

SA Community Legal Centres Service Review Project

Workshop 1: 10 November 2015

Participant Guide and Summary of Outcomes



Building a better
working world

This slide pack includes the Participant Guide available at the 10 November 2015 workshop, notes with a summary of outcomes from the workshop and summary notes of consultations with representatives from Community Legal Centre's unable to attend the workshop.

All summary notes are identified by boxed text with yellow borders.

Further comments or feedback from workshop participants is welcome.

Agenda

Agenda

Registration and Coffee

Introductions

Background and Overview

Current Context and Current State Analysis

- Design
- Service System overview - What we know
- Next steps

Understanding the legal assistance service system

Group 1: Client / community access and information

- How do potential clients identify and access services?

Group 2: Service Co-ordination

- How do agencies work together to meet the needs of clients?
- What mechanisms are in place to support joint approaches to addressing priority client needs?

Group 3: Referral pathways and addressing complex need

- What are the other services that agencies refer clients to or work with in order to address other service needs identified?
- How do CLC's assess the support needs of clients

Demand Modelling

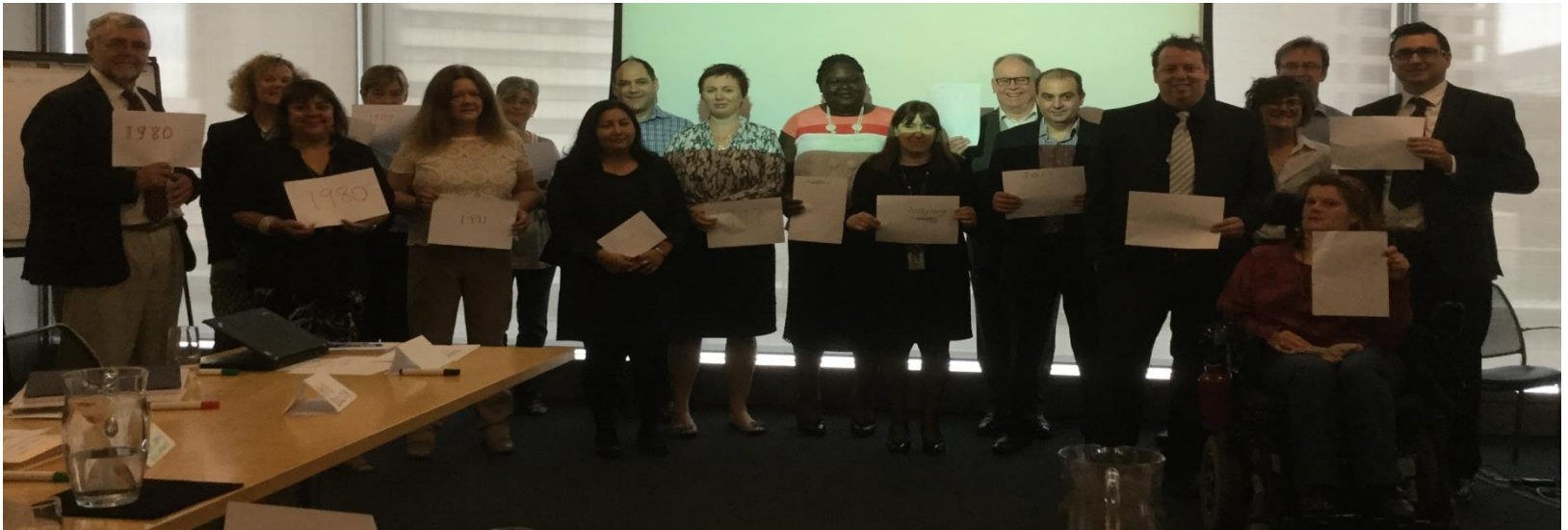
- What are the data requirements and issues that need to be considered in designing the demand model?

Research and Literature Review

- What models of service delivery should be considered in undertaking the Research and Literature Review
- What practice areas need special focus as part of the Research project to inform potential practice enhancement

Next steps and questions

Introductions



Human Timeline Activity: Participants identified when they first became involved in the legal assistance sector.

Key highlights

- ▶ Some participants have been involved in the sector for over 35 years, from 1980 onwards
- ▶ 1980: the ALRM experienced funding issues and Board members travelled to Canberra to lobby for continuing financial support
- ▶ 2007: the Environmental Defenders Office was established with 2 staff and had some successes. In 2015, the Office is 'defunded' and largely not operational
- ▶ 2011/12: a review of the sector was undertaken by the Legal Services Commission
- ▶ 2014/15: the Attorney-General's Department commenced it's review

Summary of workshop themes

Key themes noted from Workshop

- ▶ **Sector data** – some challenges exist with respect to data for the sector including:
 - inconsistency in definitions, common understanding and application (e.g. ‘advice/information’, ‘complex need’ ‘unmet need’)
 - uneven data collection
 - quality and reliability of data collected
 - gaps in data fields (e.g. ‘Other’ field not further categorised)
 - lack of coordination in data collection within sector and across services (e.g. ALRM and Legal Services Commission collect data separately)
 - ability to compare data and report within sector is limited
- ▶ **Sector coordination** – challenges exist in CLC coordination
 - Historically, surplus CLC funds have been used to establish a coordination role, however currently there is no funded coordination role in the South Australia Council of Community Legal Services (SACCLS)
- ▶ **Complex need** – a common understanding of ‘complex need’ across the sector is required:
 - interpretation and assessment of ‘complex need’ differs between CLC and support service sector (i.e. legal and non-legal practitioners)
 - limited capacity to assess complex need as can vary according to individual CLC
 - lack of consistent guidelines for prioritization (e.g. by client group, service type, urgency)
 - the disadvantaged client base has expanded and the capacity of sector to deal with most vulnerable disadvantaged is challenged
 - learning and development to address complex need is required to improve overall sector workforce capability
- ▶ **Early identification of client issues and intervention is vital across the sector**, including social support services (such as Housing SA, domestic violence) as this impacts type of CLC activities and effort to assist client
- ▶ **Sector culture** – the sector’s operating culture is characterised by:
 - autonomy, self-reliance and independence
 - well-established, deep understanding of clients based on direct and local experience
 - individual relationship building and connection
 - lack of resources / availability of volunteers

Why we are here:

Context of work

Review of South Australian Community Legal Centres with consideration of the newly agreed National Partnership Agreement on Community Legal Assistance 2015- 2020 that identifies a reduction in Commonwealth funding levels over the five year agreement

EY has been commissioned by the Attorney Generals Department to undertake the Service Review. This work is expected to be undertaken over an 8 week period with an interim report to be tabled on 18th December 2015 and a final report due on 28th January.

