of by reference to your Goals, but check again anyway.

More generally, you should also always be checking the contents of your action plan against the FCLA legislation too – both federal and regional, and be asking what other regions/countries/Ministry of Justice are doing.

Finally, it will be essential to communicate about your plan, and to regularly and consistently ‘campaign’ for it with the various stakeholders interested in FCLA.

Consider how to **communicate** your plan persuasively to:

- the public
- regional politicians and officials
- the Ministry of Justice
- FCLA suppliers who have not yet been involved
- legal suppliers who do not offer FCLA
- interested stakeholders especially those representing affected client-groups
- organisations that may potential signpost people to FCLA suppliers
- government departments especially those who may find themselves as respondents in cases brought by FCLA clients

using:

- online channels of communication
- social media
- print-on-paper media (like regional newspapers, leaflet drops)
- word of mouth.

You may now launch your action plan and get things underway.

This is not, however, the end of the process: you will need to monitor your plan and launch an evaluation study to check whether your plan has achieved the expected results. You may repeat the ‘goals – assessment – prioritisation – planning’ cycle as regularly as you can and want to adjust the provision of FCLA in your region.

INDIVIDUAL MODEL MEASURES SPECIFICATIONS IMPROVING SUPPLY OF FREE LEGAL AID SERVICES AND TAKE-UP BY VULNERABLE GROUPS

What

The individual model measures described below are proposed as possible solutions to the gaps identified in your action plan in the supply of free legal aid services and take-up by vulnerable persons (the target groups). They have been developed by the Council of Europe Project in close co-operation with the 3 pilot regions (Ulyanovsk, Volgograd and Tambov) where they have been tested and adapted following this experience.

Model measures:

1. Development of effective referral system and protocols (supply measure).
2. Building key stakeholder partnerships and co-operation (supply & take-up measure).
3. Prevention of stress at work and avoiding burnout among legal advisers (supply measure).
4. Development of targeted awareness-raising and advertising campaigns (take-up measure).
5. Training legal aid providers on the law relevant to the target group (supply measure).
6. Development of supported self-help solutions (supply & take-up measure).

In addition to the model measures indicated above, the following measures may also be relevant depending on the needs identified by the action plan. The Project did not have time to describe and test them accordingly to individual specifications. These are:

- Improved accessibility of legal aid offices (supply measure).
- Improved proximity of legal aid offices (supply measure).
- Communication improvement, effective and understandable language use to inform the target audience about FCLA (take-up measure).
- Working with the various target group communities – persons in institutional care, victims of domestic violence, children, etc.(take-up measure).
- Non-traditional models of advice delivery (counselling in certain places, such as schools, kindergartens, e.g. at a parents' meeting; or «temporary advice points», or provision of FCLA in the «outreach buses».) (supply & take-up measure).
- Group-actions on behalf of categories of client (supply measure).
- Client participation in management (supply measure).
- Equality and anti-discrimination (take-up measure).
- Targeting ethnic minorities (take-up measure).

Why

The measures are considered by the Ministry of Justice as transferable to all regions in the Russian Federation. They are only examples of possible solutions and do not exclude other measures in light of the needs identified by the action plan.

The selected measures will help the regional authorities to set up similar solutions in the respective regions, if similar gaps will be identified, and the proposed structure will help to put together detailed solutions for other measures that will be identified as a result of the work proposed in the tool.

How

Individual specifications for each of these measures describing the steps required to put them in place can be found below. They indicate the timeframe required for setting up each measure, from 3 to 9 months depending on the measure and on the available funding.

The free legal aid regional group should help identify the measures to be implemented in the region and delegate the responsibility, with the support of the body responsible for FCLA, for the implementation amongst themselves as representatives of key players of the FCLA system in the region.

Monitoring and evaluation (M&E) is an important element for the implementation of each measure and relevant information on setting up an appropriate M&E process is included in the specifications and should help the authorities with monitoring the implemented changes. Lessons learned from the M&E will help the authorities determine how successful they have been and what further improvements are required.

Regardless of which measure will be implemented the regions need to undertake the following:

- Ensure each measure is set up properly in the region;
- Agree on the timeframe for implementing each particular measure;
- Ensure the evaluation data is collected on a regular basis (during piloting);
- Evaluate the results of the implemented measures;
- Assess the collected data and write up the evaluation;
- On the basis of that information modify the specification of each measure.

Title	1. Development of an effective referral system and protocols.
Category	Supply gap.
Link to regional Action plan	To be specified.
Region	To be specified.
Location	Specify name of locality or town concerned or state region-wide.
Description	Create a protocol, agreed upon by all suppliers and relevant non-supplier agencies, as to the referral of cases / clients who present at an inappropriate supplier or at an agency outside the FCLA network. It should provide for referrals which are effective, timely, sympathetic and once-only. It should be in place as early as possible. A 3-months timescale is realistic for set-up.
Rationale	An effective referral system increases the likelihood that the beneficiaries will receive free legal aid which corresponds to their specific needs and interest. Referrals ensure that the clients are routed to the most suitable and capable service providers. Effective and seamless referral reduces drop-outs and increases the satisfaction of users. Referrals also guarantee that the capacity of the providers of free legal aid is being used in the most effective manner.
Scope	This measure seeks to help the client entering the system to be referred to the proper provider/specialist who will work with the client, and for the clients not to be lost in the system, while navigating it.
Aims and objectives	<ol style="list-style-type: none"> 1. Enhances the communication between the providers. 2. Enables the providers «to fill in the blanks» in the FCLA system. 3. Improvement of the clarity and understanding of the system among the clients. 4. Creation of a standardised protocol that can be adapted and used by the FCLA providers. 5. Reduction of the time (and efforts) spent by the client seeking advice and therefore increased efficiency of the visits.
Partnership values	Improvement of the partnership and cooperation of the FCLA providers. This measure aims at the accessibility and sustainability values.
Setting-up	<ul style="list-style-type: none"> • Write draft protocol, with rationale. • Meet to agree it. • Agreement to this by participating agencies is crucial. All participants need to understand it. It should include customer care aspects of referring sympathetically. • Co-ordinators of agencies are responsible for implementing in their agency. All are responsible for monitoring and alerting referring agencies to mis-referrals or suspected 'lost' clients (those who once referred, fail to reach the destination agency).
Implementation	Wide co-ordinating group participation, to include frontline advice workers / lawyers who have direct experience of vulnerable clients. Monitoring by advice workers / lawyers, agencies' administration by asking clients their 'journey' to that agency, matching arrivals of clients to alerts by referring agency.
Sustainability	Programme of quarterly meetings to assess functioning of the protocol, a co-ordinating group responsible person to monitor and to arbitrate in disputes between agencies. Long-term, the referral protocol could develop into a central triage system using a single point-of-contact – subject to agencies accepting the balance between autonomy and efficiency.

<p>Potential Benefits</p>	<p>The referrals protocols and the co-operation needed to run it are central to the success of a FCLA network. If it works well it results in:</p> <ul style="list-style-type: none"> • Reduced wastage of taking instructions that lead nowhere because the work needed is outside the adviser's scope, remit or ability. • Reduced frustration on the part of clients passed pointlessly from one agency to another. • Reduced drop-out rate through 'referral-fatigue'. • Improved mutual understanding between FCLA providers. • Allows client to give their essential details once only. • Reduced duplication of provision by providers. • An increased awareness of each agency's 'unique selling points'. • Better, more focused specialisation by providers. • An incentive to maintain expertise, reputation and profile amongst advisers' peers. • An overall more smooth-running and efficient FCLA network.
<p>Components</p>	<ul style="list-style-type: none"> • Initial mini-conference and on-going co-operation. • Understanding that signposting is not the same as referring. • Mutual understanding, respect and trust. • Principles: client gets referred: <ul style="list-style-type: none"> ○ Appropriately; ○ Sympathetically; ○ Efficiently; ○ Quickly; and ○ Once only (once in the FCLA network). • A document shared by the whole network defining agreement on how referral will be done (a 'living document' subject to continuous improvement). • On-going monitoring by the WG and agency-to-agency. • Internal systems in each agency for outgoing and in-coming referrals. • Build a durable set of referral principles into each agency's quality systems.
<p>Steps and timings</p>	<ol style="list-style-type: none"> 1. Form a working group (WG) to plan and design the protocol (first 2-4 weeks): the WG should comprise representatives of a number of FCLA providers (but with some qualitative input from users if possible). 2. Plan an interagency meeting with all FCLA providers: identify skilled specialists (with experience in referral network and protocols and who have facilitated and written such documents) and develop aims of the meeting. 3. Hold the meeting with representation from all provider agencies to: <ul style="list-style-type: none"> • Build trust between providers; • Non-competitively pitch their strengths, scope, expertise, specialisms, generalist capacities, to one another; • Agree on a basis for mutual referrals; • Create a practical instruction document to reflect this; • Agree to distinguish between referral (requires a degree of skilled case assessment and diagnostic skill, involves transfer of information with the client, is focused and gets the client to the right agency within the network) and signposting (often done by an agency like a library or after-school club etc. (little skill needed, gets client entry into the FCLA network, they may then have to be referred-on); • Agree on basic design of a referral form (what info to collect) – online or paper or both; • Discuss agencies' systems for receiving in-coming referred cases and confirming arrival with the referring agency (these procedures do not have to be uniform across the whole network); • Ensure record-keeping of all onward and inward referrals and a system of reporting back referral mishaps (part of a good quality standard); • Agree on customer care principles so as to handle referrals sensitively with clients especially those with mental health problems which can be exacerbated by a perceived sense of rejection when referred on.

	<ol style="list-style-type: none"> 4. Then convene the WG again 2-weekly over the following 2 months and monthly thereafter for refining the procedures. 5. Consider, for the future, a centralised online referral procedure linked to a central hotline as an entry point to the FCLA network (already exists in some regions). 6. In time, promote correct inward signposting from non-provider organisations outside the FCLA network.
Potential problems	<ul style="list-style-type: none"> • Lack of clarity in the protocol. • Agencies unwilling to accept the limits of their expertise ("we'll try anything"). • Over-referring by one agency to another ("we always send employment enquiries to provider X as they once did a good job for one of our clients"). • Clients not wanting to be referred (they like the provider / adviser they're already dealing with). • Difficulties in finding an agency that can take on the case – especially in legal areas of rare expertise or towns with low supply of providers.
Evaluation	<p><i>Indicators and sources:</i></p> <ol style="list-style-type: none"> 1. Has a referral protocol been developed? (Y/N). Sources: experts' assessments, project researchers. 2. How many stakeholders have agreed on the form and content of the protocol? Sources: project documents, experts' assessments. 3. Are the information management systems of the free legal aid providers adjusted to record the instances of referrals? Sources: experts, project researchers. 4. Number of referrals (desegregated by provider, type of legal problem, sub-region, gender etc.). Sources: Information management systems of free legal aid providers. 5. Proportion of successful referrals (successful referral = second or third line provider resolves the problem). Source: Information management systems of free legal aid providers, questionnaires administered to clients. 6. Proportion of unsuccessful referrals/lost clients (referred clients who stop before their problem has been resolved). Source: Information management systems of free legal aid providers, questionnaires administered to clients. 7. Referral time laps (mean duration of referral intervals, desegregated by provider, type of legal problem, sub-region, gender etc.). Source: Information management systems of free legal aid providers, questionnaires administered to clients. 8. Number of referrals in which the client contacts next provider in 1 day/ 1 week/ 1 month. Source: Information management systems of free legal aid providers, questionnaires administered to clients. 9. Client satisfaction with referral process. Sources: questionnaires administered to clients.

