# Request for Service

**Consumer Assistance and Advocacy** **Program** **2017-21**

December 2016

**Note**: To indicate your intention to apply and to receive notices about the Request for Service please email fundedservices@justice.vic.gov.au, using the subject line ‘CAAP <your organisation name> - RFS notices’

## CD/16/560777\*

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## 1. Introduction

This Request for Service (RFS) is for the provision of the state-wide Consumer Assistance and Advocacy Program (CAAP).

This RFS is open to not-for-profit community organisations with demonstrated current experience in delivering consumer support services to community organisations and vulnerable and disadvantaged consumers across Victoria.

## 2. Background

Consumer Affairs Victoria (CAV) currently funds a number of community organisations to provide tenancy and consumer services for vulnerable and disadvantaged private tenants and consumers.

The current service delivery model was reviewed during 2015-16 in consultation with providers and other stakeholders. The review recommended revisions to the service delivery model to ensure these services are delivered in an integrated, efficient and cost effective manner.

The outcome is the design and development of four programs to support vulnerable and disadvantaged Victorians most at risk of tenancy and consumer issues.

The four programs are the:

* Tenancy Assistance and Advocacy Program
* Tenancy Central Service
* Retirement Housing Assistance and Advocacy Program, and
* Consumer Assistance and Advocacy Program (the subject of this RFS).

CAV is responsible for the administration of these four programs.

This RFS is for the CAAP only.

## 3. Purpose

The purpose of this RFS is to advise of the requirements for the delivery of the CAAP for four years from 2017 to 2021, commencing July 2017.

This RFS includes:

* deliverables and service activities
* Full Time Equivalent (FTE) staff funding allocation for components of the service, and
* reporting requirements.

## 4. The Consumer Assistance and Advocacy Program

An Australia wide ‘legal needs’ survey found that the most prevalent legal problem in the community is consumer related problems, and that disadvantaged or socially excluded groups were particularly vulnerable to such problems.

The CAAP is a state-wide service that supports vulnerable and disadvantaged Victorian consumers through providing specialist consumer advice to workers, advocacy, training and casework. CAAP consists of the following 5 components that are discussed in detail below.

1. The Consumer Advice Service
2. CAAP Casework
3. Professional development for consumer workers
4. Consumer campaigns and media, and
5. Consumer policy and advocacy.

The scope of CAAP is to provide assistance for matters under the Australian Consumer Law (ACL) as it applies to conduct in trade or commerce. It will deal with consumer-related law and practice, including protections around unfair contract terms, unconscionable conduct, misleading or deceptive conduct, false or misleading representations, consumer guarantees, and unsolicited consumer agreements. Matters could be related to general fair trading issues, the purchase and repair of second-hand cars, utilities, door-to-door sales, training courses and retirement village management contracts.

### 4.1 The Consumer Advice Service

The Consumer Advice Service will operate state-wide by providing:

* secondary consultations, and
* the Community Worker Outreach program.

#### 4.1.1 Secondary consultations

Community workers who do not work primarily in consumer areas may require specialist assistance to interpret the ACL and other consumer protection legislation so as to provide appropriate advice to vulnerable consumers. More experienced consumer workers (including community legal service lawyers and pro-bono lawyers) may similarly require additional assistance from time to time to support clients with more complex consumer problems.

The CAAP will provide a secondary consultation service via a discrete workers telephone line and email address. The telephone line must operate for a minimum of five hours on business days (although it may be closed between Christmas and New Year).

The secondary consultation service must be staffed by lawyers with extensive knowledge and expertise in consumer law and practice.

In the course of providing a secondary consultation, the worker may determine that the consumer requires casework assistance. Consumers will be assessed against eligibility criteria primarily based on the level of detriment of the matter, financial disadvantage, and whether the case represents an emerging, or systemic CAAP priority issue. If casework is required, the client will be referred to CAAP Casework.

The agency providing the CAAP must meet annual target numbers for secondary consultations (simple and complex) agreed with CAV.