The scope of the work that we will be undertaking will include:

Identify a range of service model options to deliver Community Legal Assistance across South Australia, informed by an understanding of the current service system, assessed gaps and overlaps, strengths and weaknesses, needs identification and demand modelling

Based on research and best practice models for delivery of justice services within the non for profit sector

Provided within a robust contractual framework underpinned by sound performance management processes to ensure ongoing review and continuous improvement

Current State Analysis

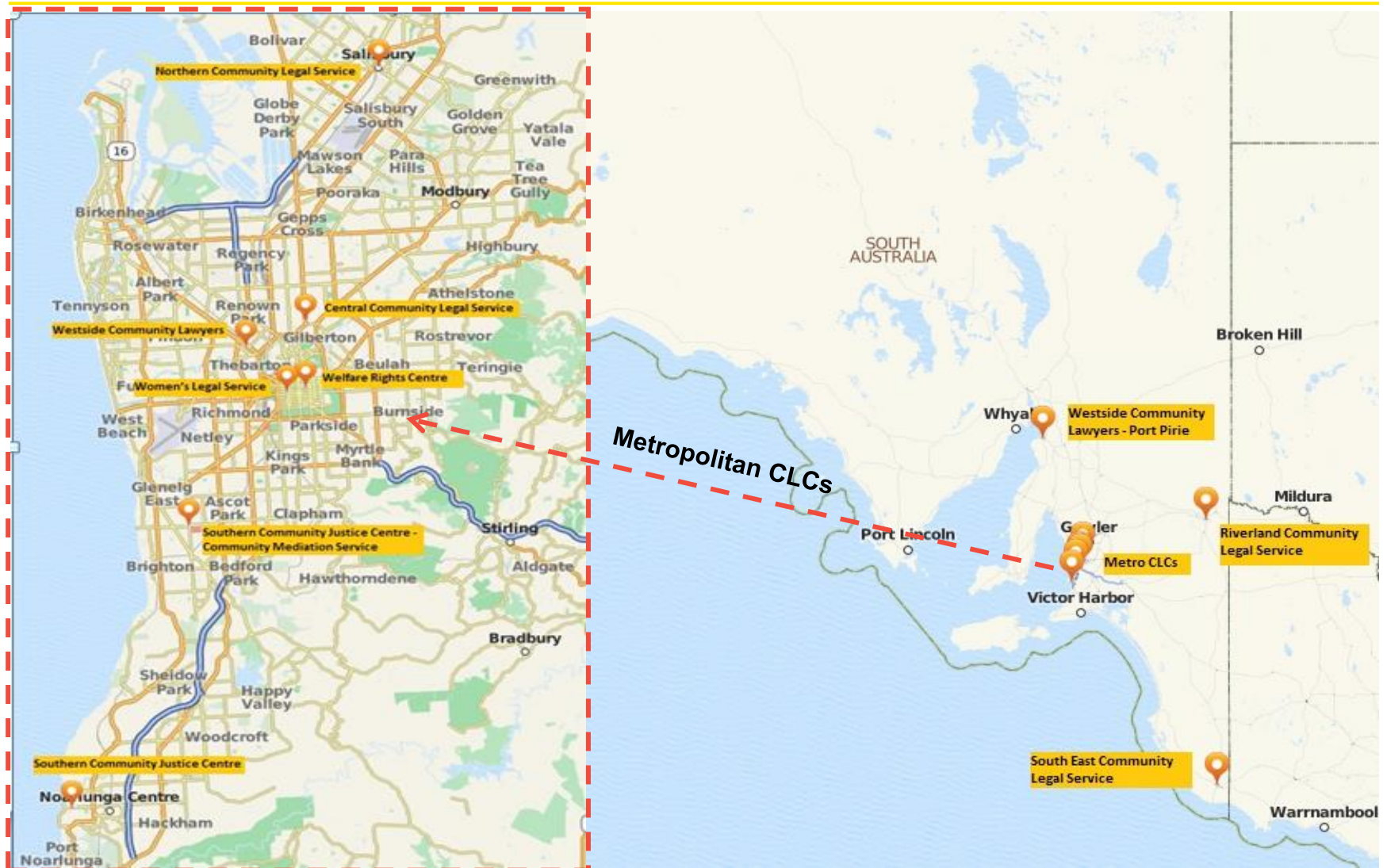
What we know

Productivity Commission – Inquiry Report – Access to Justice Arrangements (Sept 2014)

Review of Community Legal Centres in SA (May 1997) – Landscape changed – 7 generalist to 4, 3 regional centres established

