Legal Aid NSW

Evaluation of the legal component of the Riverina Homelessness Interagency Project & Reaching Home Newcastle

Final Report

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Contents

Executive Summary .......................................................................................................................... 6
Glossary and acronyms .................................................................................................................. 10
1. Background .............................................................................................................................. 14
   1.1. Description of the projects being evaluated .................................................................. 14
   1.2. Overview of Legal Aid NSW ....................................................................................... 15
   1.3. Objectives and methodology of the evaluation .............................................................. 16
      1.3.1. Objectives .............................................................................................................. 16
      1.3.2. Other evaluations .................................................................................................. 16
      1.3.3. Impact of the other evaluations .............................................................................. 18
      1.3.4. Methodology ......................................................................................................... 18
      1.3.5. Evaluation Framework .......................................................................................... 20
2. Policy context ............................................................................................................................ 23
   2.1. Homelessness policy ......................................................................................................... 23
       2.1.1. Australian government policy .............................................................................. 23
       2.1.2. NSW government policy ..................................................................................... 23
       2.1.3. Regional contexts ................................................................................................. 24
   2.2. Legal assistance policy context ......................................................................................... 24
       2.2.1. The Road Home’s commitments relating to legal services .................................. 24
       2.2.2. Strategic Framework for Access to Justice in the Federal Justice System .......... 24
       2.2.3. National Partnership Agreement on Legal Assistance Services ......................... 25
3. Riverina Interagency Homelessness Project ............................................................................. 26
   3.1. Description of the project ................................................................................................. 26
       3.1.1. Aims ...................................................................................................................... 26
       3.1.2. Target group ......................................................................................................... 26
       3.1.3. Regional context .................................................................................................. 27
       3.1.4. Partners and governance ..................................................................................... 27
       3.1.5. How the project works ......................................................................................... 28
   3.2. Role of the solicitor ........................................................................................................... 29
   3.3. Legal services delivered ..................................................................................................... 30
       3.3.1. Legal services provided directly to Riverina Homelessness Project clients ......... 30
3.3.2. All legal services provided by the Riverina Homeless Outreach Solicitor
3.3.3. Secondary consultations
3.3.4. Community Legal Education
3.3.5. Attendance of meetings relating to the project or homelessness in the region

4. Reaching Home – Newcastle
4.1. Description of the project
4.1.1. Aims
4.1.2. Target group
4.1.3. Regional context
4.1.4. Partners, staffing and governance of the project
4.1.5. How the project works
4.2. Role of the solicitor
4.3. Legal services delivered
4.3.1. Legal services provided directly to Reaching Home clients
4.3.2. All legal services provided by the Hunter Homeless Outreach Solicitor
4.3.3. Secondary consultations
4.3.4. Community Legal Education
4.3.5. Attendance of meetings relating to the project or homelessness in the region

5. Literature review
5.1. Research relating to homelessness and service delivery for homeless people
5.1.1. Overview of research relating to homelessness
5.1.2. Street to Home
5.1.3. Integrated services for homeless people
5.2. Research about the legal needs of homeless people
5.3. Research about legal services for homeless people
5.4. Good practice in integrated legal service delivery
5.4.1. Australian research into integrated legal service delivery
5.4.2. Medical-legal partnerships
5.5. Literature relating to evaluating legal services

6. Findings
6.1. Legal services provided
6.1.1. Overview
6.1.2. Direct legal services ................................................................. 75
6.1.3. Secondary consultations .......................................................... 82
6.1.4. Referrals between Legal Aid NSW and non-legal agencies .......... 83
6.1.5. Community legal education .................................................... 84
6.1.6. Participation in project governance ......................................... 85
6.2. Effectiveness of legal service provision ....................................... 85
  6.2.1. Overview ............................................................................. 85
  6.2.2. Legal outcomes for clients .................................................. 86
  6.2.3. Other outcomes ................................................................. 86
  6.2.4. Case studies illustrating outcomes ...................................... 87
6.3. Service system relationships ....................................................... 90
  6.3.1. Relationship between Legal Aid and other staff or stakeholders of
         the project ............................................................................ 90
  6.3.2. Effectiveness of project intake, case management and referral
         processes in identifying and managing legal issues .................. 93
  6.3.3. Referral and liaison between the Homeless Outreach Solicitor and
         other solicitors ....................................................................... 98
  6.3.4. Increasing the capacity of non-legal workers in relation to legal
         issues .................................................................................... 100
  6.3.5. Knowledge and capacity of the solicitors in dealing with the
         social service sector and the needs of complex clients .............. 102
  6.3.6. Benefits and value of having a lawyer involved in the project .... 104
6.4. Issues, challenges or barriers for solicitors involved in the projects .... 107
7. Recommendations ........................................................................... 113
  7.1. Legal needs assessment tools .................................................... 113
  7.1.1. Legal needs screening or assessment by non-legal caseworkers ... 113
  7.1.2. Legal needs assessment tool for use by the Homeless Outreach
         Solicitors .............................................................................. 114
  7.2. Referral procedures .................................................................. 114
  7.2.1. Referring clients from Legal Aid NSW to the homelessness projects 114
7.3. Improved data and record collection procedures .......................... 115
  7.3.1. Homelessness status ............................................................ 115
  7.3.2. Legal matter categories ....................................................... 115
  7.3.3. Recording secondary consultations ...................................... 116
7.4. Practice notes for lawyers involved in integrated legal services, including
     consideration of confidentiality and other ethical issues .............. 117
7.5. Increased CLE relating to utility debts, fines, WDOs and other key areas of law ........ 118
7.6. Homeless Outreach Solicitor position description ........................................... 118
7.7. Planning for the projects’ closure ...................................................................... 119
7.8. Integrated legal service projects into the future .................................................. 121
7.9. Good practice principles for integrated legal service delivery to homeless people and/or complex clients .......................................................................................................................... 121
7.10. Measuring outcomes in future integrated legal service programs .................... 122

Appendices .................................................................................................................. 124
Appendix A: Legal Aid NSW Homeless Outreach Solicitor position description .......... 124
Appendix B: QPILCH Legal Health Check .................................................................. 130
Appendix C: Sample Medical-Legal Partnerships I-HELP ......................................... 137
Appendix D: Legal Aid Homeless Advice form .......................................................... 138
Appendix E: Phone interview questions for stakeholders ........................................... 141

References ...................................................................................................................... 143
Executive Summary

Legal Aid NSW engaged Matrix on Board (Matrix) to conduct an evaluation of its involvement in two integrated cross-agency homelessness projects funded under the NSW Homelessness Action Plan. These projects are the Rural Interagency Homelessness Project for People with Complex Needs in the Riverina (referred to in this report as the Riverina Homelessness Project), and Reaching Home in Newcastle.

The purpose of the evaluation was to describe and assess the effectiveness of the legal component of each of the two homelessness projects, and to identify good practice principles that can inform the future development of integrated legal services, that is, legal services delivered through collaborative case management with a range of other non-legal services.

The evaluation found that the legal services provided by Legal Aid NSW were extremely effective in not only improving outcomes for individual clients of the homelessness projects, but also in increasing the access of legal services to the broader community of homeless and disadvantaged people in each region. The involvement of Legal Aid NSW’s two Homeless Outreach Solicitors in the homelessness projects also accorded with recent research into effective integrated legal service delivery, and drew out some additional features that can be used in the future to improve integrated legal service delivery projects.

This report is divided into a number of sections.

Section 1 provides background information about the projects, Legal Aid NSW, and the evaluation. It sets out the role of the two Homeless Outreach Solicitors employed by Legal Aid NSW to work with each project (referred to throughout this report as the Riverina Homeless Outreach Solicitor and the Hunter Homeless Outreach Solicitor). The solicitors provide coordinated case management of homeless or at-risk clients, through the provision of “secondary consultations” – the provision of legal advice and referrals to case workers about the client – as well as through direct legal advice and assistance to the clients. The solicitors also conduct regular outreach clinics at key homelessness organisations in each region, and provide community legal education to community workers to build their capacity to identify legal issues and seek legal assistance for their clients.

Section 1 also sets out the evaluation framework and methodology used by Matrix. Methods included an analysis of legal service data, consultation with stakeholders drawn from NGO and government agencies, collation of case studies, observations of legal advice clinic appointments, a review of some client advices and files, and consultation with each Homeless Outreach Solicitor.

Section 2 sets out the policy context of the two projects. In the last five years, the Australian Government has moved its policy and funding commitments towards welfare, housing and legal programs that focus on building social inclusion, providing early intervention, encouraging cross-agency collaboration, and providing services that are tailored to meet the needs of the client. The NSW Government has responded to these imperatives through the NSW Homelessness Action Plan, which provided funding for a range of services including the two evaluated in this report.

Section 3 provides detail about the Riverina Homelessness Project. This project provides intensive support packages and access to social housing for people who are homeless, or at risk of homelessness and are
experiencing complex issues such as alcohol and other drugs, mental health, intellectual disability or challenging behaviour. Four coordination groups operating in Albury, Deniliquin, Griffith and Wagga Wagga, consisting of local non-government and government case managers, consider applications for assistance made by local NGOs on behalf of people or families who are homeless or whose tenancies are at risk. The local NGO is then funded to provide case work support to the client and to coordinate a range of other wrap-around services.

Section 4 describes Reaching Home. Based in Newcastle, this project is a partnership between Hunter New England Health, Housing NSW, Legal Aid NSW, and Baptist Community Services. A staff team drawn from these agencies work together to provide an intensive outreach and support service to rough sleepers, clients in secondary homelessness with complex needs, and clients at risk of homelessness with complex needs.

Section 5 provides a literature review of research relevant to this project, including about homelessness in Australia generally, the legal needs of homeless people, legal service provision for homeless people, research relating to integrated legal service projects in Australia and Medical-Legal Partnerships, and research relating to the evaluation of legal projects. The literature shows that homeless people have very high legal needs which impact on their ability to meet other basic needs. The research shows that the current legal assistance sector does not cater well to homeless people, although recent developments in integrated legal service programs have taken steps to better meet those needs. The research also reveals the importance of evaluating legal service programs, ideally with a focus on outcomes for clients.

Section 6 discusses the findings of the evaluation. Between February 2010 and 30 June 2012, 1218 people received direct legal services from the Riverina and Hunter Homeless Outreach Solicitors across a wide range of locations, including four outreach clinics in the Hunter region and four clinics across the Riverina. Direct legal services included 1,333 legal advice, 845 minor assistance services and 39 cases involving in-house grants of legal aid.

A high proportion of legal advice and minor assistance services (direct legal services) provided by the two Homeless Outreach Solicitors was to Aboriginal and Torres Strait Islander people: 17.75% of all direct legal services provided by the Riverina Homeless Outreach Solicitor were to Aboriginal or Torres Strait Islander people, while 8.75% of legal services provided by the Hunter Homeless Outreach Solicitor were to Aboriginal or Torres Strait Islander people. These figures compare favourably with the estimated percentage of Aboriginal and Torres Strait Islander homelessness in each region.

In relation to the legal matters seen by the two solicitors, debt to moneylenders, utility providers and the State Debt Recovery Office was the most common problem type. The Riverina Homeless Outreach Solicitor also provided advice to a large number of people affected by the floods in 2011 and 2012, while the Hunter Homeless Outreach Solicitor provided a large number of advice in relation to criminal matters, reflecting the unique role the solicitor played as a liaison between homeless people and Legal Aid NSW’s criminal lawyers.

In relation to the individual homelessness projects, the report finds that about 20% of the clients of the individual homelessness projects received direct legal services, while at least 60% of all clients benefited from secondary consultations provided by the Homeless Outreach Solicitors to case workers. The report argues that secondary consultations perform a triage role in integrated legal services, by ensuring that the majority of clients receive some form of legal advice via their case worker, with legal services provided directly to individual clients in more complex matters. Secondary consultations also act as a form of capacity-
building, and thereby work in tandem with the program of community education carried out by each solicitor.

Section 6 also goes on to examine the effectiveness of the work of the Homeless Outreach Solicitors through case studies and interviews with project stakeholders. The case studies and interviews show that the assistance provided by each solicitor to resolve legal problems frequently had a profound effect on the client’s health, housing or other circumstances. Some of the other, perhaps unexpected benefits of involving solicitors in the two homelessness projects, was that the legal services are used by case workers as a “tool” to engage clients more generally in the homelessness project: sometimes the solicitor was able to achieve successful outcomes for clients quite quickly, for example through reducing or waiving long-standing debts, which can build the client’s trust in the other staff of the homelessness project. The legal assistance was thought by stakeholders to save both time and money, with the solicitor suggesting ideas and strategies that the non-legal case workers would either never have thought of or would have had to spend a great deal of time researching. Stakeholders also praised each solicitors’ compassion, flexibility, and understanding of this incredibly disadvantaged client group.

This report shows there are many benefits to the involvement of Legal Aid NSW in coordinated, integrated case management projects such as the Riverina Homelessness Project and Reaching Home. In section 7, the report makes some recommendations to assist Legal Aid NSW to improve the current services if they continue past their current ending date of June 2013, and also to plan for future integrated legal service projects.

Recommendation 1 is for Legal Aid NSW to develop a legal needs assessment or screening tool for use by non-legal support workers, similar to the I-HELP screening tool used by Medical-Legal Partnerships in the United States. The tool would need to be trialled with non-legal workers, who would then receive training in its administration.

Recommendation 2 recommends that Legal Aid NSW consider using some form of Legal Health Check for solicitors to use when conducting legal needs assessments of homeless clients.

Recommendation 3 suggests that Legal Aid NSW develop a simple screening tool to identify whether Legal Aid NSW clients are homeless, at risk of homelessness, or have unmet support needs. In local areas, Legal Aid offices should establish referral protocols with at least one local homelessness organisation so that clients in need of non-legal support can be referred for assistance.

Recommendation 4 advises Legal Aid NSW to consider revising CASES to allow a record of whether a client is currently homeless, was recently homeless, or is at risk of homelessness.

Recommendation 5 is that Legal Aid NSW review the categories in CASES that are available to Homeless Outreach Solicitors when recording their advices, so that the data more accurately reflects the legal matters being dealt with by these solicitors.

Recommendation 6 is that the Homeless Advice and Contact Form be revised to allow for the recording of secondary consultations.
Recommendation 7 advises Legal Aid NSW to recognise the resource consequences of increasing the amount of data to be recorded, and therefore to ensure that Homeless Outreach Solicitors have access to administrative support for CASES data entry.

Recommendation 8 is for Legal Aid NSW to develop a template client consent form and a set of practice notes relating to the provision of legal advice within an integrated, cross-agency service model.

Recommendation 9 recommends that Legal Aid NSW’s Work and Development Order Service seek assistance from the Homeless Outreach Solicitors in relation to targeting organisations in the homelessness sector across NSW to become “approved organisations” for WDO placements.

Recommendation 10 is that Legal Aid NSW review the position description, selection criteria, and ongoing training needs of Homeless Outreach Solicitors to ensure that people working in these positions continue to have the right skills and training to work effectively within integrated legal services.

Recommendation 11 recommends that Legal Aid NSW continue some level of legal service delivery to homeless people or people at risk of homelessness in the Hunter and Riverina regions through identifying an existing civil law position as being the key contact for homeless people and homelessness organisations in each region, and working in collaboration with legal and non-legal services to improve legal services in the future.

Recommendation 12 is for Legal Aid NSW to approach relevant legal service groups, government departments, and non-government peak bodies about future opportunities for integrated legal services.

Finally, Recommendation 13 is that Legal Aid NSW consider adopting a set of standards, features, or performance indicators to guide the development of future integrated legal service programs.
Glossary and acronyms

Advice: An instance of legal advice provided directly to a person (client) face-to-face, over the phone, or through Audio-Visual Link (AVL). Several advices may be provided to the same client on different occasions and/or on different topics. At Legal Aid NSW, free advice relating to most areas of family, criminal and civil law can generally be provided to anyone seeking legal assistance.¹

AVO Apprehended Violence Order:
An order taken out to protect a person against another person who is threatening violence.

BCS Baptist Community Services:
A community organisation involved in delivering community outreach services (through a Community Outreach Team) to homeless clients of Reaching Home.

Casework: Any ongoing legal services provided by a solicitor for a client; in the case of Legal Aid NSW, casework services are usually only provided after an in-house grant of aid has been approved.

CLE: Community legal education:
Education or information provided by legal workers to non-legal workers with the aim of increasing their capacity to identify legal issues and increasing their awareness of the types of legal assistance available for their clients. CLE includes whole-day training sessions such as Law for Non-Lawyers, shorter workshops on specific issues, and also includes informal information sessions given at interagency meetings. CLE at Legal Aid NSW is recorded through a database called Community Legal Education Management System.

Direct legal services: In this report, “direct legal services” refers to legal services provided directly to a client rather than to a community worker assisting the client. Direct legal services provided by Legal Aid NSW are legal advices, minor legal assistance services, and casework or representation services utilising a grant of legal aid.

HAP: Abbreviation for the NSW Homelessness Action Plan 2009-2014:
A plan of the NSW Government required under the NPAH as a way of reducing homelessness.

HNE Health: Hunter New England Area Health Service:

¹ For a list of the sorts of matters that advice is not available in – such as conveyancing, taxation, investment - see Legal Aid NSW website http://www.legalaid.nsw.gov.au/get-legal-help/advice
The local area health service involved as a partner agency in Reaching Home.

**HPLC or HPLS:** Homeless Persons Legal Clinic / Service:

An Australian model of legal service provision, in which solicitors from private law firms provide free legal advice to homeless people through clinics based at community organisations frequented by homeless people.

**Hunter Homeless Outreach Solicitor:** The title used in this report to refer to the solicitor employed by Legal Aid NSW as a Homeless Outreach Solicitor to work on the Reaching Home project in Newcastle and to conduct outreach in the broader Hunter region.

**In-house grant of aid:** A grant of legal aid to a client for representation or other ongoing case assistance is approved by Legal Aid NSW, but rather than being provided to a private solicitor to act for a client, a Legal Aid NSW solicitor takes on the matter. In-house grants of aid are subject to a means and merit test, and usually only permitted in particular areas of civil law, except that some groups of people, including people with psychiatric or other forms of disability, are considered of ‘special disadvantage’ which allows grants of aid to be provided outside of the usual areas of civil law.2

**Law reform:** Also sometimes known as “systemic advocacy”, this is an activity relating to attempting to change a law, usually because of its adverse affect on a group of people.

**Minor Assistance:** A “minor assistance service” is used by Legal Aid NSW to describe work done to assist a client in addition to the giving of legal advice. Minor assistance provides assistance to support a client in resolving their legal problem, but does not include ongoing representation. It may include assisting a client to draft a letter for the client’s signature; in limited circumstances, writing a letter on behalf of a client; drafting simple court documents or filling out forms; making telephone calls on behalf of the client to try to resolve the legal problem; or, in limited circumstances, appearing on behalf of a client before a court or tribunal. It may include work done during the advice interview with the client (such as lodging a complaint), as well as work done after the conclusion of the advice interview.

**MLP:** Medical-Legal Partnerships:

A United States model of legal service delivery whereby doctors and attorneys team up to provide assistance to low-income and disadvantaged people as a way addressing some of the social determinants of health.

**NGO:** Non-government organisation

**NPAH:** National Partnership Agreement on Homelessness

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A partnership between the Australian Government and state and territory governments which aims to reduce homelessness.

**NPALAS:**
National Partnership Agreement on Legal Assistance Services

A partnership between the Australian Government and state and territory governments which aims to improve legal assistance to disadvantaged people.

**PIAC:**
Public Interest Advocacy Centre:

A specialist community legal centre located in Sydney that auspices the NSW Homeless Persons Legal Service (see above). PIAC also provides “Law for Non-Lawyers” training sessions, which aim to improve the understanding of community workers in relation to legal issues facing homeless and other disadvantaged people.

**Referral:**
An instance whereby a service provider advises a person that they cannot provide them with the assistance they require but that assistance can be provided by a third party. The literature review of this report found that referrals are sometimes divided into “cold” referrals whereby a person seeking assistance is provided with the name and contacts of the referral destination; and “warm” or “assisted” referrals in which the person doing the referring makes the appointment, or provides a case history, or accompanies the person to see the referring agency.

**RHAP:**
Regional Homeless Action Plan:

These are plans developed by the NSW Government in 2010 with local service providers in each of the main regional areas of NSW to identify and address the needs of homeless people in the region, and implement the state-wide Homeless Action Plan at a regional level.

**Riverina Homelessness Project:** The abbreviated title used in this report to refer to the Rural Interagency Homelessness Project for People with Complex Needs in the Riverina.

**Riverina Homeless Outreach Solicitor:** The title used in this report to refer to the solicitor employed by Legal Aid NSW as a Homeless Outreach Solicitor to work on the Riverina Homelessness project which includes conducting outreach in across the Riverina.

**SDRO:**
State Debt Recovery Office:

The government agency responsible for the processing fines issued by various government authorities, and enforcing the collection of unpaid fines.

**Secondary consultation:**
A term used in some literature relating to integrated legal service provision to describe discussions between a lawyer and a non-legal worker to identify legal issues, possible legal solutions, what the non-legal worker can do to help the
client and whether a referral to the lawyer is appropriate.\textsuperscript{3} The discussion commonly involves the non-legal worker providing information about the client’s legal or social issues, the lawyer then providing information about legal processes, possible legal strategies, and any legal referral options, and the non-legal worker then taking this information back to the client or to use in their case management of the client. Because the lawyer does not actually speak to the client, this cannot be defined as direct legal advice or assistance, but rather a secondary consultation, akin to a specialist doctor providing advice to a GP on the phone.

\textbf{WDO: Work and Development Order:}

A way in which disadvantaged people, including homeless people, who have debt to the State Debt Recovery Office caused by not paying fines for minor offences, can “work off” their debt. Eligible people can “satisfy their fines through unpaid work with an approved organisation or through certain courses or treatment.”\textsuperscript{4}

\textsuperscript{3} Mary Anne Noone and Kate Digney, \textit{It’s Hard to Open Up to Strangers: Improving Access to Justice: The Key Features of an Integrated Legal Services Delivery Model} (Melbourne: La Trobe University, 2010), 121.

\textsuperscript{4} Office of State Revenue, State Debt Recovery, \url{http://www.sdro.nsw.gov.au/fines/ eo/wdo.php}
1. Background

1.1. Description of the projects being evaluated

Legal Aid NSW contracted Matrix on Board (Matrix) to undertake an evaluation of their involvement in two projects funded under the NSW Homelessness Action Plan (HAP). Both projects have a focus on alleviating homelessness through establishing partnerships between a range of government and non-government, health, housing and legal agencies.

The Rural Interagency Homelessness Project for People with Complex Needs – Riverina (Riverina Homelessness Project) is led by the non-government organisation Regional Development Australia Murray. It consists of four coordination groups operating in Albury, Deniliquin, Griffith and Wagga Wagga which meet monthly and are attended by case managers from Housing NSW, NSW Health, Legal Aid NSW, and local NGO emergency accommodation and welfare agencies. Each coordination group considers applications for assistance made by local NGOs on behalf of people or families who are homeless or whose tenancies are at risk. Clients can access either Intensive Support Accommodation package - consisting of a Housing NSW, tenancy plus ongoing support - or an Early Intervention package consisting of brokerage funding for casework services, as well as other forms of support. Once applications are approved, the referring NGO then coordinates a range of wrap-around services, including legal support, to individual clients as set out in the approved case plans.

Reaching Home - formerly Newcastle Assertive Outreach Service - is a partnership between Hunter New England Health (HNE Health), Housing NSW, Legal Aid NSW, and Baptist Community Services (BCS). Approximately 10-15 FTE staff members from three of the four agencies (Legal Aid being the exception) are co-located in a HNE Health building to operate an intensive outreach and support service to rough sleepers, clients in secondary homelessness with complex needs, and clients at risk of homelessness with complex needs. At the intake meetings held twice-weekly, referrals to the program are discussed and case plans developed. Case management is then undertaken with the client using a range of staff from the Reaching Home team as well as other NGOs and agencies, who partner with Reaching Home staff to provide support to the client.