The CAAP provider must include in a 6-monthly narrative report to CAV, information on secondary consultations, including the number and detail of referrals for casework made as an outcome of the secondary consultations.

#### 4.1.2 Community Worker Outreach

In its *Access to Justice Arrangements Inquiry Report* (December 2014), the Australian Government Productivity Commission found that resolving the legal and non-legal problems experienced by disadvantaged Australians requires greater collaboration between legal and non-legal organisations. It also found that providing greater training and support for non-legal workers who regularly deal with disadvantaged people can be an effective means to improving access to justice.

The Community Worker Outreach program of the CAAP will focus on building the capacity of general community workers to help vulnerable and disadvantaged consumers more effectively by educating those workers about consumer law and practice. The program will also instruct them how to access worker advice and assistance (e.g. through the secondary consultation telephone line) and how to refer clients to CAAP Casework.

The CAAP must deliver an annual Community Worker Outreach program that has state-wide reach, and which targets community workers providing services to vulnerable and disadvantaged Victorians.

The CAAP must develop appropriate content, and design a suitable delivery method for the program. Delivery methods may include attending local regional network meetings, or delivering consumer forums for community workers.

The CAAP provider must include, in the six-monthly narrative report to CAV, information on the Community Worker Outreach program.

### 4.2 CAAP Casework

CAAP Casework will provide casework for consumers who are financially disadvantaged and have a consumer matter with a level of detriment that warrants assistance.

CAAP Casework will be required to have the capacity to:

* prioritise casework in response to the priority consumer issues identified by CAAP
* provide some face to face casework in locations across Victoria
* provide clients with the least intensive, and therefore least expensive, service that meets the client’s needs
* focus on marginal groups including Culturally and Linguistically Diverse, Aboriginal and Torres Strait Islanders, and the elderly, and
* work collaboratively with community legal centres, particularly those providing consumer law support to financially disadvantaged consumers.

The CAAP provider will design and implement the CAAP Casework component taking into consideration the following:

* the option of partnership arrangements to provide the service
* recruitment of suitably qualified caseworkers
* procedures to provide state-wide casework in response to the CAAP identified priority issue cases, and
* the viability of outpost locations.

The CAAP Casework provider will be required to adopt the [CAAP Casework Service Delivery Model (Word, 172KB)](https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-casework-service-delivery-model-2017-21.doc) (https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-casework-service-delivery-model-2017-21.doc) for the assessment, provision and recording of casework.

#### 4.2.1 The role of CAAP Casework workers

The CAAP Casework worker is a para-legal position requiring a sound knowledge of consumer law and practice, including:

* expertise and knowledge of the ACL, and the Victorian Civil and Administrative Tribunal (VCAT) Civil Claims List, with the capacity to address complex consumer cases, and
* skills in the provision of consumer information, negotiation with traders, and preparation and representation at the VCAT Civil Claims List (with permission of the VCAT member).

### 4.3 Professional development for consumer workers

The CAAP provider must develop and deliver an annual professional development program to support workers in organisations (mainly community legal centres), who assist clients with consumer matters.

The professional development program must focus on consumer law, and will include any changes and updates resulting from the current ACL Review. The CAAP provider will be required to develop the professional development program in response to the identified needs of consumer workers.

The professional development program should be offered using a variety of delivery mechanisms to reach workers across Victoria. This could include workshops, live or recorded webinar sessions, and site visits.

The CAAP provider will provide a minimum of five professional development sessions annually, and inform community legal centres and other relevant organisations of the forthcoming sessions in a timely manner. Consideration should be given to hosting one training session a year outside metropolitan Melbourne.

The proposed professional development program could also offer secondments for consumer workers who wish to up-skill in consumer law.

The CAAP provider must also develop and maintain an online repository that will hold practice resources including tools, templates and practice notes accessible to all Victorian CLC workers.

The CAAP provider must include in the six-monthly narrative report to CAV, information on the professional development program.

### 4.4 Consumer campaigns and media

CAAP will carry out consumer campaigns and media activities that address emerging and systemic consumer issues. Each year CAAP will identify several emerging or systemic issues as priority issues. (These priority issues will also form the basis of prioritisation for CAAP Casework.)