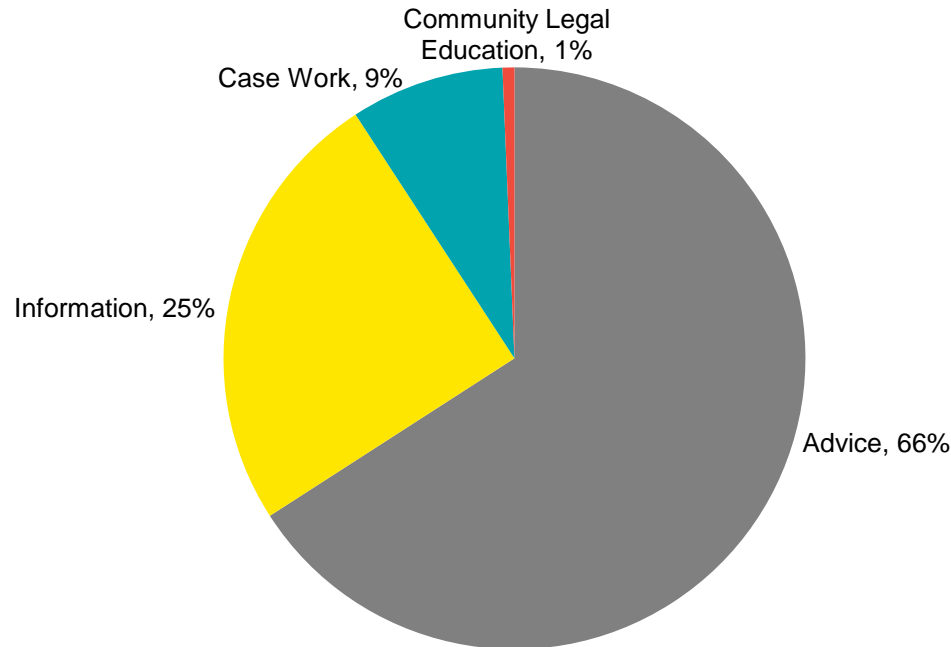
National Legal Needs and Strategic Planning Project (NACLAC 2012 Judith Stubbs) – evidence based information on distribution of legal needs nationally

SA CLC geographic locations



Services by Activity Type (all centres), 2014-2015

Activity Types (%), 2014-2015



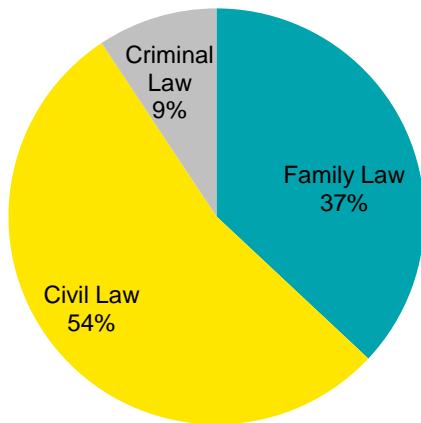
■ Advice ■ Information ■ Case Work ■ Community Legal Education

Participant observations

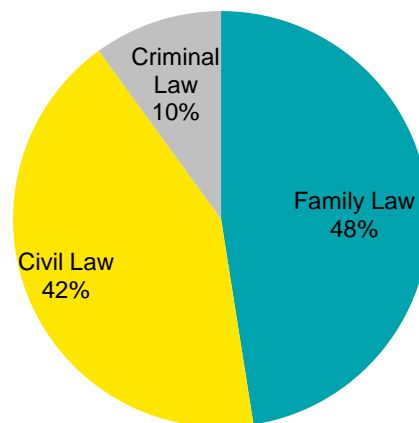
The Activity Types chart does not indicate the workload associated with different activities types and the data as presented may be misleading. For example providing information may take ~10 minutes whereas Case Work may take > 3hours

Activities by Law type (all centres), 2014-2015

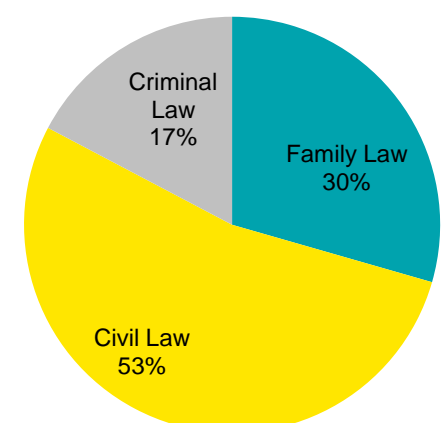
Information activities



Advice activities



Casework activities (cases closed)