The role of Legal Aid NSW in each project is to:

» Provide a Homeless Outreach Solicitor to attend coordination group / team meetings and provide legal information, advice, strategies or referrals relevant to case plans for individual clients
» Provide advice (phone or face-to-face) and minor assistance services to people who are homeless or at risk of homelessness at Homeless Outreach Clinics, in other outreach settings where required, as well as through Legal Aid offices
» Provide secondary advice or consultations to case workers outside the coordination group / team meetings in relation to clients of the program to identify possible legal issues the clients may have, and refer them to a Homeless Outreach clinic or another more appropriate legal service
» Provide community legal education to community workers involved in the homelessness program, or working more broadly with people at risk of homelessness, to build the non-legal workers’ capacity to identify legal issues and to seek appropriate legal assistance for their clients.
1.2. Overview of Legal Aid NSW

Legal Aid NSW provides civil, family and criminal law services to people within a merit and means test. Legal Aid NSW is unique amongst legal aid commissions across Australia in that it has a substantial civil law practice. The areas of civil law in which Legal Aid NSW provides assistance includes tenancy matters, consumer law, credit and debt, human rights and discrimination law, social security law, mental health and guardianship, and some immigration/refugee matters.

The types of legal services delivered by its solicitors are:

» Advice, which often includes referral to other legal or non-legal agencies
» Minor assistance
» Representation or casework services provided under an in-house grant of legal aid
» Secondary advice or assistance to non-legal workers (a category of assistance which Legal Aid NSW has only commenced recording since 1 July 2012)
» Community legal education
» Law reform.

These terms are defined in the Glossary. In this report, the first of these three types of services – legal advice, minor legal assistance services, and casework services utilising a grant of legal aid – are often referred to as direct legal services.

In 2007 Legal Aid commenced operating a weekly legal clinic at Parramatta Mission as part of the Public Interest Advocacy Service’s Homeless Persons Legal Service (HPLS). More information about homeless persons legal services is set out in the literature review in section 5.3.

In 2008 Legal Aid NSW enhanced its participation in the HPLS project by establishing a network of outreach clinics providing legal assistance to homeless people throughout NSW. Several Homeless Outreach Solicitor positions were created to provide advice at these outreach clinics.

In 2009 Legal Aid NSW made submissions to Housing NSW for funding for solicitors to participate in the Riverina Rural Interagency Homelessness project and the Newcastle Assertive Outreach Project. Legal Aid NSW was successful in these submissions, and received $200,000 per annum for each position, with funding for a three-year period initially due to end in December 2012. The two Homeless Outreach Solicitors commenced in February/March 2010. In mid-2012 the NSW Government extended the positions to June 2013.

The position description for the Homeless Outreach Solicitor is set out in Appendix A. It states that the role of the position is to “provide high quality legal advice and representation to homeless people in NSW...within a network of civil law homeless outreach services, and the Homeless Persons Legal Service...” Specific duties of the Homeless Outreach Solicitor include to:

» Provide outreach services to homeless people (especially in civil law)

5 Legal Aid NSW, "Position Description: Homeless Outreach Legal Officer Grades I-III," (2010).see Appendix A
» Develop referral protocols with the Commission’s in-house family/civil/criminal law practice, and other agencies such as community legal centres as appropriate
» Conduct an efficient and effective legal practice in civil law matters
» Contribute to the development and review of legal aid policies and guidelines and law and policy reform initiatives
» Undertake community legal education.6

The position statement sets out some key challenges and constraints including:

“Being able to communicate with and take instructions from a wide range of people including those from Aboriginal and Torres Strait Islander communities, people in crisis, people with a physical or intellectual disability or mental illness, people from non-English speaking backgrounds, or who have problem behaviours such as drug or alcohol addictions, in situations where the legal concepts involved are complex and difficult for the client to understand…

Effectively balancing the requirements of managing a case load with co-ordinating and managing the provision of outreach services to homeless people.”7

1.3. Objectives and methodology of the evaluation

1.3.1. Objectives

This evaluation has two objectives:

» To describe and assess the effectiveness of the legal component of each of the two homelessness programs
» To identify good practice principles that can inform the future development of integrated legal service delivery.

The parameters of this evaluation have been impacted by the fact that there are several other evaluations of the two homelessness projects being undertaken at present or planned for the future. Legal Aid NSW believed that while the other evaluations will draw out broad outcomes for clients of each program, they would not examine in any detail the legal services provided. Legal Aid NSW therefore commissioned Matrix to undertake this evaluation with a particular focus on the nature and effectiveness of the legal services provided. Legal Aid NSW also wanted to build on the experience of these projects to determine good practice for any future programs involving the delivery of legal services as part of an integrated or collaborative human service partnership.

1.3.2. Other evaluations

The other evaluations relevant to the two homeless projects are as follows.

6 Ibid. see Appendix A
7 Ibid. see Appendix A
1. **Self-evaluation reports under the overall NSW HAP evaluation strategy undertaken by Housing NSW with ARTD Consultants (ARTD).**

The NSW HAP Evaluation Strategy requires every HAP project to undertake a self-evaluation using templates and guidelines developed by Housing NSW and ARTD. Both Reaching Home and the Riverina Homelessness Project had submitted their self-evaluation reports just prior to Matrix undertaking this evaluation, and they remain the property of ARTD and Housing NSW until published. The template for the self-evaluation reports include statistics relating to all clients of the project such as numbers of clients, age, ethnicity, housing outcomes, non-housing client support including health, drug and alcohol services. The reports also seek a description of the service delivery model, client outcomes, effect of the project on reducing demand on other services, which parts of the service can continue into the future, and case studies.

2. **Extended evaluation by ARTD of both the Rural Interagency Homelessness Projects – Riverina and New England.**

Housing NSW selected a small group of HAP projects to undergo an extended evaluation by ARTD. These include an evaluation of the Riverina Homelessness Project and its “sister” Rural Interagency Homelessness Project in the New England region. The New England project is identical to the Riverina project except that it does not include a legal component, nor involve Legal Aid NSW as a partner.

Matrix understands that ARTD’s extended evaluation of the two Rural Interagency Homelessness Projects will involve interviewing clients, surveying program staff and stakeholders, conducting site visits, and interviewing selected key stakeholders. The report of this extended consultation has a completion date of 31 December 2012.

3. **Evaluation of Reaching Home by Consan Consulting.**

Several *Street to Home* homelessness projects funded under the HAP included funding for independent, ongoing evaluations, with the aim being to feed in the evaluation to the state-wide Housing NSW / ARTD evaluation. The full evaluation of Reaching Home is being conducted by Consan Consulting, whose Director Robyn Considine is from the University of Newcastle’s School of Medicine and Public Health. Matrix understands that the Considine evaluation is an action-research evaluation that has been in place since the program’s commencement, and focuses on:

» The effectiveness of the service delivery model used in Reaching Home
» Housing and health outcomes
» The level of collaboration and trust between the agencies, particularly the different government health agencies, and

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11 Communication with ARTD, 21/8/12.
12 Communication with ARTD, 21/8/12.
» The awareness of the project amongst the wider community and government service sector in Newcastle. 14

The Considine evaluation is not however examining in depth the legal aspects of the services provided to clients. The evaluation report is due in October 2012 but was not available at the time of writing this report. 15

4. Legal Aid NSW internal review of civil law outreach services.

The fourth evaluation relevant to these two homelessness projects is an internal evaluation or review that Legal Aid NSW is undertaking of all its civil law outreach projects against good practice outreach principles such as those articulated in recent research by the Law and Justice Foundation of NSW. 16

1.3.3. Impact of the other evaluations

The existence of these other evaluations has shaped the methodology of this current evaluation. Firstly, as ARTD and Consan Consulting were interviewing clients in order to determine broad client outcomes, Legal Aid NSW decided not to pursue the interviewing of clients in this review. Secondly, as ARTD and Consan Consulting were conducting an online survey of stakeholders at almost the same time as Matrix’s review, in order to avoid “consultation-fatigue”, Matrix thought it best not to use an online survey of all stakeholders but instead to interview by phone a smaller selection of stakeholders. Thirdly, given that Legal Aid NSW is reviewing all outreach services, which include clinics, Matrix has not examined in depth the clinics staffed by the Homeless Outreach Solicitors, and did not seek to interview all clinic coordinators.

1.3.4. Methodology

Matrix undertook the review of the two projects using a mixed-method process, including:

» Collation and analysis of data from Legal Aid’s CASES database
» Discussion with the two Homeless Outreach Solicitors
» Collation of case studies from Legal Aid NSW and stakeholders
» Interview of stakeholders involved with each project
» Observation of one coordination group meeting (Riverina) and one intake meeting (Reaching Home)
» Observation of a total of five client/solicitor interviews at Homeless Outreach clinics – two client interviews by the Riverina Homeless Outreach Solicitor, and three client interviews by the Hunter Homeless Outreach Solicitor
» Review of a small selection of client advices and files
» Review of operational guidelines, procedures, protocols and tools relating to intake and case management in each project
» Short literature review relating to:
  * Legal needs of homeless people

14 Communication with Robyn Considine, 30/5/12.
15 Communication with Robyn Considine, 30/5/12.
16 Susie Forell and Abigail Gray, "Outreach legal services to people with complex needs: what works?" in Justice Issues Paper 12 (Sydney: Law and Justice Foundation of NSW, 2009). Also see Literature Review.
• Legal services for homeless people
• Integrated service delivery projects
• Good practice principles in Australian and US integrated legal service delivery projects
• Good practice in the evaluation of legal service delivery projects, particularly in relation to identifying client outcomes.

Data

Matrix sought data from Legal Aid NSW relating to the work undertaken by the Riverina and Hunter Homeless Outreach Solicitors from the beginning of their employment in February 2010 until 30 June 2012. The aim of the data requested was to determine how many people were assisted, how many legal services in total were provided, what sorts of legal services were provided (for example advice or casework), the legal issues for each legal service, the locations from which assistance were provided, and the demographics of the people who were assisted. Specific demographics sought were gender, age, Aboriginal or Torres Strait Islander identification, whether the client was born in another country, disability, type of Centrelink payment (which could help determine if the client had a disability), and homelessness status.

Of the demographic data sought by Matrix, Legal Aid NSW advised that only the information relating to gender and Aboriginal and Torres Strait Islander status could be accurately extracted from their CASES database. Other demographic data was unable to be provided for the following reasons:

» Disability status was not routinely recorded as many clients did not self-identify and solicitors did not enter details unless directly relevant to the legal matter (for example relating to disability discrimination)
» Information relating to the type of Centrelink benefit was not always recorded on CASES (again, unless it was directly relevant to the legal matter) and therefore not a good indicator as to disability status
» The “homeless” flag on CASES is rarely selected by solicitors when doing data entry because it does not allow them to enter a contact address for the client
» While CASES recorded the name of a client’s country of birth, it was not possible to generate a report collating together clients born outside of Australia
» While CASES recorded date of birth, the extraction of data which grouped clients into specific age categories (for example under 18, 19-30, 31-40 and so on) was not easy to obtain.

The data that was able to be extracted from the Legal Aid NSW CASES database was in the form of a collated report of “Advises” and “Minor Assistsances”. The Glossary sets out the full definitions of these two types of legal service, but in general, every individual client would have a record of at least one “Advice”, and if ongoing work is required, the solicitor would then record at least one “Minor Assistance”. Every advice and minor assistance record may involve a range of legal matters. One individual may have a range of different legal advices or minor assistance matters involving several different legal matters. The same individual might be seen at a number of different locations.

To determine the number, nature and location of legal services provided, Matrix therefore did not analyse the data in terms of the individual clients, but rather in terms of the instances of legal advice or minor assistance provided.
Matrix was also interesting in obtaining data relating to referrals and secondary consultations (defined in the Glossary). In relation to referrals, CASES uses broad categories for recording how the client was referred to and from Legal Aid NSW, for example, “welfare organisation,” rather than the names of particular agencies, which made an analysis of this information not very useful for the purposes of this evaluation. In relation to secondary consultations, CASES only commenced collecting this information from 1 July 2012, that is, after the period under evaluation.

**Stakeholders**

The stakeholders who were interviewed for the evaluation were selected on the basis that they had been involved with the project since its commencement. Phone interviews were conducted with a total of 13 stakeholders (five in relation to Reaching Home, eight in relation to the Riverina Homelessness project) between 3 September 2012 and 2 October 2012. The interviews consisted of 24 open-ended questions focusing on the involvement of Legal Aid NSW in the particular homelessness project (see Appendix E: Phone interview questions for stakeholders). Each interview took approximately 40 minutes. Stakeholders’ views, and all case studies quoted in this report have been de-identified so that individual clients and stakeholders cannot be identified.

**Views of homeless people**

Direct interviews with homeless people have not been conducted for this evaluation due to concerns about “consultation fatigue” – as set out in section 1.3.3– as well as resource constraints.

**1.3.5. Evaluation Framework**

The following table sets out in more detail the objectives, evaluation questions that guided the analysis of these objectives, and the measurement tool used in answering these questions.

**Table 1: Evaluation Framework**

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Evaluation questions</th>
<th>Measurement tool</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. To describe the outputs of the legal component of each project</td>
<td>Nature of legal assistance</td>
<td>» Legal Aid database CASES</td>
</tr>
<tr>
<td>a. What is the total number of clients who received direct legal advice or minor assistance services from the Legal Aid lawyer funded through the homelessness projects?</td>
<td>»</td>
<td>»</td>
</tr>
<tr>
<td>b. How many clients received a grant of aid with work carried out either by the HAP Legal Aid lawyer or otherwise?</td>
<td>»</td>
<td>»</td>
</tr>
<tr>
<td>c. What percentage of clients going through each project’s intake process received direct legal advice from the Legal Aid lawyer?</td>
<td>»</td>
<td>»</td>
</tr>
<tr>
<td>d. How many secondary consultations were provided by the Legal Aid lawyers (that is, providing advice or information to a community worker or the project team in relation to a client)?</td>
<td>»</td>
<td>»</td>
</tr>
</tbody>
</table>
e. How many referrals did the Legal Aid lawyer received from community agencies involved with HAP (other than for clients taking part in HAP)?

f. What are the types of legal matters for each advice?

**Demographic of clients assisted by the lawyers**

g. What are the demographics of the clients being seen: Aboriginality, CALD, age, whether on benefits generally, whether on disability benefits, and whether identified as homeless?

**Community legal education**

h. How many formal and informal legal education sessions were provided to community workers and/or members of the target community?

i. What were the topics of these community education sessions?

**Project governance**

j. How many project steering committee meetings did the Legal Aid lawyers attend?

k. How many other relevant committees were the Legal Aid lawyers involved with and how many meetings did they attend?

**2. To assess the effectiveness of the legal component**

l. Did the legal assistance improve outcomes for clients?

m. Did the assistance with legal issues have an impact on the ability of the client or other service providers to resolve other issues in the client’s life?

> Case studies provided by stakeholders and Legal Aid NSW

> Selected review of client files

> Interviews with selected stakeholders

**3. To analyse service system relationships**

n. How well did the Legal Aid lawyer work with other human service providers in each multi-agency project?

> Observation of intake meetings

> Interviews with the two Legal Aid lawyers

> Interviews with selected stakeholders

> Review of written procedures, protocols and tools relating to intake and case management in each project

> Literature review relating to integrated legal service delivery projects particularly in relation to homeless clients and/or clients with complex needs
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4. To identify a process by which legal outcomes could be measured in future evaluations</strong></td>
<td></td>
</tr>
<tr>
<td>u. What is current good practice in relation to evaluating the effect of legal assistance on clients?</td>
<td>» Literature review relating to evaluation of client outcomes in legal service delivery projects</td>
</tr>
<tr>
<td>v. What kind of outcomes could be measured in future projects?</td>
<td>» Observation of intake meetings</td>
</tr>
<tr>
<td>w. What processes would need to be developed in order to capture legal outcomes for these projects?</td>
<td>» Interviews with selected stakeholders</td>
</tr>
</tbody>
</table>

» Collation of case studies from Legal Aid lawyer and stakeholders

» Review of a selection of advices by each lawyer

» Interviews with the two Legal Aid lawyers
2. Policy context

2.1. Homelessness policy

2.1.1. Australian government policy

In 2008 the Australian Government issued Social Inclusion Principles to underpin government policy in an effort to “build a stronger, fairer Australia”\(^\text{17}\). The Social Inclusion Principles place emphasis on cross-agency, “joined-up services”, as well as on early intervention, locational responses, and using evidence and data to inform policy.\(^\text{18}\) These principles came to underpin a range of Council of Australian Governments reform processes in relation to human services.\(^\text{19}\)

In 2009 the Australian Government released a White Paper on Homelessness, *The Road Home*.\(^\text{20}\) This set goals for reducing homelessness nationally, and reiterated a commitment to funding those programs which accorded with social inclusion principles. The National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH) both commenced on 1 January 2009. The NPAH envisages reforms to the service system which “will build more connected, integrated and responsive services’ aimed at achieving sustainable housing, and improve economic and social participation of those at risk of homelessness.”

2.1.2. NSW government policy

Under the NPAH, each state and territory were to develop Implementation Plans with a range of initiatives designed to operationalise NPAH strategies. NSW published *A Way Home: Reducing Homelessness in NSW – NSW Homelessness Action Plan 2009-2014* (the HAP) in August 2009.\(^\text{21}\) The following table extracts those actions of the HAP relevant to the two projects evaluated in this report.

*Table 2: Extract from the NSW Homelessness Action Plan*\(^\text{22}\)

<table>
<thead>
<tr>
<th>How we will do it</th>
<th>Lead Agency</th>
<th>Partner agencies</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority 5: Deliver integrated service responses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.6 Provide long-term accommodation linked to support for chronically homeless people in rural areas and coordinate services</td>
<td>Community Services NSW</td>
<td>NSW Health, Housing NSW, Legal Aid NSW</td>
<td>[New England], Albury/Wagga Wagga</td>
</tr>
</tbody>
</table>

\(^{22}\) Ibid., 31-32.
to identify and support people at risk of homelessness

Priority 6: Streamline access to crisis accommodation and specialist homelessness services

| 6.5 Implement a new Assertive Outreach program for chronically homeless people in Newcastle that includes generalist, legal and health components linked to long-term accommodation | Housing NSW | [Department of Community Services – note that they did not take part in the project roll-out] | Newcastle |
| NSW Health | | | Legal Aid NSW |

2.1.3. Regional contexts

To further operationalise the NSW HAP, Regional Homeless Action Plans (RHAP) were developed in each region by the NSW Government in 2010 through the convening of meetings of local agencies delivering services to homeless people. Each region with a RHAP has a Regional Homelessness Action Committee, drawn from agencies involved in the development of the RHAP, which meets quarterly to monitor progress against the RHAPs.

Regional Homeless Action Plans relevant to each project are discussed further in sections 3.1.3 and 4.1.3.

2.2. Legal assistance policy context

2.2.1. The Road Home’s commitments relating to legal services

The Road Home contained a statement on the need for improved legal services for people who are homeless or at risk of homelessness but did not allocate specific funding for the provision of this assistance, instead noting:

“Under the National Partnership on Homelessness, extra Australian and state and territory government funding will allow the states and territories to expand legal services to clients at risk of homelessness with a focus on family law, domestic and family violence, credit and debt and tenancy.”

2.2.2. Strategic Framework for Access to Justice in the Federal Justice System

In September 2009 the Australian Attorney-General’s Department released a Strategic Framework for Access to Justice in the Federal Justice System. This framework was developed by the Access to Justice Taskforce, and includes the adoption of five Justice Principles: Accessibility, Appropriateness, Equity, Efficiency and

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24 Ibid.
Effectiveness. It recommends that non-court legal assistance services, including those provided by legal aid commissions, focus on early intervention. The framework envisages a justice system that (amongst other features) promotes access to appropriate mechanisms for the early resolution of problems and disputes, and also promotes social inclusion by targeting the resolution and identification of broader issues which may be the cause of specific legal problems.26

2.2.3. National Partnership Agreement on Legal Assistance Services

The National Partnership Agreement on Legal Assistance Services (NPALAS) for 2009-2014 aims to reform the legal assistance sector in line with the Strategic Framework for Access to Justice. The NPALAS aims to contribute to successful outcomes “to be achieved by legal aid commissions providing efficient and cost-effective legal aid services for disadvantaged Australians” in accordance with a set of priorities, including:

» Earlier resolution of legal problems for disadvantaged Australians that avoids the need for litigation
» More appropriate targeting of legal assistance services to people who experience, or are at risk of experiencing, social exclusion
» Increased collaboration and cooperation between legal assistance providers and with other service providers to ensure clients receive ‘joined up’ service provision to address their problems.

The NPALAS sets out principles to be applied to each priority. These include a consideration as to what other services (non-legal as well as legal) may be relevant to a client’s needs and the appropriateness of referral. Performance indicators for the agreement include the number of referral arrangements including warm referrals to another service and the number of preventative, early intervention and dispute resolution services.

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3. Riverina Interagency Homelessness Project

3.1. Description of the project

3.1.1. Aims

The aims of the Riverina Rural Interagency Homelessness Project for People with Complex Needs (the Riverina Homelessness Project), as set out in the project guidelines, are to:\(^{27}\)

1. Provide 50 Early Intervention Brokerage Packages every year to people at risk of homelessness whose existing tenancy was at risk, consisting of case management and access to services not otherwise available through other funds or infrastructure, with the aim of resolving crises, addressing issues that may lead to homelessness, stabilising housing, improving health and social outcomes, and increasing access to training, education and employment
2. Provide 30 Social Housing Intensive Support Packages to homeless people or families every year, each package consisting of a social housing tenancy plus ongoing support to sustain the tenancy - similar to that set out in 1 above
3. Increase access to legal services for those who are homeless or at risk of homelessness, to prevent legal issues from compounding
4. Increase collaborative service delivery a cross government agencies in responding to homelessness
5. Identify and resolve impediments to the effective provision of support services and make recommendations to reform the existing service system in the longer term.

3.1.2. Target group

The target group includes anyone who is homeless or at risk of homelessness, particularly Aboriginal and Torres Strait Islanders and people experiencing domestic violence, who live in the 26 local government areas that make up the Riverina / Murray area.

The Early Intervention Brokerages are aimed at people who have an existing tenancy (and are not currently in supported accommodation) who are at risk of homelessness, and who may be disengaged or at risk of disengaging from family, school/education, training or employment.

The Social Housing Intensive Support Packages are aimed at housing single adults (10 every year) and families with children (20 every year) who are experiencing primary homelessness and who:

» Are repeat users of crisis accommodation, or at risk of chronic homelessness, or are rough sleepers, and
» Have complex issues such as alcohol and other drugs, mental health, intellectual disability, and/or challenging behaviour.

\(^{27}\) Regional Development Australia Murray, RDA - Murray HAP Guidelinesundated.
By the time Matrix conducted the review of the Riverina Homelessness Interagency program, the quota for the Intensive Support packages had been filled, with the last intake occurring in March 2012. The program was continuing to accept applications for Early Intervention Brokerages but with an expectation of granting fewer and fewer, as typically each package requires 6-12 months of case management and the funding for the project is due to finish in June 2013.

3.1.3. Regional context

The Riverina Rural Interagency Homelessness project was one of two funded programs put forward in the Riverina/Murray Regional Homelessness Action Plan 2010-2014. Legal Aid NSW was not involved in the second funded project, nor any other of the unfunded projects contained in the Riverina RHAP.

The Riverina/Murray RHAP notes that the region has a higher than average number of women and families in temporary homeless accommodation.28

Aboriginal and Torres Strait Islander homelessness is also high in the region. According to the 2006 census,29 there were 1463 people homeless in the Murray and Murrumbidgee regions combined, of whom 8.95% were Aboriginal or Torres Strait Islander.30 The overall percentage of Aboriginal and Torres Strait Islander people in the region was 3.44%.31

3.1.4. Partners and governance

The lead agency for the project was originally Community Services NSW,32 with government partners being NSW Health, Housing NSW and Legal Aid NSW. Funding for the project was made available in early 2010, and by the end of February 2010, Legal Aid NSW had employed a Homeless Outreach Solicitor in the Wagga Wagga office.

Between February and July 2010, representatives from Housing NSW, Community Services, Intereach and Legal Aid NSW (the Riverina Homeless Outreach Solicitor) met to set out guidelines for the project and to commence receiving applications for assistance.

Community Services NSW made a decision to tender out the coordination of the Riverina Homelessness Project, and in June 2010 Regional Development Australia Murray (RDA Murray) was the successful tenderer. RDA Murray employed a project coordinator who commenced in July 2010.