Title	2. Building key stakeholder partnerships and co-operation.
Category	Supply gap.
Link to regional Action plan	To be specified. Crucial for functionality of all regional schemes; specified in the Tool in Stage 1.
Region	To be specified.
Location	Region-wide but with local variants: a hierarchy of networks, some quite small but all within a global regional umbrella.
Description	This is in effect the maintenance and formalisation of the existing partnership that was put in place in stage 1 of the Tool. It includes measures to ensure sustainability of the co-ordinating group, as well as measures to ensure good reporting-back by group members to their agencies and local (e.g. city-wide) networks. The partnership is referred to here as an FCLA-Partnership.
Rationale	Effective partnerships are the fundamentals of a comprehensive and well-functioning legal aid system. Referrals and signposting are integral elements of this system. Communication and engagement of the key stakeholders also guarantees that the system provides balanced coverage – i.e. avoids redundancies, uneven clustering or under service of regions and communities. The partnership is an important tool for managing, staffing, budgeting and analysing the system of free legal aid.
Scope	This measure seeks to address: <ul style="list-style-type: none"> • the aims, objectives and core principles of FCLA-Partnerships; • the partners in a FCLA-Partnership – who they are and what their roles are; • the scope and tasks of FCLA-Partnerships; • the benefits of involvement in a regional FCLA-Partnership; • the structure of FCLA-Partnership – which groups are supposed to do what; • referral networks and protocols; • the connection between FCLA-Partnership and quality systems; • issues for FCLA-Partnerships.
Aims and objectives	<ul style="list-style-type: none"> • Improvement of access to information, advice and legal services, greater local planning and co-ordination of these services, and enhanced referral between providers. • Creation of an integrated and universally accessible service that meets a recognised standard of quality. • Maintain and continue work already started under the Decision-Making Tool, i.e. <ul style="list-style-type: none"> ○ continuing to assess local needs for information, advice and legal services; ○ mapping supply; ○ identify new gaps in provision. • FCLA-Partnerships should agree a strategic plan that will inform regional funders when making funding decisions. • On an on-going basis, consider: <ul style="list-style-type: none"> ○ provision of new services; or ○ expanded provision in a particular area of law or to a particular client group.
Partnership values	As well as adopting the 5 key values (quality, user-perspective, accessibility, sustainability and partnership itself) FCLA-Partnerships should also strive to be: <ul style="list-style-type: none"> • flexible and responsive to local needs; • accountable to the local population; • transparent in conducting tasks and decision making; • focused on improving the provision of local legal and advice services to those most in need; • inclusive and non-discriminatory in determining and renewing membership.

Setting-up	This is already in place to large degree; the measure here is to keep the momentum up in the co-operative effort by suppliers and stakeholders. Identify any malfunctions (inviting in left-out organisations, power imbalances in the way organisations co-operate, dominance by one organisation/personality).
Implementation	Within 3 months – to lay the foundations. The next 3 months should be devoted to reinforcing these foundations. Thereafter, on-going – this is core to the whole FCLA strategy in a region.
Sustainability	Monitoring; encouraging participants to comment on the functioning of the partnership; inviting neighbouring region to observe and comment as a mutual co-operation. Partnership needs to be checked for communication break-down, any sense of exclusion by certain agencies.
Potential Benefits	<p>The review of the partnership in the FCLA system:</p> <ul style="list-style-type: none"> • helps the region to identify the strengths and weaknesses of the partnership; • helps to agree on how to strengthen it. <p>Ideally the review should result in an agreed action plan for strengthening the regional FCLA partnership.</p>
Components	<p>The key starting point is the co-ordinating group established under the Decision-making Tool. They will chiefly be legal aid providers in state and non-state, commercial and non-commercial sectors. That forms the core membership.</p> <p>A groups-structure for the partnership is likely to include:</p> <ul style="list-style-type: none"> • steering group/executive body; • working groups to steer through these measures; • functional groups: groups of individual organisations within a FCLA-Partnership that may come together on the basis of shared interest and identity to discuss common concerns and develop co-ordinated strategies. The three types of functional groups proposed are those comprising: <ul style="list-style-type: none"> ○ funders; ○ providers; and ○ users. • a wider partnership (the outer circle). It is also surrounded by an ‘outer circle’ of stakeholder members whose make-up will go beyond the central categories, i.e. it could include: <ul style="list-style-type: none"> ○ groups that represent the interests of users of legal and advice services, such as community organisations, tenants’ and residents’ associations; <ul style="list-style-type: none"> ○ local organisations representing particular groups such as young people, older people, disabled people, or members of minority ethnic communities; ○ community and family mediation providers; ○ local charitable organisations; ○ private-sector funders including banks; ○ government bodies – health authorities, after-prison social care; ○ government offices or agencies; ○ regional, city and neighbourhood (raion) public organisations; ○ other area-based initiatives or partnerships, eg local strategic partnerships, city regeneration or neighbourhood regeneration projects.
Steps and timings	<ol style="list-style-type: none"> 1. Establish rules of membership and principles under which formal membership is established. 2. Agree a pattern of meetings, both physical and online. 3. Agree a groups-structure for the partnership as above and set out their terms of reference and initial work plan. <p>(Items 1–3 should happen within one month)</p> <ol style="list-style-type: none"> 4. Agree a strategic plan (months 2–3).

	<p>5. Agree a programme of tasks, (months 2-6) e.g.:</p> <ul style="list-style-type: none"> • assessing need for information, advice and legal services; • mapping existing provision of local services; • identifying gaps in provision where local needs are not being met; • consulting users and potential users of services about current and desired access to advice; • strategic planning of services; • co-ordinating funding of services; • establishing the referral network and referral protocol (see separate measure on this project); • supplier development and promoting agreed quality systems; • educating and providing information to the public about their legal rights and responsibilities and the availability of local legal and advice service. <p>6. Set out a timetable for the one-off tasks and a pattern of work for the on-going tasks (months 2-3).</p> <p>7. Continuously identify any malfunctions (inviting in left-out organisations, power imbalances in the way organisations co-operate, dominance by one organisation/personality).</p>
Potential problems	<p>Issues to be explored include:</p> <ul style="list-style-type: none"> • each organisation's role and expectations in relation to the FCLA-Partnership; • how the FCLA-Partnership role fits with each organisation's broader objectives; • the constraints under which each organisation operates; • the strain on staff resources created by involvement in a FCLA-Partnership is proportionately far greater for small advice organisations than it is for larger ones; • the balance between the different partners involved in FCLA-Partnerships in terms of the commitment they have shown, the extent of their participation, the resources they are able and willing to contribute, and the power they have wielded within FCLA-Partnerships. <p>Aspects of an FCLA-Partnership that can produce risk or negatives include that:</p> <ul style="list-style-type: none"> • there is no effective procedure for monitoring FCLA-Partnerships or holding them to account; • the possibility that FCLA-Partnerships, through their steering groups, will become dominated by a small number of large, well-resourced advice providers, leading to the needs of specific client groups – which are serviced by small, under-resourced organisations – being overlooked; • where unmet need is identified, a concern that funding to provide new services is more likely to be awarded to larger «mainstream» organisations; • the agendas of individual FCLA-Partnerships can be dominated by regional authorities and MoJ, without sufficient scope for the views of the not-for-profit (NGO) advice sector to be heard; • a tendency within FCLA-Partnerships for users to be far less involved than providers and funders; • a tendency towards a 'top-down' agenda – again, the needs of users and small participating organisations being outweighed by regional policy; • participants experiencing «partnership fatigue» due to the proliferation of different but related initiatives; • risk of regional political change that can undermine the direction a FCLA-Partnership has adopted.
Evaluation	<ol style="list-style-type: none"> 1. Viability of the stakeholder partnership and co-operation. Sources: experts, projects researchers, qualitative interviews with stakeholders. 2. Strength of the referral system built upon the partnership. Sources: experts, projects researchers (= a qualitative indicator). 3. Number of meetings between the stakeholders (monthly, quarterly or annual basis). Sources: meetings' minutes.

	<p>4. Number of referrals (desegregated by provider, type of legal problem, sub-region, gender etc.). Sources: Information management systems of free legal aid providers.</p> <p>5. Consistency of attendance of meetings (proportion of stakeholders taking (active) participation in the meetings. Sources: meetings' minutes, experts' assessment..</p> <p>6. Communication density (quantity and quality of communications between the participating stakeholders). Sources: experts' assessment, qualitative interviews with stakeholders.</p> <p>7. Balanced coverage of the free legal aid system (measured as presence of providers in the territories or as mean distance to the closest provider of free legal aid). Sources: experts' assessment.</p>
--	---

Title	3. Prevention of stress at work and avoiding burnout among legal advisers.
Category	Supply gap.
Link to regional Action plan	To be specified.
Region	To be specified.
Location	Specific name of locality or town concerned or state «region-wide» if it is the case.
Description	Review human resources workplace practices in order to avoid/prevent and deal with factors that provoke loss of motivation («burnout») e.g. stress. Introduce relevant changes in the workplace, organise trainings and disseminate information and good practice amongst staff.
Rationale	<p>This goes to the question of short-term sustainability as well as quality of individual service (both suffer without attention to this). It comes under a broader head of <i>looking after advisers</i>, which also comprises:</p> <ul style="list-style-type: none"> • paying attention to good employment practices; • ensuring no over-long 'front line' shifts; and • seeing to the psychological well-being of workers generally. <p>Over stressed front-line providers cannot deliver high quality free legal aid. Excessive stress increases absenteeism and employee turnover. It caps the creative potential of the providers of free legal aid services. Stress affects both mentally and physically.</p> <p>Burn-out may be caused by over-exposure to clients and their problems and can even be compounded by low level trauma; it is typically seen in those involved in 'caring professions' and is noticed amongst lawyers with heavy and / or 'problem-client' caseloads. It may manifest as chronic fatigue and/or be indicated by extended or repeated sick-leave for psychological reasons (sometimes disguised as other conditions though). Proper training in how to manage heavy case-loads and how to cope with the psychological stress of dealing with vulnerable people in trouble, are two aspects of the solution focusing on the individual work. There are others, which can be self-help measures practiced by individual workers and simple steps to be taken by line-managers to look after their staff and deliver 'stress first-aid'. Prophylactic structural solutions (the organisation managing staff's caseloads better and ensuring recognition, the rotation of tasks etc.) also have a role to play as preventative measures.</p>

Scope	<p>Stress prevention at workplace. This measure seeks to help FCLA providers and staff working directly with clients to understand how to manage, minimize, and deal with stress.</p> <ul style="list-style-type: none"> • Directors/ decision makers should: <ul style="list-style-type: none"> ○ Monitor factors that might suggest there is a problem with stress-related illness, for example, high rates of absenteeism, staff turnover, poor performance, conflict between staff. ○ Ensure there is a health and safety policy that addresses the issue of stress in the workplace, including, if appropriate, a stress management strategy. ○ Ensure effective risk assessments have been carried out, are monitored regularly and any recommendations are being implemented and adequately funded. • Employees also have a duty to take reasonable care for their own health and safety and of others who may be affected by their actions. Employees should: <ul style="list-style-type: none"> ○ Inform their employer if they feel the pressure of the job is putting them or anyone else at risk of ill health. ○ Suggest ways in which the work might be organised to alleviate the stress.
Aims and objectives	<p>It is important that lawyers recognize symptoms of depression in themselves, as well as in their colleagues. Reduce the amount of:</p> <ul style="list-style-type: none"> • Lowered productivity due to stress; • Staff turnover / attrition; • Stress-related sick leave; • Stress-related negative casework incidents (e.g. missed deadlines). <p>Improve:</p> <ul style="list-style-type: none"> • Customer care. • Levels of client satisfaction with staff attitude.
Partnership values	<p>Improvement of better working environment and conditions among all the participants of the FCLA system.</p>
Setting-up	<p>Get agencies to buy in to the value and essential nature of this. Form an informal working party. Identify trainers who can deliver individualised programmes for each supplier or group of suppliers. Encourage co-operation between smaller agencies to make this provision viable. Consider on-going one-to-one supervision by 3rd party practitioners for highly stressed individuals.</p>
Implementation	<p>3 months to set up the regional working group and organise the training sessions. Additional 3 to 6 months for implementation of the other components.</p>
Sustainability	<p>Provider agencies' management and the regional FCLA co-ordinating groups are to monitor how agencies implement this. On-going subgroup (see "Steps" below) for 'looking after advocates'. Trainers engaged on the project will hopefully maintain pressure for its continuation.</p>
Potential benefits	<p>Benefits of tackling work-related stress:</p> <ul style="list-style-type: none"> • <i>Quality of working life</i>: employees feel happier at work and perform better; • <i>Employment relations</i>: problems can be resolved at work rather than at an employment tribunal; • <i>Attendance and sickness</i>: attendance levels go up and sickness absence goes down; • <i>Management of change</i> – introducing a new pay system or new patterns of work are easier when 'stress' is managed effectively; • Less chance of claims against employers for stress-induced illness; • Better productivity; • Fewer missed deadlines and other negative casework incidents.