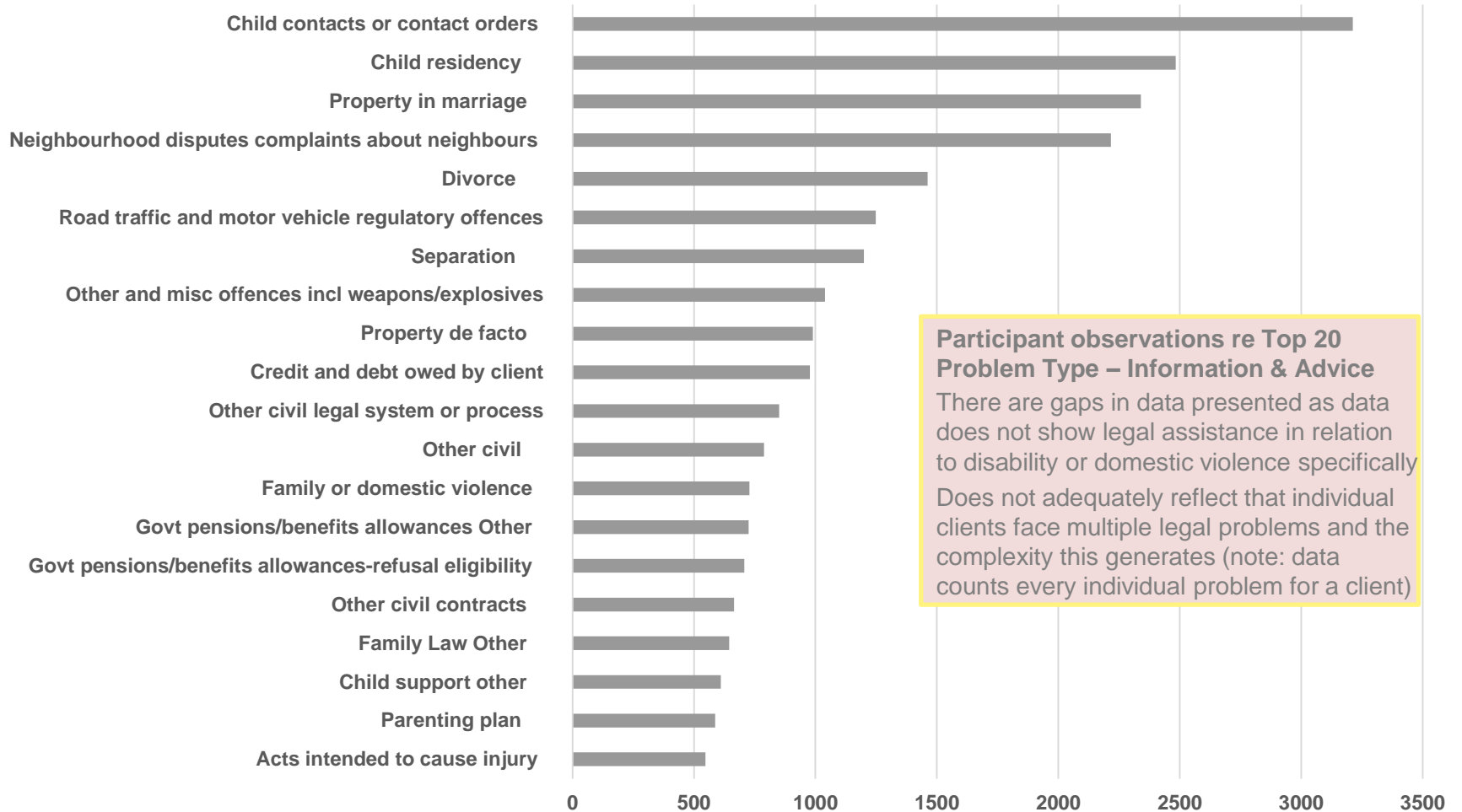


■ Family Law ■ Civil Law ■ Criminal Law

■ Family Law ■ Civil Law ■ Criminal Law

■ Family Law ■ Civil Law ■ Criminal Law

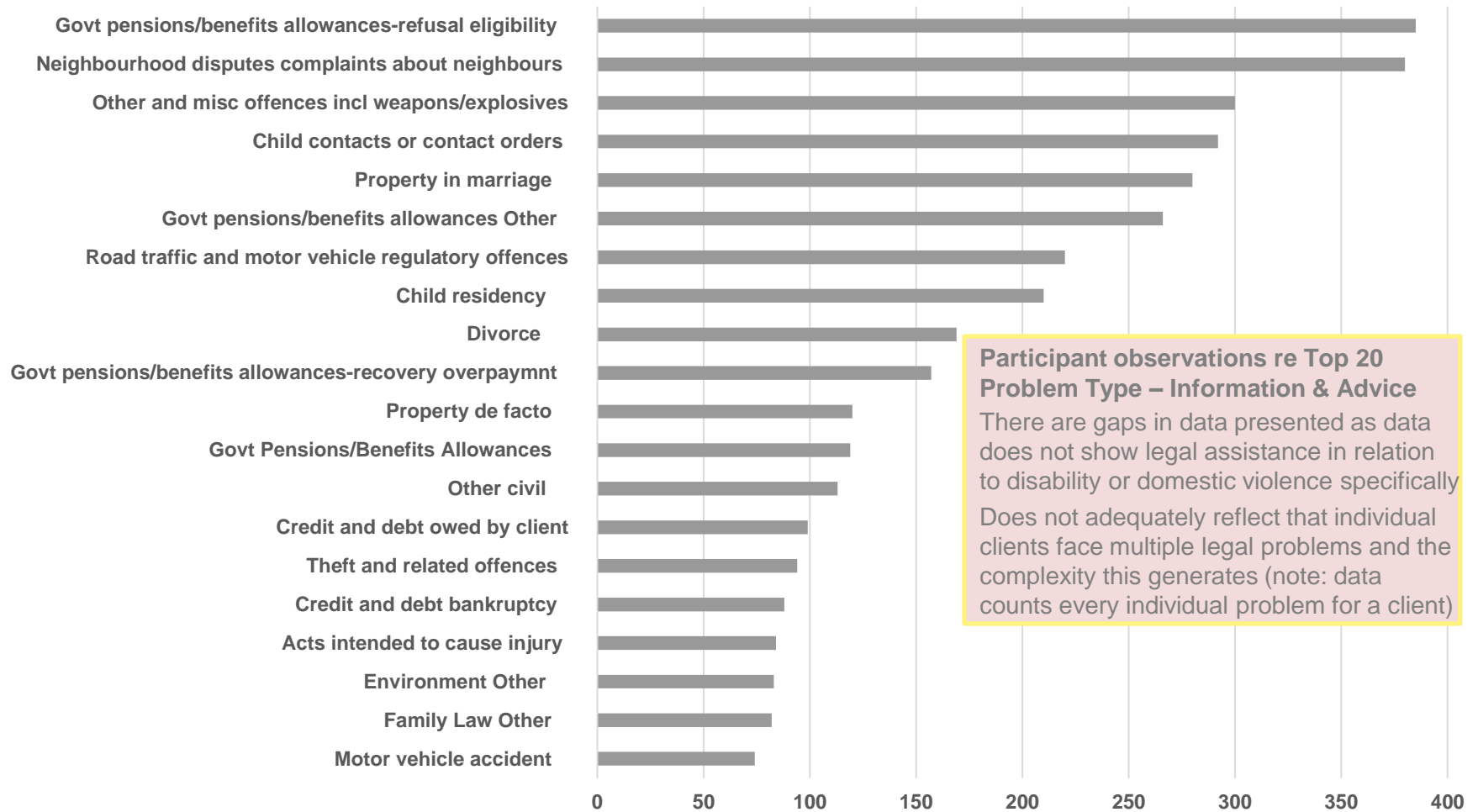
Top 20 Problem Types - advice activities (all centres), 2014-2015



Participant observations re Top 20 Problem Type – Information & Advice
 There are gaps in data presented as data does not show legal assistance in relation to disability or domestic violence specifically
 Does not adequately reflect that individual clients face multiple legal problems and the complexity this generates (note: data counts every individual problem for a client)

Note: Where an Information, Matter or Non-Casework Project has more than one problem type, all problem types are counted.

