

# Terms of Reference for the future pilot project on Legal Aid

CEPEJ Project in Latvia:

**“Strengthening access to justice in Latvia  
through fostering mediation and legal aid  
services”**

April 2023

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# 1 Introduction

## 1.1 Project background

The current Terms of Reference (hereafter, “ToR”) are developed in the framework of a cooperation project funded by the Directorate General REFORM of the European Commission and the Council of Europe and implemented by the Council of Europe and more specifically the European Commission for the efficiency of Justice (CEPEJ).

The project, which started in December 2021, is entitled “Strengthening access to justice in Latvia through fostering mediation and legal aid services (Phase II)”, This present project builds upon the 2019-2021 cooperation project “Strengthening access to justice in Latvia through fostering mediation and legal aid services”, financed by the European Union and implemented by the CEPEJ at the Council of Europe in 2019-21.

In the context of this Project, two important areas are viewed as bearing a serious potential to ensuring a more effective access to justice: (1) widen the scope of state ensured legal aid (including primary legal aid and mediation services); (2) improved availability of state ensured legal aid. The second component i.e. improved availability of state ensured legal aid focuses specifically on improving the Legal Aid scheme in Latvia. Among other activities, it also includes the designing, setting up, monitoring and evaluating a pilot project on legal aid.

This ToR is a co-operative work conducted by **Mr John Eames**, expert in legal aid systems, legal aid barrister and judge of the First-tier Tribunal in the UK, **Ms Bojana Netkova**, attorney at law, expert in legal aid and acces to justice, **Ms Inga Bite**, lawyer, Public administration expert, and national legal aid expert of the Project, **Ms Mar Hermosilla**, mediation and legal aid expert, **Professor Alan Paterson** OBE, Director, Centre for Professional Legal Studies and **Mr Peter van den Biggelaar** LLM, former CEO Dutch Legal Aid Board legal aid expert.

It is important to note that this ToR depicts mainly the aspects of the potential Pilot project, leaving a thorough examination and recommendations for the overall primary legal aid system in Latvia to other documents developed within the framework of the Project and after analysing the results of the Pilot project. This ToR also does not cover fully other outputs of the Project although it touches upon several aspects of quality assurance, training and mediation. The aspects covered are those relevant to the needs of the Pilot project and can, should and will be analysed much more deeply and widely within the particular activities of the Project (namely outputs 1, 2 and 4).

The scope and objectives of the pilot project have been discussed with CEPEJ experts, Latvian Ministry of Justice and Legal Aid Administration during several meetings, videoconferences and in vivo workshops, yet at preliminary level. The present ToR proposes concrete steps to initiate the pilot project.

## 1.2 Outputs driving this document

### From the project description

The previous project ran a successful “one-stop shop” pilot project on state ensured legal aid in Latvia. It was designed to test the approach when primary legal aid is provided by experienced lawyers presently tasked with providing secondary legal aid. After testing this approach the Ministry of Justice of Latvia decided to conduct another pilot project with different conditions. This ToR describes a different approach to the pilot project involving as primary legal aid providers professionals who are not lawyers but who are in direct contact with people in need on everyday basis – NGOs, legal clinics and social service workers. The aim is

to understand how this kind of approach works, what are the strengths and weaknesses of this approach and to compare the results of this pilot project to the results of the first pilot project. Therefore, a request was made for another pilot project with a goal to test an approach when primary legal aid is provided by paralegals<sup>1</sup>. Similarly as in the first Pilot project, also the second Pilot project takes the recourse to mediation into account.

The concept introduces a new approach to providing legal aid by professionals who are not lawyers, therefore their training and competence needs are yet to be precisely formulated. The human resources should be looked after within the existing and available expertise of Latvia, including both public sector and NGOs as well as legal clinics of universities. The Bar, although a very valuable resource, will not be used for the pilot project because members of the bar represent professional lawyers, while the goal of the pilot project is to test the possibility to use professionals who are not lawyers for this purpose. Primary legal aid provision must include primary legal advice, referrals to a specialised body or organisation, as well as identifying and referring cases that could be resolved through mediation.

These terms of reference respond in particular to Activities 3.1 and 3.2 in Output 3:

Output 3: A tailored preliminary legal aid mechanism, considering also the possible recourse to mediation, for its integration in the Latvian free legal aid system.