It is expected that CAAP will promote the consumer view on emerging and systemic issues to the mass market, using a variety of mediums including social media.

Media and campaign strategies may be implemented by the CAAP provider independently or in partnership with other organisations.

The CAAP provider must include in the six-monthly narrative report to CAV, information on the consumer campaigns and media work, including the initiatives undertaken and the responses achieved.

The CAAP provider must give prior notice to CAV of any campaigns or media activities expected to result in significant public exposure of issues to which the Government will likely be required to respond.

### 4.5 Consumer policy and advocacy

CAAP must engage in consumer policy and advocacy work that will impact on Victorian consumers (especially those who are vulnerable and disadvantaged). The CAAP provider must participate in policy-making processes, networks, forums and reviews to improve government and industry policies that affect consumers.

It is expected that the CAAP provider will contribute to the outcomes of the current review of the ACL, and may play a role in informing the sector of any resulting changes and updates to the ACL.

The CAAP provider must include in the six-monthly narrative report to CAV, information on the consumer policy and advocacy work, including the issues pursued, the parties approached, and the responses achieved.

## 5. Evaluation of CAAP

It is expected that the CAAP provider will develop an outcome evaluation framework to evidence how effectively CAAP services deliver outcomes for vulnerable and disadvantaged consumers.

The framework should clarify and articulate the purpose of the CAAP services, inform stakeholders, and inform policy and future direction of the service.

The CAAP provider will work collaboratively with CAV to agree to the evaluation framework.

## 6. Relationship with CAV

The CAAP provider will be a member of CAV’s Funded Services Reference Panel that will meet at least twice a year as a component of CAV’s Partnership Strategy.

It is expected that the CAAP provider will meet regularly with CAV senior management through a formalised structure to present the narrative report and to discuss:

* emerging consumer issues
* campaign and media strategies
* compliance issues, and
* community education.

## 7. Funding

### 7.1 Funding allocation

Funding under the CAAP is provided for the recurrent operational costs of services. Funding is not provided for capital costs. CAAP funds may not be used to provide direct financial assistance to clients.

The rate for a CAAP Casework FTE worker in 2017-18 is $119,306, and for a lawyer FTE is $139,561. Both are inclusive of salary, employee costs, management and supervision, and the Equal Remuneration Order (ERO) supplementation under the Social, Community, Home Care and Disability Services (SCHCADS) Industry Award.

Funding in subsequent years will be indexed at the rate agreed between DHHS and the Victorian Council of Social Services (currently two per cent), and increased by the applicable ERO supplementation component of the SCHCADS Award.

#### Table 1: CAAP Funding 2017-18

|  |  |  |
| --- | --- | --- |
| **Component** | **FTE** | **Funding 2017-18** |
| Consumer Advice Service  | 1.0 | $139,561 |
| CAAP Casework workers | 2.3 | $274,404 |
| Professional development for consumer workers  |  | $50,000 |
| Consumer campaigns and media | 1.0 | $139,561 |
| Consumer policy and advocacy | 1.1 | $153,517 |
| **Total** |  | **$757,043** |

### 7.2 Travel

The CAAP provider will have the ability to claim reimbursement for travel expenses incurred by CAAP Casework workers for the following activities:

* Travel to and from VCAT venues for a consumer’s hearing
* Travel to and from locations for provision of CAAP Casework
* Travel for outreach services, and
* Travel to and from professional development sessions.

The travel rate for 2017-18 is 76 cents per kilometre, with the maximum amount claimable per year for CAAP Casework of $2,500 per FTE.

The CAAP provider will be required to submit the travel amount being claimed each quarter. CAV will pay travel reimbursements in August, following the end of the financial year in which the travel was undertaken.

### 7.3 Interpreting services

The CAAP provider will have access to interpreting services if required for communicating with clients with limited English proficiency. Interpreting costs are funded directly by CAV.