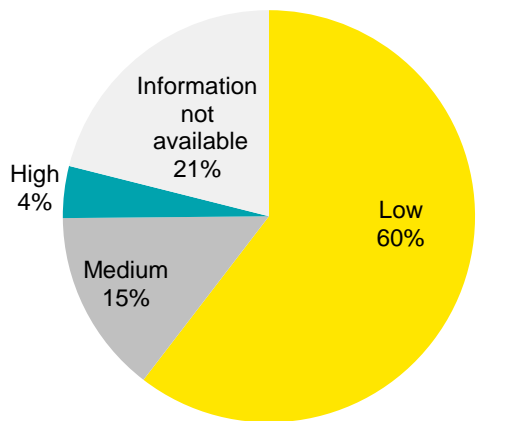
Top 20 Problem Types – information activities (all centres), 2014-2015



Note: Where an Information, Matter or Non-Casework Project has more than one problem type, all problem types are counted.

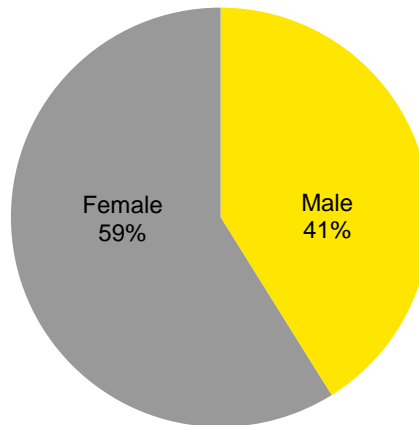
Client demographics (all centres), 2014-2015

By Income Level



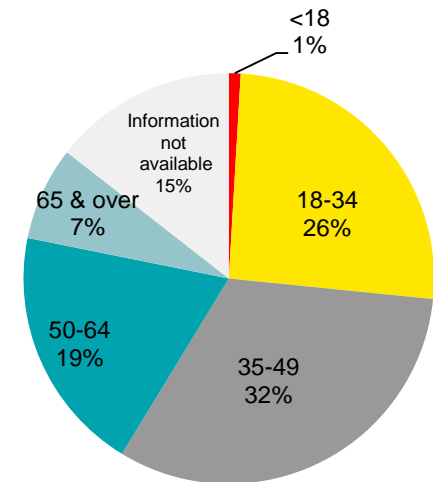
■ Low ■ Medium ■ High ■ Information not available