## Activities

*Activity 3.1 Design and development of a pilot project offering primary legal aid to people in Latvia*

*Activity 3.2 Implementation of the pilot project*

### 1.3 Objectives of the pilot project

The overall objective of the pilot project is to improve access to justice in Latvia through developing a primary legal aid service. Although the national legislation specifies several types of legal aid in civil, administrative, and criminal matters, as well as in cross-border disputes, it does not differentiate between primary and secondary legal aid.

Typically, primary legal aid in other European countries consists of practical information, legal information, an initial legal opinion or legal advice, the drafting of non-procedural documents or referral to a specialised body or organisation; however the concept of primary legal aid is not yet defined in the Latvian legislation on legal aid.

In essence primary legal aid signifies a relevant and cost-effective approach to strengthen the connection between the judicial system and citizens and court users. It seeks to answer the question what kind of early intervention can best improve access to justice in the context of the particular situation in order to find the best way of solving the particular person's problem.

According to the results from the workshops and the workshop reports from the experts there are currently several support mechanisms to people with specific needs. Some are financed by the State, others by local governments, but some are financed by different support projects or carried out on a voluntary basis by NGOs. These mechanisms are not harmonised and there is no particular body fully aware of all such existing mechanisms. Therefore, there is a need to unify the current systems into one system involving all

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<sup>1</sup> The formulation *paralegals* in this ToR will be used to describe providers of legal assistance who are not required to be professional lawyers such as social workers, NGOs, legal clinics.

stakeholders. Within this pilot project the primary legal aid should not overlap with secondary legal aid (already dealt with by LA providers).

The system should embody six key values (quality, client-focus, accessibility, anti-discrimination, sustainability and partnership). It should be timely and performance-tested against these values using a monitoring tool. These are to be embedded in the primary legal aid provision's operations as being critical to good functioning in modern democratic institutions.

The aim of this particular pilot project is 1) to pilot the possibility of providing primary legal aid by professionals who are not lawyers, but who are in direct contact with people in need due to their daily tasks – NGOs, legal clinics of universities and social service workers, and 2) to provide necessary data and analysis for making a decision regarding primary legal aid system to be implemented in Latvia. The investment made by the Project in their education and knowledge will be useful because they will continue supporting people in need disregarding whether they will be part of primary legal aid in future or not. After analysing the results of both previous and current Pilot projects the decision most suitable for Latvia will be made by the Ministry of Justice.

Specific objectives of the pilot project are:

**In setting up the pilot:**

- 1 To identify the providers that are able to offer primary legal services
- 2 To build capacity of the professionals who are in a daily contact with people in need for legal help
- 3 To define quality standards, consistent form of record keeping and a quality assurance mechanism (including peer review) for assessing and maintaining the quality of advice delivered by the primary legal aid scheme
- 4 To implement the pilot project offering primary legal aid

**In evaluating the pilot:**

- 5 To identify gaps in services and drivers/obstacles in respect of implementation
- 6 To assess the initial impact of the new scheme
- 7 To analyse quantitative and qualitative results of the pilot project, lessons learned and recommendations for the future primary legal aid scheme.

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## 2 Providers of primary legal aid services – *paralegal* concept

### 2.1 Who will be the providers?

The aim of the pilot project is to establish a primary legal aid scheme consisting of several actors who will be providers of PLA services.

According to the present regulations in force in Latvia, LAA as the only institution responsible for managing the system of state ensured legal aid should enter into legal aid agreement with the NGOs and legal clinics as primary legal aid providers. For the needs of the pilot project it must be decided first in how many and in which cities of Latvia the pilot project will take place, who exactly will provide this primary legal aid, how will these providers be remunerated and how many primary legal aid providers will be necessary to cover the needs of the particular cities.

Legal clinics are available in Riga and in Daugavpils. In Riga they are available in the University of Latvia and in Turība university. The activity of the legal clinic in Daugavpils is yet to be clarified because no information about its availability can be found online. Since Daugavpils was already included in the first pilot project, it is not a priority for the second. There is 1 NGO currently working with Legal Aid Administration – “Skalbes”. “Skalbes” is located in Riga and provides a significant share of online consultations mainly for people in crisis situations and people who are victims of violence. Another NGO that could be addressed is “Marta”. NGO “Marta” professionally deals with domestic violence issues providing a support system for victims of domestic violence. “Marta” is located in Riga, Liepāja and Rēzekne. During the workshops organized by the Project in Riga in October 2022, representatives from two social centres of municipalities were participating – Sigulda and Kuldīga. In addition, two other social services of municipalities were interested, although did not attend – Talsi and Rēzekne.

