

**ACLCO Clinic Learning and Training Program  
Policy and Program Framework  
June 2016**

**Purpose**

Effective June 2016, the Association of Community Legal Clinics of Ontario (ACLCO) will manage clinic learning and training for the clinic system.

The ACLCO has accordingly established a *Clinic Learning and Training Program*, acknowledging that continuous learning and training for all clinic staff and board members is required to ensure that the highest quality legal services are provided for clinic clients and communities. The ACLCO Executive adopts this policy and program framework to direct the *Program* and support the management of clinic learning and training funds.

The purpose of the *ACLCO Clinic Learning and Training Program* is to promote and foster learning and knowledge sharing for all staff and board members within the clinic system; to ensure that clinic boards and staff have available to them the most current theories related to substantive clinic law, its practice and governance; and, to explore innovative learning and knowledge sharing methods. The *Program* will facilitate coordination of learning and training within the clinic system. As well, the Program will support the work of inter-clinic work groups in supporting strategic legal analysis and developing litigation, community development, systemic advocacy and law reform strategies.

**Responsibilities and Accountabilities**

**Community Legal Clinics**

All Community Legal Clinics are responsible to ensure that they provide legal aid services in accordance with community needs in a high-quality, cost-effective, accountable and efficient manner.<sup>1</sup> Community Legal Clinics are responsible to provide high quality legal services, including referrals, advice, brief services, casework, law reform, public legal education and community development.<sup>2</sup>

The *Legal Aid Services Act* mandates Legal Aid Ontario (LAO) to provide legal aid services in the area of clinic law having regard to the fact that clinics are the foundation for the provision of legal aid services in that area.<sup>3</sup>

Responsibility for high-quality clinic-law services as the provincial foundation for the provision of legal aid services in this area carries with it the responsibility to facilitate the continuous professional development, learning and training of all clinic staff and board

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<sup>1</sup> LAO-Clinic Memorandum of Understanding, Introduction.

<sup>2</sup> LAO – Clinic Memorandum of Understanding, Article 10(h)

<sup>3</sup> *Legal Aid Services Act*, 1998, Section 14(3).

members in the skills and knowledge required for clinics to practice in this specialized area of the law.

## **LAO**

The LAO-Clinic Memorandum of Understanding (MOU) defines the roles and responsibilities of Legal Aid Ontario and Clinics and establishes a framework for ongoing relations between LAO and each Clinic.<sup>4</sup>

The MOU outlines the shared responsibility of LAO and Clinics in the success of the clinic system in delivering high-quality clinic law services to low income individuals and disadvantaged communities in Ontario as well as the importance of LAO support in that success.<sup>5</sup> LAO specifically commits to providing training opportunities for clinic staff and clinic Board members, among other learning and training supports such as the Clinic Resource Office.<sup>6</sup>

## **Law Society of Upper Canada**

Under the Law Society of Upper Canada's (LSUC) Continuing Professional Development (CPD) requirement, lawyers and paralegals practising law or providing legal services must complete at least 12 CPD Hours every year, consisting of a minimum of 3 Professionalism Hours and up to 9 Substantive Hours annually.<sup>7</sup>

## **ACLCO**

The ACLCO is the representative body of community legal clinics in Ontario. The ACLCO is governed by a 13-member Board of Directors, referred to as the ACLCO Executive. The ACLCO Executive is elected yearly, directly by clinics and is accountable to its member clinics. The ACLCO Executive includes representatives from clinic boards of directors, and various staff roles in the clinic system.

The ACLCO By-law No.1 includes as the first of its objects *to promote the improvement of the legal welfare of the communities served by its member legal clinics*. The ACLCO has the authority to manage learning and training services for its member clinics.

In 2012, the ACLCO led a strategic planning process which resulted in the first-ever Provincial Strategic Plan for Ontario's Community Legal Clinics. The Plan is intended to enhance access to justice for people living in poverty. One of the four Strategic Directions identified in the Plan is to strengthen system-wide coordination and support to enable clinics collectively to provide the highest quality service. Clinics agreed to provide central leadership and coordination including training, research, best practices, policy development, needs assessment, evaluation, and technology – with defined roles for the ACLCO, inter-clinic groups, specialty clinics, and other centres of expertise

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<sup>4</sup> LAO-Clinic Memorandum of Understanding, Article 1.

<sup>5</sup> LAO-Clinic Memorandum of Understanding, Article 9.

<sup>6</sup> LAO-Clinic Memorandum of Understanding, Article 9.

<sup>7</sup> Law Society of Upper Canada, Continuing Professional Development (CPD) Requirement Accreditation Criteria for Professionalism Hours, A. Overview

within the clinic system

The Strategic Plan further provides for clinics to work with LAO on issues of importance to clinics and the broader system of legal aid, including role clarification and methods of funding that support innovation, efficiency and high quality service.

In order to assist and support clinics in meeting their learning and training needs and to fulfill its responsibility to its member clinics, the ACLCO will manage the clinic system learning and training funds provided by LAO within the following framework:

## **Framework and Structure**

### **Clinic Learning and Training Committee**

#### *Selection*

The ACLCO Executive will select a 12 member steering committee to form the Clinic Learning and Training Committee (CLTC), a decision making body on clinic system learning and training.