The project coordinator set up four coordination groups in Albury, Deniliquin, Griffith and Wagga Wagga. These local groups were to determine new applications for the two types of packages and discuss case plans for ongoing clients. The groups brought together local case managers from the partnering agencies as well as the project coordinator from RDA Murray, the Riverina Homeless Outreach Solicitor, and caseworkers from local NGO emergency accommodation and welfare agencies.

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29 The latest census figures available at the time of writing this report.
31 NSW Government, "Aboriginal population by LGA and year 
It was anticipated that each coordination group would meet monthly, however the Deniliquin coordination group meetings were infrequent as few applications were submitted by NGOs in the region.

Progress relating to the Riverina Homelessness Project is formally reported by RDA to the Riverina Homelessness Action Committee, which consists of regional managers from Housing NSW, Community Services, Juvenile Justice, as well as the Riverina Homelessness Project coordinator, and the Riverina Homeless Outreach Solicitor representing Legal Aid NSW.

A Homelessness Operation Group (HOG) was also established to meet before the Riverina Regional Homelessness Action Committee meetings. The HOG has a slightly different membership to the HAP and allows for a more lengthy discussion of the operations of the two funded projects. It also determines what issues about the projects may need to be taken to the Regional HAP Committee. Legal Aid NSW uses the HOG to convey information which the lawyer has noticed coming up through the Interagency Homelessness Project or more broadly coming to the attention of Legal Aid NSW – examples provided by the Homeless Outreach Solicitor were the high rates of utility debts, difficulties engaging with some community workers or agencies, young people being denied access to housing on the basis of their age, and the increase of pay day lending in the area.33

3.1.5. How the project works

Applications for the Early Intervention Brokerages or Social Housing Intensive Support Packages on behalf of clients can be made to the coordination group by any NGO in the local region. The applications provide an outline of the client’s circumstances – family, education, legal, financial, and housing – and make a specific request for either early intervention brokerage or the social housing intensive support (including a property).

The applications also put forward a case management plan that typically nominates and costs a number of hours for casework services per week to be provided by the NGO lodging the application. Funds are often also requested for access to other services, paying of debts, and/or paying for furniture or other essential items. The case plan has to show that these services are not available from other service providers and are essential in helping the client to locate and/or sustain housing.

The role of each coordination group is to consider the applications, approve, amend or reject the applications with their case plans, and finalise a Case Support Plan. The decision to approve applications is made through a majority vote by members of the coordination group.

Outside of the coordination group meetings, individual agencies then provide a range of wrap-around support services to individual clients, as set out in the Case Support Plan, and coordinated by the lead NGO who made the application. All Case Support Plans are subject to regular reviews, at which point the lead NGO might ask for further brokerage support or case management hours, or seek input from the coordination group about other assistance that may be available or strategies that might be used to assist the client.

Note that detailed information relating to the Riverina Homelessness Project – for example the total number of applications received, the number rejected and reasons for rejection, whether assistance was for Early

33 Discussion with Riverina Homeless Outreach Solicitor, 24/7/12.
Intervention Brokerage or Social Housing Intensive Support, and demographics of all clients – is not provided in this report. Full details about the Riverina Homelessness Project will be available through the ARTD / Housing NSW extended consultation report to be published as part of the overall evaluation of the NSW HAP.

The focus of this evaluation is only on those clients who received legal services. It is however relevant to determine the total number of clients involved in the program, in order to get some perspective on the numbers of legal assistance services provided.

According to the Riverina Homelessness Project Coordinator, clients are determined based the number of applications for assistance that are approved.

### Table 3: Total number of clients of the Riverina Homelessness Project from commencement of the project in February 2010 to 30 June 2012

<table>
<thead>
<tr>
<th>Number of clients based on the number of approved applications for assistance</th>
<th>2009/2010</th>
<th>2010/2011</th>
<th>2011/2012</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of clients</td>
<td>28</td>
<td>76</td>
<td>98</td>
<td>202</td>
</tr>
</tbody>
</table>

Source: Riverina Homeless Project Coordinator, RDA Murray.

### 3.2. Role of the solicitor

The Guidelines for the Riverina Homelessness Interagency project refer to the role of the solicitor as being to “increase access to legal services for those who are homeless or at risk of homelessness, to prevent legal issues from compounding”. There are no other specific guidelines setting out the role of the solicitor.

The only guidance in relation to the role of the Riverina Homeless Outreach Solicitor is Legal Aid NSW’s generic position description for the Homeless Outreach Solicitor (see Appendix A).

In practice, as observed by Matrix and advised by the Riverina Homeless Outreach Solicitor, the role of the position is to:

- Participate in all four Coordination Group meetings
- Provide “secondary” advice or consultations at the coordination group meetings and outside of the meetings to case workers in relation to clients of the project
- Provide direct legal services to clients of the Riverina Homelessness Interagency project
- Establish and staff a series of clinics across the Riverina region in community organisations targeting homeless people or people at risk of homelessness
- Provide community legal education
- Engage in other interagency collaborations to improve the access of homeless people to legal services.

The Riverina Homeless Outreach Solicitor does not herself make applications for a client to get assistance through the project. Rather, where she felt someone was eligible for assistance (eg at risk of homelessness or currently homeless) they refer them to a community support worker for further support.
3.3. Legal services delivered

3.3.1. Legal services provided directly to Riverina Homelessness Project clients

Direct legal services are legal advice, minor legal assistance services, and casework services (utilising a grant of legal aid) provided by the solicitor directly to clients.34

The Legal Aid NSW CASES database did not have a specific category which allowed an identification of Riverina Homelessness Interagency Project clients. However, advice from the Riverina Homeless Outreach Solicitor is that as at 30 June 2012 there were 202 clients, and the solicitor provided direct legal advice, minor assistance or casework services to 38 of these clients. This is 19% of the clients of the program.

Table 4: Number of Riverina Homelessness Project clients who received direct legal services

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of clients of the Riverina Homelessness Project*</td>
<td>28</td>
<td>76</td>
<td>98</td>
<td>202</td>
</tr>
<tr>
<td>Number (and %) of clients of Riverina Homelessness Project who received legal services</td>
<td>4 (14%)</td>
<td>16 (21%)</td>
<td>18 (18%)</td>
<td>38 (19%)</td>
</tr>
<tr>
<td>Number of legal advice and minor assistance services provided to Riverina Homelessness Project clients</td>
<td>7</td>
<td>39</td>
<td>34</td>
<td>80</td>
</tr>
<tr>
<td>Legal advice</td>
<td>4</td>
<td>21</td>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td>Minor legal assistance services</td>
<td>3</td>
<td>18</td>
<td>14</td>
<td>35</td>
</tr>
<tr>
<td>Number of cases (in-house grants of aid) opened for Riverina Homelessness Project clients</td>
<td>0</td>
<td>6</td>
<td>1</td>
<td>7</td>
</tr>
</tbody>
</table>

Source:
* Riverina Homeless Project Coordinator: See Table 3
** Legal Aid NSW data: Provided by the Riverina Homeless Outreach Solicitor based on her own records. Note that Legal Aid NSW’s CASES database was not able to provide a report on the number of Riverina Homelessness Project clients.

3.3.2. All legal services provided by the Riverina Homeless Outreach Solicitor

The Riverina Homeless Outreach Solicitor’s role is not just to provide legal services to clients of the Riverina Homeless Program, but also to provide legal services to the broader target group of homeless people or people at risk of homelessness. The solicitor provides these services through outreach legal clinics based in community organisations working with homeless people, as well as through the Legal Aid office in Wagga Wagga. The clinics were located in the same Riverina towns as the coordination groups:

» Wagga Wagga – two clinics, one at Micah House which the solicitor attended every fortnight, and one at Tolland Community Centre which she attended on the alternate fortnight
» Griffith – Griffith Neighbourhood House, one clinic every month held on the same day as the Griffith Coordination Group meeting
» Deniliquin – Vinnies Homelessness Services – although this was intended to operate monthly on the same day as the Deniliquin coordination group meetings, as these meetings were sporadic, usually the solicitor provided advice through phone appointments

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34 For a definition of advice, minor assistance and casework, see the Glossary.
» Albury – The Hub, with the solicitor holding one clinic a month on the same day as the Albury Coordination Group meetings.\textsuperscript{35}

The following table sets out the total number of people provided with direct legal services by the Riverina Homeless Outreach Solicitor (whether advice, minor assistance, or in-house grants of aid).

\textit{Table 5: Total number of people provided with legal services by the Riverina Homeless Outreach Solicitor}\n
\begin{tabular}{|l|c|c|c|c|}
\hline
Total number of people provided with direct legal services by the Riverina Homeless Outreach Solicitor & 2009/2010 & 2010/2011 & 2011/2012 & Total \\
\hline
66 & 133 & 219 & 418 \\
\hline
\end{tabular}

Source: Legal Aid NSW CASES database.

The table on the following page sets out detailed data from Legal Aid NSW’s CASES database in relation to the type and location of the individual instances of legal advice and minor assistance.

The data includes the 80 instances of legal advice and minor assistance services provided to Riverina Homelessness Project clients. CASES was unable to provide a report on those clients which were linked to the Riverina Homelessness Project.

\textsuperscript{35} Clinic details are set out in \url{http://www.legalaid.nsw.gov.au/what-we-do/civil-law/homeless-outreach-legal-service/homeless-advice-services}
Table 6: Direct legal services provided by the Riverina Homeless Outreach Solicitor, 1 February 2010 – 30 June 2012

<table>
<thead>
<tr>
<th>Area</th>
<th>2009-2010 (Note - legal services commenced February 2010)</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>Total between February 2010 - 30 June 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wagga Wagga - Outreach at Micah House, Tolland House, others</td>
<td>10, 8</td>
<td>54, 17</td>
<td>60, 21</td>
<td>124, 46, 170</td>
</tr>
<tr>
<td>Albury - Outreach at The Hub and others</td>
<td>3, 0</td>
<td>14, 3</td>
<td>17, 3</td>
<td>20</td>
</tr>
<tr>
<td>Griffith - Outreach at Griffith Neighbourhood House and others</td>
<td>5, 5</td>
<td>17, 6</td>
<td>9, 2</td>
<td>31, 13, 44</td>
</tr>
<tr>
<td>Deniliquin - Outreach at Vinnies</td>
<td>1, 3</td>
<td></td>
<td>4, 0</td>
<td>4</td>
</tr>
<tr>
<td>Disaster Recovery Outreach – towns across Riverina</td>
<td></td>
<td></td>
<td></td>
<td>49, 11, 60</td>
</tr>
<tr>
<td>Other occasional outreach - Leeton, Tumut, Urana, Young, Wollongong</td>
<td>4, 3</td>
<td>6, 1</td>
<td>2</td>
<td>12, 4, 16</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>68, 43, 3</strong></td>
<td><strong>166, 116, 16</strong></td>
<td><strong>218, 296, 13</strong></td>
<td><strong>452, 455, 907, 32</strong></td>
</tr>
</tbody>
</table>
The table on the previous page shows that from 1 February 2010 to 30 June 2012, the Riverina Homeless Outreach Solicitor:

» Provided 452 legal advice
» Provided minor assistance in relation to 455 matters
» Managed 32 cases using in-house grants of legal aid.

Approximately 52% of all advice were provided in outreach locations, with the remainder being provided through the Legal Aid office in Wagga Wagga – this would include the majority of phone advice.

In analysing minor assistance services, it is important to note that one record of minor assistance may in fact consist of a series of activities in relation to a particular client, for example writing letters, contacting other parties, research, and any additional phone calls or appointments with the client after the initial advice.

It is unsurprising therefore that the majority of minor assistance services were provided from the Legal Aid office in Wagga Wagga, with only 17% of minor assistance provided at an outreach location, predominantly at the clinics at Micah House and Tolland House in Wagga Wagga.

Minor assistance data is only entered into CASES when the solicitor has finalised the matter for the client. Therefore the actual number of minor assistance matters managed by the Riverina Homeless Outreach Solicitor during the period up to 30 June 2012 is therefore likely to be higher than 455: the solicitor estimates that another 20-30 other minor assistance matters were active during the relevant period but were yet to be entered into the CASES database.

Similarly, in relation to cases involving an in-house grant of legal aid, the data is also likely to be higher, with the Riverina Homeless Outreach Solicitor estimating that an additional 5-10 cases were probably open as at 30 June 2012 but not yet entered into the CASES database.

The following table provides selected demographic data relating to clients for whom advice and minor assistance was provided. As discussed in section 1.3.4 of this report, this was the only reliable demographic data that Matrix was able to source from CASES.

**Table 7: Gender and Aboriginal and Torres Strait Islander status of clients receiving legal advice and assistance services from the Riverina Homeless Outreach Solicitor, to 30 June 2012**

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Women</th>
<th>Aboriginal or Torres Strait Islander people</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total number of advice and minor assistance services</td>
<td>No. of advice and minor assistance services provided to women</td>
<td>As a % of total advice and minor assistance</td>
</tr>
<tr>
<td>Wagga Wagga Legal Aid Office</td>
<td>593</td>
<td>248</td>
<td>41.82%</td>
</tr>
<tr>
<td>Wagga Wagga – Outreach at Micah House, Tolland House, and others</td>
<td>170</td>
<td>54</td>
<td>31.76%</td>
</tr>
<tr>
<td>Albury - Outreach at The Hub and others</td>
<td>20</td>
<td>8</td>
<td>40.00%</td>
</tr>
</tbody>
</table>
Matrix on Board  Evaluation of the legal component of the Riverina Interagency Homelessness Project & Reaching Home Newcastle

### Table 8: Top 20 legal matters seen by the Riverina Homeless Outreach Solicitor

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Legal matter according to Legal Aid NSW CASES database</th>
<th>Numbers of Advice and Minor Assistance services 01/02/2010 - 30/06/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DEBTS (NON-CONSUMER) – MONEY OWED BY APPLICANT which also includes DEBTS (NON-CONSUMER) – FINES</td>
<td>193</td>
</tr>
<tr>
<td>2</td>
<td>CONSUMER – INSURANCE (GENERAL &amp; OTHER) – includes advice in relation to flood damage</td>
<td>163</td>
</tr>
<tr>
<td>3</td>
<td>CONSUMER – GOODS (INCLUDING UTILITIES, PHONE, ETC) – whether under state or Commonwealth law</td>
<td>112</td>
</tr>
<tr>
<td>4</td>
<td>CONSUMER – CREDIT (INCLUDING CREDIT GUARANTEE) – consumer credit matters whether under state or Commonwealth law</td>
<td>70</td>
</tr>
<tr>
<td>5</td>
<td>HOUSING (NOT DWELLING LOSS) – PUBLIC TENANCY</td>
<td>36</td>
</tr>
<tr>
<td>6</td>
<td>CIVIL MATTER ARISING FROM CRIME – OTHER CIVIL MATTERS ARISING FROM CRIME – category used for criminal law matters</td>
<td>31</td>
</tr>
<tr>
<td>7</td>
<td>PERSONAL INJURIES/ACCIDENTS – CRIME AND VICTIM’S COMPENSATION</td>
<td>28</td>
</tr>
<tr>
<td>8</td>
<td>SOCIAL SECURITY – BENEFITS / ALLOWANCES / OTHER</td>
<td>27</td>
</tr>
<tr>
<td>9</td>
<td>HOUSING (DWELLING LOSS) – EVICTION – PRIVATE TENANCY</td>
<td>16</td>
</tr>
<tr>
<td>10</td>
<td>HOUSING (NOT DWELLING LOSS) – PRIVATE TENANCY</td>
<td>14</td>
</tr>
<tr>
<td>11</td>
<td>DISCRIMINATION AND HARASSMENT – AGE DISCRIMINATION</td>
<td>12</td>
</tr>
<tr>
<td>12</td>
<td>WILLS ESTATES – WILL / INTESTACY</td>
<td>12</td>
</tr>
<tr>
<td>13</td>
<td>DEBTS (NON-CONSUMER) – MONEY OWED TO APPLICANT</td>
<td>11</td>
</tr>
<tr>
<td>14</td>
<td>MENTAL HEALTH – FINANCIAL MANAGEMENT</td>
<td>10</td>
</tr>
</tbody>
</table>

Source: Legal Aid NSW CASES database.

The following table provides detail about the most common legal matters dealt with by the Riverina Homeless Outreach Solicitor.

---

36 The CASES data base was amended half way through the two homelessness projects, separating fines out as a separate category from other non-consumer debts, so that the two categories together includes fines, debts to utility providers, and other debts to third parties that cannot be defined as consumer credit.

37 Consumer credit is defined as credit extended to a person for the purchase of consumer goods and services, and includes mortgages, credit card debt, car loans, and other debts to banks, credit unions, moneylenders.

38 The Riverina Homeless Outreach Solicitor sits within the Civil Law Division of Legal Aid NSW, and as such, is directed to use only civil law categories when entering data into CASES. This category is the one preferred by civil lawyers when providing advice about criminal law.
3.3.3. Secondary consultations

The Riverina Homeless Outreach Solicitor provides secondary legal consultations\textsuperscript{40} through coordination group meetings as well as outside of consultation group meetings.

It is difficult to measure the extent of the secondary consultations provided by the Riverina Homeless Outreach Solicitor, as the solicitor does not take notes about the cases they discuss in coordination group meetings or with workers outside of meetings unless the solicitor has already seen the client or taken direct legal instructions from them. Also, as discussed in section 1.3.4, this secondary advice or information is not recorded in the Legal Aid CASES database or elsewhere.

Nevertheless, it may be possible to estimate the number of instances of secondary legal assistance provided by the Riverina Homeless Outreach Solicitor. The solicitor estimates that she provided legal information, advice or referrals in relation to approximately 75\% of all applications for assistance received by the Coordination Groups.\textsuperscript{41} This estimation is based on the fact that the solicitor attended almost every Coordination Group meeting across all four regions, and that almost every application included the identification of legal, financial, tenancy or other issues for which legal solutions are often available.

In addition to the secondary consultations provided in relation to at least 75\% of all Riverina Homelessness Project clients at coordination group meetings, the Riverina Homeless Outreach Solicitor also discussed some clients with the community workers coordinating the clients’ case plans outside of the coordination group meetings. The solicitor estimates that she would have provided two or more events of secondary legal consultations in relation to about a quarter of the Riverina Homelessness Project clients. These additional secondary consultations can therefore be included by using an average of around 1.25 consultations per Homelessness Project client.

It is important to note that after the solicitor makes direct contact with a client, the client becomes recorded as one or several legal advices (if advice was sought on a number of different matters), and any subsequent assistance, including discussion with a case worker about the client, would be recorded as minor assistance or (if a grant of aid is made) casework services.

\begin{center}
\begin{tabular}{|l|l|}
\hline
15 & CIVIL OTHER – COMMONWEALTH – category used for family law matters\textsuperscript{39} 10 \\
16 & CONSUMER – INSURANCE (LIFE & DISABILITY) 8 \\
17 & SERVICE PROVIDER (HEALTH) 8 \\
18 & ESTATE ADMINISTRATION (INCLUDING TRUSTS) 8 \\
19 & CONSUMER – OTHER CONSUMER MATTER – consumer matters under state or Commonwealth law that cannot otherwise be categorised 8 \\
20 & NEIGHBOUR DISPUTE – OTHER - this includes AVOs between neighbours 6 \\
\hline
\end{tabular}
\end{center}

Source: Legal Aid NSW CASES database.

\textsuperscript{39} This category is the one used by civil lawyers when providing advice about family law.

\textsuperscript{40} See Glossary for a definition of secondary consultations.

\textsuperscript{41} Discussion with Riverina Homelessness Solicitor, 15/10/12.
Matrix on Board  Evaluation of the legal component of the Riverina Interagency Homelessness Project & Reaching Home Newcastle

Table 9: Estimated number of secondary consultations provided by the Riverina Homeless Outreach Solicitor to non-legal caseworkers

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of clients of the Riverina Homelessness Project*</td>
<td>28</td>
<td>76</td>
<td>98</td>
<td>202</td>
</tr>
<tr>
<td>Number of clients of the Riverina Homelessness Project in relation to whom the Riverina Homeless Outreach Solicitor provided at least one secondary legal consultation (advice, information or referral) during coordination group meetings or to individual case managers outside of meetings (75% of total clients of the program)</td>
<td>21</td>
<td>51</td>
<td>62</td>
<td>134</td>
</tr>
<tr>
<td>Likely number of secondary consultations provided (Based on an average of 1.25 consultations per client)</td>
<td>26</td>
<td>64</td>
<td>77</td>
<td>167</td>
</tr>
</tbody>
</table>

Source:

* Riverina Homeless Project Coordinator: see Table 5
** Matrix estimation based on discussions with and observations of the practice of the Riverina Homeless Outreach Solicitor.

3.3.4. Community Legal Education

As part of the project, the Riverina Homeless Outreach Solicitor, often working with other Legal Aid NSW staff including specialist community legal education workers from the Sydney office, directly provided, or organised for others to provide, community legal education to non-legal staff across the region.

The following table sets out the details of sessions that were provided since the commencement of the project. Between February 2010 and 30 June 2012, 30 community legal education sessions were provided. All were provided by the Riverina Homeless Outreach Solicitor unless otherwise indicated.

Table 10: CLE sessions provided by the Riverina Homeless Outreach Solicitor 1 February 2010 - 30 June 2012

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/02/2010</td>
<td>Burrangong Intervention Support</td>
<td>Young</td>
</tr>
<tr>
<td>02/03/2010</td>
<td>Introduction to Riverina Homeless Outreach Solicitor</td>
<td>Wagga Wagga – Eden Quinn Men’s Services</td>
</tr>
<tr>
<td>11/03/2010</td>
<td>Introduction to Riverina Homeless Outreach Solicitor</td>
<td>Wagga Wagga – Probation and Parole Services</td>
</tr>
<tr>
<td>07/04/2010</td>
<td>Introduction to Riverina Homeless Outreach Solicitor</td>
<td>Albury</td>
</tr>
<tr>
<td>29/04/2010</td>
<td>Introduction to Riverina Homeless Outreach Solicitor</td>
<td>Deniliquin</td>
</tr>
<tr>
<td>20/05/2010</td>
<td>Lunch with the law - Law Week Roadshow 2010</td>
<td>Leeton</td>
</tr>
<tr>
<td>23/06/2010</td>
<td>Griffith Interagency Meeting</td>
<td>Griffith</td>
</tr>
<tr>
<td>08/09/2010</td>
<td>Homeless Outreach Services</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>16/09/2010</td>
<td>Law for Non-Lawyers</td>
<td>Wagga Wagga (with the Public Interest Advocacy Centre)</td>
</tr>
<tr>
<td>30/09/2010</td>
<td>Law for Non-Lawyers</td>
<td>Wagga Wagga (with the Public Interest Advocacy Centre)</td>
</tr>
<tr>
<td>11/10/2010</td>
<td>Law for Non-Lawyers</td>
<td>Griffith (with the Public Interest Advocacy Centre)</td>
</tr>
<tr>
<td>08/11/2010</td>
<td>Law and the practice of medicine – UNSW</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>29/11/2010</td>
<td>Law for Non-Lawyers</td>
<td>Albury (with the Public Interest Advocacy Centre)</td>
</tr>
</tbody>
</table>
3.3.5. Attendance of meetings relating to the project or homelessness in the region

The Riverina Homeless Outreach Solicitor was very active in both the governance of the Riverina Homelessness Project and in the wider homelessness sector in the Riverina region. As well as being a member of the four coordination groups – which effectively operated as monthly homelessness interagency meetings in the Wagga Wagga, Griffith and Albury regions (less so in Deniliquin which met infrequently) – the Riverina Homeless Outreach Solicitor was a member of the following committees:

- Regional Homelessness Committee
- Wagga Wagga Cooperative Legal Service Delivery Program committee (the Riverina Homeless Outreach Solicitor was the Regional Coordinator)
- Homelessness Operation Group
- Homeless Persons Week organising committee
- Riverina Cooperative Legal Service Delivery Project
- Regional Domestic Violence Committee.