Components	<ol style="list-style-type: none"> 1. Understanding burnout in the legal profession: a day course for advice-agency managers, which can be provided through webinar sessions: <ul style="list-style-type: none"> • Factual and theoretical psychological basis; • Avoidance of stress: recognising and monitoring signs; • Dealing with acute instances: 'stress first aid'; • Managing stress-related sick leave. 2. One or two days participative learning module for all frontline staff, specifically designed for those in the legal profession and similar work: <ul style="list-style-type: none"> • Dealing with stress at work; • Tips for avoiding burnout; • Recognising when you have stress; • Building resilience; • Using talking therapies. 3. An audit of employment practices: <ul style="list-style-type: none"> • Staff facilities; • Time out; • Working hours review; • Focus on recognising staff achievements and contributions; • Caseload management to avoid overload. 4. Offer 10-week mindfulness courses. 5. Saturate staff areas of workplaces with anti-stress messages, tips, reminders and information.
Steps and timings	<p>Form a working group (WG) of 5-10 interested workers in legal aid agencies across the region, and if possible engage the help of 1-2 occupational psychologists already working in the regional authority to provide advice. The WG's tasks are then to:</p> <ol style="list-style-type: none"> 1. Investigate stress and burnout in the legal profession – within 4 weeks of launch. 2. Design the managers' course. 3. Identify trainers for it – and do further design in co-operation with them. 4. Run it in 3 pilot locations as a 16-20-participant seminar – within two months. 5. Design a 3-month programme for the other components.
Potential problems	<ul style="list-style-type: none"> • Staff resistance. • Poor transfer of skills and knowledge to actual stress situations. • Shortage of trainers with the skills to deliver training.
Evaluation	<ol style="list-style-type: none"> 1. Number of self-reported or diagnosed cases of burn-out. Sources: providers of free legal aid services. 2. Burn-out trend (monthly, quarterly or annual dynamic in the self-reported or diagnosed cases of burn-out). Sources: providers of free legal aid services. 3. Mean score of work-related stress among front-line free legal aid providers (standard or adjusted measure of work-related stress). Source: Continuous measurement of stress among front-line free legal aid providers. 4. Experts' evaluation (professional assessment of the causes and levels of stress among front-line free legal aid providers. Source: In-house or external HR experts. (Qualitative).

Title	4. Development of targeted awareness-raising and advertising campaigns.
Category	Demand gap.
Link to regional Action plan	To be specified.
Region	To be specified.
Location	Region-wide and also may be specific to a town or other locality.
Description	This measure aims to develop materials and provide webinars and trainings aimed at stakeholders of free civil legal aid («FCLA») for the benefit of the public and FCLA users to inform them about the FCLA availability and facilities.
Rationale	<p>Exercise of rights requires knowledgeable and active citizens. In an environment where civil legal aid is a relatively new phenomenon, the awareness of the existence and functioning of a free legal aid system is crucial. Research shows that many civil and administrative matters are 'lumped' (not acted upon) not because of lack of money but because people do not know what to do or where to go for advice and legal aid.</p> <p>Some communication however accurate and inviting fails to reach certain groups. That is variously because of language, image, reaction of 'that's nothing to do with me', self-identifying by readers as not in a targeted category (e.g. domestic abuse), people too young to be susceptible to advertising aimed at adults, people so institutionalised they don't see or hear mass-media, people with low literacy being immune to much printed communication. This measure seeks to get past those barriers to reaching such groups, in a series of targeted, time-limited advertising campaigns very specifically aimed at target vulnerable groups.</p> <p>NB: it's about outreach with the purpose of awareness-raising, not outreach to actually deliver advice (although the two overlap sometimes).</p> <p>Objective of a better communication project is to:</p> <ul style="list-style-type: none"> • explain (what FCLA is, how it can help you); • invite (come along – you're welcome – it's free); • reassure (it's bona fide – it's really free! – it's reliable). <p>Publicity campaigns can be time-limited, i.e. a campaign may last 3 weeks or 3 months or be open-ended. Most likely a time-limited set of campaigns is more achievable and may penetrate better because of saturation of local media for a short burst. Advertising needs to conform to a set of design standards and to clearly communicate an encouraging approach to getting clients to make enquiries. Avoidance of 'vulnerable person' stereotypes is critical to expand the range of people who will self-identify as having need for FCLA.</p> <p>Each advertising campaign only needs to be sustained for the lifetime envisaged for it. Overall though there should be a long-term strategy which will be financially achievable; e.g. this might comprise, in a year:</p> <ul style="list-style-type: none"> • one very major region-wide regional media saturation campaign (over 3 weeks) – e.g. 'children's month', 'domestic abuse month', etc.; • 3 district-wide campaigns each targeted on a specific medium-sized town (1 week each) (involving road-shows, stalls, pop-up events in libraries, at markets and at commercial centres); and • a small number of on-going highly targeted communication campaigns.
Scope	<p>Purpose:</p> <ul style="list-style-type: none"> • Discuss the what, why and how of public awareness, education and communication. • Learn skills of how to inform, educate, communicate and engender support and action. • Learn from other's experience... good and bad. • Cover basic knowledge/skills in awareness -raising and education, communications, outreach.

Aims & objectives	<ul style="list-style-type: none"> • Better communication with target groups. • Good way to engage and maintain relationships with the public. • Promote FCLA message for future potential clients. <p>Raise and discuss key concepts of awareness raising:</p> <ul style="list-style-type: none"> • Public awareness – informing, sensitizing, drawing attention to, (e.g. through seminars, awareness materials (posters, flyers). • Public education – imparting knowledge, know how (e.g. through workshops, educational materials). More interactive and structured way of communication with clearly defined learning objectives. • Outreach – activities designed to reach out, build relationships. • Communication – process of delivering messages or other information through various media. • Extension – sustained interaction with specific audiences to transfer technical knowledge or skills. <p>By allowing the public to know how, in a proactive manner, about FCLA and its benefits, it will be possible to generate public confidence and support.</p>
Partnership values	<ul style="list-style-type: none"> • Improve the communications between the FCLA providers in putting together the various awareness raising campaigns. • Develop community understandings of the FCLA system and its benefits for the target groups. • Enhance relationships and empower the clients to make better and safer legal choices.
Setting-up	<p>Creative workshop on how to reach those people: targeting their carers (professional or family), individualised on-site visits to those in long-stay institutions, hospitals, children’s homes, etc. Solutions will be very bespoke usually. Regions and individual cities to produce plans for reaching those categories and awareness raising amongst them through non-traditional means (face to face, contact with carers, via institutions’ management, via e.g. mental health advocates or nursing staff). Precise measures would depend on that expert advice.</p>
Implementation	<p>3 months to set up. Thereafter, 3–12 months implementation.</p>
Sustainability	<p>Each region to produce a plan that is monitored and updated. An individual has to be tasked with overseeing progress.</p>
Potential Benefits	<ul style="list-style-type: none"> • Gets FCLA into real communities. • Makes personal contact with relevant population in groups that prize personal contact over online/media communication. • Allows for future liaison with facilities like care homes to pave the way for peripatetic advice sessions. • Reaches hard-to-reach target groups who may not be reachable through traditional or modern media routes.
Components	<p>1. Outreach for targeted awareness-raising / advertising can take many forms:</p> <p>a) physical outreach (people going to places on behalf of FCLA) would include:</p> <ul style="list-style-type: none"> • visits to places where the target group is found – where they live or where they go regularly: care homes, day centres, activity centres, surgeries, polyclinics, special TB centres, occupational therapy centres, prisons, mother-and-baby clinics, children’s homes – with the agreement and buy-in of staff at those places; • more widely: commercial centres and supermarkets, street events, pop festivals and rallies; • visits to places where professionals dealing with the target group are to be found. <p>b) virtual outreach (online, broadcast or in print) could comprise:</p> <ul style="list-style-type: none"> • promoting the relevant messages via media (local and regional printed news media, online forums, online news outlets);

	<ul style="list-style-type: none"> • having a continuing presence on relevant forums for the duration of each campaign. <ol style="list-style-type: none"> 2. Activity could include: <ul style="list-style-type: none"> • Talks. • Stalls (like a market stall or political stall but with FCLA info and publicity and FCLA-branded promotional materials). • Presence of individuals ready and willing to talk to enquirers and impart the benefits of seeking FCLA help. • Pop-up stalls for a week and then on-going leafleting. 3. Duration of each campaign may vary from one month to one year.
Steps and timings	<p>See the example scenario (appended).</p> <ol style="list-style-type: none"> 1. Set up a targeting vulnerable groups working group (WG). Invite participation especially from those connected with specific groups of clients but be aware that they represent an interested group and may wish to have their interest-group represented above others. 2. To pilot this measure, agree on a programme of 4 target client-groups for year 1 (by end of month 1). 3. Meet to brainstorm activities along the lines set out in components above (where? where online? what activity/ies? duration of activity?). 4. Identify places for physical outreach and media outlets for more virtual routes. 5. Budget for physical hardware (stalls, pergolas, leaflets, t-shirts, badges flags etc.) and organise its purchase / production. 6. Subgroup on writing publicity material in plain language, avoiding jargon and keeping to 'first 1000 words' vocabulary etc. Produce sample paragraphs inviting enquiries and explaining (a 1-month subproject). 7. Make connections with staff of relevant target venues to get their buy-in to the idea organise the practicalities of a temporary presence (during month 2). 8. Launch activity by end of month 3.
Potential problems	<ul style="list-style-type: none"> • Resistance from potential collaborators. • Poor initial interest on the part of targeted groups. • High cost of hardware. • Difficulty creating person-hours for covering events.
Evaluation	<ol style="list-style-type: none"> 1. Number of workshops. Sources: Project documentation, workshop protocols. 2. Number of discrete communication activities as part of the overall awareness-raising campaign. Sources: Project documentation. 3. Number of people reached by the awareness-raising campaign. Sources: Project documentation. 4. Proportion of beneficiaries targeted by the awareness-raising campaign with high or very high awareness of legally correct way to resolve a standard legal problem (measured through scenarios of legal problems). Sources: Survey of beneficiaries. 5. Proportion of people who know in sufficient detail where they can receive free legal aid in their respective region. Sources: Survey of beneficiaries. 6. Subjective evaluation of the effectiveness of the discrete communication activities as part of the overall awareness-raising campaign. Sources: Survey of beneficiaries, experts' assessments. 7. Increase of case-starts in areas of law targeted by awareness raising campaign. Sources: management information systems free legal aid providers.

Example scenario

The FCLA *targeting* vulnerable groups working group (TVGWG) has agreed to target **elderly vulnerable people** as one of its target populations for the first quarter of 2017.

It brainstorms activities, places, campaigns and agrees to target 6 care homes for elderly people in the region, for a one-week presence in each care home during winter 2016-17.

Contact is made with a large (60 or more residents) care home for elderly disabled residents. Staff there confirm that residents there typically have issues with social protection disputes, legacy enquiries, hospital or polyclinic complaints, issues of neglect or elder-abuse, finance questions, pension enquiries, and (in the case of temporary residents) homelessness on discharge from the home or other returning-home issues (fuel bills, debt, mobility issues). The staff are often asked about those issues but don't have expertise to answer them.

The TVGWG agrees to provide a presence at 14h to 17h each day for five days, consisting of a stall (table) with information, leaflets, immediate phone contact to arrange an advice session with an FCLA advocate (but not deliver it on the spot). Care-home staff are encouraged to make contact with the FCLA person(s) who is covering the stall to raise their awareness of what FCLA can do for their residents.

Leaflets specific to this event in this place are produced so that every resident will get one, and business cards, keyrings or other reminders.

Through the still-developing referrals-protocol in the region, residents needing legal advice can be booked in for an appropriate advice session by FCLA personnel having phone contact with relevant local agencies and negotiating as to whether a home-visit is possible or whether the client can be assisting in getting to the premises of the FCLA agency.

On one day a talk is arranged which residents are all encouraged to attend to promote discussion about what potential legal issues they might wish to get help with, who might be eligible for FCLA, and how FCLA advice could help, and how to take next steps in arranging an advice session.

This sort of activity can form the basis for future liaison with that care-home, lessons can be learnt about connecting with that client group, and the visits may pave the way to a regular (3-monthly?) presence of an actual advice surgery – delivering advice not just promoting it – at that venue.