The CAAP provider will be able to use either Victorian Interpreting and Translations Services (VITS) or Translation and Interpreting Services (TIS). The CAAP provider will be provided with an access code for the services.

### 7.4 Disbursements

The CAAP provider will be expected to cover the cost of expert reports and Australian Securities and Investment Commission documents required for casework that proceeds to VCAT.

### 7.5 Funding agreement

To receive CAAP funding, an organisation must enter a formal funding agreement with CAV in the form of the Victorian Common Funding Agreement.

The standard terms and conditions of this agreement are not negotiable. These terms are available on the [Victorian Common Funding Agreement page on the DHHS website](http://www.dhs.vic.gov.au/for-business-and-community/not-for-profit-organisations/common-funding-agreement) (http://www.dhs.vic.gov.au/for-business-and-community/not-for-profit-organisations/common-funding-agreement).

A schedule to the funding agreement, describing the funded activities, milestones and reporting requirements, will be developed by CAV in consultation with the preferred CAAP provider on the basis of its response to this RFS.

The funding agreement will incorporate the service delivery requirements contained in this RFS.

### 7.6 Payments

Funding payments will be made on a quarterly basis upon CAV’s acceptance that the CAAP provider is meeting its obligations under the funding agreement including:

* complying with reporting requirements
* delivering the required service to a high quality standard, and
* meeting other service delivery requirements contained in this RFS and the funding agreement.

Failure to meet the service delivery requirements will constitute a breach of the funding agreement and may result in CAV reducing or withholding payments.

All payments will be made via electronic funds transfer to the bank account nominated in the funding agreement.

## 8. Performance monitoring framework

The CAAP must be delivered in a timely and efficient manner using a standard of care and skill that would reasonably be expected from an expert and experienced provider of the services. CAV will not pay for services that do not meet this standard.

The CAAP must comply with the performance monitoring framework, which includes:

* providing an annual work-plan
* providing a six-monthly narrative and training report
* collecting and submitting CAAP Casework service data quarterly
* providing the organisation’s complaints policy
* providing an annual acquittal certificate
* providing a copy of the organisation’s annual report with audited financial statement, and
* otherwise complying with the CAAP funding agreement.

All reports must be provided in the prescribed format and within the required timelines. Any data reporting will need to use the data-set advised by CAV. CAV does not require any specific database to be used for data collection, however the CAAP Casework data must be able to be uploaded to the CAV Funded Services data portal in a Comma-Separated Values (CSV) format.

At CAV’s discretion, performance monitoring may also include occasional visits to the CAAP by CAV or Department of Justice and Regulation staff to discuss service delivery.

If requested by CAV, the CAAP provider may be required to conduct or otherwise assist with a client satisfaction survey. In this event, CAV will consult with the CAAP provider in the development and design of the survey.

## 9. Making an application

Information on how to respond to this RFS is provided in the [CAAP Application Guide (Word, 58KB)](https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-application-guide-2017-21.docx%29) (https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-application-guide-2017-21.docx). This includes important information, including the application deadline and other significant dates.

Responses to this RFS must be submitted using the template provided: [CAAP Application – Response to Request for Service (Word, 174KB)](https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-application-response-to-request-for-service-2017-21.doc) (https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-application-response-to-request-for-service-2017-21.doc).

If your organisation intends to submit an application, please register your interest by sending an email to fundedservices@justice.vic.gov.au using the subject line ‘CAAP <your organisation name> - RFS notices’

## 10. Contact details

For further information or assistance regarding this specification, contact CAV Funded Services by emailing: fundedservices@justice.vic.gov.au, using the subject line ‘CAAP query’.

## 11. Supporting information

[CAAP Casework Service Delivery Model (Word, 172KB)](https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-casework-service-delivery-model-2017-21.doc) (https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-casework-service-delivery-model-2017-21.doc)

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[CAAP Application – Response to Request for Service (Word, 174KB)](https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-application-response-to-request-for-service-2017-21.doc) (https://www.consumer.vic.gov.au/library/forms/clubs-and-not-for-profits/grants/caap-application-response-to-request-for-service-2017-21.doc)