In addition to the Coordination Group meetings (at least three every month), the following table sets out 25 committee meetings that the solicitor attended.
Table 11: Homelessness meetings attended by the Riverina Homeless Outreach Solicitor

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>25/02/2010</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Albury</td>
</tr>
<tr>
<td>17/05/2010</td>
<td>Regional Homelessness Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>19/05/2010</td>
<td>Regional Youth Interagency</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>12/08/2010</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Albury</td>
</tr>
<tr>
<td>09/09/2010</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>02/11/2010</td>
<td>Regional Homelessness Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>12/01/2011</td>
<td>Regional Homelessness Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>03/02/2011</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>05/05/2011</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>11/05/2011</td>
<td>Homelessness Operational Group</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>17/05/2011</td>
<td>Regional Homelessness Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>19/05/2011</td>
<td>Regional Youth Interagency</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>04/08/2011</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>11/08/2011</td>
<td>Homelessness Operational Group</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>16/08/2011</td>
<td>Regional Homelessness Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>03/11/2011</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>03/11/2011</td>
<td>Homeless Operational Group</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>15/11/2011</td>
<td>Regional Homelessness Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>06/02/2012</td>
<td>Regional Domestic Violence Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>09/02/2012</td>
<td>Homelessness Operational Group</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>22/03/2012</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>03/05/2012</td>
<td>Homelessness Operational Group</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>07/05/2012</td>
<td>Regional Domestic Violence Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>08/05/2012</td>
<td>Regional Homelessness Committee</td>
<td>Wagga Wagga</td>
</tr>
<tr>
<td>21/06/2012</td>
<td>Cooperative Legal Service Delivery Program</td>
<td>Wagga Wagga</td>
</tr>
</tbody>
</table>

Source: Riverina Homeless Outreach Solicitor.
4. Reaching Home – Newcastle

4.1. Description of the project

4.1.1. Aims

Originally named the Newcastle Assertive Outreach Service, Reaching Home aims to provide pro-active support to clients experiencing homelessness or at risk of homelessness, with a view to securing housing and improve health outcomes for these clients.

The Reaching Home Operational Guidelines, finalised in October 2010, describe the purpose of the program as follows.

“Reaching Home aims to provide and sustain housing, improve health outcomes for and reduce presentations by homeless people to hospitals and other health facilities for the target groups. The project includes access to outreach legal assistance and ongoing casework and aims to transition rough sleepers and people at risk of homelessness into long-term housing options...

Reaching Home will proactively engage with homeless people and those at risk of homelessness in their environment in order to develop rapport and trust as part of the initial phase of engagement. It will also aim to link clients into long-term stable housing which is consistent with a ‘Housing First’ or ‘Street to Home’ approach which means that clients do not need to have the ‘readiness’ requirement to be housed.

The project provides services for rough sleepers and those at risk of homelessness with complex needs as identified in the target groups. These will include housing, welfare, health and legal aid services to support clients to meet their long term housing, health and legal needs.”

The ‘Housing First’ or ‘Street to Home’ model is described in more detail in the literature review in section 5.1.2.

4.1.2. Target group

The target groups for Reaching Home are:

» Homeless people
  • Rough sleepers (priority 1)
  • Couch surfers and those in hostels and boarding houses with “complex needs” (priority 2)
» Those at risk of homelessness, including those at risk of losing a tenancy, who have “complex needs” (priority 3).

“Complex needs” refers to a client experiencing one or more of the following:

---

» Ongoing mental health problems with indications of non-compliance with medication and service engagement
» Ongoing drug and alcohol problems with indication of treatment non-compliance
» Ongoing physical health problems with evidence of non-compliance with treatment
» Physical and mental disabilities
» A range of ongoing social (e.g., disruptive behaviour, victims of violence), welfare (history of homelessness, financial) and legal needs.”

4.1.3. Regional context

According to the 2006 census, there were 2604 homeless people in the Hunter local government area (LGA), of whom 8.91% were Indigenous. The overall percentage of Aboriginal and Torres Strait people in the Hunter LGA was 2.65%.

The Hunter RHAP put forward a number of projects involving Legal Aid NSW:

» Newcastle Assertive Outreach Service (which became Reaching Home)— “a joint project to assist rough sleepers with complex needs who are chronically homeless in the Newcastle region and transition them into long-term stable accommodation as quickly as possible” – lead agencies are HNE Health and Housing NSW, with Legal Aid NSW named as a partner
» Homeless Outreach Legal Advice clinics - lead agency is Legal Aid NSW, partners are the Samaritans and Wesley Mission
» Home for Good – a pilot program “providing services to people who are leaving a custodial sentence, or who are on a non-custodial sentence such as a community service order or suspended sentence with the aim of reducing re-offending” - lead agencies are Samaritans and Corrective Services, with Legal Aid NSW as a partner agency
» Hunter Homeless Connect Day – “a one stop shop model of service provision to the homeless and those at risk of homelessness, providing links to accommodation, health, legal and financial assistance, employment, study and family support” – lead agency is PCYC and partners include Legal Aid NSW
» Law for non-lawyers – training targeted to community workers who have direct contact with people who are homeless or at risk of homelessness, including identification of common legal issues faced by the target population, the impact of legal issues on homelessness and referral pathways to legal services – Legal Aid NSW is the lead agency, with the partner being Public Interest Advocacy Centre.

4.1.4. Partners, staffing and governance of the project

Reaching Home is a partnership between three government agencies and one NGO:

» Housing NSW
» Hunter New England Area Health Service (HNE Health)
» Legal Aid NSW
» Baptist Community Services NSW & ACT (BCS).
Funding for Reaching Home was confirmed in February 2010, and Legal Aid NSW was the first of the Reaching Home partner agencies to employ a staff member to work on the project. A Homeless Outreach Solicitor was employed by Legal Aid NSW in February 2010 to work with Reaching Home, as well as to work on other homelessness projects set out in the Hunter RHAP including the outreach clinics and Law for Non-lawyer training sessions. The solicitor position is called the Hunter Homeless Outreach Solicitor throughout this report.

From February 2010 onwards, a Steering Committee drawn from senior staff from HNE Health and Housing NSW, as well as the Hunter Homeless Outreach Solicitor from Legal Aid NSW, worked to develop Operational Guidelines. Housing NSW oversaw the tendering out for the outreach services, with BCS appointed mid-2010. Recruitment of health staff also took place during this time, and an office was fitted out for Reaching Home staff at James Fletcher Hospital in Newcastle.

Reaching Home opened to receive clients in October 2010. As at October 2012, around 10-15 FTE staff are employed through the program including:

» HNE Health staff - a Project Coordinator, Administration Officer, several Mental Health nurses and social workers, a Drug and Alcohol Allied Health caseworker and a Drug and Alcohol Registered Nurse, a Physical Health Registered Nurse and a part-time Medical Officer

» A Housing Specialist Referral Position employed by Housing NSW

» A Community Outreach Team operated by Baptist Community Services, consisting of a number of community outreach workers whose purpose is to "locate, engage and build relationships with rough sleepers with the aim of coordinating casework support for these clients"46

» The Hunter Homeless Outreach Solicitor employed by Legal Aid NSW.

Rather than waiting for the rest of the staff to be employed and the NGO partner to be selected, the Hunter Homeless Outreach Solicitor began setting up outreach legal clinics to reach the target client group of homeless people or people at risk of homelessness. By the time the rest of the Reaching Home staff were employed and the project began receiving clients, the homeless outreach clinics were well-established. This meant that the solicitor was able to encourage clients of Reaching Home to attend the established clinics at organisations mostly familiar to this client group.

Originally Reaching Home planned that the Hunter Homeless Outreach Solicitor would be housed onsite with the other Reaching Home staff. However this soon proved untenable. Although an office was provided for this purpose, the Hunter Homeless Outreach Solicitor’s mobile phone and wireless internet did not work in that office, making it impossible to log onto the Legal Aid NSW CASES database or keep in touch with clients or other Legal Aid staff. In addition, the solicitor found operating a legal service without the support of legal peers and professional supervisors difficult. As Reaching Home agencies had decided early in the project that Reaching Home clients would not be seen onsite due to safety concerns, the Hunter Homeless Outreach Solicitor also could not see clients onsite. She was therefore more often out of the office meeting with clients offsite, or attending the outreach clinics in community organisations.

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Legal Aid NSW therefore made a decision to re-locate the Hunter Homeless Outreach Solicitor back to the offices of Legal Aid, which was only three blocks from the Reaching Home office in the James Fletcher Hospital. However the solicitor made herself available to attend intake meetings at least once a week, Reaching Home staff meetings, and at all other times to talk to Reaching Home staff for referral, information, consultation or to accompany staff on outreach visits to clients.

Current governance mechanisms for Reaching Home are as follows:

» The Reaching Home Project Coordinator, employed by HNE Health, is responsible for coordinating the staff team, liaising with the other agencies, managing accommodation issues, and reporting on the project’s progress to the relevant funding bodies

» An Operations Committee deals with day-to-day operational issues affecting the project, and consists of the Reaching Home Coordinator (representing HNE Health), the Community Outreach Team Senior Caseworker (representing BCS), the Housing Specialist Referral Position (representing Housing NSW), and the Hunter Homeless Outreach Solicitor (representing Legal Aid NSW)

» The Reaching Home Steering Committee oversees the broader strategic objectives of Reaching Home, and consists of one senior representative from each partner agency, with Legal Aid NSW again being represented by the Hunter Homeless Outreach Solicitor

» The Hunter Regional Homelessness Action Committee monitors the implementation of all Hunter RHAP projects, including Reaching Home; once again Legal Aid is represented on this committee by the Hunter Homeless Outreach Solicitor.

4.1.5. How the project works

Clients are referred into Reaching Home predominantly from NGOs, but also from government human service agencies including Legal Aid NSW, in the Newcastle area. The referral form collects information relating to the client’s housing situation, health issues, drug and alcohol issues, mental health issues, and legal issues. In addition, a separate consent form is signed by clients giving permission for agencies involved in Reaching Home, and the referring agency, to share information about the client.

Intake meetings are held twice a week, at which team members (including the Hunter Homeless Outreach Solicitor) consider the referral form, discuss the needs of the client, determine whether to accept or decline the client into Reaching Home, and strategies for providing assistance or referring the client to other services.

Where clients are declined – for reasons such being out-of-area, not having sufficiently complex needs, or being eligible for other support services – the Reaching Home team develops a response for the referring agency. This often includes some advice or recommendations about other services that could assist; frequently, it includes details about the Hunter Homeless Outreach Solicitor’s outreach clinics so the client can receive legal assistance.

If a client is accepted into Reaching Home, a lead agency is appointed (based on the client’s most dominant need), and a team member from that agency is allocated as their case manager. The case manager maintains a Case Management Record that sets out categories of needs corresponding to the specialisation of the partners of the project, specifically housing, mental health, drug and alcohol, general health, legal needs, and community outreach. While all clients of Reaching Home have a Case Management Record, those identified as complex clients will also have a “Complex Client Review and Care Plan”. Additional team meetings are set aside to discuss complex clients and to seek input from all team members to better help the client.
Outside of the team meetings, individual team members undertake the actions they have agreed to in relation to the client.

For the same reasons as those set out in section 3.1.5, this evaluation does not deal with all the different services provided by Reaching Home to clients; the focus of this evaluation is only on the legal services provided. However it is relevant to determine the total number of clients involved in Reaching Home in order to get some perspective on the numbers of legal assistance services provided.

According to the Reaching Home Project Coordinator, the number of clients of Reaching Home is based on the number of referrals in to the program, or contacts with individual people, whether or not these referrals were accepted or contacts followed up on. 47 The most common basic service provided to all clients or contacts is a consideration of whether they fit within Reaching Home eligibility guidelines. Where the team declines an application, a staff member calls the referring agency and explains why they were declined, often then providing some case management advice and more appropriate referral options.

Those clients who had very minimal contact with the program – for example their referral was unsuccessful, they were referred elsewhere, or only a one-off instance of support was provided by one or two team members – are defined as “low support” clients. Those clients who were accepted into the program, and then received support from two or more staff members, are said to be medium or high support clients. These medium or high support clients are defined by Reaching Home as active clients.

The following table sets out the number of all Reaching Home clients – that is, all those referred into or otherwise in contact with the program, as well as the number of “active” clients – that is, those clients that were provided with medium or high support by the Reaching Home team. Note that Reaching Home started receiving clients in October 2010.

Table 12: Total number of clients of Reaching Home from commencement of the program on 1 October 2010 to 30 June 2012

<table>
<thead>
<tr>
<th>Number of clients</th>
<th>2010/2011</th>
<th>2011/2012</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number referred into or in contact with Reaching Home</td>
<td>486</td>
<td>492</td>
<td>978</td>
</tr>
<tr>
<td>Number of active (medium/high support) clients</td>
<td>252</td>
<td>166</td>
<td>418</td>
</tr>
</tbody>
</table>

Source: Reaching Home Project Coordinator.

47 Communication with Reaching Home Coordinator, by email, 27/09/12.

4.2. Role of the solicitor

The role of the Hunter Homeless Outreach Solicitor is to provide legal assistance to homeless clients as part of the integrated Reaching Home service, but also to operate legal clinics at outreach locations with the aim of increasing legal access of homeless people in the broader Hunter region.

Detail about the role of the solicitor in Reaching Home is provided in the Reaching Home Operational Guidelines as follows:

“The Legal Aid NSW solicitor will:
• Liaise with the staff of the Reaching Home Team regarding clients who staff identify as requiring legal assistance, and conduct an assessment of legal needs with those clients, in an outreach setting.
• Provide timely and specialised legal advice, referrals, minor assistance and casework services to the target group in accordance with casework policies and guidelines.
• Assist clients of the service to access mainstream Legal Aid NSW services, where this is the most appropriate referral option.
• Provide referrals to, and assist clients to access, the services of other legal service providers, where this is the most appropriate referral option.
• Coordinate the ongoing and specialised support, training and assistance to the staff of partners of Reaching Home in identifying legal issues that contribute to homelessness or place people at risk of homelessness.48

Based on Matrix’s observations and discussions with the Hunter Homeless Outreach Solicitor, the solicitor participates in team discussions about whether to take on a particular client and the case management strategies for that person. The solicitor will also frequently provide information and advice about a particular legal issue, undertake to conduct further research, and discuss any non-confidential information held by Legal Aid NSW (CASES database) or the courts (JusticeLink database) that might help the case workers to understand the client’s legal circumstances.

The Hunter Homeless Outreach Solicitor also attends complex client team meetings. Based on Matrix’s observations of a complex client meeting, these provide an opportunity for the solicitor to:

» Provide an update about whether the client has contacted the lawyer for advice and/or how legal casework is progressing (respecting client confidentiality)
» Inform the team as to whether the client has had any recent contact with the criminal justice system (if this information is known)
» Provide the staff members with information about some of the legal issues affecting the client – those that the client has themselves expressed concern about, as well as issues the client may not be aware of, for example, the need to change information with Centrelink if their circumstances change
» Provide information and advice about legal remedies or programs that could assist the client – for example, Work Development Orders to work off fines to the State Debt Recovery Office.

The Hunter Homeless Outreach Solicitor keeps a diary in which she notes the surnames of any Reaching Home clients discussed at meetings, and any actions that she agrees to undertake in relation to that client. The solicitor will then contact the case coordinators for particular clients to discuss further advice and assistance, including arranging for a face-to-face meeting with the client for more comprehensive legal assistance.

The solicitor meets with the clients in their preferred location – sometimes she accompanies a case worker on outreach to locate a rough sleeper; sometimes she will make an appointment for the client to attend the outreach clinic in Broadmeadow; sometimes the client prefers to attend the Legal Aid offices in Newcastle; and at other times, the only contact she can make is by telephone.

In addition to providing Reaching Home clients, and their case managers, with legal advice and assistance, the Hunter Homeless Outreach Solicitor also operates a series of outreach clinics in community organisations that are accessible to homeless people or those at risk of homelessness. On occasion, the solicitor is able to refers clients seen through these outreach clinics to Reaching Home, so that they can access case management, housing and other support services.

4.3. Legal services delivered

4.3.1. Legal services provided directly to Reaching Home clients

Direct legal services are legal advices, minor assistance services, and casework services (utilising a grant of legal aid) provided by the Hunter Homeless Outreach Solicitor directly to Reaching Home clients.49

Where the client is an active client of Reaching Home, the Hunter Homeless Outreach Solicitor records the client as having the outreach location “Reaching Home” in CASES.

The following table sets out the number of active clients of Reaching Home, and compared this to the number of clients who received legal services and the numbers of instances of legal services to these clients.

**Table 13: Number of Reaching Home clients who received direct legal services**

<table>
<thead>
<tr>
<th></th>
<th>2010/2011</th>
<th>2011/2012</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of active clients of Reaching Home*</td>
<td>252</td>
<td>166</td>
<td>418</td>
</tr>
<tr>
<td>Number (and percentage) of clients of Reaching Home who received some form of direct legal service</td>
<td>39 (15%)</td>
<td>50 (30%)</td>
<td>89 (21%)</td>
</tr>
<tr>
<td>Combined number of advice and minor assistance services provided to Reaching Home clients:</td>
<td>74</td>
<td>65</td>
<td>139</td>
</tr>
<tr>
<td>Legal advices</td>
<td>45</td>
<td>53</td>
<td>98</td>
</tr>
<tr>
<td>Minor legal assistance services</td>
<td>29</td>
<td>12</td>
<td>41</td>
</tr>
<tr>
<td>Number of cases (in-house grants of aid)50</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Source:
* Reaching Home Program Coordinator: see Table 12
** Legal Aid NSW: CASES database – through categorisation of location as Reaching Home – see Table 15.

4.3.2. All legal services provided by the Hunter Homeless Outreach Solicitor

The role of the Legal Aid lawyer, as set out in Reaching Home’s Operational Guidelines, is not just to advise clients of the service but also to more broadly “provide services to the target group”. The Hunter Regional Homelessness Action Plan also separately included the establishment of clinics by Legal Aid NSW throughout the Hunter region, in partnership with Samaritans and Wesley Mission (see section 4.1.3).

Before the project’s commencement, Legal Aid NSW was already conducting weekly outreach at Newcastle Life Church in the CBD, and this outreach continued. The Hunter Homeless Outreach Solicitor however does

49 For a definition of advice, minor assistance and casework, refer to the Glossary.
50 The Hunter Homeless Outreach Solicitor routinely used “minor assistance” and rarely sought in-house grants of aid for Reaching Home clients.
not routinely provide these outreach services, instead they are staffed by a roster of other Legal Aid NSW solicitors.

After Reaching Home commenced, Legal Aid NSW established and staffed four additional outreach clinics at welfare agencies throughout Newcastle and the broader Hunter region. These are:

» The Samaritans in Broadmeadow, Newcastle - weekly
» Samaritans in Cessnock - monthly
» All Saints Church in Nelson Bay – monthly
» Cessnock Correctional centre – monthly.\(^5\)

In addition to clients seen at these clinics, the Hunter Homeless Outreach Solicitor also provides phone or face-to-face advice to homeless clients at the Legal Aid NSW offices. In relation to minor assistance services and work done on cases under an in-house grant of aid, the vast majority of this work is conducted from the offices of Legal Aid NSW in Newcastle.

The following table sets out the total number of people provided with direct legal services by the Hunter Homeless Outreach Solicitor (whether the services was advice, minor assistance, or in-house grants of aid). These figures include Reaching Home clients provided with legal services.

**Table 14: Total number of people provided with legal services by the Hunter Homeless Outreach Solicitor**

<table>
<thead>
<tr>
<th>Total number of people provided with direct legal services by the Hunter Homeless Outreach Solicitor</th>
<th>2009/2010</th>
<th>2010/2011</th>
<th>2011/2012</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>138</td>
<td>362</td>
<td>300</td>
<td>800</td>
<td></td>
</tr>
</tbody>
</table>

Source: Legal Aid NSW CASES database.

The table on the following page provides detailed data from Legal Aid NSW’s CASES database in relation to the type and location of each instance of legal advice or minor assistance. Note that where the location is “Reaching Home”, this means these are services provided to Reaching Home clients, but the exact location of assistance may have been at the Legal Aid office, the Broadmeadow clinic, or elsewhere.

Table 15: Direct legal services provided by the Hunter Homeless Outreach Solicitor, 1 February 2010 – 30 June 2012

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>2009-2010 (Note - legal services commenced February 2010)</th>
<th>2010-2011</th>
<th>2011-2012</th>
<th>Total between February 2010 - 30 June 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Advice</td>
<td>Minor Assistance</td>
<td>Cases (internal grant of aid)</td>
<td>Advice</td>
</tr>
<tr>
<td>Legal Aid Office Newcastle</td>
<td>90</td>
<td>37</td>
<td>189</td>
<td>136</td>
</tr>
<tr>
<td>Outreach - Reaching Home*</td>
<td>45</td>
<td>29</td>
<td>53</td>
<td>12</td>
</tr>
<tr>
<td>Outreach - Newcastle Samaritans*</td>
<td>54</td>
<td>15</td>
<td>31</td>
<td>1</td>
</tr>
<tr>
<td>Outreach - Newcastle other (Lifechurch, Wesley)</td>
<td>13</td>
<td>2</td>
<td>16</td>
<td>1</td>
</tr>
<tr>
<td>Outreach - Nelson Bay</td>
<td>22</td>
<td></td>
<td>25</td>
<td></td>
</tr>
<tr>
<td>Outreach - Cessnock Samaritans</td>
<td>4</td>
<td></td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>Outreach - Cessnock Correctional Centre</td>
<td>21</td>
<td>3</td>
<td>45</td>
<td>3</td>
</tr>
<tr>
<td>Other occasional outreach - Kempsey, Maitland, Taree, Purfleet, Sydney</td>
<td>16</td>
<td>18</td>
<td>12</td>
<td>10</td>
</tr>
<tr>
<td>TOTAL INSTANCES OF ASSISTANCE</td>
<td>144</td>
<td>42</td>
<td>0</td>
<td>407</td>
</tr>
</tbody>
</table>

Source: Legal Aid NSW CASES database.

* This signifies advice or minor assistance given to Reaching Home clients, wherever the location of the assistance.

** Appears in CASES as the outreach locations of Broadmeadow, Hamilton, or Adamstown as the building is on the intersection of these suburbs.
The previous table shows that from 1 February 2010 to 30 June 2012, the Hunter Homeless Outreach Solicitor:

» Provided 879 legal advices
» Provided minor assistance in relation to 390 matters
» Managed 7 cases using in-house grants of aid.

As was discussed when analysing CASES data for the Riverina Homeless Outreach Solicitor (see section 3.3.2), the actual numbers of active minor assistance matters and cases is likely to be higher, with matters only being entered into CASES when they have finalised. In relation to the low number of in-house grants of aid recorded, the Hunter Homeless Outreach Solicitor advised that she would rarely seek a grant of aid for clients, but usually conducted most of her casework as minor assistance matters - see section 6.1.2 for a more detailed discussion of this issue.

Approximately 47% of all advices provided by the Hunter Homeless Outreach Solicitor were in outreach locations, with the remainder being provided through the Legal Aid office in Newcastle. Only 17% of minor assistance was provided at an outreach location, a percentage identical to that of the minor assistance matters provided by the Riverina Homeless Outreach Solicitor in outreach locations.

The following table provides selected demographic data relating to clients for whom advice and minor assistance was provided. As discussed in section 1.3.4 of this report, this was the only reliable demographic data that Matrix was able to source from CASES.

**Table 16: Gender and Aboriginal and Torres Strait Islander status of clients receiving legal advice and minor assistance services from the Hunter Homeless Outreach Solicitor, 1 February 2010 – 30 June 2012**

<table>
<thead>
<tr>
<th>Location</th>
<th>All</th>
<th>Women</th>
<th>Aboriginal or Torres Strait Islander</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total number of advice and minor assistance services</td>
<td>No. of advice and minor assistance services provided to women</td>
<td>As a % of total advice and minor assistance</td>
</tr>
<tr>
<td>Legal Aid Office Newcastle</td>
<td>787</td>
<td>380</td>
<td>48.28%</td>
</tr>
<tr>
<td>Outreach - Reaching Home*</td>
<td>139</td>
<td>47</td>
<td>33.81%</td>
</tr>
<tr>
<td>Outreach - Newcastle Samaritans*</td>
<td>101</td>
<td>47</td>
<td>46.53%</td>
</tr>
<tr>
<td>Outreach - Newcastle other (Lifelchurch, Wesley)</td>
<td>34</td>
<td>11</td>
<td>32.35%</td>
</tr>
<tr>
<td>Outreach - Nelson Bay</td>
<td>47</td>
<td>33</td>
<td>70.21%</td>
</tr>
<tr>
<td>Outreach - Cessnock Samaritans</td>
<td>32</td>
<td>15</td>
<td>46.88%</td>
</tr>
<tr>
<td>Outreach - Prison (Cessnock CC)</td>
<td>84</td>
<td></td>
<td>0.00%</td>
</tr>
<tr>
<td>Other occasional outreach - Kempsey, Maitland, Taree, Purfleet, Sydney</td>
<td>45</td>
<td>28</td>
<td>62.22%</td>
</tr>
<tr>
<td><strong>Across all locations</strong></td>
<td><strong>1269</strong></td>
<td><strong>561</strong></td>
<td><strong>44.21%</strong></td>
</tr>
</tbody>
</table>

Source: Legal Aid NSW CASES database.
The following table sets out the top 20 legal matter types seen by the Hunter Homeless Outreach Solicitor.