By Gender



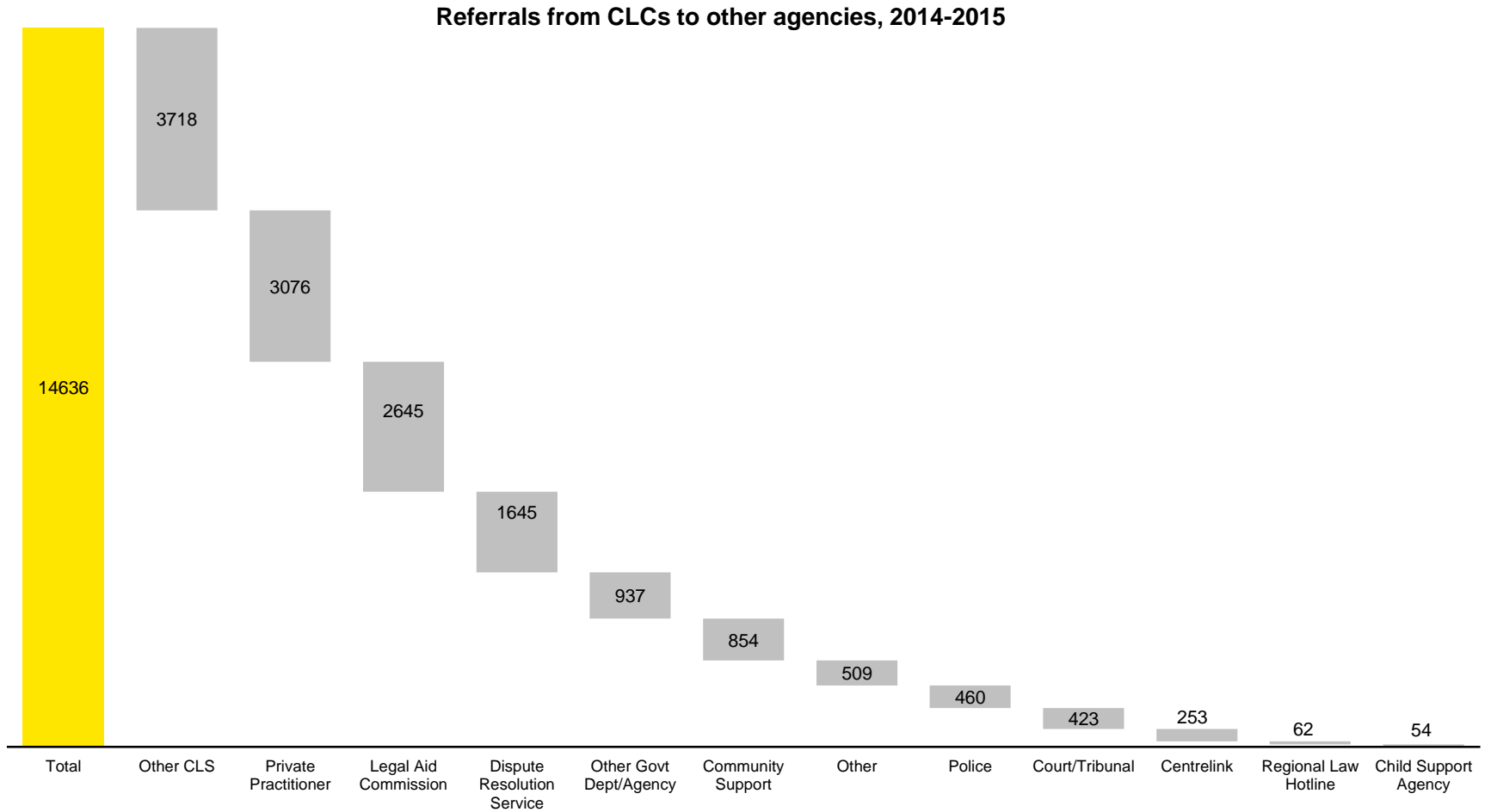
■ Male ■ Female

By Age

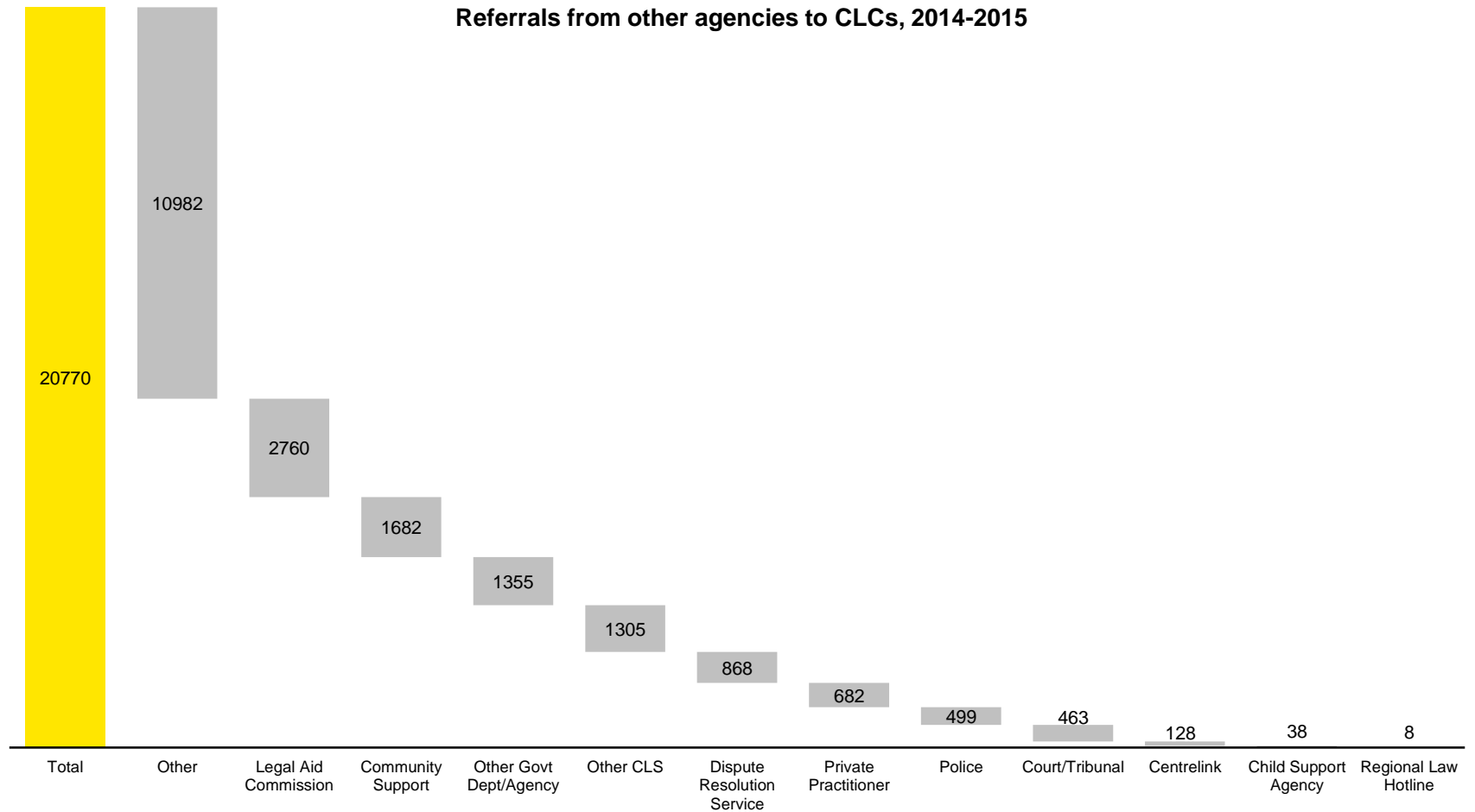


■ <18
■ 18-34
■ 35-49
■ 50-64
■ 65 & over

Referrals from CLCs to other agencies, 2014-2015



Referrals from other agencies to CLCs, 2014-2015



Identified CLC strategic partnerships

- ▶ Adelaide University Law School
- ▶ Justice Net
- ▶ UniSA Legal Clinic
- ▶ Elizabeth Magistrates Court
- ▶ National Association of Community Legal Centres
- ▶ Legal Services Commission of South Australia
- ▶ City of Mount Gambier
- ▶ Family Relationships Centre
- ▶ Child Support Agency
- ▶ Law Society of South Australia
- ▶ Law Foundation of South Australia
- ▶ Relationships Australia
- ▶ Southern Domestic Violence Action Group
- ▶ SA Family Law Pathways Network
- ▶ Housing SA
- ▶ Uniting Care Wesley
- ▶ Uniting Communities
- ▶ Pika Wiya Health Service
- ▶ Southern Women's Community Health Centre
- ▶ Coober Pedy Regional Domestic Violence and Aboriginal Family Violence Service
- ▶ Aboriginal Family Support Service Coober Pedy

To Include:

- ▶ ALRM
- ▶ SALAF
- ▶ SACLS

Small Groups – Understanding the SA Community Legal Centre service system

Purpose:

- To capture a level of information that we currently cannot extract from data alone. This is about sector wide experience and practice and learning about what has been or is successful in these areas.
- We will be taking this information and incorporating this into the current state assessment report.
- This report will assist us developing a comprehensive picture of the sector and will be an input to looking at models for the future.
- It will be important in this session for us to gather as much information from you as possible to build this picture from a practitioner perspective. We will break into three groups to address the following areas:
 - Client/Community Access and Information
 - Service Co-ordination
 - Referral Pathways

Each of you will receive a pack covering the questions that are included in each of the small groups so should you have some information that you would like to share we can either cover this off in the plenary or you can return your responses to us post this workshop

Group 1: Client/Community access and Information

- How do potential clients identify and access services?