Title	5. Training legal aid providers on the law relevant to the target group.
Category	Supply gap
Link to regional Action plan	To be specified.
Region	To be specified.
Location	Region-wide.
Description	This is a one-year (annually renewable) training programme of continuing professional development (CPD) mainly for those already involved in delivering legal advice within FCLA and therefore who are competent in given areas of law; new induction training for existing advocates or non-lawyer advisers in areas of law new to them with a view to producing a cohort of new advisers championing given areas of law; updated training for advisers and lawyers at all levels of competence.
Rationale	Training is directly linked to the quality of the provided legal aid services. At individual and organisation level the providers of legal aid need continuous training in order to deliver the most effective and efficient form of legal aid. Training is a way to increase the capacity of the providers into the specific needs of particular target groups. Training ensures that knowledge is transferred in an organised and efficient manner. On-going continuing professional development is at the heart of maintaining excellence for all lawyers.
Scope	Exchange of information and resources on legal aid among legal aid providers and policymakers. Promote the notion and knowledge on provision of free legal aid advice to clients among legal aid providers who have no experience in this field.
Aims and objectives	Analyse the training (educational) needs of potential FCLA providers (organisations and institutions) and the demand for them. Based on the analysis develop a one-year programme of continuing professional development (CPD) for persons already delivering legal advice within FCLA, and induction training for lawyers and non-legal adviser new to FCLA.
Partnership values	Set up training system for new lawyers entering the free legal aid system and exchange of information on the latest update and news among the practicing specialists.
Setting-up	Set up a working group to identify training needs. The working group should also identify individual(s) able to run training-for-trainers sessions (1-2 days workshops) and identify those competent to train or willing and able to be trained to train; train a cohort of trainers in each region who can be called upon to design and deliver regional day-courses on new or salient legal topics; buy in freelance trainers in given areas of legal expertise.
Implementation	6 months to set up, with the training programme spread over 12 months thereafter, and repeated, as necessary, every year. This is longer-term especially if a region is short of those with both legal and training skills (both are requirements) or those willing to be trained to train.
Sustainability	Make sure the individual running training for trainers are involved in strategic management and development of an on-going supply of trainers with legal and pedagogical skills.
Potential Benefits	<ul style="list-style-type: none"> • Maintaining the skills and knowledge levels of the advice workforce. • Maintaining public confidence. • Improve the cohesion and consistency of advice given across the region. • Provide networking opportunities for attenders at seminars. • Provide opportunity for professional development of advisers by means of starting to train in topics they are expert in.

	<ul style="list-style-type: none"> • Empowerment-through-knowledge of non-lawyer individuals (e.g. from specialist NGOs such as those for disabled people) who can then deploy new skills in delivering help to their client-group.
Key components	<p>Create a programme dedicated to legal education for both lawyers, non-lawyer practitioners of advice and the public.</p> <p>Develop a cohort of skilled trainers who can design and deliver this training on an on-going basis.</p>
Modalities (to be decided by the Working Group)	<p>Subjects for training: in terms of subject areas, these may be legally thematic, e.g. <i>landlord and tenant law, family law, child protection law, social welfare law, immigration law</i>. Equally some courses may ‘follow the client-group’ e.g. a range of legal issues affecting clients in relationship breakdown.</p> <p>As well as legal topics, the programme should contain skills-based modules, like dealing with clients with mental health problems, advising those with substance misuse problems, communicating better: helping your clients by using plain language, listening skills for advisers, improve your written communication, dealing with stress, etc.</p> <p>A strand of topics might also reflect a region-wide decision to focus at certain times on specific client-groups, e.g. if third quarter of 2017 is chosen as a ‘rights of vulnerable children’ season, the topics choices in the courses programme preceding that quarter would reflect that with a greater focus on relevant seminars.</p> <p>Learner requirements: some courses may be targeted at FCLA lawyers only because of the degree of legal expertise need to understand and then practice in the given topic. Others may aim more widely at non-lawyers engaged in advice and assistance work connected with the FCLA scheme, as well as for example basic family law for non-lawyers like social care workers and support workers. Courses based on the various advice needs of specific client groups may be inclusive and invite both lawyer and non-lawyer participants.</p> <p>Training formats: it is recommended that a large proportion of the training events should be seminars for 16–20 people which they physically attend in person for sessions of 2–3 hours, one day or two days. Experience suggests this gives the best return in terms of learner-evaluations and also delivers ancillary spin-off benefits of some important networking between participants. The usual training values need to be adopted by trainers: keep the teaching participatory, fun, vary activity, have frequent breaks etc. The learning experience can be more focused when done away from the workplace.</p> <p>But there is room too for:</p> <ul style="list-style-type: none"> • web-based training, including: <ul style="list-style-type: none"> ○ on-demand at-your-desk webinars; ○ timetabled webinars with group chatting and Q&A available; • self-study modules comprising videos and documentary materials; • on-the-job training (usually for induction). <p>It is suggested that a mix of 80% seminars and 20% online and other virtual methods be considered.</p> <p>Funding and course fees: establishing a budget is important as training can be expensive. Should participants or rather the organisation employing them be charged? should this be on a variable scale depending on the wealth of the organisation? Do fees stimulate greater buy-in and commitment to the course by learners? Or is the inclusiveness of free training such a valuable gain that there should be no course fees?</p> <p>Course management system: this needs to be set up so as to ensure places may be booked, and are allocated fairly, that places on courses are taken up (minimise non-attendance), that learners know exactly when and where to attend and what to bring etc., and if appropriate to bill their organisation for the fee. A relational database can be designed to achieve this, so as to relate participants, organisations, course topics, venues, trainers – and this will also enable an FCLA-Partnership to view statistics about organisations’ and individuals’ training records</p>

	<p>Venues and geographical reach: where to deliver, whether to repeat a popular course in multiple venues, etc.</p> <p>Assessment of learning: should there be any assessment? How will it be carried out?</p> <p>Certificates of attendance: will these be issued? Do they mean anything?</p> <p>Interconnection with existing CPD requirements for lawyers: can the training programme be accredited so as to count towards lawyers' compulsory CPD requirements?</p>
Steps and timings	<ol style="list-style-type: none"> 1. Convene a working group (WG) to steer forward this programme; members should have a commitment to legal education and to the dissemination of legal skill and knowledge beyond the traditional boundaries of practicing lawyers (month 1). 2. Brainstorm and refine the modalities (subject range, whom to train, scope in terms of entry requirements for learners, training formats) (month 2). 3. Undertake some basic training needs analysis among potential participating organisations to assess both need and demand (month 2); ensure that assessment of advisers' training needs also reflect the likely plans to target specific vulnerable groups for a specific period. 4. Separately, identify and train a cadre of trainers – probably mostly lawyers – to acquire modern training skills and agree with them that they will design and deliver x days of training each year; agree their remuneration (this step will take at least 3 months – concurrent to the other steps though) and design and deliver 2-day training-for-trainers workshops. 5. Design and deliver a one-year programme (renewable every year) of training events (by 3 months). 6. Agree on the modalities discussed above (during month 2): <ul style="list-style-type: none"> • Course subjects, target learners, training formats, funding and course fees. • Course bookings system. • Venues and geographical reach. • Assessment of learning. • Interconnection with existing CPD requirements for lawyers. 7. Produce a brochure on paper and online and distribute widely (after 3-6 months – or may be longer). 8. Deliver the programme (after 6 months).
Potential problems	<ul style="list-style-type: none"> • Low take-up of places (assess why this is if it happens). • Hard to find lawyers with training skills or lawyers willing to train as trainers. • Remuneration of trainers – funding source? <p>Issues that may need to be addressed:</p> <ul style="list-style-type: none"> • How to fund trainers (pro bono unlikely to be a sustainable or desirable solution). • How to find trainers or individuals willing to be trained to train. • Non-lawyer trainers – is this acceptable?
Evaluation	<ol style="list-style-type: none"> 1. Number of training session. Sources: project documentation, protocols of training session. 2. Number of areas of law and vulnerable groups covered by CPD. Sources: project documentation, experts' assessment, feedback from trainee. 3. Quality of training materials. Sources: experts' assessments, feedback from trainees (qualitative indicator). 4. Proportion of participants who evaluate the training sessions positively. Sources: feedback from trainees. 5. Proportion of participants who increased their skills and abilities as result of the training (Measured as before-and-after evaluation of skills and abilities). Source: feedback from trainees.

Title	6. Development of supported self-help solutions.
Category	Supply gap.
Link to regional Action plan	To be specified.
Region	To be specified.
Location	Specific name of locality or town concerned or state «region-wide» if it is the case.
Description	Some low-level disputes or other legal matters are amenable to self-help or peer-help solutions to everyone's benefit. Supported by the FCLA agency and by public legal bureaux, individuals can take initial steps in resolving a legal problem or addressing another situation which if unattended could develop into a legal situation.
Rationale	Access to justice is about resolving disputes and disagreements in a fair manner. Courts and other formal dispute resolution institutions are key pillars of such a system. However, courts are very expensive dispute resolution mechanism. This entails issues with effectiveness, accessibility and affordability. Many disputes can be resolved in more informal manners 'in the shadow of the law'. The availability of non-litigious paths to justice which lead to fair processes and outcomes is key for access to justice. The legal aid system can and should be an important promoter of self-help and informal dispute resolution. Creative solutions can lead to accessible, affordable, quick and fair paths to justice.
Scope	To prepare a set of documents regulating self-help solutions to support independent actions by members of the target groups facing justiciable issues.
Aims and objectives	Develop and promote the notion of self-help for the clients in some specific legal cases, where possible. In difficult situations, counselling and supported self-help can help clients think things through and understand the possible solutions more clearly. <ul style="list-style-type: none"> • Encourage self-management of difficult situations by providing counselling and supported self-help. • Train professional and confidential services which can make all the difference to a positive outcome for the client.
Concept	This is an approach to "do-it-yourself" law that was pioneered in Law Centers in the USA and the UK in the 1970s and 1980s. It grew from a desire to empower low-income or disempowered citizens to use the law to exercise their rights and take matters into their own hands, and to show that law as a tool is not only for the privileged in society. A participating legal aid supplier would provide a suite of tools and help that allow individuals to manage their own case with support and back-up from the agency when needed. This could be combined with support from existing self-help groups where appropriate (e.g. groups promoting the rights of physically disabled people) who will be able to <ul style="list-style-type: none"> • input expertise in the design phase; • input expertise into individuals' journey through their dispute; • assist with moderating online forums. An agreed range of dispute categories would be amenable to this and could be expanded as time goes by.
Partnership values	Improves the relationships between the government and non-government providers of FCLA.
Setting-up	The encouragement of self-help for individuals and groups can avert the need for traditional legal help at all altogether. Existing self-help groups may already be being encouraged to participate in the co-ordinating group or as stakeholders: that momentum can be exploited to encourage low-level quasi-legal self-help.

Implementation	Within 3 months, up to 6 months.
Sustainability	The on-going working group needs to work hard to keep the idea alive. There is a politics of empowerment which can help sustain the commitment of legal advisers to disseminate their knowledge. A body of success stories, once they arise, can serve to maintain advisers' commitment and to entice new clients.
Potential Benefits	<ul style="list-style-type: none"> • Reducing pressure on advice services. • Allowing non-lawyer-brokered solutions – likely to be less conflict, more collaborative or co-operative solutions. • Empowerment of citizens to take action through learning skills which are then transferrable to other areas of dispute they may face. • Can still count as 'help given' / 'clients assisted' in an agency's statistics.
Components	<p>The toolkit consists of:</p> <ol style="list-style-type: none"> 1. Initial advice to client and explanation of concepts – 1-to-1 between agency and client. 2. Provision of a suite of document templates. As e-documents and paper documents (eg sample letter to a landlord to force them to carry out repairs they are contractually obliged to do, template for a divorce agreement). 3. Series of short online videos (accessible only to participants) teaching participating clients what to do and reassuring them as to how it will work and that there is back-up. 4. Closed, moderated online forums to enable peer group support. 5. Back-up advice in case of difficulty, confusion or unexpected outcomes. 6. Simple, free 'how-to' guides – on paper as 12- or 8-page booklets. <p>Suggested categories of dispute or scenario in which this can be piloted:</p> <ul style="list-style-type: none"> • complaints against landlords; • divorce agreements; • child support maintenance agreements; • bringing a low-value contractual claim; • consumer complaints against shops; • challenging a tax assessment; • disputing a traffic offence; • low-value personal injury claims; • neighbour disputes; • social security and social care disputes. <p>These are chosen because they are areas where results may be achieved with little legal knowledge, little skill beyond literacy, and are areas of people's lives where they often achieve non-lawyer-brokered results anyway (e.g. ex-partners negotiating child support maintenance).</p>
Steps and timings	<ol style="list-style-type: none"> 1. Form a working group (WG), to include some willing clients as testers (first 4 weeks). 2. Identify dispute categories to work on (2 weeks). 3. Write a descriptive narrative as to how this will work in each scenario (2 weeks). <p>Example: "Client X has an issue with the washing machine he bought a month ago. He believes the shop he bought it from sold him a faulty machine. He would like it replaced, or alternatively repaired at the shop's expense, though he prefers the replacement option. When he rang the shop they were not interested. He seeks advice and legal aid provider Y briefs him, makes available template letters addressed to the retailer that set out his demands and the legal basis on which he can state them, as well as the steps he will take if they don't respond. He goes away and fills out the template and sends it from himself. He later gets a reply and comes back to the provider for advice on his next steps. If it is negative, the next template letter may formalise the matter and raise it onto the footing of a lawsuit, if the adviser thinks that is how to take it further....", etc.</p>