### Table 17: Top 20 legal matters seen by the Hunter Homeless Outreach Solicitor

<table>
<thead>
<tr>
<th>Ranking</th>
<th>Legal matter according to Legal Aid NSW CASES database</th>
<th>Numbers of advice and minor assistance services 01/02/2010 - 30/06/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CIVIL MATTER ARISING FROM CRIME – OTHER CIVIL MATTERS ARISING FROM CRIME and CIVIL OTHER – OTHER CIVIL (STATE) – criminal law matters including warrants, bail, as well as domestic violence and AVO matters&lt;sup&gt;52&lt;/sup&gt;</td>
<td>268</td>
</tr>
<tr>
<td>2</td>
<td>HOUSING (NOT DWELLING LOSS) – PUBLIC TENANCY</td>
<td>92</td>
</tr>
<tr>
<td>3</td>
<td>DEBTS (NON-CONSUMER) – MONEY OWED BY APPLICANT which also includes DEBTS (NON-CONSUMER) – FINES&lt;sup&gt;53&lt;/sup&gt;</td>
<td>89</td>
</tr>
<tr>
<td>4</td>
<td>CIVIL OTHER – COMMONWEALTH – category used mostly for family law matters&lt;sup&gt;54&lt;/sup&gt;</td>
<td>66</td>
</tr>
<tr>
<td>5</td>
<td>PERSONAL INJURY &amp; ACCIDENTS – MOTOR VEHICLE PROPERTY DAMAGE</td>
<td>54</td>
</tr>
<tr>
<td>6</td>
<td>CONSUMER – CREDIT (INCLUDING CREDIT GUARANTEE) – consumer credit matters whether under State or Commonwealth law&lt;sup&gt;55&lt;/sup&gt;</td>
<td>59</td>
</tr>
<tr>
<td>7</td>
<td>PERSONAL INJURY &amp; ACCIDENTS – CRIME AND VICTIM'S COMPENSATION</td>
<td>35</td>
</tr>
<tr>
<td>8</td>
<td>HOUSING (DWELLING LOSS) – EVICTION (PRIVATE TENANCY)</td>
<td>29</td>
</tr>
<tr>
<td>9</td>
<td>WILLS/ESTATES – ESTATE ADMINISTRATION (INCLUDING TRUSTS)</td>
<td>29</td>
</tr>
<tr>
<td>10</td>
<td>DEBTS (NON-CONSUMER) – MONEY OWED TO APPLICANT</td>
<td>24</td>
</tr>
<tr>
<td>11</td>
<td>HOUSING (DWELLING LOSS) – EVICTION (PUBLIC TENANCY)</td>
<td>24</td>
</tr>
<tr>
<td>12</td>
<td>WILLS/ESTATES – WILL / INTESTACY</td>
<td>22</td>
</tr>
<tr>
<td>13</td>
<td>HOUSE (NOT DWELLING LOSS) – PRIVATE TENANCY</td>
<td>22</td>
</tr>
<tr>
<td>14</td>
<td>CONSUMER – INSURANCE – GENERAL &amp; OTHER</td>
<td>18</td>
</tr>
<tr>
<td>15</td>
<td>HOUSE (DWELLING LOSS) – OTHER LOSS OF DWELLING</td>
<td>18</td>
</tr>
<tr>
<td>16</td>
<td>WILLS/ESTATES – FAMILY PROVISION ACT CLAIM</td>
<td>17</td>
</tr>
<tr>
<td>17</td>
<td>BUSINESS/INVESTMENT – COMMERCIAL DISPUTE</td>
<td>16</td>
</tr>
<tr>
<td>18</td>
<td>WILLS/ESTATES – POWER OF ATTORNEY</td>
<td>16</td>
</tr>
<tr>
<td>19</td>
<td>SERVICE PROVIDER (LEGAL)</td>
<td>15</td>
</tr>
<tr>
<td>20</td>
<td>LOCAL GOVERNMENT/PLANNING (includes local council fines)</td>
<td>14</td>
</tr>
</tbody>
</table>

Source: Legal Aid NSW CASES database.

<sup>52</sup> The Hunter Homeless Outreach Solicitor sits within the Civil Law Division of Legal Aid NSW, and as such, is directed to use only civil law categories when entering data into CASES. The Hunter Homeless Outreach Solicitor used both these categories when she provided advice about criminal law matters so they are grouped together to provide one category for criminal law matters.

<sup>53</sup> The CASES data base was amended half way through the projects, separating fines out as a separate category from other non-consumer debts, so that the two categories together includes fines, debts to utility providers, and other debts to third parties that cannot be defined as consumer credit.

<sup>54</sup> See note 52 above. This category is the one preferred by Legal Aid NSW civil lawyers when providing advice about family law matters.

<sup>55</sup> Consumer credit is defined as credit extended to a person for the purchase of consumer goods and services, and includes mortgages, credit card debt, car loans, and other debts to banks, credit unions, moneylenders.
4.3.3. Secondary consultations

As noted previously in this report, a significant component of the work of the Hunter Homeless Outreach Solicitor is providing secondary consultations.\textsuperscript{56}

Although the number and nature of referrals and secondary legal consultations are not captured by the data recorded by Legal Aid NSW (as discussed in section 1.3.2), it is possible to estimate the number of consultations.

The Hunter Homeless Outreach Solicitor estimates that she provided legal information, advice or referrals to Reaching Home staff in relation to about 60-80\% of the clients that were discussed at intake meetings that she attended, and that she usually attended one of the two intake meetings held each week.\textsuperscript{57} This means she would provide secondary consultations in relation to about 40\% of all Reaching Home clients.

It is important to note that this figure is in relation to all clients referred to Reaching Home, not merely those defined as “active” (see section 4.1.5). The Hunter Homeless Outreach Solicitor noted that at intake meetings she would frequently provide advice and information about legal issues in relation to those clients that were not ultimately accepted into Reaching Home, and she would often recommend that the referring agency facilitate their client getting advice at her outreach legal advice clinic.\textsuperscript{58}

In addition to secondary consultations at intake meetings, the solicitor would also engage in one-on-one discussions with team members about several of those clients dealt with at intake meetings at which she was not present – the solicitor estimates this to be an additional 10\% of clients.

Finally, the solicitor estimates that in several cases she provided two or three secondary consultations for each client. If more secondary consultations were required the solicitor usually would arrange to see the client face-to-face or speak with them over the phone, at which point, contacts with the client would no longer be categorised as secondary consultations but would become direct legal advice and/or minor assistance. As described in relation to the Riverina Homelessness Project (see section 3.3.3), the additional consultations provided for several clients can be counted by using an average of around 1.25 consultations per client.

Using these calculations, it is possible to estimate the number of secondary consultations provided by the Hunter Homeless Outreach Solicitor through the Reaching Home project as follows.

\textit{Table 18: Estimated number of secondary legal consultations provided by the Hunter Homeless Outreach Solicitor to Reaching Home non-legal case workers}

<table>
<thead>
<tr>
<th>Estimation methodology</th>
<th>2010/2011</th>
<th>2011/2012</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of clients referred to/in contact with Reaching Home*</td>
<td>486</td>
<td>492</td>
<td>978</td>
</tr>
<tr>
<td>Number of clients of Reaching Home in relation to whom the Hunter Homeless Outreach Solicitor provided secondary legal advice or information during intake meetings (40% of all Reaching Home clients)</td>
<td>243</td>
<td>246</td>
<td>489</td>
</tr>
</tbody>
</table>

\textsuperscript{56} For definition of “secondary consultation” see Glossary.

\textsuperscript{57} Phone discussion with Hunter Homeless Outreach Solicitor, 15/10/12.

\textsuperscript{58} Phone discussion with Hunter Homeless Outreach Solicitor, 15/10/12.
Estimation of the number of other instances of consultation about
Reaching Home clients between the Hunter Homeless Outreach Solicitor
and Reaching Home staff members outside of intake meetings: an
additional 10% of clients

| Approximate number of clients provided with assistance | 292 | 295 | 587 |

Likely number of secondary consultations provided
(Based on an average of 1.25 consultations per client)

| 365 | 369 | 734 |

Source:
* Reaching Home Project Coordinator: See Table 12
** Matrix estimation based on discussion with and observations of the practice of the Hunter Homeless Outreach Solicitor.

### 4.3.4. Community Legal Education

One of the roles of the Legal Aid lawyer is to “coordinate ongoing and specialised support, training and assistance to the staff of partners of Reaching Home in identifying legal issues that contribute to homelessness or place people at risk of homelessness.”

In addition, the Hunter Regional HAP included an action of Legal Aid NSW working with the Public Interest Advocacy Centre to deliver Law for Non-Lawyers training to non-legal workers across the Hunter region, and for Legal Aid NSW to be involved in Hunter Homeless Connect days.

Between February 2010 and 30 June 2012, 34 community legal education sessions were provided by the Hunter Homeless Outreach Solicitor. The following table sets out the location, date and title of CLE sessions conducted by the Hunter Homeless Outreach Solicitor.

**Table 19: Community legal education events provided by Hunter Homeless Outreach Solicitor**

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Town/Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>26/02/2010</td>
<td>Intro to Homeless Outreach program</td>
<td>Maitland</td>
</tr>
<tr>
<td>1/03/2010</td>
<td>Introduction to new Homeless Outreach Program</td>
<td>Newcastle</td>
</tr>
<tr>
<td>29/03/2010</td>
<td>Meet and greet with Samaritans staff to increase referrals</td>
<td>Broadmeadow</td>
</tr>
<tr>
<td>12/04/2010</td>
<td>Indigenous Clients and the Law</td>
<td>Newcastle</td>
</tr>
<tr>
<td>21/04/2010</td>
<td>Tenancy Issues for Young People (Youth Accommodation Network meeting)</td>
<td>Broadmeadow</td>
</tr>
<tr>
<td>6/05/2010</td>
<td>Home for Good, Post release program - Legal Advice, referrals</td>
<td>Broadmeadow</td>
</tr>
<tr>
<td>24/05/2010</td>
<td>Contributing to your community as a lawyer</td>
<td>Newcastle</td>
</tr>
<tr>
<td>26/05/2010</td>
<td>Info session re WDOs &amp; tenancy issues</td>
<td>Lambton</td>
</tr>
<tr>
<td>27/05/2010</td>
<td>CLSD Meeting (Introduction to Homeless Legal service)</td>
<td>Newcastle</td>
</tr>
<tr>
<td>21/06/2010</td>
<td>Rydon Conference - Young people navigating the Legal System</td>
<td>Newcastle</td>
</tr>
<tr>
<td>29/06/2010</td>
<td>Hunter Centrelink Jobs Expo</td>
<td>Maitland</td>
</tr>
<tr>
<td>2/07/2010</td>
<td>Meeting re Legal needs in Nelson Bay - potential outreach clinic</td>
<td>Newcastle</td>
</tr>
<tr>
<td>21/07/2010</td>
<td>Home for Good Working Party Seminar</td>
<td>Broadmeadow</td>
</tr>
<tr>
<td>2/08/2010</td>
<td>Samaritans Staff CLE - Legal issues for case workers</td>
<td>Broadmeadow</td>
</tr>
<tr>
<td>5/08/2010</td>
<td>Youth Legal Needs in Newcastle</td>
<td>Newcastle</td>
</tr>
</tbody>
</table>

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4.3.5. Attendance of meetings relating to the project or homelessness in the region

The Hunter Homeless Outreach Solicitor was extremely active in both the governance of Reaching Home, and other homelessness committees in the region.

In addition to the twice-weekly Reaching Home intake meetings (of which the solicitor attended at least one per week), and monthly staff meetings of Reaching Home, the Hunter Homeless Outreach Solicitor attended a large number of other meetings. The following table sets out these committees and meetings.

**Table 20: Number of committees and meetings the Hunter Homeless Outreach Solicitor attended 1 February 2010 – 30 June 2012**

<table>
<thead>
<tr>
<th>Committee</th>
<th>Frequency of meetings</th>
<th>Estimated number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reaching Home Steering Committee</td>
<td>Initially weekly, then monthly once the project commenced</td>
<td>30</td>
</tr>
<tr>
<td>Reaching Home Operations Committee</td>
<td>Monthly</td>
<td>20</td>
</tr>
<tr>
<td>Reaching Home Evaluation Committee</td>
<td>Monthly initially, then quarterly</td>
<td>4</td>
</tr>
<tr>
<td>Hunter Regional Homelessness Committee</td>
<td>Quarterly</td>
<td>6</td>
</tr>
<tr>
<td>Newcastle and Hunter Homeless Interagency</td>
<td>Monthly</td>
<td>20</td>
</tr>
<tr>
<td>Hunter Homeless Connect</td>
<td>Monthly</td>
<td>20</td>
</tr>
<tr>
<td>Cooperative Legal Service Delivery</td>
<td>Quarterly</td>
<td>5</td>
</tr>
<tr>
<td>Home for Good (Post-release interagency)</td>
<td>Quarterly</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>111</strong></td>
</tr>
</tbody>
</table>

Source: Riverina Homeless Outreach Solicitor.
5. Literature review

This section provides a review of selected literature and research relevant to the evaluation framework for this project (see section 1.3.5). The aim of the literature review is to provide information about the legal needs of homeless people, learn from the review of projects which seek to assist homeless people, identify good practice in integrated legal service delivery to homeless people, and review good practice in evaluating legal service delivery.

The literature review is divided into research about:

» Homelessness and service delivery for homeless people
» The legal needs of homeless people
» Legal services for homeless people
» Integrated legal service delivery in Australia, and Medical-legal partnerships in the US
» Evaluating legal service delivery.

5.1. Research relating to homelessness and service delivery for homeless people

In the past five years there has been a great deal of literature reviews and research into homelessness. Some is available from the Australian Homelessness Clearinghouse and institutions such as the Australian Housing and Urban Research Institute (AHURI). This type of research is likely to be referenced by ARTD and Consan Consulting (Robyn Considine) in their evaluations of the Riverina Homelessness Project and Reaching Home respectively, and so it not our intention to duplicate this research in this report. However it is important to provide a summary of the main points of this research as it helps to place a context around the two homelessness services being reviewed in this evaluation.

5.1.1. Overview of research relating to homelessness

In 2009 AHURI provided a research synthesis for the NSW Government to inform NSW homelessness priorities. The report summarises the research under the three “Action Areas”: Prevention, Effective Responses, and Breaking the Cycle. This research was used to inform the development of not just the NSW HAP but also the RHAPs. Some of the research findings of this report, of relevance for this evaluation, are as follows:

» Homeless people make more use of emergency services (including shelters, hospitals and justice) than the mainstream population
» Key prevention mechanisms include coordination of government, non-government and emergency agencies in providing housing and support
» Social integration is integral to the processes of becoming, surviving and existing homelessness
» Early intervention will benefit from strategies to maintain social connections with the mainstream community
» Respect is a key service delivery principle

[61] Hellene Gronda, Evidence to inform NSW homelessness action priorities 2009-10 (AHURI, 2009).
“Building a trusting support relationship takes time; six months may be a minimum threshold for establishing relationship based support. More than 20 contacts and around 12 months may be a threshold for achieving improved housing and employment related outcomes. It is preferable that these contacts take place in the context of stabilised long-term housing.”

Persistence and practical outreach support are critical for engaging and working effectively with people experiencing long-term homelessness.

Multi-disciplinary case management teams are effective and cost-effective

Permanent supportive housing is more effective than transitional accommodation.

5.1.2. Street to Home

“Street to Home” refers to a place-based response to rough sleeping pioneered by Common Ground, a not-for-profit agency based in New York.

Street to Home initiatives feature heavily in the Commonwealth and state/territory homelessness action plans. In this context, a report by Flinders University in 2012 evaluated several Street to Home initiatives. The report described key elements of the original Common Ground Street to Home model as follows:

The identification, enumeration and engagement of rough sleepers within a defined geographical area using a vulnerability index that helps to rank people on the basis of factors such as age, health needs and length of time homeless, which prioritises the most vulnerable people to be assisted.

Ongoing engagement with the most vulnerable people to help move them off the streets.

A “Housing First” policy – that is, a guarantee of permanent housing to homeless people, with units owned and managed by Common Ground, and with support also provided by Common Ground on-site to ensure homeless people were able to cope with their housing and other support needs.

Flinders’ University’s evaluation of three Street to Home programs in WA, NT and SA found that Australian models of Street to Home were not only very different to the original Common Ground program, but different to each other. The Common Ground vulnerability index was not used by the three Australian projects to determine which clients would be accepted into the program. Rather, all three projects would decide on the suitability of clients for the program through team discussions. One striking similarity between the Australian services – and a notable difference to the original US Street to Home program - was the fact that none of the three Australian programs were able to guarantee housing to their clients due to the lack of affordable and appropriate housing.

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Ibid.
Ibid.
Eleanor Button and Jo Baulderstone, Keeping Off the Streets: Effective Models of Intervention with People who are Sleeping Rough — Service Models in Three States (Flinders University of South Australia, 2012), 7.
Ibid., 12.
Ibid., 6 and 12.
5.1.3. Integrated services for homeless people

Many of the homelessness programs funded under state and federal government homelessness strategies require integration across a range of service partners. A brief survey of literature relating to human service integration is thus useful to understand how to assess the delivery of integrated services.

In 2010 AHURI issued a Positioning Paper on the integration of homelessness, mental health and drug and alcohol services in Australia. It defined integrated services as involving “services in diverse sectors, including homelessness, health and other human services, working in a joined-up and coordinated way to deliver holistic and tailored interventions for clients.” The report found that there has been little analysis of integrated human services in the Australian context – those that exist relate mostly to integrated health care initiatives only, for example, integration of a hospital, community allied health team and a local Division of General Practice.

The report noted that there are typically two key hypothesised benefits of integrated service delivery for homeless people. The first benefit usually put forward is that integrated services provide homeless people with better access to a broad range of services. The second espoused benefit is that clients treated via integrated service responses experience better outcomes than would otherwise be the case for example, through improved access to housing services and increased rates of independent housing.

After examining the research, AHURI found that there were frequently six main issues associated with integrated care arrangements:

» The coordination of services can be costly, unwieldy and time-consuming, and need to be balanced against the benefits of closer integration of services
» Agencies may have quite different cultures and ways of working: successful coordinated service delivery requires goodwill on the part of the services involved
» Individual agencies may not be prepared to adapt to a partnership-like arrangement and may seek to maintain their existing ways of working
» Integrated care arrangements require leadership and good management
» Specialisation in service delivery brings with it significant benefits in the quality and level of support provided to clients; such benefits may be diluted in an integrated care environment
» The funding and governance of homelessness services (likewise mental health and drug and alcohol services) is generally undertaken in programs which are not established as integrated programs.

The report also provides a useful overview of research relating to measurement of integration of services, such as Konrad’s typology of integration.

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68 Paul Flatau, Elizabeth Conroy, Anne Clear, and Lucy Burns, The integration of homelessness, mental health and drug and alcohol services in Australia (AHURI, 2010).
69 Ibid.
70 Ibid., at 2.
71 Ibid., at 2.
72 Ibid.
In 2012 Flinders University published a literature review of ‘grey literature’ relating to the evaluation of homelessness programs in Australia.\(^74\) The university identified 100 useful pieces of grey literature which reviewed or described homelessness programs and were written since July 2000. A review of this literature found that homelessness programs worked best when a set of structural arrangements supporting effective inter-agency work were put in place, including:

» Memoranda of Understanding between agencies
» Clearly defining roles
» Documenting practice principles, including information sharing protocols
» Designating responsibility for inter-agency relationships to a position
» Co-locating services (either permanently or on a visiting basis).\(^75\)

According to Flinders University,

“[T]he literature suggests that establishing links within the homelessness and support systems not only helps the client but also builds the knowledge base of staff who are then better informed about other services and able to make more appropriate referrals ...”\(^76\)

Twelve reports identified the benefits from their inter-agency work as more efficient and effective service delivery with less duplication, and better, more sustainable outcomes for clients.\(^77\)

“The reports also indicate that no service works in isolation; and that workers and agencies collaborate on many levels in order to help clients achieve their aims. The reports highlight the capacity that can be built within a service system that cooperates, but how working across organisational cultures and paradigms can be problematic and resource intensive.”\(^78\)

### 5.2. Research about the legal needs of homeless people

Homelessness research in Australia – such as that conducted by AHURI – rarely deals with legal needs or legal service provision. Commonly, general homelessness literature mentions legal needs or legal support only in passing, without detailed analysis as to how legal issues can affect homelessness, or how legal support can alleviate homelessness.\(^79\)

Research about the interplay between homelessness, legal needs and legal service delivery therefore tends to be a very specific, and quite small, field of research led by the legal assistance sector rather than the broader housing or homelessness sectors. Even the references in Australian Government’s White Paper The

\(^{74}\) Grey literature refers to “studies with limited distribution (i.e., those not included in computerized bibliographic retrieval systems), unpublished reports, dissertations, articles in obscure journals, some online journals, conference abstracts, policy documents, reports to funding agencies, rejected or unpublished manuscripts, non-English language articles, and technical reports”: Flinders University, Mapping and Reviewing Homelessness Programs (2012).

\(^{75}\) ibid. at 22.

\(^{76}\) ibid. at 21.

\(^{77}\) ibid., 22.

\(^{78}\) ibid., 24.

\(^{79}\) For example, reference is made to the fact that people released from prison who have significant debts, particularly in relation to Housing NSW, are more likely to return to prison and/or be homeless: Gronda, Evidence to inform NSW homelessness action priorities 2009-10, 19.
Road Home relating to the need for legal support were mostly drawn from submissions or research by legal agencies.80

Foremost amongst this research is the Law and Justice Foundation of NSW’s 2005 publication No Home, No Justice?81 The Foundation’s report noted that the first major report into the legal needs of homeless people was the Sackville report to the Commission of Inquiry into Poverty in 1976, Homeless People and the Law.82 The Sackville report found that laws such as vagrancy and public drunkenness criminalised homeless people, and advocated for a more welfare-based response to homelessness. The Australian Government followed this approach during the 1980s with funding specifically provided for homeless services, largely based on supported accommodation (the “SAAP” program which is now named Specialist Homelessness Services or SHS). A 1989 inquiry into homeless children by the Human Rights and Equal Opportunities Commission (the Burdekin report) put forward a preventative, early intervention agenda to support young people at risk of homelessness.83 This report recognised that homelessness was a breach of the legal rights of young people, yet did not outline in detail the specific legal issues and possible legal services that could be used to assist homeless people in asserting their rights.

No Home, No Justice? provides a comprehensive overview of legal needs facing homeless people in NSW as at 2005. Through focus groups, interviews and data analysis, the Foundation found that the legal issues faced by homeless people can be split into two groups: the legal needs that exist at the time of becoming homeless and indeed may be the cause of the homelessness; and the legal needs that arise once becoming entrenched into homelessness:

“As people become homeless common legal issues are family law and domestic violence, together with general debt and housing-related legal issues. Housing issues include eviction and debt arising from rent arrears and damage to property. Discrimination in housing and employment were also identified in this study as problems for homeless people, particularly Aboriginal people and transgender people.