Group 2: Service Co-ordination

- How do agencies work together to meet the needs of clients?
- What mechanisms are in place to support joint approaches to addressing priority client needs?

Group 3: Referral pathways and addressing need

- What are the other services that agencies refer clients to or work with in order to address other service needs identified?
- How do CLC's assess the support needs of clients

Group 1: Client/Community access & information

How do potential clients identify and access legal assistance services, including CLCs?

- ▶ CLCs don't have a big profile: no funding for advertising and campaigns
- ▶ Word of mouth, referrals, courts refer (magistrates, youth services)
- ▶ Legal Services Commission
- ▶ Westside: advertise via radio/messenger.
- ▶ Raising profile at community events, small online presence – query form
- ▶ Referrals are also how clients access services:
 - Port Pirie: private practitioners refer, referrals from friends/family/neighbour, referrals from matters in court already (magistrates)
 - Referrals from local community centres (Vietnamese, Sudanese, Indian community)
 - Other agencies refer as well (e.g. AGD)

Group 1: Client/Community access & information

What barriers to access exist?

Barriers for clients to access CLCs

- ▶ Conflict – CLC can't advise both parties (e.g. 2 neighbours disputing or a husband and a wife)
- ▶ Client hasn't identified legal issue early (ends up in court and then contacts CLC)
- ▶ No awareness of available CLC services
- ▶ Multiple support services and entry points means clients may not understand where they can go
- ▶ Most disadvantaged clients may not know how to access (don't go online or call if homeless, mentally ill, poor etc)
- ▶ Lack of education about legal issues/availability of services/eligibility for funded legal assistance
- ▶ Cultural background/fear of legal process - misunderstanding of legal system in Australia
- ▶ Overwhelmed by multiple problems to pin-point the 'legal' issues
- ▶ Civil law is a blurry area for clients to know if have a legal issue or something that may become a legal issue
- ▶ Clients won't engage with CLC until they get a letter from lawyer (because they're afraid of lawyers)
- ▶ Other factors including: distance (travel), disability, no money

Barriers for CLCs to provide services

- ▶ Resource constraints
- ▶ Interpreting services (language, sign language)
- ▶ Reports requirement (e.g. psychological reports, medical reports requirements) – unless court orders it at client's cost
- ▶ No capacity to manage volunteer students (QA required, students cannot provide legal advice)
- ▶ Individual workers' knowledge, especially knowledge lost when CLC workers leave and relationships are lost, connections lost, knowledge about the best referral pathway lost
- ▶ Lack of time – clients request help for court 'tomorrow'
- ▶ Most disadvantaged clients (e.g. homeless, mentally ill) are not provided services if do not access, but lower priority clients do receive services
- ▶ The disadvantaged client base has expanded from the most underprivileged clients to other more active people in community wanting to access legal assistance

Group 2: Sector coordination

- ▶ What type of service partnerships /formal arrangements are in place to support service delivery, case work, education etc
- ▶ How is this information captured for SA sector and how is this information shared / distributed? Are there formal evaluation requirements?
- ▶ How could service partnerships be enhanced or improved? What do you need to make this happen across the sector?

The strength of the SA system is in the relationships built and the local arrangements that can be developed

- ▶ Case driven solutions and co-ordination with other agencies is the primary driver
- ▶ SALAF operational and all CLC's attend as well as other legal assistance services
- ▶ No funded secretariat but SACLs attempts to bridge this gap through convening regular meetings
- ▶ Some formal arrangements are in place but these are ad hoc and are place based or issue driven
- ▶ Local, Regional, State based and national Forums are attended by interested CLC or CLC staff depending on interests and specialisation – information is then provided to any CLC not in attendance so everyone can remain current
- ▶ ALRM encourages participation by other CLC's when they undertake Reform / Lobby work such as Revisions to Legal Practices Act and management of Unpaid Fines
- ▶ Referral lists are in place to support CLC's in identifying appropriate referral pathways
- ▶ Community Legal Education projects including Lectures, Expos, agency information sessions etc

Group 3: Referral pathways & client need

How are clients' needs assessed?

- ▶ For all of sector, improved understanding and ability to categorise client need is required
 - in some cases, clients who have complex needs are not correctly assessed early, leading to escalation of issues and need for increased intervention (e.g. a client with acquired brain injury may not disclose the injury and may not understand or act on advice appropriately)
- ▶ A common understanding of 'complex need' is required, because it can cover:
 - complex legal need – e.g. multiple legal problems of individual and/or high level legal advice/assistance to resolve
 - complex client situation – e.g. client's situation is characterized by complex need from combination of factors financial, health, disability, housing, violence factors
 - urgency/crisis situation
- ▶ Need to distinguish 'complex need' and 'priority group' – a priority group can include clients with complex needs and those with non-complex needs
- ▶ Across the sector increased education and understanding of complex need and range of support services available is required
- ▶ For domestic violence referrals, given increasing complexity of need, more specialist knowledge is required to target the referral appropriately

Group 3: Referral pathways & client need

What are the reasons for referral to another service provider?

- ▶ Referral from a CLC occurs where client does not meet eligibility criteria (means test or merit of legal issue) or CLC does not have capacity to handle
- ▶ Serious criminal matters are generally referred to LSC (18%)
- ▶ Private practitioners get a lot of work from CLC referrals, but there is not much referring happening from private practitioners to CLCs (except for Westside – they work closely and referral both ways)
- ▶ There are gaps in the data about referrals to fully understand referral reasons and pathway:
 - data does not capture source of referral to understand ‘Other’ category or ‘Community support’ which could be helpful
 - data does not appear to reflect / capture referrals related to violence - domestic / indigenous. This may be because there is not a common, sector wide understanding of what is ‘violence’ and so impacting the referral pathway from CLC’s to specialist support services.
 - Top 20 Problem Type has no data on advising on new disability legislation

Where are there gaps in connectivity with the broader legal and community service sector?