	<ol style="list-style-type: none"> 4. Design the package of tools (main tasks: create user-friendly template documents with instructions, write how-to-do-it guide booklets, videos) (2 weeks). 5. Write instruction manual of standards for advisers to work to when handling self-help cases – when to offer a client a self-help option, when to intervene, levels of intervention, assessing client’s ability to manage their own case, etc. (2 weeks). 6. Promote through leaflets and posters at the suppliers’ premises and in libraries, schools, childcare places, MFCs (1 month). 7. Test the package with willing clients as testers, closely supervised (1 month, simultaneously with the previous step). 8. Roll out to other dispute categories and other agencies in the region.
Potential problems	<ul style="list-style-type: none"> • People getting it wrong / getting in a mess. • Ability of providers to stay in a close monitoring role with clients who go off-radar. • Slow take-up. • Client suspicion / reluctance.
Monitoring and Evaluation of the measure	<ol style="list-style-type: none"> 1. Number of clients who manage to reach non-litigated solutions which are assessed as fair. Source: Follow-up surveys of beneficiaries. 2. Proportion of cases of free legal aid which result in non-litigated solutions which are assessed as fair. Source: Follow-up surveys of beneficiaries, management information systems free legal aid providers. 3. Proportion of cases of free legal aid in which the other party(-ies) were constructively engaged in the resolution of the problem. Sources: Follow-up surveys of beneficiaries, management information systems free legal aid providers. 4. Capacity of providers of free legal aid to conduct interest-based win-win dispute resolution processes. Sources: experts’ assessment. (=qualitative indicator). 5. Mean level of satisfaction of the users of free legal aid services with the process, outcome and time of non-litigated solutions. Sources: Follow-up surveys of beneficiaries.

Appendix 1 Illustrative list of partners

There is no perfect list of partners, and new participants can be included as the process unfolds.

Here is an indicative list from which you may draw ideas:

Primary stakeholders: partners directly involved in the implementation of FCLA in your region. These will include, for example, representatives from:

- Ministry of Justice Regional Office;
- Children's Ombudsman regional office;
- Human Rights Ombudsman regional office;
- Co-ordination Council of the Ministry of Labour and Social Protection on Gender Issues;
- Community of legal aid lawyers;
- NGOs providing legal aid;
- Regional Bar Association / Federal Chamber of Lawyers / Association of Russian Lawyers;
- Legal bureaux;
- Judiciary.

Secondary stakeholders: other organisations not directly involved in implementing FCLA, but who have particular interest or knowledge that will aid the assessment and decision-making process. These could include, for example, representatives from:

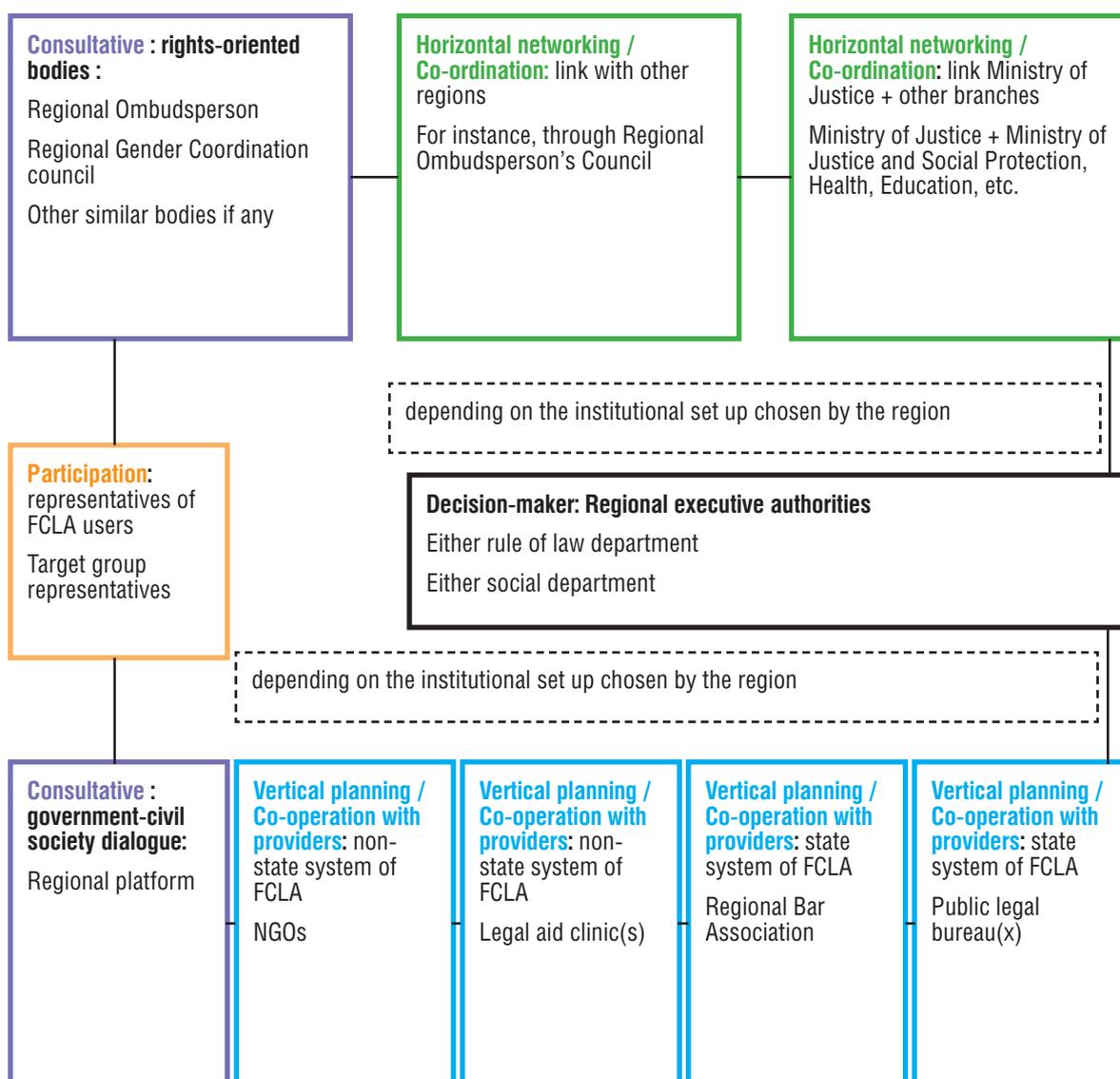
- NGOs working with vulnerable target groups (women, children, the disabled, etc);
- NGO umbrella groups e.g. Consortium of Women's NGOs;
- Community leadership in areas of high need;
- Academics with specialist knowledge;
- Organisations promoting the interests of minority groups (ethnic and others);
- Veterans' groups, soldier's mothers groups, other client groups;
- Civil mediation agencies;
- Trade unions.

Agencies that do not deliver FCLA or represent an interest-group but whose involvement can be useful for dissemination of information on FCLA, or the hosting of outreach advice:

- Local libraries;
- Multi-agency one-stop shops;
- Municipal local neighbourhood offices;
- Medical centres / hospitals;
- Courts;
- Social services;
- Residential care homes;
- Schools, (including special schools) and universities;
- Prisons, young offender institutions and immigration detention centres;
- Post office;
- Police;
- Other public places such as train stations, etc.

Example of what a **Coordinating Group**, or **Network of partners**, could look like, and their roles at different levels:

1. **Decision-making**
2. **Co-operation**
3. **Co-ordination**
4. **Participation**
5. **Consultative**



Appendix 2 Draft Terms of Reference of the Co-ordinating Group

Objectives and Principles of the Co-ordinating Group

1. The Coordinating Group (hereafter «CG») has been established to bring together key free civil legal aid (hereafter «FCLA») providers across state, non-state and private sectors in [*the region of* _____].
2. The CG aims to promote collaboration and co-ordination in the development and continuous improvement of the provision of FCLA to disadvantaged citizens targeted under [*the law on FCLA in the region*].
3. The CG's approach is based on principles of [*partnership*] and [*networking*]; [*dialogue*] and [*cooperation*]; [*consultation*], [*research*] and [*evidence-based decision-making*].

Tasks of the Co-ordinating Group

4. The CG is a steering [*and strategic decision-making*] body, with responsibility for providing guidance and oversight as regards the continuous improvement of the provision of FCLA in [*the region*], by:
 - Promoting the development or further consolidation of good practices in servicing groups of population that are entitled to FCLA, based on relevant research and identified gaps in the existing provision of FCLA;
 - Promoting cooperation and collaborative arrangements between organisations that provide FCLA and/or supply services to groups of population entitled to FCLA, including through co-ordination systems such as referral arrangements.
5. To that end, the CG may commission or organise research, set up working groups, implement relevant pilot projects, organise meetings and events, and other similar tasks.

Structure and Composition of the Co-ordinating Group

6. The CG is composed of the members listed [*in Annex*].
7. Appointment of new members is made by the CG among organisations which suppliers of FCLA, primary and secondary stakeholders in the field of FCLA, representatives of the groups of population targeted by FCLA (client or user groups), representatives of organisations dealing with legal issues impacting on the groups of population targeted by FCLA and other relevant partners. Appointment is made on the basis of the following rules:
 - using decision-making rules described in Article 14;
 - respecting as much as possible a balance in the representation of administrative authorities and regulators / services providers / client or user groups / other representatives of the interests of target groups, xx% / xx% / xx% /
8. The CG may include temporary or permanent working groups dedicated to research or projects on specific topics.
9. The CG is facilitated by a Chairperson elected by the CG according to the rule laid down in paragraph 14.
10. A Co-ordinator acts as the secretary of the CG.

Rules and functioning of the Co-ordinating Group

11. The meetings of the CG shall be held at the frequency of [*four times a year*] or at the dates decided in a CG meeting.

12. Items are added to the agenda of the CG by the Co-ordinator, the Chairperson, or any of the other members of the CG.
13. The CG meetings will serve as working sessions, and members of the CG will prepare work in advance for the purpose of the meetings of the CG as required. The Co-ordinator will prepare the invitations, the agenda and the related documentation in due time (ideally [two] weeks before the CG meetings), and will be responsible for the minutes of the meetings and their dissemination.
14. Decisions of the CG shall be taken by simple majority of members, one vote per organisation/institution represented at the meeting. Where possible decisions will be taken by consensus. The Chairperson shall be entrusted to facilitate consensus reaching in the CG.
15. The costs for the CG meetings will be covered by the budget of [xxx].

Appendix 3 Core Values

Which values are adopted by existing FCLA schemes, and what are the values which an ideal FCLA scheme would espouse?

In the present tool, five key values are identified:

User-Centredness	Accessibility	Quality	Sustainability	Partnership
responding to actual clients' needs	available and attractive to all potential users	adopting high expectations of the quality of delivery of legal advice	a scheme which will have longevity and momentum	a scheme which works inclusively with all participating groups

There may be some others, but these five are likely to be present in a well-functioning FCLA scheme. Hence they are, in short, desirable.

A few comments on these values:

- **User-Centredness:** it is about taking **the experience of the user, or client, as the starting point** of your process, rather than developing your scheme on the basis of the existing supply. Basing your scheme development process on the provided services can be useful to consider issues of quality assurance, but in effect it prevents any reflection on the expectations of the client-users themselves, with the risk to neglect or overlook some critical elements for the improvement of public satisfaction with the system. By placing the user at the centre of the discussions and reflecting, in an inclusive manner (without exclusion or discrimination), it allows to consider a system that meets real needs. In that sense, it contributes to quality, but also efficiency, and thus sustainability.
- **Accessibility:** it covers such issues as geographic accessibility (rural vs. urban areas for instance, but also isolated places vs mobility), transportation, physical accessibility, but not only: it is also essentially about removing language barriers, ensuring adequate working schedules for clients who have family and other duties, user-friendly access, and more generally thinking of all the other possible barriers that may stand in the way of a deprived individual's access to free legal aid. It means making your FCLA scheme attractive to non-users or atypical users, but to that end it should entail a **proactive effort for more outreach**, possibly by organising mobility to where these potential clients are, or using new communication methods to target client groups, etc.
- **Quality:** quality assurance is essential to keep the system on tracks, meeting clients' needs and free from abuse and mismanagement. It underpins all the other values.
- **Sustainability:** it should be about ensuring that the scheme can be **financially** viable. But ensuring the sustainability of the scheme also means that it should be **politically resilient**, and not subject to potential cuts or drastic policy change depending on political cycles. To that end, it is about engaging regional stakeholders in supporting the FCLA policy, managing it with foresight, and building allegiances.
- **Partnership:**
 - Not all relevant stakeholders will approve of the FCLA scheme and of the plans to improve it. They may nonetheless have a critical role to play, so partnership is also about **persuading** those stakeholders whose interests and agenda do not align yet with the needs you see for the regional FCLA scheme. In that respect, it may contribute to ensuring *sustainability*.