This brings forward the possible list of places for the pilot project – Rīga, Sigulda, Kuldīga, Rēzekne, Talsi, Daugavpils, Liepāja.

The employees of the social services of the municipalities already have the statutory and practical role of helping people on social matters, and have their own existing client-base, already offering unofficial free legal services (providing assistance according to the competence and knowledge of each specific employee but not having an overall training and quality assurance system). Whether the social service workers will or will not be assigned the role of providing primary legal aid in the future, in any case they will have a useful role in signposting their existing clients into the legal aid system. Therefore the investment in their training and capacity building will be sustainable regardless of future decisions.

Whichever providers end up participating as primary FLA service-providers, they will be visibly offering their services under the banner of an identifiable free legal aid service, rather than carrying on business-as-usual. Thus there will be a shared corporate identity they will adopt, a uniformity in their signage, corporate image, promotion and communication to the public. This ensures that the public understand how this service is positioned within the overall legal aid environment in Latvia, and gives cohesion to what can otherwise become a rag-bag of disparate players.

#### Activities

The following activities should be undertaken in order to achieve the objective of the pilot project:

- 1 Decision on exact specific cities to be involved in the pilot project

- 2 Decision on the working hours of the pilot project in each specific city and the number of legal aid providers to be involved
- 3 Decision on the terms of involvement and remuneration of the selected primary legal aid providers
- 4 Discussions with the potential primary legal aid providers within the pilot project to specify their commitment to participate, preferably in writing
- 5 Decision on a corporate identity under which the primary legal aid offer will be promoted
- 6 Organizing a face-to-face meeting with the selected participants of the pilot project to explain the scope and organization of their work

## 2.2 Personal specifications for paralegals

- Overall role: s/he is to welcome, listen, encourage, focus, diagnose, discuss, advise, refer and follow up
- Qualifications and skills (also provided through the training offered to the participants in the pilot project):
  - Knowledge of the state ensured legal aid law and quality standards for provision of such aid;
  - Knowledge of procedural and substantive law (particularly the most pressing issues of pilot);
  - Knowledge and compliance with rules of professional conduct developed by the project;
  - A non-judgmental, non-discriminatory and client-focused commitment to maximising access to legal solutions for individuals;
  - Previous experience in working with vulnerable categories of people would be considered as advantage
  - Working well alone and together; and with an open mind for team discussions, suggestions and internal and external consultation
  - Diagnostic skills (ability to quickly work out what the client needs and which stakeholder organisation can provide it if mediation or secondary legal aid is required);
  - Good communication skills and ability to speak well on the phone and write well by email –with special reference to communicating with vulnerable clients;
  - Computer skills including being familiar with working with legal and other national databases;
  - Fluency in Latvian and possibly English and Russian

### Activities

The following activities should be undertaken in order to achieve the objective under paragraph 2.2

- 1 General analysis of the skills and experience of the primary legal aid providers of the pilot project in discussion with the stakeholders these providers will originate from
- 2 Elaboration of a training programme to improve the above listed skills of the participants

## 2.3 Scope and roles of the providers in the primary legal aid scheme

The proposed scheme for the pilot project signifies that the employees of social services of municipalities, NGOs and university legal clinics should be the first line of approach as primary free legal aid advice points for citizens. Primary legal aid consists of two possible parts:

## Primary legal aid first actions

Diagnostic evaluation of the problem and identification whether it is a legal problem or not. Then if it is a legal problem it should be categorized as to which area under the law it falls. If the competence of the primary legal aid provider allows, advice shall be given regarding the regulation of the law that is applicable to the particular problem. Also a brief elaboration shall be made on whether the problem can be solved by the person him- or herself, by giving advice and preparing letters, or it is a problem that should be further referred on to the LAA for secondary legal aid. The limit is determined by knowledge and experience, training, etc. of the primary legal aid provider. Litigation before the courts is not possible within the primary legal aid scheme.

## Primary legal aid onward referral

If the problem is too complicated for the primary legal aid provider and/or includes litigation, it may be categorised as a secondary legal aid problem. In such case primary legal aid providers within the pilot project shall:

- 1 Check whether the person has got the status of the needy or indigent person;
- 2 In case the person does not have the status, check *prima facie* whether the person might get one (present the person with the eligibility criteria), ask questions regarding the income and property of the person;
- 3 In case the person might be eligible for the status of a needy or indigent person explain the procedures for obtaining such legal status;
- 4 In case the person already has the status of a needy or indigent person, consult the designated contact person in the Legal Aid Administration in order to find out whether the legal aid requested by a person is founded;
- 5 In case the legal problem is *prima facie* eligible, and the person has the status of a needy or indigent person, the primary legal aid providers within the pilot project shall help the person fill in the necessary forms, send them by email to the Legal Aid Administration and agree with the client on the way in which he or she will be informed about the result and his or her secondary legal aid provider.

