# Private Practitioner Short Service Scheme Contracts frequently asked questions

*Updated 28 June 2022*

This document answers common questions from practitioners about new contract arrangements for Private Practitioner Short Service Schemes. We will review and update these answers regularly.

## Q1: What is the Private Practitioner Short Service Scheme (PPSSS)?

The PPSSS (formerly the Private Practitioner Duty Lawyer Scheme or PPDLS) forms part of a broader mixed model approach applied by Victoria Legal Aid (VLA) in the delivery of legal services. The PPSSS involves private practitioners delivering duty lawyer and short legal assistance services at a number of locations across Victoria.

Depending on the nature of court listings and demand for services in a region, PPSSS services may be rostered or non-rostered, and may relate to a single area of law or a mixed list. PPSSS provide legal assistance in the following areas of law:

• Summary Crime (including Help Before Court)

• Youth Crime

• Child Protection

• Family Violence Intervention Orders.

## Q2: Why have we changed the name from PPDLS to PPSSS?

We are changing the name of this service from the Private Practitioner Duty Lawyer Scheme (PPDLS) to the Private Practitioner Short Service Scheme (PPSSS). This ensures the title reflects not only rostered duty lawyer services, but also non-rostered services delivered by private practitioner partners where our in-house services may be experiencing capacity issues or conflicts of interest, or where multiple parties require representation.

The new title also encompasses the short legal services delivered pre-court as part of our Help Before Court Program.

## Q3: Why are we moving to contracts for PPSSS?

VLA is introducing standard contracts for PPSSS practitioners to ensure:

* an open and transparent process that gives suitably experienced practitioners the opportunity to apply to join short service schemes in each court venue
* an increase in the number of private practitioners participating in PPSSS, in schemes where supply is currently too low.
* greater consistency in the delivery of duty lawyer and short legal services
* COVID-19 related backlogs and intermittent demand pressures are effectively managed
* identified changes in demand and supply of legal services are addressed in a systemic way.

Written contracts will also better support private practitioners by establishing clear obligations and expectations for all lawyers delivering these services including occupational health and safety obligations owed to and shared with private practitioners.

## Q4: Will all private firms delivering PPSSS services be required to enter into a contract?

Yes, contracts will be required for all private firms delivering duty lawyer and short legal assistance services through the PPSSS. The roll out of contracts will be phased across all VLA regions (see Question 9 for a schedule for PPSSS contract rollout) and we aim to have all private firms that routinely deliver these services entered into contractual agreements by the end of 2022.

## Q5: What is the process to enter a PPSSS contract?

We will conduct an open application process across all regional VLA office locations to provide interested and eligible firms with an opportunity to apply for a PPSSS contract. This will be done by completing an Application Form and returning this for assessment by VLA.

## Q6: What are the eligibility criteria?

To be eligible to participate in the PPSSS, your firm must be a member of the relevant S29A Panel. The specific S29A Panel and training requirements for participation in the PPSSS in each area of law are as follows:

* **Summary Crime** (including Help Before Court) – At least one employee of the firm is an Individual Certifier on the Summary Crime Panel.
* **Child Protection** – Staff proposed to undertake Child Protection duty lawyer and short services work are Individual Certifiers on the S29A Child Protection and the Family Violence Panels. Approval for this scheme will entitle the firm to undertake family violence matters for child clients.
* **Youth Crime** – At least one employee of the firm is an Individual Certifier on the youth subset of the Summary Crime Panel. Approval for this scheme will entitle the firm to undertake family violence matters for child clients.
* **Family Violence** – Staff proposed to undertake Family Violence duty lawyer and short services work are either Individual Certifiers on the s29A Family Violence Panel or have completed the VLA Client Safety Framework training.

Applicant firms who have participated in a short service/duty lawyer scheme during the past 12 months who are not on a panel, may be exempted from the requirement to be on a panel on the basis of their past skills and experience. Any exemption to the panel requirements will be determined on a case-by-case assessment. **This exemption does not apply to the practice area of Child Protection.**

Information on applying for [VLA’s s 29A Panels](https://www.legalaid.vic.gov.au/apply-panel-membership) or enrolment details for the VLA Client Safety Framework training courses can be found on [LawHub](https://www.legalaid.vic.gov.au/access-lawhub).

## Q7: Do private practitioners currently delivering duty lawyer or short services need to apply?

To ensure a consistent and transparent process, all interested firms will be required to complete an Application Form to join a PPSSS, including those currently participating in a scheme.

VLA acknowledges that many private practitioners have provided these types of legal services for many years, so our application process will consider current and recent experience and exempt firms already providing short services from many of the application requirements. This will ensure the application process is streamlined, fair and an appropriate level of recognition will be afforded to the experience of practitioners currently and or recently delivering these types of legal services.

## Q8: When will applications open and close?

There will be a phased roll out of contracts for PPSSS across the regions.