#### *Composition*

The membership of the Clinic Learning and Training Committee will consist of:

- 5 regional representatives from each region: Toronto, Northern Region, Eastern Region, Southwest Region and Specialty Clinics, as selected by the respective Regional Training Committees.
- 5 clinic members that are reasonably reflective of the following membership criteria: Clinic Board members; a range of clinic staff roles with expertise in areas of management, casework, administration, community development and board development; Francophone, general service and specialty clinics;
- the ACLCO Executive Director, who will chair the CLTC;
- an ACLCO Executive member to act as Vice-Chair.

The CLTC members, other than the ACLCO Executive Director, shall generally sit for a three-year term. To ensure continuity and renewal, each year, the term of three or four committee members will expire.

From time to time, LAO staff will be invited to participate on the CLTC in an advisory capacity as may be appropriate.

#### *CLTC Roles and Responsibilities*

The CLTC will provide direction, advice, guidance and funding decisions on learning and training within the clinic system, with consultation as appropriate, and will:

- Identify and analyse clinic learning and training needs on an ongoing basis;
- Determine learning priorities and develop an annual learning plan, ensuring that this plan complements those developed on a regional basis;

- Provide input to LAO for determining the annual budgetary allocation for clinic learning initiatives;
- Ensure co-ordination and linkages between learning, training and knowledge sharing efforts within the clinic system;
- Support inter-clinic work groups in their efforts to lead and coordinate litigation, systemic advocacy, community development and law reform strategies
- Assess applications for training funds received from regional groups, inter-clinic working groups, a board supports training group and one-time special projects and determine the amounts to be allocated;
- Develop learning policies and procedures;
- Report yearly to the ACLCO and to clinics a list of initiatives funded through this *Program*;
- Report to LAO as required on the funding decisions made through this *Program*;
- Communicate with the clinic system on learning and training issues;
- Provide on-going evaluation of the implementation of the annual learning plans;
- Provide input into the evaluation of the clinic learning and training staff;
- Work collaboratively with the LSUC, LAO, law faculties, and other justice sector stakeholders;
- Obtain Continuing Professional Development accreditation from the LSUC for all eligible programs.

#### *Funding Decisions Procedures*

The CLTC will receive applications for clinic learning and training initiatives from regional groups; inter-clinic working or study groups; individual clinics or groupings of clinics.

The CLTC will make decisions regarding allocations of funds for learning and training initiatives from within the yearly funding allocation received from LAO. The CLTC will be guided in its decisions by the general purpose of this policy; that is, to deliver the highest quality clinic law services for low income individuals and disadvantaged communities in Ontario, as well as learning priorities and plans developed by the CLTC.

The CLTC will strive for consensus in reaching its decisions. If consensus cannot be reached a simple majority will be needed for the decision to carry.

At its first meeting, the CLTC will establish its own procedures related to frequency of meetings, agenda-setting, materials, minute-taking, administrative support, etc.

#### *Staffing*

The Clinic Learning and Training Program will be supported by a Clinic Learning and Training Manager and administrative staff who are employed by the ACLCO and who answer to the ACLCO Executive Director for all Program operations.

#### **Complaints/Decision Review**

Any applicant for learning and training funds, or any clinic that is directly affected by a CLTC decision, who disagrees with the decision of the CLTC may make a written request to the CLTC to reconsider its decision within 15 days of receipt of the decision. Dialogue among the CLTC members and the applicant or clinic is encouraged to attempt to resolve any potential disputes regarding clinic learning and training decisions. The CLTC will reconsider its decision and advise the applicant or clinic of its final decision on reconsideration within 30 days of receiving the request.

If after reconsideration by the CLTC, the applicant or clinic remains dissatisfied with the CLTC's decision, they may request within 10 days that the ACLCO Executive review the decision of the CLTC. The applicant or clinic will provide reasons for its dissatisfaction with the request.

Upon request, the ACLCO Executive will review the decision of the CLTC and ascertain if the decision was made in accordance with this policy, employing fair and transparent reasoning. If the ACLCO Executive determines that the decision was fairly considered and with regard to this policy, it shall advise the applicant or clinic and the decision will stand. If, after its review, the ACLCO Executive deems that fairness dictates a different decision, it shall direct the CLTC accordingly. The ACLCO Executive shall advise the applicant or clinic of its decision promptly after it has been made.

### **ACLCO Responsibility**

The ACLCO Executive committee member together with the ACLCO Executive Director may bring to the ACLCO Executive any matter that could affect the integrity of the Clinic Learning and Training Program. These matters may include but are not limited to: human rights and accessibility issues; issues that may negatively impact clinics' and the ACLCO relationship with funders, the LSUC or other learning and training partners; or, issues that may jeopardize the Program or a significant component of the Program. The ACLCO Executive will consider the matter expeditiously and will provide direction on its resolution to the CLTC.