- Partnership is also about working with those **small scale or atypical players** who can bring in complementary perspectives and experience. These small scale players, **representatives of target client groups** and **other civil society and grassroots organisations** will also usually be able to help to improve *accessibility*.
- Building partnerships is also helpful to agree and monitor protocols for a solid system of **referrals**. In that perspective, it contributes to improving *user-centredness*, as clients are not sent from one place to another to receive services without clarity on how the system should function. It is also instrumental in consolidating *sustainability*: it is about increasing efficiency, avoiding undue duplication, effective co-ordination among suppliers.

The **usefulness** of having these values is:

- ✓ As a **framework for the qualitative assessment of existing schemes of FCLA provision**: how far does existing FCLA supply satisfy the values we think are desirable? Values don't really help with quantitative assessment so much though. But they do tell us where there are shortcomings in the overall strength of an FCLA scheme.
- ✓ As a **way to help prioritise the problems we want to address**: each concrete proposal for improvement or change can be tested against the values, to see if it helps promote them. If it does, it should score higher and move up the priorities ladder.
- ✓ As a **predictive measure of the likely success** of each change or improvement in a given FCLA scheme. The assumption is that where these values are adopted, the resulting scheme will be more robust.
- ✓ As **an approach to risk assessment**: poor compliance with these values may indicate a higher risk that a scheme will suffer failure of one kind or another.

All of these values are capable of being adopted by both regional stakeholders and policy-makers, and local suppliers of FCLA services. They work well at strategic level (policy-making) and operational level (the day-to day provision of legal services to clients).

In an organisation, values tend to be embedded. They are not always overt or easy to ascertain, or measure. They are sometimes quite hard to shift, if they need to be changed.

However, adopting desirable values can nudge an FCLA scheme towards improving access to justice – the numbers of case-starts might not even increase much. It can also be a positive experience as, once values are codified, partners tend to *want* to comply.

The following table shows **indicative list of questions and areas of inquiry** under each of the five identified Core Values.

Examples of **areas of inquiry** under each Value:

User-Centeredness	Accessibility	Quality	Partnership	Sustainability
FCLA meets needs of region's eligible citizens	FCLA is accessible to all those who are eligible	FCLA service provision is of consistently high quality	FCLA administration is collaborative	FCLA funding (and political support) is targeted, sufficient, and sustainable
<ul style="list-style-type: none"> • What need for FCLA exists, expressed or unexpressed. • Demand for services, met and unmet • Eligibility criteria for FCLA • Demographics of current users • Types of problems experienced by current users • User satisfaction with services provided • Problem resolution strategies of non-users. 	<ul style="list-style-type: none"> • Current coverage of FCLA services • Availability of information about FCLA provision • Pathways through which people access FCLA • Are there agreed referral protocols? • Patterns of Access • Barriers stopping people accessing FCLA in your region (disability, reluctance, ignorance, scepticism, travel issues, mental health problems...) • Method of proving eligibility 	<ul style="list-style-type: none"> • Types of providers in region • Institutional information of providers • Range of services available • Current capacity of service providers • Are quality standards hallmarks used? • Proxy indicators: good case-management, training/CPD? • Feedback systems • Quality assurance mechanisms in place 	<ul style="list-style-type: none"> • Legal framework in the region • Characteristics of current FCLA scheme in place • Institutional set-up of the FCLA scheme • Written FCLA policies currently in place? • Partners buy-in to their regional FCLA? • Region-wide referrals policy exists? 	<ul style="list-style-type: none"> • Allocations and expenditures under the FCLA scheme • Deficits of funding • Financial risk analysis? • Protective measures in place? • Future funding projections?

Appendix 4**Draft Terms of Reference to commission research**

Research consultancy:
Assessment of supply and demand in the field of free civil legal aid

Date of publication of the call for expressions of interest/proposals: [xxxx]
Deadline for submission of expressions of interest/proposals: [xxxx]

Position: Individual consultant / OR Organisation
Location: [xxxx]
Duration: [xxxx]
Starting: [xxxx]
Reporting to: [xxxx] / Administration of the Oblast

Background:

In application of the Federal Law No. 324-FZ of 21 November 2011 on «Free Legal Aid in the Russian Federation» the [administration of the oblast] of [xxxx] has established a scheme of free civil legal aid (hereafter FCLA) that aims to provide services to certain categories of population in the oblast.

In order to further improve the provision of these services to the population entitled to it, the [administration] seeks to assess the current situation in terms of supply and demand of FCLA in the oblast.

To that end the [administration] is launching a call for expressions of interest/proposals for consultancy in the field of sociological or socio-legal research to conduct the assessment, identify possible gaps and produce a report with recommendations.

Objectives and tasks of the consultancy:

The consultancy aims to conduct research of the type of provision of FCLA that is needed (the demand) and of the type of FCLA that is actually provided (the supply); identify the possible gaps between demand and supply and analyse why such gaps may exist; submit recommendations to bridge these gaps.

The research will be both quantitative and qualitative.

The exact scope of the research will be confirmed with the [administration], but will cover as a minimum the following:

- Demand on the side of the categories of population entitled to FCLA in the oblast, according to the relevant FCLA legislation;
- Supply on the side of providers that are part of the state system of FCLA in the oblast, according to the relevant FCLA legislation.

It is expected that the research will [additionally] include the following types of target groups:

- [Specific or other groups of population that may be particularly vulnerable or marginalised];
- [Other state or municipal agencies or organisations that may also provide legal aid and advice];
- [Providers that are part of the non-state system of FCLA in the oblast, according to the relevant FCLA legislation];
- [xxxx].

The exact tasks and methods of the research will be confirmed with the [administration], but will entail as a minimum the following:

- [agree on scope and methodology of the research with the [administration]];
 - [desk study];
 - [design of field study];
 - [design of research instruments] and [test of research instruments];
 - [co-ordination with the [administration] for notification to partners and target groups and respondents];
 - [training of data collection staff] and [other research assistants];
 - [conducting field study, with a mix of the following: [survey], [focus group discussions], [individual interviews], [xxx];
 - [supervise data collection] [data input] [data cleaning];
 - [analysis];
 - [finalisation of report with recommendations];
 - [presentation of report during a final event];
 - [xxx].
-

Expected deliverables:

- [Research plan];
 - [Research instruments];
 - [Training materials];
 - [Electronic files with all raw data];
 - [Draft research report with recommendations];
 - [Final research report with recommendations];
 - [Participation in the final event].
-

Qualifications:

- At least a [master] degree in a discipline relevant to the objectives and tasks of the consultancy, preferably in sociology or socio-legal research;
 - At least [xxx] years' professional experience in quantitative and qualitative research;
 - Specific experience – as proven by examples of relevant [publications] and/ [references] in:
 - [undertaking desk study]
 - [collecting quantitative and qualitative data]
 - [facilitating focus group discussions]
 - [conducting individual interviews]
 - [training data collection and research assistants]
 - [supervising data collection / data input / data cleaning]
 - [analysing data]
 - [reporting]
 - [development of recommendations]
 - Capacity to provide relevant recommendations based on the findings of the research;
 - Knowledge of the [functioning of the justice sector] [is an asset];
 - Knowledge of the FCLA legislation [is an asset];
 - Understanding of the [legal] [social] [economic] [xxx] context;
 - Computer literacy and good communication skills;
 - [xxxx].
-

Conditions:

The Consultant will submit [a technical] [and a financial proposal] based on the Terms of Reference. The selection and confirmation of fees will be made on the basis of [the procurement rules of [xxxx]].

The Consultant will maintain confidentiality and comply with the [FCLA policy] [ethical rules] [values] [xxx] to be presented by the [administration] at the start of the assignment.

The Consultant is expected to work independently, with minimum supervision.

Application process:

Interested Consultants should submit:

- Their [curriculum vitae] / [presentation of their organisation and curriculum vitae of key permanent staff and researchers];
- [References];
- [A sample of publications];
- [A technical proposal];
- [A financial proposal];
- [xxx].

Applications must be sent by [email] [and/or printed copy] to [xxxx] no later than [xxxx].

■ Tip 1: Who do you need to get information from?

In order to explore the areas of inquiry you have defined, you need to identify your primary research sources (your respondents).

Some of your sources will already be part of your Co-ordinating Group.

Other stakeholders may be identified and become your «partners» for your purposes, in order to find information about both demand and supply of free civil legal aid.

These partners can include:

- All primary stakeholders directly linked to the planning, implementation, monitoring and evaluation of FCLA in your region. These could include stakeholders from:
 - ✓ Public legal bureau(x), bar associations and law firms, legal aid clinics at the universities, non-profit organisations directly engaged and reporting on the provision of FCLA in the region.

You may wish to start this process by collecting contact information for legal aid service providers and other relevant bodies, utilising lists and directories, knowledge of the Ministry of Justice, regional executive authorities and FCLA decision-makers, justice sector entities, etc. A starting point could also be the annual feedback report submitted by regional authorities to the federal Ministry of Justice for monitoring purposes.

It may be relevant to include a sample of non-registered suppliers from the non-state system of FCLA. Your civil society partners may help identify relevant sources.

It may also be useful to include a sample of other state and municipal agencies which often provide legal advice in their respective field: e.g. agencies managing social services may include in their activities legal advice on topics eligible under FCLA law.

- Secondary stakeholders whose perspectives will contribute to your understanding of the FCLA areas of inquiry. These could include:
 - ✓ Non-FCLA providers whose work focuses on vulnerable groups targeted under the law on FCLA,
 - ✓ regional ombudsperson's office,
 - ✓ regional branches of ministries whose reports and statistics can inform on vulnerable categories of population and/or problems potentially justiciable under the law on FCLA,
 - ✓ academics,
 - ✓ local media,
 - ✓ local public library or any other relevant local organisation having the possibility to reach out to the public.

It may be useful to classify all these research sources into groups:

supply side	demand side
<input type="checkbox"/> Service coordinator/administrator <input type="checkbox"/> The service providers	<input type="checkbox"/> The service user (that is, a demand for legal aid which has already been expressed) <input type="checkbox"/> The potential service user (that is, a demand for legal aid which is still unmet)

► See also [Appendix 1: Illustrative list of partners.](#)

■ Tip 2: Choose your research methods: qualitative and/or quantitative

Qualitative research is primarily exploratory research. It is used to gain an understanding of underlying reasons, opinions, and motivations, and give the possibility to reveal some causal links. It provides insights into the problem or helps to develop ideas or hypotheses for potential quantitative research. Methods can be structured or unstructured. Typically, sample sizes are relatively small.

Quantitative research is used to quantify the problem by way of generating numerical data or data that can be transformed into useable statistics. It is used to quantify attitudes, opinions, behaviours, and other defined variables – and generalize results from a larger sample population. Quantitative Research uses measurable data to formulate facts and uncover patterns in research, or evaluate the level of spreading of already uncovered patterns. Quantitative data collection methods are much more structured than Qualitative data collection methods.

Deciding about the focus on qualitative or quantitative research is particularly important when it comes to understanding the demand for free civil legal aid:

If you have decided to conduct a large-scale *quantitative* research (for instance, if you want to apply a methodology analysing all the «*justiciable events*»), this will require the identification of a representative sample from the general population, which will depend on user characteristics, the survey choices and the degree of detail required. A representative sample can be put together using a wide range of criteria, including socio-demographic factors (age, gender, faith, etc.), language factors, geographical representativeness. The research may also look to target specific categories, such as membership of vulnerable groups.