The relationship between specialist support services (e.g. domestic violence) and CLC’s is critical, but gaps exist in connectivity due to the following factors:

- Historically, connectivity built on personal relationships and understanding
- Not all CLC’s or staff may fully understand range of and appropriate/best support services to refer to
- CLC’s need time / resources to engage with other services and build ongoing relationships
- Support services need to have confidence in CLC’s to deliver quality services that meet client needs

Input from Riverland Community Legal Centre

- ▶ Family Law is biggest area of legal activity, split 50% (approximately between 'Information' and 'Advice')
 - Receptionist inputs data into CLSIS
 - Everyone is eligible for free 30 minute advice session; cover large geographic area so phone outreach to a number of locations
- ▶ Advertise on radio, distribute flyers and brochures widely, have a Facebook page and website.
- ▶ Barriers to client access: conflict of interest (can't represent both parties and not many lawyers available regionally, so will refer on to other CLC for further phone advice), clients 'lawyer shop' and geography
- ▶ Each CLC uses different criteria to assess eligibility
 - need a standardised approach for eligibility assessment.
 - data capture is limited by vague categories - its hard to match the data with actual activity
 - if case is too complex not taken - clients with complex needs seem to be covered by referrals and local connectivity through the Riverland Alliance
- ▶ Service coordination
 - Part of Riverland Community Alliance which meets monthly - interagency of local service providers who share info, connectivity and referrals
 - No local formal arrangements /MOUs in place - all informal
 - SACCLS meeting monthly with focus on funding issues and less so on practice advice or sharing of procedures

Input from Welfare Rights Centre

- ▶ Specialist service: case work is more than Activity Type data - high level of representation at tribunals with 20% increase in case work in recent years
- ▶ Other services
 - Housing Legal Clinic: funded by SA; 7 pro bono lawyers in outreach locations providing advice to homeless people on any legal issue; \$600k value to 562 clients; not captured by CLSIS
 - Outreach services in regional areas including APY lands; 10 years old with many awards
- ▶ Client profile: 51% female clients 2014; most clients low income because receive Centrelink benefits
- ▶ Client access: increase in email enquires; redesigning website as first point of contact; need online channels as more people use email/internet; need different channels for different clients/activity (e.g. fact sheets in different languages and for Aboriginal clients)
- ▶ Promotion: CLC promotion limited by budget but with fund raising expert gained >\$2m project funding in last 10 years (2005-15)
- ▶ Volunteers: approx 30 – 40; Law / Social work students provide advice, case work, tribunals
- ▶ Strategic partnerships exist with university and community centres to provide outreach services; operate a collaborative model to maximise the use of local resources
- ▶ Sector coordination – strong experience
 - Proactively build relationships with other agencies and raising awareness in regional areas
 - Led coordination forums with panel of agencies to explore responses to sample cases (2014)
 - SACCLS does not have capability for coordinated response to strategic issues
- ▶ Advocacy:
 - successfully lobbied for homeless people to be included on the voting register but advocacy now reduced (e.g. response to Senate Estimates) since removed from Cth Service Agreement
 - work with National Secretariat for welfare rights, funded by Human Services

All participants: definitions can be an issue

'Information' is defined as responding to an enquiry and making a referral to another service/agency

'Advice' is defined as client has appointment with a solicitor but no file is started

'Information' is general in nature

'Advice' is relevant to a client's particular circumstances and which a client can rely on as being accurate to their situation.

'Information' is defined as any enquiry that does not relate to social security - so referred on

'Advice' is defined as any assistance that is provided in relation to a social security problem/ issue

'Casework' refers to opening a case and support at a tribunal or negotiation with Centrelink or other govt agency on behalf of a client

All participants: improvements and opportunities

Participants identified a number of areas in which improvements could be made or opportunities for change could be explored:

- ▶ Collaboration between legal practitioners and non-legal practitioners to assess complex need
- ▶ Link up/co-location of complementing services (counselling, legal, info, community) to provide services
- ▶ Increase overall use of volunteers (e.g. Westside CLC has afterhours clinic on Thursday – staffed by volunteers from private practices (criminal, employment, civil))
- ▶ With AGD Commonwealth continue to look at ways to improve data source e.g. be able to identify client type such as 'client with disability'
- ▶ A peak coordinating body for CLC's in SA could be useful mechanism, based on models in VIC, QLD, WA, NSW
- ▶ Review purpose of SACCLS monthly meetings and consider separate network meetings for solicitors, coordinators, admin/reception with different focus (e.g. funding, practice advice or sharing of procedures, legislative reform)
- ▶ Build on existing strategic partnerships , especially those at State or regional level

Demand Modelling

EY asked

- ▶ What are the data requirements and issues that need to be considered in designing the demand model?
- ▶ What do we want the data model to inform? e.g. geographical coverage, priority client groups
- ▶ Inputs
- ▶ Priority need areas
- ▶ Data sources

Participants said

- ▶ Needs to be consistency in data standards and in the ways of characterising data
- ▶ Commonwealth AGD's has been working on improving data quality for the past 4 years – creating a Data Standardisation Manual
- ▶ If clients have many complex needs (e.g. a lady with 11 complex legal issues) – the workload associated with these cases needs to be factored into the demand model
- ▶ Unmet need should be considered – courts may make recommendations on unmet need
- ▶ Recognise that not all clients can self-manage through the legal / support system, even with legal or other advice
- ▶ Refer to Law and Justice Foundation report

Research and literature review

EY asked

- ▶ What models of service delivery should be considered in undertaking the Research and Literature Review?
- ▶ What practice areas need special focus as part of the Research project to inform potential practice enhancement?

Participants said

- ▶ What approaches and experiences have the other States taken (e.g. QLD, VIC, NSW Legal Aid) to sector development and improved service coordination and service delivery for disadvantaged clients, Commonwealth will provide literature review that was prepared for the Productivity Commission Report
- ▶ What collaborative partnerships exist between legal and non-legal support services
- ▶ International approaches e.g. UK - Julia Bishop