Once people have become entrenched in homelessness and are more visible to law enforcement agencies, crime and fines become more prominent issues. People living at primary levels of homelessness are also particularly vulnerable to being victims of crime. Together with people who are transient, this group also has difficulties complying with social security requirements because of chaotic lives and lack of a permanent address.”84

The Law and Justice Foundation analysed the barriers to homeless people accessing legal services, and found that these included:

81 Suzie Forrell, Emily McCarran, and Louis Schetzer, No Home, No Justice? The legal needs of homeless people in NSW (Law and Justice Foundation of NSW, 2005).
84 Forrell, McCarran, and Schetzer, No Home, No Justice? The legal needs of homeless people in NSW, xviii - xix.
The fact that resolution of legal issues was a low priority compared to finding a place to stay, getting food or money, or looking after family
Feelings of despair or hopelessness
Mental health or drug and alcohol problems
Poor literacy or numeracy skills
A lack of knowledge that there are legal solutions to overcome their problems
Leaving it too late to take action so that when they seek help there is little that can be done ("the eviction is imminent; their benefits have been cut off; the court case is tomorrow").

In 2009, the Australian Government’s White Paper relating to Homelessness The Road Home summarised the legal issues facing homeless people, drawing from a range of submissions by legal assistance agencies:

“Legal issues and lack of access to legal advice can contribute to or increase homelessness. Many people experiencing homelessness have previously had some interaction with the legal system, either as a defendant or victim of violence in a criminal matter... There is often a direct causal link between a person’s homelessness and their legal problems... Common legal issues for people who are homeless include family law, Centrelink disputes, tenancy, credit and debts and employment.

A survey of the community sector found that one in five people seeking legal advice or help were being turned away... Current service provision data indicates that this means approximately 25,000 people each year are left unassisted and struggling with issues that are known triggers of homelessness.

There is a clear need to increase access to legal services to individuals and families at risk of homelessness – particularly legal services in the areas of family law, domestic and family violence, credit and debt and tenancy.

In 2011, the first comprehensive Australian text relating to homelessness and the law was published.

Dr Walsh’s book analyses legal concepts of home and homelessness, paying particular attention to Aboriginal definitions of home and land. It also provides an overview of the main areas of law which affect homeless people. These include tenancy and housing law, criminal “law and order” and public space offences, social welfare laws such as Centrelink payments, child protection regimes, income management, guardianship and mental illness laws, discrimination, and inequality in accessing legal services.

5.3. Research about legal services for homeless people

Law and Justice Foundation research

The Law and Justice Foundation’s No Home, No Justice? report examined the features that are required of legal assistance services for them to assist homeless people. These features include

Being located in or accessible from places where homeless people go, for example a clinic in a welfare agency, legal outreach to a community health facility, or a clinic in a rural town

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85 Ibid., xx.
Having staff who are skilled in communicating with people with special needs and who appreciate the complexity of their clients' issues
Allowing for longer appointment times
Having the capacity to provide the same lawyer for the duration of the matter
Providing timely legal assistance
Having the capacity to address or coordinate a response to a range of legal issues
Having the capacity to coordinate legal support with the provision of non-legal services such as caseworker support, housing and accommodation services, alcohol and other drug treatment services
Assisting and empowering clients to address their legal rights.\(^88\)

The Foundation noted that there was a

“structural feature of legal service delivery in NSW that presents difficulties for homeless and other disadvantaged people is that different legal issues tend to be separately dealt with by different legal services or practitioners.”\(^89\)

This means that one homeless person, who may have many different types of legal needs, faces having to see a range of different advisors and lawyers. This is in addition to the other human service providers the homeless person may need to access for assistance with money, housing or health services. The Foundation found that

“the separation of legal services from other human services, and the partitioning of legal matters within the legal aid sector, makes it difficult to take a holistic ‘case management’ approach to clients.”\(^90\)

The solution put forward by the Foundation is to improve linkages between legal service providers and human service providers: not just organisations in the supported accommodation sector, but also mainstream health, welfare and education sectors. The Foundation also drew attention to the crucial role that legal service providers can play in giving legal information and education to non-legal service providers so they can better understand and support clients through legal processes.\(^91\)

In a previous publication,\(^92\) the Foundation talked about the importance of referrals. The Foundation differentiated between a “cold referral”, which is “providing information about another agency or service so that the client can contact them,” and a “warm referral” which is more appropriate when lawyers are working with disadvantaged clients:

“A ‘warm referral’ involves contacting another service on the client’s behalf and may also involve writing a report or case history on the client for the legal service and/or attending the service with

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\(^{89}\) Forrell, McCarran, and Schetzer, No Home, No Justice? The legal needs of homeless people in NSW, xxi - xxii.

\(^{90}\) Ibid., xxiii.

\(^{91}\) Ibid.

\(^{92}\) Ibid., xxiv.
The research of the Law and Justice Foundation regarding homelessness and legal needs is part of the Foundation’s broad research program which researches expressed legal need (the collation of data from the main legal assistance services), unexpressed legal need (gathered through random phone surveys of the population), and the legal needs of particular groups or issues (qualitative research). Although quite different methodologies are used when conducting research, similar themes emerge from much of the Foundation’s work. For example, in 2006 the Foundation published the results of a survey into the legal needs of people in seven disadvantaged regions of NSW. This research found that the majority of people have a legal need of some sort at any one time; that disadvantaged people – particularly people with disabilities – often have many, complex, interrelated legal needs; that many people never seek assistance for their legal issues; and that where they do seek help, around 75% of people access non-legal service providers such as a GP or other health provider, friends or relatives, or government agencies.

In October 2012, the Law and Justice Foundation published the results of a national, large-scale survey which made similar findings in relation to the legal needs of disadvantaged people generally. Legal needs surveys undertaken in the United Kingdom, Canada, New Zealand and the United States reveal similar results in relation to the high prevalence of legal issues in the community generally and amongst disadvantaged people more specifically, the clustering and interrelatedness of legal problems, and point of first contact for assistance with legal problems being non-legal services.

The Foundation’s 2012 report concludes with a chapter setting out the importance of a holistic, integrated approach to legal service delivery. The Foundation proposes three forms of integration: firstly, improving referral pathways from non-legal advisers to legal services; secondly, increasing coordination among legal services themselves to provide a “client-focused approach for people who experience multiple legal problems, most notably disadvantaged people”; and thirdly, better coordination between legal and non-legal services.

In terms of improving coordination between legal services, the Foundation’s 2012 report states that the fragmentation or specialisation of legal service delivery based on problem-type was likely to result in “the need for extra contacts with legal services or, worse, in people giving up on obtaining advice.” The Foundation suggests that strategies to provide client-focused rather than problem-focused legal services

93 Ibid.
95 Christine Coumarelos, Zhigang Wei, and Albert Z. Zhou, Justice made to measure: NSW legal needs survey in disadvantaged areas (Sydney: Law and Justice Foundation of NSW, 2006).
96 Christine Coumarelos, Deborah Macourt, Julie People, Hugh M MacDonald, Zhigang Wei, Reiny Iriana, and Stephanie Ramsey, Legal Australia-Wide Survey: legal need in Australia (Sydney: Law and Justice Foundation of NSW, 2012).
98 Coumarelos and others, Legal Australia-Wide Survey: legal need in Australia, Chapter 10.
99 Ibid., 217.
100 Ibid., 220.
could include the creation of “service hubs” that co-locate different legal services or a range of legal and non-legal services, with subsequent adoption of a

“more client-focused or case management approach across services...For example, they could involve more systematic diagnosis of a client’s full range of legal and non-legal needs at entry, followed by a case plan for addressing all of those needs through coordinated response across services.”101

**Homeless Persons Legal Clinics**

In terms of models of legal service delivery for homeless people, a new model emerged in the early 2000s. In 2001 the first Homeless Person’s Legal Clinic (HPLC) was developed as a partnership between by the Public Interest Law Clearing House (Victoria) and the Victorian Council to Homeless Persons. HPLCs are actually a series of legal clinics based in organisations that are used by homeless people, for example, homeless hostels and welfare agencies. Legal advice and casework services are provided pro bono by lawyers from private law firms in a wide range of matters, though predominantly civil law, with criminal and family law matters generally being referred to specialist staff within by Legal Aid commissions.

HPLC is now a well-established service with eight clinics in metropolitan Melbourne and one in Geelong.102 PILCH Queensland opened their HPLC in 2002, and in 2004 the Public Interest Advocacy Centre with NSW PILCH followed suit with their Homeless Person’s Legal Service (HPLS).

In 2005 Westwood Spice Human Consultants evaluated the NSW HPLS.103 The evaluation report found that the HPLS model – private law firms running clinics at homelessness organisations – was generally found to be an effective intervention into homelessness. There were some recommendations to improve practice. Those of relevance for this evaluation include:

» Lawyers should make greater use of “assisted referrals” for clients – whereby the HPLS lawyer arranged the referral or appointment with the other legal or non-legal service provider

» The knowledge of individual lawyers about other organisations who can assist clients in the local area should be improved so as to increase interagency collaboration

» There should be training to lawyers about the difference in “culture” between the legal sector and the world of homeless people, to overcome a sense of frustration some lawyers expressed that often they were not really providing legal advice, or the client had no specific legal problem, or that the client had mental illness or drug and alcohol problems that clouded their perceptions.104

In 2011 the Queensland PILCH evaluated its HPLC along with their Refugee Civil Law Clinic. This evaluation found that the HPLC aligned with the three priorities of the Queensland Government’s Strategy for Reducing Homelessness 2011-2014 as follows:

101 Ibid., 222.
104 Ibid., 58.
“Helping people avoid becoming homeless” includes supporting people to sustain their housing as a key factor in preventing homelessness, which can include for example advice about tenancy legislation or addressing debt.

“Helping people get ahead” recognises that people may need a range of services to address factors that lead to or keep them homeless including professional legal advice and advocacy, as part of holistic service provision to promote social inclusion for vulnerable community members.

“Working together for stronger services” recognises that better outcomes are achieved for people at risk when services function in a coordinated and integrated way, which is particularly the case when people need to navigate complex processes such as legislative jurisdictions and processes.\(^{105}\)

The Queensland HPLC evaluation drew attention to a Legal Health Check used by Roma House, one of the homeless agencies partnered with the clinic, with every new client of the organisation. This Legal Health Check, completed with a lawyer in a HPLC appointment, is a “structured diagnostic tool to elicit responses about common legal issues experienced by homeless people. If issues are identified, clients can access further assistance through HPLC.”\(^{106}\)

The report recommended that the HPLC explore options to “utilise the idea and content of the Legal Health Check to assist case workers with identifying the range of a new service user’s needs.”\(^{107}\)

The Queensland HPLC did further develop the Legal Health Check and the current version is provided as an appendix to this report (see Appendix B). In an article in Parity magazine in 2010, the HPLC described the Legal Health Check as follows:

"Rather than applying a traditional ‘legal model’ of information gathering, which relies on the client (or their caseworker) knowing their need and therefore ‘giving instructions’, the Legal Health Check adopts a ‘medical model’ of assessing and diagnosing legal need."\(^{108}\)

Tamara Walsh’s 2011 book Homelessness and the Law examines the accessibility of legal services to homeless people. Drawing on her own survey of 264 homeless service providers in Queensland in 2005, Walsh finds that the majority of homeless people (as reported by workers in the homelessness sector) have great difficulty navigating the court system, and have “virtually no knowledge about the law, their rights, or where to go for help.”\(^{109}\) Although the homeless service providers would often try and contact contact legal aid services on their client’s behalf, about 50% of all respondents found that they were unable to access legal aid either because of merits and means tests making them eligible, or jammed telephone lines.\(^{110}\)

Walsh also examines the PILCH Homeless Persons Legal Clinics and notes:

"While these legal services have been regarded as an overwhelming success, they have faced a number of challenges. These services receive only a small amount of government funding to cover..."

\(^{105}\) Tracey Smith, Evaluation of the QPILCH Homeless Person’s Legal Clinic and Refugee Civil Law Clinic (QPILCH, 2011), 5.

\(^{106}\) Ibid., 31.

\(^{107}\) Ibid., 43.


\(^{109}\) Walsh, Homelessness and the Law, 175.

\(^{110}\) Ibid.
the costs of coordination. Otherwise they are almost wholly dependent on the pro bono services of (mostly young) lawyers, most of whom are volunteers from large city law firms...[and therefore] they are unable to meet the high demand for services, particularly outside the capital cities.”

5.4. Good practice in integrated legal service delivery

The Law and Justice Foundation of NSW’s research, as discussed in the previous section, highlights the need for legal services to be integrated with other human services. This section of the literature review looks at research into integrated legal service delivery models in Australia, and also reviews a particular type of integrated legal service in the United States - Medical-Legal Partnerships. The aim of this part of the literature review is to uncover good practice in relation to integrated legal service delivery.

5.4.1. Australian research into integrated legal service delivery

The need for innovative, integrated service delivery approaches for delivering legal services to homeless or other disadvantaged people was advocated in a 2009 paper by the UK researcher Alexy Buck and the Australian researcher Liz Curran. After reviewing the research relating to legal needs by the Legal Services Commission in the UK (referred to briefly in section 7.3 above), Buck and Curran find that “legal, health, social welfare and other problems are integrally connected.” An implication of this finding is “the importance of training health and other professionals in problem identification, and appropriate referral and linkages upon the problem being identified.” This article concluded that

“[i]f legal aid services are to be effective in reaching people who are disadvantaged, disempowered or marginalised, then integrated, connected service delivery, outreach and relationship building, community development and education play a vital role.”

In 2010, Noone and Digney undertook comprehensive research relating to integrated legal service delivery in Australia. Noone and Digney analysed the relationship between West Heidleberg Community Legal Service and Banyule Community Health in Melbourne with a view to determining the key features of an integrated legal services delivery model. Their report provides a thorough overview of legal needs research in UK, the US and Australia. They note that it is now established as a matter of theory that legal services need to be integrated with broader support networks.

“These studies that establish the link between legal, health and social need suggest that a holistic approach to service delivery between legal, health and other community services could help to meet the needs of people and communities facing significant levels of social exclusion. Within the legal aid sector, those who have worked in integrated services are convinced of the benefits and can easily cite individual examples in support. However there is little empirical or qualitative material in

111 ibid., 177.
113 ibid., 7.
114 ibid.
115 ibid.
The evaluation of the partnership between Banyule Community Health and West Heidelberg Community Legal Service was an attempt to fill this gap in evidence relating to legal/health partnerships.

Noone and Digney note that there is also very little awareness within the health and welfare sectors of the need to bring legal services into their own work.¹¹⁸

“Integrated legal service delivery” is defined as services that “work together, in a formal and informal capacity, at a worker and organisational level, to best meet the needs of the community and people to whom they provide a service.”¹¹⁹ The four key features of this integration are:

- There is a central focus on the needs of the client
- There is a holistic service delivery approach
- There is organisational partnership and collaboration
- There is a whole of government and service system approach to complex community needs.

The areas to look at to determine whether this integration are occurring are:

- The ways in which the services work together to share resources
- The referral practices between the services
- The use of secondary consultation
- The sharing of worker knowledge (capacity building) to provide a holistic service to the community they serve.¹²⁰

In her literature review for the Attorney-General’s Department, Curran summarised the indicators that Noone and Digney considered when measuring integrated legal service delivery as including:

- Trust and respect between staff of the agencies
- Sufficient resources to ensure infrastructure and systems support the service delivery and the development of program responses to local community justice needs with other community organisations
- Flexibility and responsiveness in how and where people work i.e. ability to be where the need is and that this is built into funding and service agreements by funders
- Recognition of the time, energy and resources required to build, nurture and maintain the relationships between service providers and their governance structure to facilitate collaboration and the integrated service delivery
- Sound referral practices which are up to date and informed before referrals are made and referrals which ensure smooth transition for clients e.g. by ringing before hand or in a client’s company or being able to readily discuss and access people from the other service for instance for homeless clients

¹¹⁷ Ibid., p 12
¹¹⁸ Ibid., p 25
¹¹⁹ Ibid., p 12
¹²⁰ Ibid., p 12
Identification with the relevant community of their needs and development of suitable responses to their needs

Ensuring community members (meaning clients) are able to identify their problems, know about services and can identify the relevance of services to their problems; are physically able to access the services; have the confidence to raise their problems and ask for help; and have the expectation and confidence that the service will act upon their request.\textsuperscript{121}

Curran suggests that “the above list would be helpful as indicators of integrated service delivery in any study of ‘integration’ holistic approaches and early intervention.”\textsuperscript{122}

Noone and Digney analysed the legal issues facing clients of the community health centres by asking clients and staff to identify whether particular issues were of concern to them, for example, issues relating to housing, employment, Centrelink benefits, family violence, crime, drug and alcohol problems, problems with immigration, problems with government benefits, mental health problems and so on.\textsuperscript{123} The research found, consistent with the Law and Justice Foundation’s legal needs surveys, that the majority of people had more than one problem, and that clients’ problems were often complex and interconnected.\textsuperscript{124} 60% of the legal service clients stated that they had a health problem of some sort, and those who had a mental health problem had an extremely high number of problems in addition to their legal problem.\textsuperscript{125}

Noone and Digney described the interrelatedness of the problems as

“like a ball in which the clients, particularly those with a large number and intensity of legal, health and social problem, seemed to be tumbling around in, attempting to manage bit by bit.”\textsuperscript{126}

The 30 legal centre clients who were interviewed by the researchers were asked about the effect of seeking legal advice in relation to the legal problem. Several respondents noted that receiving legal advice had a calming affect on their levels of stress and anxiety, leading the researchers to find that “sometimes the health remedy can be, or should at least include, a legal advice component.”\textsuperscript{127}

The research attempted to discover whether the fact that the two organisations are co-located was on its own a significant factor in increasing awareness of the legal service amongst health centre clients. The research showed that in fact word of mouth, and reputation within the community of a particular service, were just as important as physical factors such as the location of services.\textsuperscript{128}

The research found an incongruity between the most common legal problems identified by health centre staff and the most common legal problems presenting to the community legal service. Similarly, when clients came to the legal service, they often only discussed the one legal issue, but the interviews the researchers

\textsuperscript{121}Noone and Digney, as summarised in Liz Curran, Dr, A Literature Review: Examining the literature on how to measure the ‘successful outcomes’: Quality, effectiveness and efficiency of legal assistance services (2012).

\textsuperscript{122}Noone and Digney, as summarised in ibid.

\textsuperscript{123}Noone and Digney, It’s Hard to Open Up to Strangers: Improving Access to Justice: The Key Features of an Integrated Legal Services Delivery Model., p 60.

\textsuperscript{124}Ibid., pp 65-66.

\textsuperscript{125}Ibid., p 68.

\textsuperscript{126}Ibid., p 76.

\textsuperscript{127}Ibid., p 71.

\textsuperscript{128}Ibid., p 82.
undertook after their legal appointments uncovered a whole raft of other legal issues. One of the reasons for this incongruity is that clients often do not know how to identify an issue as being a legal issue for which a lawyer may provide some assistance. For example, six client participants identified in the post-legal appointment interview that they had a housing issue but none had discussed it with the lawyer:

“The housing experiences of clients included homelessness, transitional or public housing. In their own accounts, the housing problem contributed significantly to their legal problem. ... Their housing problems may have had a legal remedy. However, the participants did not explicitly ask WHCLS to assist with their inappropriate housing nor did WHCLS provide any assistance with the housing issue.”

Staff at both organisations spoke about the importance of trust:

“The trust one worker has developed with a community member is transferred to another worker when a referral is made by the trusted worker. This was often seen to be facilitated by the collocation of services, but more so by workers knowing and vouching for the other service and its staff and the owning of the services as belonging to or being part of each other.”

The research found that referrals between the services were often facilitated – whereby the worker assists the client to make the referral rather than just giving them the contact details and letting them do it themselves. Although the research found that there were some referral practices and prioritisation systems, in practice, referrals between lawyers and health workers did not occur following strict written protocols, but rather, tended to be based on the relationships built up between the services:

“When things need to happen fast workers went to people they knew and trusted and made it happen.”

The research also found that there was a range of secondary consultations taking place: that is, discussions between the legal staff and non-legal staff to identify what the non-legal staff could do to help the client, and if a referral to the legal service was appropriate. The research reported that some staff felt these secondary consultations were time consuming and not part of their job, because they are not directly funded in community legal service funding, and often not written up as advices. However the research also found that the secondary consultations resulted in overall efficiencies because it allows a non-legal staff member to address a client’s problem without the client having to have a one-on-one interview with a lawyer. It also increased the capacity of the non-legal worker, because they could watch the lawyer in action and learn how the legal system worked:

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129 ibid., p 87
130 ibid., p 87
131 ibid., p 98
132 ibid., 118.
133 ibid., 210.
134 ibid., 121-125.
“Secondary consultations and joint casework can provide time savings which enhance the capacity of [the legal centre] and [the health centre] to further assist the community with legal problems.”

The research found that the community legal service did not have an intake system that attempted to pick up on other support services the client was linked in to, issues they were facing, or the pathway of a client into the legal service. Similarly, the health centre did not have an intake tool or screening system which allowed health centre staff to identify potential legal or rights problems so that a referral may be made to the legal service, or that allowed health centre workers to tease out issues and get some secondary support in relation to them.

“The lack of formal assessment tools... with prompts for staff on issues to discuss with clients, means possible interconnected problems and supports may not be identified by staff.”

The research found that reason legal staff do not ask about other issues is usually because they are pressed for time – they have many other clients to see and to engage in a discussion about wall the other issues in their life would be time-consuming. Lawyers also expressed an opinion that this was a role for a counsellor or social worker and not a lawyer:

“Within both the [health centre and community legal centre] staff, risk and professional perspectives were seen as barriers to holistic and integrated service practice. This is particularly so when staff take a narrow view of the scope of their role based on their training and professional boundaries.”

The research found that health staff, particularly GPs, spent a considerable amount of appointment time writing support letters for patients housing, Centrelink and court matters “without fully understanding the relevance or weight to be given to the letters by the relevant bureaucracies” and arguably using time that could have been spent working with other professionals and services to actually “address the community problems for which they were writing support letters.”

“Community members who are significantly disadvantaged and distrusting of services, may not engage with a lawyer at a legal service no matter how many appointments are available. They may need someone with whom they can build a relationship, someone who can spend some time with them, even physically go and get them and bring them to an appointment or assist them in their own home.”

The 2012 report of the Law and Justice Foundation of NSW, when analysing the Australian legal needs survey, also sets out some examples of integrated legal service delivery. In addition to the Homeless Person’s Legal Clinics detailed in section 7.3 above, and the West Heidelberg CLC / Banyule Community Health partnership analysed in Noone and Digney’s research, examples of legal services which are in some way integrated with non-legal services include:

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135 ibid., 122.
136 ibid., 130.
137 ibid., 137.
138 ibid., 136-137.
139 ibid., 142.
140 ibid., 206.
141 ibid., 209.
Legal Aid NSW’s Cooperative Legal Service Delivery Program, which brings together government and non-government legal and non-legal service providers in particular regions of NSW, to improve the delivery of legal services to disadvantaged people in the area

Seniors Rights Victoria

Legal information and referral services set up by legal aid commissions in several states, some of which are partnerships with community organisations, for example, Community Access Points in Queensland and Murray Bridge Outreach in South Australia

Advocacy and Support Centre in Queensland

Geraldton Resource Centre

Co-location of the Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women’s Council domestic violence service with other services at the Resource Centre in Alice Springs

Street Law in the ACT.142

The Foundation also discussed the possible entry points for clients to access coordinated or integrated legal services. It reviewed the experience of the UK’s Community Legal Access Centres (CLACs) and Community Legal Access Networks (CLANs) in which a range of legal and advocacy services were co-located or part of a formal network with multiple entry points.143 The Foundation found three potential entry points in Australia: generalist community legal centres if resourced appropriately; legal hotlines such as Law Access which have information about entry points to particular integrated services; or community organisations with partnerships with particular legal services.144

5.4.2. Medical-legal partnerships

The first Medical-legal partnership (MLP) was developed at Boston Medical Centre in 1993 by a paediatrician Dr Barry Zuckerman, who brought in an attorney to the medical centre to help resolve some of the social issues affecting his clients’ families.145

"Medical-legal partnerships integrate attorneys as a vital component of the healthcare team. Through direct legal assistance, institutional and systemic policy change, MLPs address the non-medical determinants of health, including food and energy security, housing conditions, education and personal safety."146

The Medical-legal partnership model has been endorsed by the American Medical Association and the American Bar Association, and is now used in 225 hospitals and health centres in 38 states across the United States.147 A national centre resources existing partnerships and provides tools to assist the creation of new partnerships, including a MLP Start-Up Kit. This kit describes seven key elements to operating a MLP as follows:

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142 Comまれlos and others, Legal Australia-Wide Survey: legal need in Australia, 223-224.
143 Ibid., 225.
144 Ibid., 225-226.
145 http://www.medical-legalpartnership.org/about-us/history
146 http://www.medical-legalpartnership.org/1
» Joint Planning between health and legal partners in assessing need and designing services that are fit for purpose
» Priority Setting in order to target key population groups’ health/legal needs
» Facilitating Communication and Feedback to maximise service efficiency and effectiveness across disciplines, reinforcing bonds of trust and cooperation while respecting patient/client rights to privacy and confidentiality
» On-site Legal Services maximising the potential for a truly integrated legal service within a healthcare institution
» Healthcare Training, investing in healthcare providers to identify legal need and refer patients for legal assistance while building internal capacity to undertake preliminary advocacy
» Evaluation/Impact Planning, prioritising the need to identify MLP metrics to measure impact, effectiveness and return on investment
» Systems Improvement, engaging in systemic advocacy informed by direct service experience.¹⁴⁸

MPLs place great importance in the training of health-care professionals to identify and “screen” for legal needs and then to work with a legal practitioner to “triage” those legal needs. To assist in screening, the MLPs developed an “I-HELP guide” (I-HELP stands for Income support and insurance coverage, Housing and Utilities, Education and Employment, Legal status, Personal and family stability and safety).¹⁴⁹ A copy of this I-HELP Guide is provided at Appendix C to this report.