## Activities

- 1 In-depth discussions with Legal Aid Administration and participants of the pilot project to clarify and define all the details that will make the proposed scheme work.
- 2 As a result of these in-depth discussions, a Process Tool containing precise operational guidelines will be prepared by the Project experts for the legal aid scheme carried out by the pilot project.
- 3 Meetings with the selected participants of the pilot project to explain the elaborated Process Tool (scope and organization of their work, and all actions to be taken.)

## 2.4 Scope and format of the service to be provided

The pilot project offers only primary legal aid services, meaning that the primary legal aid providers within the pilot project will be able to:

- 1 Competently take a history of the presenting problem and sift out irrelevances
- 2 Identify whether the problem faced by the person is a problem which might be resolved by the legal system or legal procedures



- 3 Identify within which area of law the identified problem might fall and under which piece of legislation it might be regulated
- 4 Give information (printed leaflets, trustworthy web-links) in cases where that might be all the help the person needs
- 5 Inform about help lines, relevant community groups, victim support services, psychological assistance
- 6 Provide information and advice in basic non-contentious<sup>2</sup> enquiries
- 7 Provide general information about free legal aid
- 8 Provide general information about roles and responsibilities of the public administration of Latvia and the competence of institutions in solving problems the client is dealing with
- 9 If possible, provide initial advice regarding the substance of the law
- 10 Explain under competence of which person or institution the particular problem lies
- 11 Explain, where relevant, the functioning of the court system, court procedures, administrative procedures and out-of-court solutions
- 12 Explain the availability of mediation regarding the particular problem, describe the mediation process if applicable, and refer to the council of certified mediators that would help to find a most suitable mediator for the case.
- 13 If necessary, fill in simple forms or help to draft brief initial submissions
- 14 If applicable, identify and primarily assess the necessity and possibility of receiving secondary legal aid (see above at 2.3)
- 15 Help with filling in forms for secondary legal aid and acquiring the necessary documents (proof for property and financial state)
- 16 Take adequate and appropriate notes of the steps taken and advice and information provided to the client

Primary free legal aid service during the pilot project shall be offered to all enquirers – citizens of Latvia, foreigners, stateless persons and refugees, regardless of their income situation.

## 2.5 Likely areas of law / problem types

- |   |  |  |
|---|--|--|
| ● Housing and homelessness                | ● maintenance; custody of children           | ● Consumer rights – faulty goods or services |
| ● Welfare                                 | ● Other parenting / pregnancy-related issues | ● Debt, credit and money problems            |
| ● Health and medical negligence           | ● Social welfare and state benefits          | ● Inheritance rights                         |
| ● Personal injury – someone at fault      | ● Crime: victim (state compensation, etc.)   | ● Neighbour disputes                         |
| ● Child contact and access; child support | ● Crime: accused                             |  |

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<sup>2</sup> A non-contentious enquiry means one with legal content but where there is no dispute, no reason to litigate and no opponent, eg How do I make a will? What is the deadline for filing my tax return and what happens if I miss it?

- Property rights (landlord-tenant problems)
- Property rights (home-owners)
- Matrimonial and relationship issues
- Mental health
- Disability
- Health / ill-health
- Education rights
- Bereavement
- Employment rights (for employees: harassment, unfair dismissal, unfair discipline)
- Immigration/asylum and nationality
- Unfair treatment by the police
- Tax (for employees)
- Enforcing court decisions
- Children rights, Justice for children, child friendly justice
- VAW, GBV, DV
- Discrimination and Gender equality

This is only indicative, not an exclusive list.

### Activities

Localised legal needs (both met and unmet) assessment (from the point of view of the beneficiaries and from the point of view of the providers) in order to identify the much needed and correct legal services that the future providers will undertake. Recommendations for further legal needs assessments for all future primary legal aid providing locations will be included in the report.

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## 3 The individual's legal aid journey

### 3.1 How will members of the public find out about primary legal aid?

On one hand there will be a comprehensive communication exercise to raise awareness of the scheme. This was done through multiple media channels to good effect in the previous 'One-Stop' pilot. Channels included social media, traditional printed media (local and national newspapers etc), traditional broadcast media (eg local radio), printed adverts and billboards, and other online channels, and those media can all be used in the present pilot. This is elaborated below at section 7. Hearing about legal aid like this enable individuals to self-refer and gain direct access to primary legal aid.