If this is not possible, or you do not wish to undertake it, you can instead seek access to members of the projects key target groups (or the representatives of their communities), who may have useful information about the justice needs or experience/perceptions of these vulnerable groups. It may be possible to conduct an interview or focus groups with a certain number of members of the vulnerable groups targeted under the law on FCLA (mainly women and men on low income, certain senior citizens, people with disabilities or mental illness, persons without legal capacity and their guardians, orphaned children and their guardians). This contact may be facilitated through NGOs or other groups operating on their behalf, legal aid service providers, community groups, or local authority, etc.

Assessing expressed demand by identifying service users: identifying and interviewing a selection of clients of some or all of the listed service organisations, is essential to fully understanding public or user needs. The cooperation of service providers in facilitating client involvement is important. As service providers cannot breach confidentiality by providing the research team with client contact information, they will instead be asked to provide clients with an invitation to be part of this mapping project.

Tip 2.1: Sampling

- A representative sample of the target population needs to be selected, in order to be able to draw *quantitative* results concerning the entire target population. There is no minimum size for the sample to be representative of a target population, however the sampling process can range from basic to very complex depending on parameters chosen.
- The main fundamental parameters are the population size, the level of confidence expected and the desired margin error (see box below). The higher the level of confidence desired, the larger the size of the sample required. To this can be added a few indicators

for further selection, depending on the objectives of the survey. For instance, if the survey is to provide a comprehensive insight into the nature and incidence of potentially justiciable problems, the characteristics of those with justiciable problems as well as their advice seeking behaviour, the target sample within the sample would have to be those who had experienced problems (e.g. *individuals having experienced at least one problem in the past five years*).

- It is recommended to carefully prepare this stage, possibly with the support of a consultant (researcher in social sciences, statistics, poll survey agency, etc), to avoid any bias and ensure a representative sample.

There exist some online tools for survey sample sizing that can provide estimates, as an indicative guidance in the process, such as www.surveymonkey.com (which exists in Russian).

Fundamental parameters of sample calculation:

- **Population size:** at the simplest level, this would be population of the assessment region.
- **Desired margin of error:** percentage figure that describes the acceptable level of inaccuracy, or conversely how close to the true value the results are expected to be. The smaller the margin, the closer the results will be expected to be accurate.
Recommendation: margin of error → 2%.
- **Desired confidence level:** percentage figure that describes how certain the researcher can be that the sample will be representative of the population, within the margin of error. The bigger the level of confidence, the more representative of the population the sample is expected to be.
Recommendation: confidence level → 95%(common standards: 90%, 95%, 99%).

Example: survey of legal needs in the city of Moscow: population size: 12 000 000 inhabitants; margin of error: 2%; confidence level: 95%; the initial minimum required sample size would be 2401 respondents. Calculation: online survey sample sizing tool, www.surveymonkey.com

■ Tip 3: Decide which mix of methods you will use to collect the information you need

Here you will select which research methods are most appropriate considering your goals, approach, and available resources.

Choosing the methods entails to decide:

1. What mix of **online survey, postal survey, in person interview, focus group, etc.** constitutes the most appropriate methods of exploring the areas of inquiry you have outlined.
In general, it is likely you will want to utilise a mixture of the following:
 - i. Asking respondents to fill out an 'Organisation Information' form
 - o Basic, standardised information is asked from the identified stakeholders: using a simple organisational information form that is sent out to be filled (easiest by e-mail or using an online form), containing basic information on type of organisation, location, budget, scope of work etc.
 - ▶ See a **Draft Organisation Information Form** in [Appendix 6: Databank of questions and instructions](#).
 - ii. Questionnaires/Surveys (quantitative and qualitative data)
 - iii. Interviews (qualitative data)
 - iv. Focus group discussions (qualitative data)
 - ▶ See on the following pages:

Tip 3.1. Summary of methods to collect data: this table describes different methods you may want to utilise.

2. What mix of closed (including Likert style), or open ended questions to use. Responses to close ended questions, yielding quantitative data, are easier to tabulate and faster for interviews to complete, but limited in the amount of in-depth data generated.
 - ▶ See [Appendix 6: Databank of questions and instructions](#).

Tip 3.1: Summary of methods to collect data

method	brief description	pros	cons	resources needed (time, equipment, human resources, etc): comments
Self-administered questionnaires	<ul style="list-style-type: none"> ■ Can be sent by post or, preferably, via email. Surveys can be hosted and filled out on a dedicated website, or using an online survey tool. ■ Recommended for direct surveys of professionals, with excellent response rates if appropriate explanations and guarantees are given to the addressees. 	<ul style="list-style-type: none"> ■ Least resource intensive method of obtaining a response rate. ■ In particular internet based or electronic questionnaires are quick and simple to use, and very effective in collating data. ■ Online surveys are most convenient for respondents. 	<ul style="list-style-type: none"> ■ If using electronic based questionnaires, requires respondents to have internet access. ■ Can be problematic in terms of under-coverage, selection bias, and lower response rates than face to face interviews. ■ It is not possible to prompt respondents for more detail, or to ask clarifying questions. 	<ul style="list-style-type: none"> ■ Resources required depend entirely on process used. ■ Resources will be required to:* <ul style="list-style-type: none"> • test the validity of survey questions • select websites visited by representatives of the surveyed groups and input questions to online survey tool (for instance: 1 person x 2 days) • collate email contacts of respondents (for instance: 1 person x 0.5 days) • send out link to survey • monitor responses • send follow-up emails to ensure high response rates, and finally to analyse information generated. ■ If the information generated is primarily qualitative, based on open ended questions, depending on number of respondents and length of survey this can take a long time. ■ If the survey is based on primarily close ended questions, the process is much simpler. ■ One person can manage the distribution and administration of an online survey, but more human resources may be required to test questions and analyse data. ■ Using an online tool can require a modest subscription fee.

method	brief description	pros	cons	resources needed (time, equipment, human resources, etc): comments
Telephone questionnaires	<ul style="list-style-type: none"> ■ Entails recourse to a polling agency and/or specialist interviewers to administer the questionnaire by telephone. ■ Can be used to construct representative samples and refine analysis and the degree of detail in replies. 	<ul style="list-style-type: none"> ■ Presence of interviewer allows for clarifying questions and probes. ■ The survey caller also can guide respondents through any questions that might not be understood. ■ Telephone surveys can provide more random and accurate results than email/mail surveys because the sample is less self-selective. 	<ul style="list-style-type: none"> ■ More difficult to administer in the Russian context (while also facing more issues in terms of under-coverage, selection bias, and lower response rates than face to face interviews). ■ Generally limited to a maximum of about 15-20 minutes before respondents begin to lose concentration and interest. ■ Expensive: more time- and resource-consuming. 	<ul style="list-style-type: none"> ■ Each phone interview will take one interviewer on average 20 minutes to conduct. ■ Depending on sample size and method (written or word processed inputs) collation and analysis can be highly time consuming. ■ Polling agency and/or specialist interviewers to administer the questionnaire by telephone. ■ Data entry staff will probably be required.
Face to face interviews	<ul style="list-style-type: none"> ■ Entails use of a questionnaire and face-to-face interviews. Since it necessitates the employment of interviewers, it is more expensive than self-administered interview methods. ■ However, the presence of an interviewer allows clarifying questions to be asked, increasing accuracy. 	<ul style="list-style-type: none"> ■ The presence of a skilled interviewer generally yields higher quality answers than other methods, as verbal and non verbal cues can be acted upon, and focus of respondent maintained. 	<ul style="list-style-type: none"> ■ Expensive, time consuming, and labour-intensive ■ The quality of data you receive will depend on the ability of the interviewer. ■ Presence of an interviewer can, in some cases, inhibit respondents, as perceived anonymity is diminished. 	<ul style="list-style-type: none"> ■ Can be extremely resource intensive. For example, for a study requiring to find 400 people in each pilot region who had suffered least one problem over a five-year period: identifying a representative randomly sampled group of a far higher number would be required. With each survey interview taking anything from 10 to 25 minutes to administer in person, this would require significant resources. ■ Sociological/ polling agency and/or specialist interviewers are required to conduct the interviews. ■ Data entry staff will probably be required to collate information. ■ Depending on sample size and survey design, analysis will be time consuming and resource intensive.

method	brief description	pros	cons	resources needed (time, equipment, human resources, etc): comments
Focus groups	<ul style="list-style-type: none"> ■ Essentially a group discussion with relevant stakeholders, often much less structured than interviews, but with key issues for discussion identified in advance. 	<ul style="list-style-type: none"> ■ If effectively facilitated, can be extremely useful for exploring issues in more depth than questionnaires. ■ Allows leader to understand dynamics and see the comparative perspectives of different stakeholder groups. ■ The facilitator can interact with the participants, pose follow-up questions or ask questions that probe more deeply. 	<ul style="list-style-type: none"> ■ Depends, to an even greater extent than face to face interviews, on the skill of the facilitator. ■ Focus groups are difficult to steer and control, with time frequently lose debating irrelevant topics. ■ In the focus group environment, respondents can feel peer pressure to give similar answers to the facilitator's questions, especially if some members of the group are influential. 	<ul style="list-style-type: none"> ■ Significant time can be required for the identification and selection of the participants of the focus groups. ■ Trained specialists are required to facilitate the focus groups.
Simulated Client	<ul style="list-style-type: none"> ■ A person sent by a specialist outside firm who poses as a customer in order to measure the standard of service and reception. This person is given specific assessment criteria, which will be sent to the sponsor, often in the form of a questionnaire. 	<ul style="list-style-type: none"> ■ Technique that is increasingly being used in activity areas concerned with customer satisfaction and quality development. 	<ul style="list-style-type: none"> ■ Logistics needed and can be complicated to organise in certain cases (for instance: how to prove eligibility to the assessed service). 	<ul style="list-style-type: none"> ■ Trained staff required to play the role of the simulated client. ■ Resources required are essentially in terms of logistics. For instance: how to provide the simulated client with the documents required to apply to free civil legal aid? ■ Possible option: to identify and prepare a simulated client among individuals who are actually entitled to the assessed service.
Include modules of justice questions onto broader surveys	<ul style="list-style-type: none"> ■ Similar to telephone interviews (or face-to-face interviews according to one's resources). 	<ul style="list-style-type: none"> ■ Introducing block of questions into surveys regularly conducted gives the possibility to see the dynamics of the issue analysed. 	<ul style="list-style-type: none"> ■ Introducing block of questions into a conducted survey reduces the value of the research. ■ Although expenditures are cut, they still remain at a high level. ■ The scope/volume of the block of questions is limited. 	<ul style="list-style-type: none"> ■ Requires engagement with sociological/polling agencies who regularly conduct surveys.

■ Tip 4: Decide how to manage your data

How will you record, access and store the data that will be collected during the research?

The management of the data has first to:

- be **reliable**. It means that data should be recorded in a useable format, stored, and made easily accessible to the researcher(s). This could require both hardware and software items, and needs to be carefully planned, and possibly budgeted.

The management of the data has also to:

- be **ethical**, and
- ensure principles of **anonymity** of respondents and **confidentiality** of their data.

This needs careful planning too, in order to adapt research instruments to integrate these principles and ensure their proper application by all participants in the research.

■ Tip 5: Finalise your research plan

Now you have identified the methods you will use and know how to record the data, it is important to create a task matrix, possibly with the budget you can allocate to the tasks.

The task matrix should include:

- Identify tasks in line with the mix of research methods you have chosen (e.g. distribute surveys, collect information from surveys, conduct interviews, conduct focus group discussions, etc.);
- Identify responsible person(s) for these tasks;
- Define the timeframe for each task and the allocated resources;
- Determine the overall timeline for research;

In terms of resources, you may need to include the following categories:

personnel (including training)	equipment	supplies
communication	materials preparation	travel / subsistence

■ Tip 6: Develop your research instruments

For each of the instruments you have decided you require, you should plan the following actions: design, test, and draft of complementary materials.

Tip 6.1 – Design:

- Use a consistent and neat format.
- Structure each instrument in the same way, using the Goals and areas of inquiry you identified in Stage 2. This consistency across instruments will allow comparability and ease of analysis across different groups of respondents.
- Draft questions that will help you gather the information you seek.

The tool includes in appendix model questionnaires that you may use and adapt, or from which you may draw specific sets of questions to suit your research objectives. In particular, it includes model questionnaires to assess the demand of FCLA on the side of groups of population targeted under the Federal Law who may be particularly vulnerable or marginalised, requiring an adapted approach.

- Use language that is clear (short sentences, no ambiguity), neutral (no negative sentences or emotive words) and easily understood by all respondents.
- Accompany each with a preliminary notice indicating the survey sponsor and aims. This notice must point out that anonymity safeguards will be respected and supply information on the ethical principles applying to use of the data provided.