Although they do not exist in Australia, medical-legal partnerships are becoming of increasing interest to legal practitioners within the country. A review of the nature of medical-legal partnerships in the US and their applicability to Australia was undertaken by Noble in 2012.¹⁵⁰ Noble interviewed MLP practitioners in the US about the establishment of the partnerships, and these interviews provide a rich source of information about good practice in health and legal partnerships. Of particular interest are the responses of interviewees when asked to talk about any challenges or issues between medical and legal professionals. Issues included:

» Client/patient confidentiality
» Managing conflicts of interest
» Differences in expectations and experiences of legal/health training
» Misunderstandings because of an absence of a common language between professions
» Inter-disciplinary training and open communication was identified as being instrumental in overcoming cultural barriers: “it was felt that the differences can enrich the professions”
» The “cautious and conservative nature of certain legal institutions, which can inflate perceived ethical issues”
» Managing client–professional privilege where a legal interview is conducted with health staff present
» Misunderstanding on the health side regarding the range of services that a legal partner can provide, leading to unrealistic expectations
» Managing cases where the health institution may be a mandated reporter

¹⁴⁹ Ibid., 15.
¹⁵⁰ Peter Noble, Advocacy-Health Alliances: Better health through Medical-Legal Partnership (2012), 16.
5.5. Literature relating to evaluating legal services

The evaluation framework for this evaluation (section 3.3.4) includes a consideration of good practice in relation to evaluating legal services, with the aim of ensuring Legal Aid NSW can utilise this research for future evaluations. The following section therefore sets out some recent research into good practice in evaluating legal service delivery programs.

In 2011, Curran conducted a literature review for the Commonwealth Attorney-General’s Department on the measurement of outcomes relevant to legal assistance services. After reviewing 47 international studies and 91 national studies, Curran noted that there are significant difficulties in measuring outcomes, and a wide range of methodologies used, many of which in her view were vague and anecdotal.

Curran considered the approach to outcomes-based research taken by those in the development sphere such as the World Bank or the UN Development Program. She found that researchers in this sphere suggest that any research model/evaluation undertaken should first fully investigate the nature of the type of service (in this case, legal assistance services) in all of its complexity and diversity is the critical first step before one can effectively, accurately and efficiently measure its impact, results or outcomes.”

151 Ibid., 16.
153 Curran, A Literature Review: Examining the literature on how to measure the ‘successful outcomes’: Quality, effectiveness and efficiency of legal assistance services.
154 Ibid. 21.
Once a program is understood, an evaluation must then determine what outcomes it will seek to uncover. Outcomes should be relevant, useful and measurable, achievable, practical to measure, and within the relevant agency's control to influence.\textsuperscript{155}

Curran noted that one US study developed the following as desirable outcomes of legal assistance:

- Whether clients gained knowledge to solve problems
- Whether clients obtained a legal resolution
- Whether clients obtained access to the legal system or an intended benefit of the law
- Whether clients had their voice heard in the legal system.\textsuperscript{156}

Curran has also undertaken a major project for Legal Aid ACT to evaluate the quality and outcomes of the commission's work. This included determining a list of key outcomes and aligning each to a set of principles or desired qualities for a legal aid service. The qualities were derived from the NPAALAS and the Strategic Framework for Access to Justice in the Federal Justice System (discussed in section 2.2.2), as well as relevant literature, and also from focus group discussions held as part of the research.\textsuperscript{157} The following performance indicators were developed to assess the effectiveness of Legal Aid ACT:

- A good client interview
- Clients with chaotic lifestyles attend interviews, appointments and court dates
- As appropriate, sentences are minimized or unsubstantiated charges are dropped
- Clients are better able to plan and organise their legal affairs
- Improvement in the client's interaction with the legal system
- Consideration of issues before a court or tribunal enhanced because the lawyer asked questions/raised issues and brought the client's story before the court
- Client is better able to understand their legal position and the options open to them
- A process is undergone where the client is listened to, respected and given fearless advice of their legal position
- Relationships and trust building with other legal and non-legal support agencies enabling client referral and support
- Holding of authority to account
- A holistic service delivered to the client through collaboration, networking, community legal education and joined-up services.

Some legal assistance sectors have built “outcomes” into reporting requirements – in the UK for example, when community legal assistance services close a file, they must code into their reporting database whether the client received a substantial benefit in that particular area of law, for example retaining possession of a home in a housing matter, or obtaining compensation in a clinical negligence case. This use of codes for specific outcomes has met with criticism because of the lack of “a clear understandable and applicable definition for outcome ... so the data can often be distorted by attributing accountabilities to services which

\textsuperscript{155} Ibid. 18.
\textsuperscript{156} Ibid.; J Goldberg and S Predeoux, "Maryland Legal Aid Outcomes Survey – Measuring the Impact of Legal Aid’s Services for Older Adults," Maryland Legal Aid July 2009, (2009).
\textsuperscript{157} Liz Curran, Dr, We can see there's a light at the end of the tunnel now: Demonstrating and Ensuring Quality Service to Clients (Legal Aid ACT, 2012).
are outside their control such as case outcomes.”\textsuperscript{158} However in Australia, other sectors – predominantly health – are moving to an outcomes-based reporting system, which may be worth further researching.\textsuperscript{159}

Curran notes that once outcomes and performance indicators have been selected, the evaluation must determine the methodology which will gather the data needed. She lists some of the methodologies used to identify outcomes of legal assistance for clients:

- A desk-top review of a sample of legal cases and an analysis of the actual or potential value of the legal assistance provided\textsuperscript{160}
- Interviews with clients after a legal appointment, and/or after 6 months or other time periods, to discuss how the legal assistance affected them and its potential impact on other issues in their lives\textsuperscript{161}
- Survey research particularly in relation to stakeholders “involving the use of questionnaires and structured interview to collect qualitative data at a single point in time which is examined to identify patterns and relationships”\textsuperscript{162}
- Client satisfaction surveys - although Curran points to dangers in using these to determine whether a particular instance of legal assistance was successful because in some cases a client may not like hearing that they have no case, no matter how accurate this advice is or how sensitively the information is conveyed\textsuperscript{163}
- Participatory action research where the evaluator is involved throughout the program, and works with the service providers, communities and clients in a loop of constant feedback and improvement to the program – Curran used this method in her review of Legal Aid ACT, and Consan Consulting are using this approach to evaluate the Reaching Home project in Newcastle
- A ‘Case Design Approach’ involving “a range of qualitative and quantitative evaluation methods including interviews, questionnaires, participant observation (difficult in legal assistance research due to client professional privilege issues) and document analysis. It focuses on a very in-depth analysis of a case or service program and examines these to develop in depth understandings rather than causal explanations. Such approaches reveal particularity and diversity and are good at enabling greater sense to be made of a situation that might not be evident with a more superficial study. These might be suited to legal assistance evaluations that seek to examine outcome, quality and effectiveness.”\textsuperscript{164}

\textsuperscript{158} Curran, \textit{A Literature Review: Examining the literature on how to measure the 'successful outcomes': Quality, effectiveness and efficiency of legal assistance services.} at 28.
\textsuperscript{161} This was used in the review of an integrated health/legal service in Victoria: Noone and Digney, \textit{It's Hard to Open Up to Strangers: Improving Access to Justice: The Key Features of an Integrated Legal Services Delivery Model.}, as well as in UK research: R Moorhead and M Robinson, “A Trouble Shared – legal problems clusters and advice agencies,” \textit{DCA Research Series2006}.
\textsuperscript{162} Curran, \textit{A Literature Review: Examining the literature on how to measure the 'successful outcomes': Quality, effectiveness and efficiency of legal assistance services}, 16.
\textsuperscript{163} Ibid., 24.
\textsuperscript{164} Ibid., 16.
Another source of information on measuring client outcomes is the growing body of research relating to Medical-Legal Partnerships in the US. The MLP Start-Up Toolkit provides examples of indicators for assessing the performance of a MLP.¹⁶⁵ In relation to one of the key performance areas, capacity-building of health care partners, indicators might include:

» Number of health care workers trained
» Self-reported changes in knowledge, attitudes and behaviours
» Number of patients screened for unmet legal needs by providers
» Number of instances where MLP-supported health care provider advocacy was successful on behalf of a patient.¹⁶⁶

In relation to legal assistance, outputs might include the percentage of legal matters resolved favourably, while outcomes might include the monetary value of government benefits secured for clients and the number of housing units whose unhealthy conditions were eliminated.

In relation to health and broader social outcomes, performance indicators might include:

» The number of health problems eliminated
» Improved patient self-efficacy
» Reduction in patient stress or anxiety
» Number of health-harming laws, policies, regulations or practices successfully averted with MLP support
» Reduction in rate of individual hospital readmission
» Timely discharge of inpatients.¹⁶⁷

Chapter 18 of the recent publication Poverty, Health and Law: Readings and cases for Medical-Legal Partnerships also provides further information relating to measuring outcomes.¹⁶₈

¹⁶⁵ National Center for Medical-Legal Partnership, Starting Your Own Medical-Legal Partnership: A Step-By-Step Guide to Implementing the MLP Model.
¹⁶⁶ Ibid., 22-23.
¹⁶⁷ Ibid.
6. Findings

This section of the report provides an analysis of the legal services provided by the two programs, some of the outcomes that have been achieved for clients, and the nature and types of service system relationships involving the two Legal Aid NSW Homeless Solicitors.

This analysis is informed by interviews with stakeholders, the data and information about each individual program set out in sections 3 and 4, and the literature review in section 5.

6.1. Legal services provided

6.1.1. Overview

All legal services

Between February 2010 and 30 June 2012, a total number of 1218 people were provided with legal services by the Riverina and Hunter Homeless Outreach Solicitors: 418 people were assisted by the Riverina Homeless Outreach Solicitor and 800 by the Hunter Homeless Outreach Solicitor.

The numbers and types of legal services consisted of:

» 1,333 instances of legal advice\(^\text{169}\) (Riverina 452, Hunter 879)
» 845 minor assistance services (Riverina 455, Hunter 390)
» 39 cases involving in-house grants of aid (Riverina 32, Hunter 7).

The solicitors also delivered 64 community legal education sessions (Riverina 30, Hunter 34) to a range of community workers and students.

Legal service delivered to clients of the homelessness programs

In relation to legal services delivered to clients of the two homelessness programs, or to their caseworkers in the form of secondary consultations:

» 127 clients (38 clients of the Riverina Homelessness Program, and 89 clients of Reaching Home), which is approximately 21% of all clients of the two homelessness projects, received direct legal services
» These direct legal services consisted of:
  * 143 legal advices (45 advices to Riverina Homelessness Project clients, 98 to Reaching Home clients)
  * 76 minor assistance services (35 to Riverina Homelessness Project clients, 41 to Reaching Home clients)
  * 7 cases using in-house grants of aid (7 grants taken out by the Riverina Homeless Outreach Solicitor in relation to clients of the Riverina Homeless Project, none taken out by the Hunter Homeless Outreach Solicitor)

\(^{169}\) Refer to Glossary for the definition of advice, minor assistance and other terms.
An estimated 721 clients, which is approximately 61% of all clients involved in the two homelessness projects, benefited from secondary legal consultations provided by the two solicitors to caseworkers involved in the two homeless projects.

The number of secondary consultations was estimated to be 901: it was estimated that the Riverina Homeless Outreach Solicitor provided 167 consultations to caseworkers in relation to 134 clients of the Riverina Homelessness Program, while the Hunter Homeless Outreach Solicitor provided approximately 734 consultations in relation to 587 clients of Reaching Home.

The following sections of the report review these statistics and seek to understand the role of the solicitors in the two homelessness projects. It is important to note however that any comparisons made between the work of the two solicitors are made not with the intention of determining which solicitor or project worked "best", but rather to identify any commonalities in the work of the solicitors and thereby identify "good practice" features of integrated service delivery.

It is also important to note that were many more clients involved in Reaching Home than in the Riverina Homelessness Project. From the commencement of services in 2010 until 30 June 2012, Reaching Home recorded 978 client contacts. Of these, 418 were defined as “active clients”, that is, clients who were receiving medium to high levels of support from Reaching Home staff. In comparison, over the same time period, the Riverina Homelessness Project recorded 202 clients. The difference in numbers of clients of each program is a reflection of the difference in the programs: Reaching Home is a fully-staffed, intensive program that attempts to provide outreach and support to as many homeless people (or those at risk of homelessness) as possible, while the Riverina Homelessness Project provides a limited number of “packages” of support to homeless people and families, or those at risk of homelessness.

6.1.2. Direct legal services

Mix of legal advice, minor assistance and grants of aid

Reviewing the statistics in 6.1.1 above in relation to direct legal services (legal advice, minor assistance and in-house grants of aid), it appears that the workloads of the two solicitors, and the way in which they worked with clients, was very different.

The Hunter Homeless Outreach Solicitor recorded almost double the number of advices than the number of minor assistance services. This 2:1 ratio of advice to minor assistance applied to the all of the Hunter Homeless Outreach Solicitor’s direct legal services, as well as to the legal services provided to Reaching Home clients. In comparison, the Riverina Homeless Outreach Solicitor recorded almost the same number of advices as minor assistance services, that is, a 1:1 ratio.

The high number of advices recorded by the Hunter Homeless Outreach Solicitor may partly be a result of the high number of clients involved in the homelessness program. However it may also be because the Hunter Homeless Outreach Solicitor had a policy of accepting all referrals of homeless people to her as a first point of contact regardless of the client’s legal problem, and then she would provide basic advice to the
client and make arrangements for the client to see another more appropriate solicitor within Legal Aid NSW.\textsuperscript{170} This “warm referral” practice is discussed in more detail in section 6.3.3 below.

In comparison, the Riverina Homeless Outreach Solicitor would try to limit her appointments to clients with civil legal issues, and would advise caseworkers during secondary consultations (during coordination group meetings or otherwise) to put clients with family or criminal legal problems directly in touch with the relevant Legal Aid lawyer.\textsuperscript{171} In other words, the Riverina Homeless Outreach Solicitor dealt with these matters as a secondary consultation rather than a legal advice.

Although the Riverina Homeless Outreach Solicitor saw or spoke to a much lower number of clients than the Hunter Homeless Outreach Solicitor, possibly because she was able to filter out those clients who could be assisted by another solicitor, the statistics indicate that the Riverina Homeless Outreach Solicitor was more likely to follow up the initial advice with some minor legal assistance.

Another difference is between the two solicitors’ utilisation of in-house grants of aid, which are usually accessed when a client required representation or in-depth casework. The statistics show the Hunter Homeless Outreach Solicitor had very few in-house grants of aid, which could be interpreted as meaning she did not conduct much casework. In fact the Hunter Homeless Outreach Solicitor had a large case load, but she categorised (and reported) the vast majority of these cases as minor assistance and only applied for grants of aid in cases involving court representation.\textsuperscript{172} In comparison, the Riverina Homeless Outreach Solicitor tended to seek a grant whenever she needed disbursements such as an application for Freedom of Information or court/tribunal fees.\textsuperscript{173}

\textsuperscript{170} Consultation with Hunter Homeless Outreach Solicitor, by email, 31/10/12.
\textsuperscript{171} Discussion with Riverina Homeless Outreach Solicitor, by phone, 15/10/12.
\textsuperscript{172} Discussion with Hunter Homeless Outreach Solicitor, by phone, 15/10/12.
\textsuperscript{173} Discussion with Riverina Homeless Outreach Solicitor, face-to-face, 24/7/12.
Location from which direct legal services were provided

In the following sections, advice and minor assistance are considered together as “direct legal services”.

Direct legal services were provided from a range of locations:

» 675 direct legal services were provided through outreach clinics located in community organisations working with homeless people (Riverina 238, Newcastle 437)
» 1380 direct legal services were provided through Legal Aid NSW offices (Riverina 593, Newcastle 787)
» 121 direct legal services were provided through other occasional outreach locations (Riverina 76, Newcastle 45).

About half of all legal advices were provided through outreach locations (52% of advices provided by the Riverina Homeless Outreach Solicitor and 47% of advices provided by the Hunter Homeless Outreach Solicitor), while the majority of minor assistance services were provided from Legal Aid NSW offices. This merely reflects the fact that the solicitors would often make first contact and provide advice to the client through outreach clinics, then carry on additional assistance when back at their office.

Proportion of legal services provided to men and women

Of all direct legal services provided, around 57% were provided to men and 43% provided to women, with the percentages being almost exactly the same for the legal services provided by the Riverina Homeless Outreach Solicitor and the Hunter Homeless Outreach Solicitor.

Several outreach clinics saw much higher numbers of women than men. For example, 61% of the advice and minor assistance services provided at Griffith Neighbourhood House were to women, and 70% of those provided through the Nelson Bay outreach clinic (located at a church) were also to women. Neither solicitor was aware of specific reasons for these clinics having high rates of women attending. In the case of the Nelson Bay clinic, the solicitor guessed that women were particularly receptive to the church as a venue. She also noted that she provided a lot of advice about family law through this clinic to single mothers and older women who lacked the transport or otherwise found it difficult to travel to Newcastle for advice.¹⁷⁴

On the other hand, several other outreach clinics had much lower proportions of women. For example only 32% of clients seen at the Wagga Wagga outreach locations (Micah House and Tolland House) were women. This may be due to these locations providing shower facilities and meals, which are often more attractive to male rough sleepers and older men living alone, than to women.

Proportion of legal services provided to Aboriginal or Torres Strait Islander people

The percentage of legal services that was provided to Aboriginal and Torres Strait Islander people compares well to the rate of Aboriginal and Torres Strait Islander homelessness in each region:

¹⁷⁴ Communication with Hunter Homeless Outreach Solicitor, by phone, 15/10/12.
17.75% of legal advice and minor assistance services provided by the Riverina Homeless Outreach Solicitor were to Aboriginal or Torres Strait Islander people, while according to the 2006 census, the percentage of homeless people who identify as Aboriginal or Torres Strait Islander in the Murray and Murrumbidgee regions was 8.95%\(^{175}\) (and in 2006 the overall percentage of Aboriginal and Torres Strait Islander people in the region was 3.44%\(^{176}\))

8.75% of legal advice and minor assistance services provided by the Hunter Homeless Outreach Solicitor were to Aboriginal or Torres Strait Islander people, compared to 2006 census figures showing the percentage of homeless people in the Hunter local government area (LGA) who identify as Aboriginal or Torres Strait Islander as 8.91%\(^{177}\) (and in 2006 the overall percentage of Aboriginal and Torres Strait people in the Hunter LGA was 2.65%\(^{178}\)).

Legal matter types

There were differences between the most common legal matters seen by the Riverina Homeless Outreach Solicitor and those seen by the Hunter Homeless Outreach Solicitor.

According to the CASES database, the most common legal problem seen by the Riverina Homeless Outreach Solicitor related to non-consumer debts and fines (see Table 8 in section 3.3.2). This is possibly a reflection of what the Riverina Homeless Outreach Solicitor felt was a major problem with moneylenders and utility providers in her region, as reported to the Homelessness Operations Group (see section 3.1.4).

The following case study is an example of a debt matter that the Riverina Homeless Outreach Solicitor routinely dealt with.

**Case Study: Payday debts and utility account**

J was a client of the Riverina Homelessness Project. Her application to the project for Early Intervention Brokerage identified that she had outstanding debts with a payday lender, a large utility account that she was unable to pay, and a number of other debts. The referring agency sought assistance to pay these debts so that the client could afford to pay her rent and therefore remain in her tenancy.

The Riverina Homeless Outreach Solicitor obtained documentation from the payday lender and sought to challenge the loan on the basis of maladministration, as it appeared that the client was unable to service the loan at the time of her application. The solicitor negotiated a repayment of $900 of the loan monies to the client and a release from further obligations under the loan.

In relation to the utility debt, the Riverina Homeless Outreach Solicitor liaised with the utility provider and had her accepted under their hardship program. The Riverina Homeless Outreach also discovered that although the client had been paying some money to the utility company through Centrepay, it was insufficient to cover her usage, which would have resulted in the client incurring another large utility bill. This was adjusted.


\(^{176}\) NSW Government, "Aboriginal population by LGA and year ".


\(^{178}\) NSW Government, "Aboriginal population by LGA and year ".
In relation to her debt for past energy use, the solicitor continues to negotiate with the utility provider to seek a reduction, and is hopeful of achieving this in 2013.

In the meantime the client was advised to seek energy financial assistance vouchers from her local charity provider. The client’s case worker also arranged for the client’s home to be assessed under the Home Saving Program to reduce future energy expenditure. The client was also referred to a financial counsellor for advice and support on budgeting.

The outcome for this client was substantially reduced overall debt and an improved awareness of how to appropriately budget in the future.

In comparison with the Riverina project, debts and fines were only the fourth most common types of legal problem seen by the Hunter Homeless Outreach Solicitor. The most common legal matters this solicitor dealt with were criminal matters (identified by the solicitor in CASES as either “Civil matter arising from crime” or Civil Other”). This high rate of advice in relation to crime is likely to be a reflection of the role that the Hunter Homeless Outreach Solicitor played in liaising between clients and the Legal Aid NSW criminal law solicitors, which itself was partly a result of her previous experience in practising criminal law – see section 6.3.3 for a more detailed discussion of this role. The Hunter Homeless Outreach Solicitor also notes that “warm referrals” of a client to the Legal Aid NSW criminal lawyers would also be entered into CASES using these categories.179

The Hunter Homeless Outreach Solicitor also saw a large number of family law matters (“Civil Other – Commonwealth”), with this the fourth most common type of legal problem recorded amongst her client matters in CASES (see Table 17). Again, this reflects the solicitor’s pro-active role in providing initial advice on these issues prior to referring the matters on to family law solicitors who specialise in these areas. In comparison, the Riverina Homeless Outreach Solicitor provided advice or assistance in relation to only a handful of family law matters (see Table 8).

Insurance was the second most common problem dealt with by the Riverina Homeless Outreach Solicitor across the two years. This can be explained by the floods in South-West NSW in 2011-2012, when Legal Aid NSW decided that the Riverina Homeless Outreach Solicitor, along with other solicitors from the Wagga Wagga office, should travel to towns throughout the flooded region and provide advice as part of Legal Aid’s “Disaster Recovery Outreach.” The matters seen by the solicitor were mostly categorised as “insurance” rather than “loss of dwelling” even where a client had lost their home, as clients primarily required legal advice to navigate the insurance system. The following case study provides an example of the assistance provided to a person affected by the floods.

**Case study: Floods in the Riverina**

The Riverina Homeless Outreach Solicitor assisted a client who was originally seen by Legal Aid NSW through the Disaster Recovery Centre in Wagga Wagga during the floods of March 2012. His property was damaged as a result of flooding in the area. He had made a claim with his insurer which was denied on the basis that his policy had an exclusion clause in relation to flooding. The client was an elderly man living in the property with his wife, daughter, son-in-law and teenage

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179 Consultation with Hunter Homeless Outreach Solicitor, by email, 31/10/12.
grandson. As a result of the property damage, they were all evacuated from the property and initially resided in temporary accommodation, then returned to live in their shed on the property. The client was hospitalised with pneumonia as a result of the shed’s poor conditions.