Additionally, outside of the scope of the state paid legal aid system are the signposters – persons and organisations who are aware of the existence of the pilot project and can signpost people in need they see or work with into receiving primary legal aid firstly within the pilot project. Later when the overall primary legal aid scheme is implemented, signposting individuals into the overall primary legal aid system can continue to be done in the same way. Signposting activities are encouraged by LAA but must not be legally regulated or quality-controlled and shall not be remunerated. These are activities of awareness-raising initially among the signposters themselves and subsequently throughout all of society. The organisations signposting others to the primary legal aid system might be for example municipal offices, pharmacies, libraries, hospitals, clinics, doctors' surgeries, social services, tax offices, banks, supermarkets, markets, care homes, schools, nurseries, playgroups, courts, trade unions etc.

### 3.2 Where will they go to get the services?

- The locations and venues of the provided services shall be determined during the consultations with stakeholders in the selected cities
- If the pilot project is carried out within a building also used for other purposes (eg a room in a public library) then it should be clearly signed with FLA branding on signs, posters, direction arrows etc. Signage should be positive and welcoming
- The venue should be: physically accessible, unthreatening, able to offer a waiting area, able to offer seating to all who need it, able to afford privacy to clients while having their consultation and equipped to a minimum standard with IT and stationery, etc
- In the case of drop-in-without-an-appointment sessions, enquirers should be given an estimate of the likely waiting time if possible
- Information (both digitally and in paper form) related to the pilot project should be distributed in court buildings, municipal offices etc – in fact all the agencies listed above under signposting agencies to enhance the reach of the service

### 3.3 What arrangements are there to receive the services?

- Mode of delivery: physically in person; by phone; by videoconference; by SMS, and via WhatsApp-type chatting, etc
- Drop-in (no appointment - first come, first served)
- If necessary, arrangements shall be provided for an appointments system ready to put in place as soon as demand grows for booked sessions

## Activities

- 1 Develop information materials related to the pilot project.
- 2 Distribute the developed information materials related to the pilot project.

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## 4 Capacity building of the primary legal aid providers within the pilot project

The training of the primary legal aid providers within the pilot project implies initial (induction) training in order for the selected providers to understand their role in the primary legal aid scheme, the needed skills and the responsibilities they have.

Thus, the initial/induction training concept should include both “soft skills” and “hard skills” on topics such as:

### 4.1 Soft skills: understanding the role of primary legal aid providers

- Who is a primary legal aid provider?
- What primary legal aid providers do?
- Skills of a primary legal aid provider
  - Soft advocacy skills (client-care, personal interaction, ethics (confidentiality, conflicts of interest, refusing payments and gifts), social analysis<sup>3</sup>, dealing with other professionals, anti-discriminatory working, interviewing skills, client referral skills, legal writing skills<sup>4</sup>, drafting documents<sup>5</sup> etc.)
  - Administrative/semi-soft skills (data use and protection, national institutions and how they work, case-management, record keeping, reporting and documentation, safeguarding<sup>6</sup> vulnerable clients<sup>7</sup>, safeguarding third parties<sup>8</sup>)
  - Advice-related information-gathering skills including use of webpages of institutions and organisations for search of information
  - Advocacy skills: calling or emailing departments and agencies on behalf of a client with information requests, raising issues with the department, providing information, lodging simple appeals (all with the client’s permission)
  - Campaign skills: bringing to the attention of policy makers problems faced by the disadvantaged groups with whom they are working, raising awareness campaigns)
  - Person-to-person skills including listening skills
  - Understanding how to provide legal and other advice as well as informing and referring to the official list of accredited mediators
  - Dealing with specific groups of people (enhancing women’s access to justice, dealing with specific issues like sexual offences, discrimination, redress etc, children’ rights and child friendly justice, sensitization in relation to sexual orientation and gender neutral expression, violence issues, anti-discrimination and racism, xenophobia, homophobia and transphobia, specific ethnic / cultural minorities in Latvia, disability issues, children in need, sensory impairments, communication disabilities)

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<sup>3</sup> Understanding the structural nature of the problems faced by the people, and thus finding long term solutions for them.

<sup>4</sup> Initial legal advice, legal opinions etc.

<sup>5</sup> Assist in writing applications, complaints, affidavits, petitions and other legal documents.