- Be aware that the longer the questionnaire takes for the respondent to complete, the lower the quality of answers.

Tip 6.2 – Test:

You may want to test your research instruments before effectively using them during your research, in order to check whether questions are clear to the respondents, or do not lead to ambiguous or biased answers which you will not be able to use afterwards.

You may proceed by testing your questionnaire for instance with a small group of people. Ideally, this group should be representative of the groups you want to target in your research:

- Have the members of this small group test the questionnaire in the same way as you want it to be done in practice, during your actual research: e.g. face-to-face, by phone, online.
- The test will require you to observe and note the difficulty these participants may have in answering the questions: you may for instance ask them to think out loud when completing the questionnaire, but don't forget to also note for which questions they seem to hesitate and which questions are misunderstood.
- Then adjust your questionnaires in line with the issues that you have noted.

If you are conducting a large scale needs survey, it will make sense to conduct a full pilot, using a larger sample of people as «testers», going through the survey steps from start to finish. Analysing the data from this large test will normally identify problems with the practical realisation of the research (e.g. problems in distributing and collecting questionnaires and other research instruments, lack of skills of data collectors, errors in data entry, etc.), rather than the content of the research instruments themselves. You can then fix these problems before the full survey.

Tip 6.3 – Draft other required materials:

Additional materials may be required to accompany the questionnaires, and may include:

- Introductory letters.
- Consent forms.

■ Tip 7: Conduct your research

What

With your research plan complete and your instruments created and pre-tested, you are ready to conduct your research.

Why

To gather the information you need from primary sources to finalise your analysis.

How

Implementation will vary significantly depending on the region and selected approach. The following are therefore detailed as general tips to consider during field research, rather than as sequential steps as in previous stages.

Tip 7.1 – Ensure all research adheres to rigorous ethical standards

When conducting your research, you should ensure at all stages that you are working within any relevant data protection laws, and to high ethical standards. There are three particular elements to consider:

- **Informed consent.** The respondents in your research need to understand the objectives of this research, and on this basis, to give informed consent before actually participating. If

the respondent is a minor or an individual with special needs or particularly vulnerable, you need to ensure that a parent or a guardian or responsible adult gives their informed consent on their behalf.

- **Confidentiality.** This should be guaranteed where appropriate. In particular, service providers cannot breach confidentiality by providing the research team with client contact information without permission. Anonymity is also often desirable to encourage frank responses.
- If considering a ‘simulated client’ approach, consider whether your ethical framework allows this.

Research instruments should be accompanied by a preliminary notice indicating, among other things, the ethical principles applying to use of the data provided, as well as anonymity safeguards that will be respected.

Tip 7.2 – Seek to maintain both professionalism and informality in interviews

Successful interviewing depends greatly on the skills of the interviewer. Interviews work best when:

- The interviewer is well prepared and working from an interview schedule, if not a questionnaire.
- Participants feel they are taking part in a conversation or discussion rather than in a formal question and answer situation.
- Where necessary, the interviewer uses:
 - Follow up questions to get the interviewee to elaborate on their initial answer. For example: ‘What did you mean...?’ or ‘Can you give more detail...?’
 - Probing question—to follow up what has been said and to get more detail. ‘Do you have any examples?’ or ‘Could you say more about...?’
 - Specifying questions – seek greater specificity where required.
 - Interpreting questions—‘Do you mean that...?’ or ‘Is it correct that...?’

Tip 7.3 – Manage data effectively

It is imperative that you carefully manage the data gathered through the research, first to ensure the integrity of the research, but also, at a later stage, to be able to efficiently process this data.

Handling qualitative research data:

Decide how the interviews and focus group discussions should be transcribed: whether your researchers should take notes during the interviews or focus group discussions, or directly record them.

Each method has advantages and shortcomings, which may be summarised as follows:

note taking	recording
<input type="checkbox"/> It is less time consuming as it does not require significant work after the interview; <input type="checkbox"/> However it requires significant skills on behalf of the interviewer; <input type="checkbox"/> It is also vulnerable to bias, as the interviewer may be subjective in the way they take notes.	<input type="checkbox"/> The interviewer is able to better focus on the discussion going on, i.e. to better listen and respond; <input type="checkbox"/> If the recording is not too visible, recording usually helps make respondents feel less observed, and more at ease to answer frankly; <input type="checkbox"/> Recording allows to go back over the full material during the analysis; <input type="checkbox"/> However transcribing interview recordings is extremely time consuming (roughly five hours to transcribe one hour of interviews).

Ensure you organise notes as soon as you can during and after the interview or focus group discussion.

It is important to transform raw field notes into a well-organised set of notes immediately after interviews.

Appendix 6 Databank of questions and instructions

This appendix contains instruments that may use when conducting the research or share with your contracted researcher(s):

- Indicative simplified list of questions for desk study;
- Draft Organisation Information form;

Additional materials are also provided in electronic version:

- Instructions and indicative lists of questions for desk study.
- Indicative lists of questions (questionnaires) per group of respondents and corresponding instructions.

► *See also the USB accompanying the tool for more detailed instructions and indicative list of questions.*

■ Indicative list of questions for desk study:

This section contains a **simplified list of questions**, as follows:

- List of suppliers of FCLA;
- List of state / public organisations involved in the organisation and management of FCLA and their functions;
- Regional legislative and regulatory framework for FCLA, amendments of the law over the past 3 years, main amendments and reasons for their introduction;
- Budget for FCLA, trends in budget over the past 3 years and reasons for the trends;
- Statistics on FCLA cases;
- Number of professionals involved in the supply of FCLA (licensed lawyers, staff of public legal bureaux, lawyers in public legal bureaux);
- Trends in the number of professionals involved in the supply of FCLA over the past 3 years;
- Range of remuneration of professionals involved in the supply of FCLA (salary of staff working in public legal bureaux and fees of licensed lawyers), level of attractiveness of FCLA-related work in comparison to other paid income-generating activities of lawyers;
- Procedure to receive payment for FCLA services provided (licensed lawyers), level of complexity of the procedure, organisational measures adopted to simplify the procedure, issues;
- Regional coverage (location of bureaux/centres and mobile points for FCLA supply, and accessibility in transport);
- Special measures for the organisation of FCLA supply in remote areas;
- Working time of bureaux/centres providing FCLA;
- Existing mechanisms for quality control and assurance (checks, training and others);
- Claims, grievances, suggestions concerning FCLA suppliers;
- Experience of cooperation with state, municipal and other social services for vulnerable categories of citizens;
- List of eligible FCLA recipients according to the regional legislation (differences/additions to the minimum list included in the Federal Law, reasons for introduction of additional categories, other modifications to the list that have been rejected or are being discussed);
- Types of aid and categories of cases eligible to FCLA according to the regional legislation (differences/additions to the minimum list included in the Federal Law, reasons for introduction of additional categories, other modifications to the list that have been

- rejected or are being discussed), correspondence between the types of aid / cases and the needs of FCLA recipients;
- Statistics on the quantity and categories of individuals – FCLA recipients in comparison with the number of potential recipients in each category in the region;
 - Procedures to apply for FCLA, level of complexity for applicants and suppliers, organisational measures to simplify the procedures;
 - Physical/ practical accessibility of FCLA supply for different categories of applicants/ recipients;
 - Special measures adopted to increase accessibility of FCLA for the most vulnerable groups of population (minors, people with disability, individuals in detention centres, etc...);
 - Measures to inform potential FCLA recipients;
 - Claims, grievances, suggestions concerning FCLA accessibility;
 - Problems in the field of FCLA observed by regional authorities, FCLA suppliers, the legal community and other professional groups;
 - Main achievements and success stories: successful regulatory and organisational measures increasing access to FCLA, economic and social effectiveness from the perspective of regional authorities, FCLA suppliers, the legal community and other professional groups.;
- See also the USB accompanying the tool for more detailed instructions and indicative list of questions.

■ Draft Organisation Information form

Basic Information	Name:
	Name of organisation:
	Type of organization (municipal, commercial, non-commercial, non-governmental etc):
	Address:
	Telephone number:
	Email:
	Website:
Mandate	Brief description of your organisation (what do you do):
Structure	How many people work for your organisation?
	Which types of competences can be found in your organisation?
Finances	What is the budget of your organisation?
	What are funding sources of your organisation?
Service Provision	Which specific group(s) are the service users of your organisation? e.g.: <input type="checkbox"/> Low income women and men, <input type="checkbox"/> Women, <input type="checkbox"/> Children, <input type="checkbox"/> Young people, <input type="checkbox"/> Older people, <input type="checkbox"/> People from minorities (which types?), <input type="checkbox"/> Single-parent families, <input type="checkbox"/> Carers, <input type="checkbox"/> People with physical disabilities, <input type="checkbox"/> People with learning disabilities, <input type="checkbox"/> People with mental health issues, <input type="checkbox"/> Homeless people, <input type="checkbox"/> Prisoners, Others (which ones?)
Please attach any organisational information that may be useful to us.	

Other sections may also be added to ask specific questions in relation to FCLA, for instance:

Service Users	How frequently do your service users experience civil legal issues that may require legal aid?
	What are the main legal problems being faced by people within the target group of your organisation?
	How do you deal with these cases that may require legal assistance?
	Where do you refer people requiring civil legal aid?
	Have any of your service users had free civil legal aid?
	How did they access this legal aid?
	What is your opinion of the quality of the legal assistance provided by them?
Accessibility	What are the main barriers preventing the target group of your organisation accessing free civil legal aid?
	Has your organisation had any direct contact from the regional legal aid authority?
	In your experience, does the regional legal aid authority reach out to your service users proactively?
Opportunities	How can the legal aid system more effectively serve the needs of the target group of your organisation?
	Are you aware of any studies/documents/data sources that would be useful for this research?
	Are you aware of any individuals who would be useful to interview for this research?
	For the purpose of confidential interviews or focus groups, could you refer us to any individuals who have used free civil legal aid services?
	For the purposes of confidential interview or focus groups, could you refer us to any service individuals who are low income/female/disabled/minority groups, etc.

■ Indicative list of questions/ questionnaires and corresponding instructions

- Questions for desk study
- Questionnaires per groups of respondents (field study)

► *See also the USB accompanying the tool.*

<p>Stage 3 : Secondary Research</p>	<p>3.1. Secondary sources (socio-economic info) :</p>		<p>3.2. Secondary sources (FCLA info) :</p>	
<p>3.3. Key Notes :</p>				
<p>2.2. Research Objectives: (reminder)</p>				
<p>3.4. Preliminary Conclusions / Hypotheses :</p>				

Stage 4 :	4.1. Summary of available resources :	Human Resources :	Financial Resources :	Other Resources :
Primary Research Planning				
	Complete this box after Step 4.4. : Total resources required for the research : Left :			
4.2. Overall research approach :				
4.3. Sources (Respondent groups) by Research Objective:	[reminder: Research Objective: _____]	[reminder: Research Objective: _____]	[reminder: Research Objective: _____]	[reminder: Research Objective: _____]
4.4. Mix of research methods	[reminder: Respondent groups: _____]	[reminder: Respondent groups: _____]	[reminder: Respondent groups: _____]	[reminder: Respondent groups: _____]
Survey				
[specific in each case: in-person / phone / other]				
Questionnaires				
[specific in each case: e-mail / phone / other]				
In-person interviews				
Focus group				
Others (specify)				
Required resources:				
> Then go back to Step 4.1. to adjust, if needed, your mix of methods to fit your resources				
4.5. Data management plan				

Annex 2: Research report – Template

Title of the report :	
Region :	
Place :	
Date :	
Version of the report :	
Distributed to :	

Contents**Introduction**

Purposes of the research

Research Objectives

Methodology**Results**

Goal 1: xxxx

Area of inquiry xxxx

Area of inquiry xxxx

Goal 2: xxxx

Area of inquiry xxxx

Area of inquiry xxxx

Conclusions

Goal 1: xxxx

Goal 2: xxxx

Summary of key findings

Introduction

Purposes of the research

Research Objectives

Methodology

(Outline how the results were achieved, how data was gathered, collated, and analysed)

Results

(Provide the interpretation of your data into results)

Goal 1: xxxx
Area of inquiry xxxx

Area of inquiry xxxx

Goal 2: xxxx
Area of inquiry xxxx

Area of inquiry xxxx

Conclusions

(Which overall conclusions are identified under each Goal. Consider how close your region is to the ideal situation you have outlined in your Goals)

Goal 1: xxxx

Goal 2: xxxx