Table 1: Schedule for PPSSS Contract Rollout

|  |  |  |  |
| --- | --- | --- | --- |
| Region | Relevant VLA office  | Applications open | Applications close |
| Loddon/Mallee | Mildura and Bendigo | 04/07/2022 | 25/07/2022 |
| South West | Ballarat and Horsham | 25/07/2022 | 15/08/2022 |
| North East  | Ringwood and Shepparton  | 15/08/2022 | 05/09//2022 |
| North East | Geelong and Warrnambool | 29/08/2022 | 19/09/2022 |
| South East | Gippsland and Frankston | 12/09/2022 | 03/10/2022 |

More information on the planned timing for metropolitan Child Protection PPSSS will be provided by VLA’s Child Protection Program soon.

## Q9: When will I be notified of the outcome of my application?

We will endeavour to notify all applicants of the outcome of their application approximately three weeks after the relevant application closure date.

## Q10: Can I apply across multiple regions/locations?

You can. However, our approach to improving private practitioner supply in regions preferences “local first”, with referrals to out of area practitioners only if suitable local private practitioners are not available and it does not adversely impact on clients.

To apply to deliver short services outside your local area, please indicate this in the ‘Out of Area Service Delivery’ section on the Application Form.

## Q11: How will applications be assessed?

Applicants will be assessed on their eligibility, and skills and experience in the following areas:

* duty lawyer experience
* advocacy experience
* subject matter expertise
* other relevant matters include experience or training in relation to working with Aboriginal and Torres Strait islander clients, culturally and linguistically diverse clients, mental health, family violence, disability, and/or people who have drug or other substance dependency.

Section 5 of the Application Form provides useful examples which may be used as a guide for applicant’s responses to the criteria. The examples provided in the Application Form are intended to be for guidance only and are not intended to be prescriptive or limiting as to how you might demonstrate experience and skills in the above areas.

The assessment may also draw upon information known to VLA such as the firm’s history of accepting or declining duty lawyer referrals, outcomes of complaints, compliance checks and quality audits, and history of compliance with PPDLS invoicing requirements.

## Q12: Will the contract guarantee a minimum number of referrals for successful applicants?

As with current PPSSS arrangements, contractual agreements will not guarantee a minimum number of referrals to a firm during the term of the contract.

If your application is successful, rostering and referral decisions will take into account a range of considerations including the level of demand for services, number of firms seeking to participate in the scheme, court schedules and court practice directions.

The contract for each applicant firm will be tailored to the specific requirements of each region, the relevant area of law a firm has applied to practice in and the availability/capacity of each firm.

## Q13: Occupational Health and Safety responsibilities are now included in contracts, what does this mean for me?

Including Occupational Health and Safety (OHS) responsibilities in contracts highlights their importance for both private practitioners and for VLA.

We are developing processes and materials to proactively support the health and safety of private practitioners when delivering legal aid services. This support will include:

* the provision of general OHS information, based on the type of work performed and the environments in which this work is performed
* the provision of known risk/s associated with specific legal aid work being delivered (including, but not limited to any behavioural risks of a client)
* future opportunities for private practitioners to participate in relevant and targeted OHS training
* the adoption of an effective OHS consultation and communication model, to ensure there is a suitable line of information flow to and from private practitioners
* the provision of procedures and relevant systems to enable private practitioners to report safety incidents or hazards (including notifiable incidents) to VLA.

Further information about these initiatives will be communicated to practitioners as they are developed. It is important to note, there is also a responsibility for private practitioners to manage their own health and safety, therefore you can access further general information from the WorkSafe Victoria website, for example:

* [WorkSafe Victoria - Home](https://www.worksafe.vic.gov.au/)
* [Small business: obligations for employers checklist](https://www.worksafe.vic.gov.au/small-business-obligations-employers-checklist)
* [Office work and professional services](https://www.worksafe.vic.gov.au/office-work-and-professional-services)
* [Occupational violence and aggression](https://www.worksafe.vic.gov.au/occupational-violence-and-aggression)
* [Consultation](https://www.worksafe.vic.gov.au/consultation)
* [Compliance code: Workplace amenities and work environment](https://www.worksafe.vic.gov.au/resources/compliance-code-workplace-amenities-and-work-environment)

## Q14: How long is the contract period?

Successful applicants may be offered a contract for the provision of short services for a period of approximately two years ending in October 2024.

## Q15: If a firm or practitioner does not apply now, can they join a scheme later?

This will depend on whether the number of private practitioners engaged through this application and contracting process is sufficient to meet demand for services in a scheme.

In schemes where there remains unmet demand, new firms may seek to join on a rolling basis.

In schemes where there is a sufficient supply of practitioners to meet demand, the scheme will not open to new firms until the end of the contract period, an existing firm leaves the scheme, or there is significant increase in demand for services.

## Q16: My firm’s application was successful, what happens when my contract ends?

As this is a new process for both VLA and private practitioners we will conduct a review within approximately 12 months that will consider the efficacy of the current process and any changes that may be required including in relation to the requirements for contract renewal.

## Q17: My application wasn’t successful, what can I do?

We are keen to support practitioners through this process. If your application was not successful, we encourage you to speak with the VLA Regional Manager in your area to discuss the outcome. We are happy to provide feedback to assist you to make a successful application in the future.