<sup>6</sup> Understanding protocols for reporting risk

<sup>7</sup> I.e. all children, and people with mental health problems, learning disabilities and others, people who (may) have been trafficked or are about to be trafficked or enslaved

<sup>8</sup> E.g., reporting a third-party child at risk

## 4.2 Hard skills – hard law

- Legislation and legal practice. Public administration structure, competencies of institutions
- The Latvian legal system. Primary legal aid scheme, the scope of the primary legal aid, criteria etc. Specific areas of law covered by primary and secondary legal aid
- Basics of civil matters
- Basics of administrative matters
- Basics of criminal matters
- Mediation – scope, process, availability, applicability
- EU and ECHR law

After the decision regarding the overall primary legal aid system in Latvia will be made, in-service trainings should be a mandatory concept. The topics of the in-service trainings shall be determined after analysing the actual need of the clients and the gaps of knowledge of the primary legal aid providers. Where possible, existing modules in Latvia can be adapted to the specific needs of the Project.

## 4.3 Training programme structure

Before the start of the pilot project and during the pilot project a specialized training will be conducted for the selected primary legal aid providers within the pilot project. This training will be delivered on the following topics:

- 1 Primary legal aid provider and his / her role within the legal aid system.
- 2 Legislation and legal practice.
- 3 Public administration structure, competencies of institutions.
- 4 The Latvian legal system.
- 5 Primary legal aid scheme, the scope of the primary legal aid, criteria etc.
- 6 Specific areas of law covered by primary and secondary legal aid.
- 7 Basics of civil matters.
- 8 Basics of administrative matters.
- 9 Basics of civil criminal.
- 10 Mediation.
- 11 Cases that came in in the first pilot shall also be used for case discussion in the training.

The format and the structure of the trainings shall be a hybrid/combined format of trainings.

### **First part of the structure of the trainings – theoretical part accompanied with tests, case studies etc**

In cooperation with the Municipal Training Centre, their online platform will be used for uploading the materials of the trainings. On this platform the training contents will be uploaded in a form of scorm packages, videos, ppts' or word documents. The platform will allow the reader to actually approach its content in their free time, whenever they feel or wish or are able to read.

## Second part of the structure of the trainings – practical part

Depending on the duration of the courses, during the courses, face to face workshops must be organized. These workshops will serve to practice the already learned theoretical content via the platform through interactive tools such as simulations, role plays, real life examples and stories, Q&A etc.

### Activities

This set of activities covers only the training needs identified above for the pilot project. Output 2 of the Project is a separate output only partly covered by this ToR.

- 1 Preparation of the induction training curricula and handbook to the primary legal aid providers within the pilot project
- 2 Identification of a platform for storage and venue and time for the training
- 3 Preparation of a short document for the usage of the platform,
- 4 Training session on how to use and navigate through the platform and how to upload materials on the platform (for the trainers)
- 5 Preparation of the course materials (preparation of the scorm packages or the ppt's i.e. structuring the course for online usage and for uploading) and
- 6 Uploading the courses on the platform<sup>9</sup>
- 7 Implementation of the described trainings.

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<sup>9</sup> In order for the participants to be signed on the platform and to be given access to the tutored courses, there should be a kick off meeting where the tutors will present the platform, explain how it works, give short presentation of the course content and the structure, present the agenda of the courses, and give instructions on how to sign up on the platform. A private, paid platform such as Moodle is only possible if it is provided from outside sources, as the Project cannot fund this aspect, and merely focuses on the content.

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## 5 Quality standards and case-management

In order for there to be a thorough, systematic assessment of the quality of the primary legal aid service it will be necessary to identify an agreed set of performance standards, and a robust scoring system and to agree on the form and content of case records which will enable the efficacy of the primary legal aid work to be assessed.

### Activities

This set of activities covers only the quality assurance standards that should be implemented by the pilot project. Output 1 of the Project is a separate output only partly covered by this ToR.

- 1 Elaboration of a quality assurance system applicable to the pilot project
- 2 Identification of performance standards for primary legal aid and agreement (with providers ) as to the ones to be used in the pilot
- 3 Elaboration of a peer review mechanism for the needs of the pilot project including a robust scoring system, recruitment of peer reviewers and training of the reviewers
- 4 Elaboration of a record keeping system of the actions of the primary legal aid providers within the pilot project (providing advice, information, document drafting or referring to another agency in files or by electronic means.
- 5 Elaboration of client data collection questionnaire
- 6 Availability of a national consultant for immediate online or telephone consultations
- 7 Availability of a national consultant for later consultations and discussions regarding the questions raised by the clients

Peer review can be applied to either Primary legal aid or Secondary legal aid. In relation to Primary legal aid the reviewer(s) will be looking to see whether certain steps were taken by the provider in relation to the performance standards such as:

- 1 an adequate record was kept of client data,
- 2 client consent was obtained to the processing of the data and the procedure for obtaining either form of legal aid was explained
- 3 the client's legal or justiciable problems were properly identified, and where relevant any pertinent documents were reviewed
- 4 any appropriate referral e.g to a specialist, a mediator or a provider of Secondary legal aid, was made
- 5 the client was provided with up to date information, or a drafted document
- 6 the client understood what would happen next
- 7 the client was provided with accurate and appropriate advice on legal issues.

Key to making such assessments will be the keeping of adequate and appropriate records of the steps taken by the providers. This may be in files, attendance notes, file cards or telephone call recordings

On-going monitoring during the operation of the pilot is part of the advisory committee's duties

The national consultant will make a brief report weekly to the advisory committee

Client satisfaction survey after the pilot project (subject to consent)



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## 6 Structure, management and governance

### Activities

- 1 Establishment of an advisory committee of the pilot project in close collaboration with, CoE and CEPEJ experts, for the implementation and monitoring of the pilot project composed of: MoJ, LAA and national expert, representatives of NGOs, legal clinics and municipalities (Municipalities Training Centre and Association of Latvian Municipalities).
- 2 Appointing a national coordinator of the pilot project. The national coordinator may be a person, a lawyer's officer, or a grantee organisation, in which case they will manage their own human resources as needed.

### Sub-Activities

#### Tasks of the national coordinator

- 1 Prepares timetable for pilot and 2-month work plan for the legal aid providers of the pilot project
- 2 Develops communication strategy to raise awareness of the pilot project
- 3 Directs, guides, supports and supervises legal aid providers of the pilot project
- 4 Carries out mid-term and final evaluation of pilot
- 5 Inputs to the development of the peer review programme
- 6 Reports weekly to the advisory committee about the progress of the pilot project

#### Tasks of the advisory committee

- 1 To approve guidelines for the primary legal aid providers of the pilot project, developed by the Project experts
- 2 To supervise the development of the introductory training programme and actual implementation of the trainings for the legal aid providers of the pilot project
- 3 Discusses the progress of the pilot projects and its necessary adjustments during the pilot project
- 4 To advise on aspects of the peer review programme from the perspective of the Latvian laws and legal system including the identification of the performance standards, and providing feedback to the peer reviewer(s)
- 5 Discusses the lessons (being) learned from the pilot project both concurrently with the pilot and post-pilot

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## 7 Publicity and awareness

### Activities

Several activities may be carried out by the national coordinator of the pilot project, but the others (like visual content creation) must be outsourced to relevant specialists, much in the same way as it was for the first pilot project.

- 1 A clear and targeted communication strategy will need to be developed (target group: people with a problem they perceive need action but they may not know if it is a legal problem)
- 2 Awareness raising campaign: distribution of relevant printed, audio and video products, drawing attention to the existence of pilot and, if the budget allows this, featuring stories of people with “everyday problems”
- 3 Local leafleting, posters and printed media (local newspapers, free-sheets, street advertising such as sandwich boards, A-boards, etc.)
- 4 Social media campaign
- 5 Local and national radio/TV
- 6 Communication with public venues to get word out about the pilot (hospitals, clinics, doctors’ surgeries, pharmacies, libraries, municipal offices, tax offices, banks, supermarkets, markets, care homes, schools, nurseries, playgroups etc.)
- 7 Information might also be spread through municipalities, social services, NGOs and other institutions directly in contact with possible clients. Bulletins with information related to primary legal aid and its providers should be distributed in court buildings, municipal offices, Police, etc. to enhance the reach of the service

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## 8 Monitoring, assessment and evaluation

### 8.1 Monitoring

The monitoring of the pilot project will be undertaken by the national co-ordinator and overseen by the advisory committee.

#### Activities

- 1 The national consultant and / or national coordinator will be available online and, if necessary, visit in person the places of providing services during the foreseen hours of consultation, overseeing the work of the legal aid providers of the pilot project. Also, his or her presence will contribute to assist if there is a need.
- 2 Weekly reports will be prepared to the advisory committee by the national coordinator of the pilot project. According to the necessity and taking into account the importance of topics raised these reports shall be discussed online either in writing or by organizing online meetings.

### 8.2 Evaluation

#### Activities

- 1 The national consultant will, in collaboration with the international experts and project secretariat, evaluate statistics, numerically and by time spent, separated by legal help category, gender, etc.
- 2 Data fields that need to be completed within a consultation are:

- name	- ages	- type of accommodation (rented, home-owner, homeless, etc.)
- address	- presenting issues	
- e-mail	- actions taken by the national consultant (call, referral, checked something online, gave leaflet)	- willing to do customer research phone interview later on about the service we provided
- phone		
- sex	- referral(s) made	
- immigration status (if relevant)	- immediate outcome	
-household status (couple/single-children)	- time taken	
- 3 Client satisfaction questionnaire will be handed out on paper or electronically to each visitor to rate the service received (objective success of outcome, attitude of the adviser, friendliness of reception, felt looked after or not, would recommend to a friend or not, etc.) and to be e-mailed/messaged back or sent to LAA by pre-paid envelope
- 4 The international experts, in collaboration with the national consultant will, provide a report on the lessons learned from the peer review programme including the results achieved by the providers in terms of assessment against the agreed performance standards.
- 5 Final evaluation report (drawn up within the 2 months following the end of the pilot), discussing and assessing: objective outcomes of cases the pilot dealt with; quality indicators; customer experience;

providers' subjective experience; quality of referrals; the pilot's performance against key values (quality, user-focus, accessibility, anti-discrimination, sustainability and partnership); successes and positive learning points; areas for improvement or change; tangible indicators for the continuation of the pilot into a more permanent set-up, etc.

## 9 Timeframe

The preparation for the pilot project and its implementation should be conducted in the time period of 9 months, starting from late March/April to December 2023.

### Proposed calendar

Objective	Month/Duration	Activities	Resp
To identify providers of primary legal aid services – Paralegal concept	Immediately after the approval of the TOR	1. Decisions on: <ul style="list-style-type: none"> <li>- The number of places and particular cities where the pilot project will be carried out. Decision on the necessary number and remuneration of the primary legal aid providers within the pilot project.</li> <li>- Working hours of the pilot project in each specific city and number of PLA providers</li> <li>- Terms of involvement (remuneration) of the selected PLA providers</li> </ul>	COE MoJ
	April/May	2. Mapping the potential PLA providers through consultations explaining their potential tasks and intensity of involvement. And to determine their continued interest in participating	CoE MoJ Experts
	May	3. Online meetings/consultations/workshops to analyse their skills, experiences and needs which will feed into the training programme	MoJ CoE Experts MTC
Establishment of a primary legal aid scheme of the pilot project	May/June	1. In-depth discussions with stakeholders to clarify and define all the details that would help make the pilot project work.	CoE MoJ Experts
		2. Preparation of precise guidelines and protocols over record keeping	Experts

	June	3. Meetings with the stakeholders to explain the elaborated guidelines	CoE MoJ Experts
	June	4. Localised legal needs (both met and unmet) assessment if possible	Experts
	June	5. Development of information materials related to primary legal aid and its providers	Experts
	June/July July / August	6. Distribution of the developed information materials 7. Identification of performance standards for primary legal aid and agreement ( with providers ) as to the ones to be used in the pilot 8. Elaboration of a peer review mechanism for the needs of the pilot project including a robust scoring system,	Experts N.Coord
Capacity building of the PLA providers	May/June	1. Preparation of induction training curricula and handbook	CoE MoJ Experts MTC
	April/May	2. Preparation of a short document for the usage of the platform	Experts
	May	4. Training session for the usage of the platform	CoE MTC Experts
	June	5. Preparation of the course materials (ppt's, scorm packages, presentations, word documents etc)	CoE Experts
	August	6. Uploading the course on the platform and development of the training agenda	N.coord

	Late August/September	<p>7. Implementation of the trainings for the primary legal aid providers involved in the pilot project including in the appropriate use of record keeping systems of the actions of the primary legal aid providers within the pilot project</p> <p>8. Selection and training of peer reviewer(s)</p>	CoE N.coord Experts
Structure, management and governance	August	1. Establishment of an advisory committee	CoE
		2. National coordinator takes on pilot project implementation	ALL
Publicity and awareness	May/August	<p>1. Elaboration of a communication strategy</p> <p>2. Implementation of the communication strategy according to the elaborated plan</p>	CoE N.coord Experts
To implement the pilot project offering primary legal aid	September/October/November	Based on variety of factors the pilots are expected to last about 10 weeks	
Monitoring, quality, assessment and evaluation	November/ December		