The client’s son-in-law advised the Riverina Homeless Outreach Solicitor that he phoned the insurer prior to the flood, and recalls being told by a customer service officer that he would be covered for floods. The Riverina Homeless Outreach Solicitor requested a copy of this telephone conversation and sought a review of the decision of the insurer based upon representations made to the client’s son-in-law.

The insurer finally agreed to pay the client under the policy, which means the family was able to commence rebuilding their house.

Both the Riverina and Hunter Homeless Outreach Solicitors dealt with a large number of public housing issues including applications for public or community housing, repairs, and disputes with housing providers (defined in CASES as “Housing (not loss of dwelling) - Public tenancy). This was the second most common type of problem seen by the Hunter Homeless Outreach Solicitor and the sixth most common legal problem seen by the Riverina Homeless Outreach Solicitor. The Hunter Homeless Outreach Solicitor notes that after she achieved several successes in reviewing the “unsatisfactory status” of former tenants and got them placed back on the Housing NSW waiting list, it quickly became one of the most active areas of her minor assistance work.\(^{180}\)

Eviction from private tenancies was also, not surprisingly, a relatively common problem, being the ninth and tenth most common types of problem for the Reaching Home and Riverina Homeless Outreach Solicitors respectively.

**The role of the legal clinics and other outreach locations**

The legal clinics sought to provide legal assistance specifically to homeless clients or clients at risk of homelessness. Their location within organisations working with this target group is the main way in which the solicitors seek to reach this group.

The Riverina and Hunter Homeless Outreach Solicitors are flexible in determining who can attend appointments at these outreach clinics. There is no screening process prior to the initial interview to determine whether people are at risk of homelessness or have complex needs. For this reason, some advices may be to people who are not homeless or at risk of homelessness. However, where initial advice identifies that a person is not homeless or otherwise disadvantaged, they usually receive mostly referrals to Law Access, on-line assistance, or other legal services.\(^ {181}\) Longer appointments, and the provision of minor assistance, are reserved for homeless people or those at risk of homelessness.

The clinics are viewed by several stakeholders as an extremely useful referral point. They could refer clients of the homelessness projects to the outreach clinics as a convenient, non-threatening place to get advice from the solicitor, and they could also refer other people who were not accepted as clients of the project but

\(^{180}\) Consultation with Hunter Homeless Outreach Solicitor, by email, 31/10/12.

\(^{181}\) Discussion with Hunter Homeless Outreach Solicitor, 13/8/12.
who had legal problems. One Riverina stakeholder noted in relation to a clinic at a community organisation in Wagga Wagga:

“When I say to clients that the solicitor is not here right now, I can make an appointment at her office, they say “No No I would rather come to [the clinic at the community organisation].” So they wouldn’t go to the legal aid office, where you have to go through a receptionist, then have an appointment – they have no idea about time – whereas if the solicitor is here it’s there and then, it’s done...It might work if they could talk over the phone but sometimes people’s comprehension is so hard. Face-to-face they usually have paperwork with them.”

The outreach clinics emerge as being particularly well utilised by Aboriginal and Torres Strait Islander people. For example, in the Riverina 43% of advices/minor assistance services provided at Griffith Neighbourhood Centre were to Aboriginal or Torres Strait Islander people, compared to only 16% of those provided by the Homeless Outreach Solicitor through the Wagga Wagga Legal Aid office. Similarly, 23% of legal advice and assistance services provided through the Newcastle Samaritans clinic were to Aboriginal or Torres Strait Islander people, with the figure being 13% for the Outreach Clinic at Cessnock Correctional Centre. This compares to a figure of only 5% of legal advice and minor assistance services provided by the Hunter Homeless Outreach Solicitor through the Newcastle Legal Aid office being to Aboriginal and Torres Strait Islander people.

One of the hallmarks of the solicitors’ work was their flexibility and willingness to attend clients in locations that they were comfortable in. The Riverina Homeless Outreach Solicitor developed a relationship with a youth refuge in Griffith, where she made a number of visits to provide legal advice to young clients.

Direct legal services provided to clients of the specific homelessness project

One of the main roles of each solicitor was to, where possible, provide direct legal services to clients of the specific homelessness project. A total of 127 clients across both homelessness projects received direct legal services – that is, advice, minor assistance and/or casework assistance using a grant of aid – which is around 20% of the clients involved in the projects. To be exact, 19% (38) of all clients of the Riverina Homelessness Project received direct legal services from the Riverina Homeless Outreach Solicitor, while 21% (89) of Reaching Home clients received direct legal services from the Hunter Homeless Outreach Solicitor.

The relatively low proportion of clients of the specific homelessness projects who received direct legal services needs to be set against the high numbers of secondary consultations provided by the solicitors. As set out in section 6.1.3 below, it is likely that almost every client of each homelessness program benefited from legal advice in relation to their situation being provided by the solicitors to their case managers. In collaborative case management and integrated legal services, secondary consultations, particularly those taking place during intake or coordination meetings, act as a form of triage system. The solicitor determines whether the client’s legal issues can be capably managed by the case workers with back-up support from the solicitor, or whether the client really needs direct, face-to-face advice from the solicitor. This kind of triaging, in combination with building the capacity of non-legal caseworkers to deal with legal issues, is viewed in the literature as mark of a successful integrated legal service (see section 5.4).

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182 Interviewee 7, phone interview 19/9/12.
183 Discussion with Riverina Homeless Outreach Solicitor, by email, 5/11/12.
Although the demographics of the homelessness project clients seen by the Riverina Homeless Outreach Solicitor are not available, data for the Reaching Home project show that 33% of legal advice services provided to Reaching Home clients were to women, and 17% were to Aboriginal and Torres Strait Islander people. Matrix understands that the demographic data for all Reaching Home clients will soon be available through the evaluation of Reaching Home being undertaken by Consan Consulting (Robyn Considine), which would allow a comparison to determine whether the Legal Aid NSW statistics reflect the overall demographics of clients of the project.

In terms of the most common legal issues of the clients from each homelessness project, unfortunately CASES was unable to provide a comprehensive analysis. However, some of the common legal issues specifically affecting clients of the two projects can be identified through the interviews with stakeholders which included a request to provide examples of some of the legal issues facing clients of the project (see Appendix E: Phone interview questions for stakeholders). Legal matters identified by the Riverina stakeholders were:

- Debts to payday lenders and consumer credit / financial companies
- Work Development Orders
- Domestic violence
- Centrelink
- Housing NSW decisions including refusal of priority status, debts and “unsatisfactory tenant” status
- Debts to utility companies
- Dispute with health services
- Immigration / visa issues.

Legal matters identified by Reaching Home stakeholders as affecting their clients were:

- Debts to payday money lenders and phone companies
- Work Development Orders
- Housing NSW decisions including refusal of priority status, debts and “unsatisfactory tenant” status
- Consumer Trader and Tenancy Tribunal issues
- Apprehended violence orders
- Family law
- Driving unlicensed.

6.1.3. Secondary consultations

The two Homeless Outreach Solicitors play a particularly crucial role in providing secondary consultations to community workers. These secondary consultations occur during coordination group / intake meetings when

184 Although demographic information relating to Reaching Home clients is available from CASES because they are identified through the “location” category as Reaching Home clients, demographic information is not available in relation to the Riverina Homelessness Project clients who the Riverina Homeless Outreach Solicitor provided direct legal services to, as these were not identified in CASES as Riverina Homelessness Project clients.

185 Consultation with Hunter Homeless Outreach Solicitor, by email, 31/10/12.

186 Although information relating to Reaching Home clients is available from CASES because they are identified through the “location” category as Reaching Home clients, information is not available in relation to the Riverina Homelessness Project clients who the Riverina Homeless Outreach Solicitor provided direct legal services to, as these were not identified in CASES as Riverina Homelessness Project clients.
clients’ applications are being considered, during case review meetings, and during conversations between individual caseworkers and the Homeless Outreach Solicitors outside of meetings. Indeed, it appears that in many cases clients of the program did not need to seek direct assistance from the Homeless Outreach Solicitors because the solicitors were able to provide information, referral and advice to their case workers as secondary consultations.

For the duration of these projects Legal Aid NSW had no systems to capture these consultations through their CASES database. The solicitors do not record information in CASES about clients as an advice or minor assistance unless the client has been to see the solicitor first. As of 1 July 2012 the CASES database has allowed these consultations to be captured, but for the purposes of this evaluation, Matrix needed to develop a process of estimating the number of secondary consultations provided by the Homeless Outreach Solicitors. The process, set out in detail in sections 3 and 4, was based on the fact that all clients are discussed at least once during intake meetings (in the case of Reaching Home) or coordination group meetings (in the case of the Riverina Homelessness Project); then estimating the number of meetings that the relevant Homeless Outreach Solicitor attended; applying this to the total number of clients of each program; and taking into account information from the solicitors and stakeholders that they not only spoke about clients outside of meetings, but also would seek 2 or 3 secondary consultations about some clients.

The results of this estimation indicate that between February 2010 and 30 June 2012, a total of 901 secondary consultations were provided by the Homeless Outreach Solicitors in relation to approximately 721 clients. Of these, 167 were provided by the Riverina Homeless Outreach Solicitor and 734 provided by the Hunter Homeless Outreach Solicitor. The reason for the higher number for Reaching Home is largely a consequence of the much larger number of clients in contact with Reaching Home (978) compared to the number of clients of the Riverina Homelessness Project (202). As a percentage the figures are very similar. Matrix estimates that 60% of Reaching Home clients (587 of all 978 clients who were referred to or came into contact with Reaching Home) benefited from at least one secondary consultation, while the figure is about 66% of Riverina Homelessness Project clients (134 of 202 clients). This is a combined percentage of 61%.

6.1.4. Referrals between Legal Aid NSW and non-legal agencies

The literature review showed that accurate, timely and “warm” referrals between agencies are an important feature of integrated service delivery.

Providing referrals to more appropriate legal or non-legal services is included in the position description of the Homeless Outreach Solicitor (Appendix A). The Reaching Home Operational Guidelines also state that a key role of the lawyer is to:

» Assist clients of the service to access mainstream Legal Aid NSW services, where this is the most appropriate referral option

» Provide referrals to, and assist clients to access, the services of other legal service providers, where this is the most appropriate referral option (see Appendix A).

Matrix hoped to be able to analyse the nature and number of referrals in to the Homeless Outreach Solicitor, to determine which non-legal agencies were generating the most referrals, and to track the referral relationships between Legal Aid and the partner agencies in each project.
However, for reasons explained in the discussion of the methodology of this evaluation (section 1.3.4), the Legal Aid NSW CASES database was unable to provide an accurate report on the number or type of referrals made by the Homeless Outreach Solicitors to other legal or non-legal agencies, or the referrals received by Homeless Outreach Solicitors from other agencies. The Hunter Homeless Outreach Solicitor noted that in fact she would record warm referrals in CASES as an advice, because they were usually accompanied by some initial advice.

A discussion about referral and intake protocols used by the Homeless Outreach Solicitors is taken up at section 6.3.2 below.

6.1.5. Community legal education

The literature review highlights the importance of increasing the capacity of non-legal workers to understand legal issues so that they may recognise that a client requires legal assistance, or (as is envisaged in Medical-Legal Partnerships) so that the non-legal worker may take up some advocacy on behalf of the client (see section 5.4.2). Community legal education (CLE) is one tool that lawyers can use to improve the legal knowledge of non-legal workers.

The position description for the Homeless Outreach Solicitor includes “organising and presenting information sessions for homeless people and conducting community education as required” (see Appendix A).

The Homeless Outreach Solicitors provided a large number of CLE events as part of their involvement in their respective homelessness projects.

Between February 2010 and 30 June 2012, a total of 74 CLE events were provided or coordinated by the Homeless Outreach Solicitors: 30 by the Riverina Homeless Outreach Solicitor and 44 by the Hunter Homeless Outreach Solicitor.

The most common CLE topic was Law for Non-Lawyers, which is a course developed by, and run in collaboration with, the Public Interest Advocacy Centre. As part of the two homelessness projects, Law for Non-Lawyers was run six times in the Riverina across three towns, and twice in Newcastle.

CLE events included attendance at interagency or other meetings of community organisations, as these often included discussion of particular legal topics, explanation of the role of the Homelessness Outreach Solicitor position, and encouragement of workers to refer clients or contact the solicitor for advice and assistance in relation to homeless people.

Seven CLE events were provided directly to homeless people or people at risk of homelessness:

» The Riverina Homeless Outreach Solicitor assisted to organise a Homeless Person’s Week BBQ in Wagga Wagga

» The Hunter Homeless Outreach Solicitor assisted to organise four Homelessness Connect Days in the Hunter and Mid-North Coast regions, as well as a Hunter Centrelink Jobs Expo and a Centrelink event for young people called Reconnect.

Four CLE events were provided to tertiary students. The Hunter Homeless Outreach Solicitor provide lectures to university law students about working with diverse clients and contributing to the community as a lawyer,
while the Riverina Homeless Outreach Solicitor provided lectures to University of New South Wales medical students in Wagga Wagga about the role of law in the practice of medicine.

Evaluations of CLE sessions were not available.

6.1.6. Participation in project governance

The literature review shows that integrated legal services require both legal and non-legal workers to be involved in the governance of the integrated service. The research also shows that networking with other community agencies is an important strategy for increasing the awareness of legal issues affecting particular client groups, promoting the legal service, and increasing personal connections with the community workers with the ultimate aim of increasing the access of the target group to legal assistance.

Both Homeless Outreach Solicitors were actively involved in both the governance of their projects and with the broader homelessness sector:

» Both solicitors were members of their regional Homelessness Action Committees, which developed the Regional Homelessness Action Plans and monitored the progress of projects including Reaching Home and the Riverina Homelessness Project

» Both solicitors were members of project steering committees – in the case of the Riverina project, this was the Homelessness Operations Group, and for Reaching Home this was both the Reaching Home Steering Committee and the Reaching Home Operations Committee

» The Riverina Homeless Outreach Solicitor also attended the coordination group meetings in Albury, Wagga Wagga, Griffith and Deniliquin which effectively operated as homelessness interagencies

» The Hunter Homeless Outreach Solicitor attended relevant interagency meetings, for example, Newcastle Post Release Service meetings.

From February 2010 to 30 June 2012, the Riverina Homeless Outreach Solicitor attended at least 21 meetings in addition to at least three coordination group meetings every month, which averages out to about five meetings a month. The Hunter Homeless Outreach Solicitor attended upwards of 100 meetings during the same period, so in addition to the weekly intake meetings, she would attend at least 10 meetings a month.

6.2. Effectiveness of legal service provision

6.2.1. Overview

The effectiveness of the services provided by the Homeless Outreach Solicitors can be determined through reviewing legal and non-legal outcomes of the legal assistance provided.

The methodology for determining outcomes in this evaluation (as set out in section 1.3.4) was to review:

» Case studies from Homeless Outreach Solicitors

» Case studies from stakeholders

» A selection of each solicitor’s cases and advices.
This methodology was chosen amongst other types of methods – such as client interviews, systematic review of legal files, or a random examination of clients’ matters – because of concerns about “consultation fatigue” as well as resource constraints. Other possible methodologies are set out section 5.5.

The information available to this evaluation revealed that the legal assistance provided by the solicitors produced tangible, in many cases life-changing outcomes for clients.

6.2.2. Legal outcomes for clients

“Legal outcomes” are defined in this report as outcomes of legal action taken in pursuit of a particular goal.

Based on information provided by stakeholders, the Homeless Outreach Solicitors, and a review of a selection of cases and advices, the legal outcomes of action taken by the Homeless Outreach solicitors included:

- Acceptance by Housing NSW of applications for housing
- Successful appeal against an adverse Housing NSW decision (for example a decision that a client is an unsatisfactory tenant)
- Reduction or waiver of debts, or negotiation of repayment plans, in relation to debts to private money-lenders, credit companies, utility companies, or government agencies (Housing NSW, Centrelink, State Debt Recovery Office)
- Granting of a Work Development Order by the State Debt Recovery Office to pay off a client’s debt relating to unpaid fines
- Granting of a Centrelink benefit resulting in increased income and/or reduced debts
- Review of a client’s visa status resulting in improved access to government services, such as Centrelink benefits.

6.2.3. Other outcomes

The literature review sets out the importance of identifying the ways in which legal outcomes then lead on to other, broader outcomes. Some of the other outcomes of the provision of this legal assistance, uncovered in the evaluation of these two homelessness projects, include:

- Being housed
- Sustaining existing tenancies
- A reduction in the client’s levels of stress, anxiety and depression caused by thinking about the unresolved legal problems – as one stakeholder stated “the client’s issues are so complex, having legal aid assist is one less stress, which helps them get on with other issues”\(^{187}\)
- Increased income: “These guys don’t get a huge amount of money, if they have a debt ... their quality of life is shot”\(^{188}\)
- Keeping families together
- Keeping the client out of the criminal justice system.

\(^{187}\) Interviewee 8, phone interview, 19/9/12.
\(^{188}\) Interviewee 8, phone interview, 19/9/12.
6.2.4. Case studies illustrating outcomes

The following case studies illustrate some of the legal outcomes that the Homeless Outreach Solicitors were able to achieve, and the interplay between the legal assistance provided and the overall outcomes for clients.

**Case study: Priority housing for single mother with six children**\(^\text{189}\)

A single mother with six children and a history of depression was on the waiting list for Housing NSW. Her applications for priority housing had been consistently rejected. The family was being evicted from medium-term accommodation, and her case workers had been trying to engage with Housing NSW but not able to get a response. After referral to Reaching Home, the Homeless Outreach Solicitor collated a large bundle of documents in support of the family’s need for priority housing and lodged them with Housing NSW. In the meantime, the client had to access Temporary Assistance to stay in motels with her six children, which was extremely expensive for Housing NSW, and was having a detrimental effect on the client’s mental state. Housing NSW finally granted priority housing, and provided a property that was within walking distance of primary and high schools, as well as shops and local services.

The stakeholder interviewed about this client believed that “The lawyer saved [the client]’s life and kept the family together. Getting housed resolved so many problems, the kids schooling, and the stability of the mother – she was saying she was going to kill herself if she was homeless again.”

**Case study: Client at risk of homelessness gains access to dental care**\(^\text{190}\)

A client of the Riverina Homelessness project who was receiving early intervention support to sustain her private tenancy had severe damage to her teeth caused by medication for kidney problems. She also suffered with bipolar disorder. The client went to a dentist, financially assisted under the Medicare Chronic Disease Dental Plan, had her teeth removed and had dentures fitted. However, the dentures did not fit correctly, and the dentist refused to fix them. The client was so shy about going to work with no teeth that she lost her job, which made her depression much worse. The caseworker contacted the Homeless Outreach Solicitor to ask what the client could do. The solicitor recommended that the client attend a specialist dentistry clinic, request a new pair of dentures, explain what happened with the first dentist, and have the clinic assess whether the client was eligible for additional funding under the Medicare Chronic Disease Dental Plan. If the clinic rejected the client’s application for further assistance the client may have a case against either Medicare or the first dentist, which the Homeless Outreach Solicitor offered to assist in taking up.

The client was successful in obtaining a new set of dentures under the scheme, and is now looking for employment.

The stakeholder who provided this case study felt that the legal advice was essential in allowing the client to assert her rights, and the outcome (a set of well-fitting dentures) was crucial in allowing

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\(^{189}\) Interviewee 12, phone interview, 25/9/12.

\(^{190}\) Case study provided by Interviewee 2, phone interview, 3/9/12.
the client to re-engage with the community, improve her self-esteem and slowly improve her mental health.

**Case study: Homeless man with payday debts**

C was a 35 year old client of Reaching Home, who was receiving assistance from Reaching Home staff. As a result of the Homeless Outreach Solicitor conducting a CLE in-service at Reaching Home on ‘pay day lending’, a community outreach team member identified that C could benefit from Legal Aid intervention. The Homeless Outreach Solicitor went to see C on an outreach patrol with his Community Outreach worker, and met with C at a McDonalds close to his short term accommodation.

C had obtained various pay day loans to pay for food and rent. He had concurrent pay day loans with various lenders and was accessing ‘re-loans’ to pay previous loans, entrenched in a never-ending cycle.

The solicitor acted for the client in representations to one of the pay day lenders. She raised a range of issues including irresponsible lending based on the lender’s failure to make reasonable enquiries; the inappropriate purpose of loans (they were for basic living expenses); and the fact that the lender put Centrelink as the client’s employer on the application whereas in fact the client was in receipt of Centrelink benefits.

The solicitor succeeded in getting the largest of the loans written off, and continues to work to reduce or write off the smaller loans.

**Case study: Young Aboriginal man with multiple debts**

The Riverina Homeless Outreach Solicitor visited a youth refuge to provide advice to a young Aboriginal man who had a Centrelink debt, a mobile phone debt and a letter of demand from a debt collection agency in relation to the hire of DVDs. The young man also suffered from depression.

The solicitor was able to have his mobile phone debt written off and challenged the validity of the DVD debt, resulting in this debt being waived.

In relation to the Centrelink debt, the solicitor was also able to obtain a waiver which removed the possibility of criminal prosecution, and led to improved income.

The solicitor had the opportunity to see the young man again after several months, and found that he had become much more confident, had as driver’s license, and was engaged in full time employment. He told the solicitor that he feels as a result of the advice he received, he has much better skills in addressing issues such as debt as they arise, and expressed gratitude for the assistance that he received from the solicitor.

**Case study: Rough sleeper assisted to access income support**

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191 Case study provided by Hunter Homeless Outreach Solicitor.
192 Case study provided by the Riverina Homeless Outreach Solicitor.
K was a 46 year old client of the Reaching Home team. He was initially presented to intake as an unknown rough sleeper who had been sighted by the Community Outreach team (COT) around the ‘horseshoe beach area’, sleeping under park tables and using the facilities at the Ocean Baths. K had been difficult to engage, so it was agreed at intake that the COT would continue to make conversation with K, in an attempt to build up rapport and trust. After some weeks, K began to engage, and eventually a formal referral was collected and presented to an intake meeting. The needs identified at intake were housing, general health, legal and outreach from COT. Drug and alcohol was also an identified need, but not one which K was willing to have met at that time.

K was born in New Zealand, but had spent significant periods of his life in Australia. K had no formal qualifications, but had work history as a cook and kitchen hand. K suffered from a degenerative disease which caused problems in his hand, and after surgical intervention was unsuccessful, he was no longer able to work. Further complicating K’s situation, his application for a Centrelink payment had been refused as he was not an Australian citizen. K had attempted to apply for Australian citizenship but had been unable to navigate this process. As a result of having no employment, no access to income, and not even a bank account, K became homeless and socially isolated, sleeping rough and accessing charitable services for food and clothing, but refusing all offers of accommodation.

K agreed to see the Homeless Outreach Solicitor, but declined to be seen in an outreach setting, as he had concerns for his privacy, and instead preferred to attend the Legal Aid office with his COT worker. During the initial conversation K produced an expired New Zealand passport, a partially completed Citizenship application and copies of Centrelink ‘screen dumps’ which showed his customer reference number and mistakenly referred to him as an “Australian citizen”. K openly described his circumstances, and was keen for assistance to obtain a Centrelink payment, appalled by the fact that he had paid taxes in Australia, but was entitled to no assistance.

The Homeless Outreach Solicitor was able to use the expired New Zealand passport to ascertain travel dates and determine whether K was eligible for a ‘Protected Special Visa’ Centrelink benefit available to New Zealand citizens who had been in Australia on 21 Feb 2001. It was found however that K was in New Zealand on that date and therefore did not receive the protected status.

After the initial consultation, research was undertaken to canvas other options, and advice sought from the Social Security specialist at Legal Aid NSW Head Office to confirm these options. This research uncovered that New Zealand citizens on non-protected visas were entitled to a Disability Support Pension (DSP) under the Social Security Agreement between Australia and New Zealand if they met all the other DSP eligibility requirements. All New Zealand citizens were also eligible for a low income Centrelink Health care card.

At the subsequent appointment, K returned with the unfortunate news that all of his belongings, including his passport, had been stolen. Luckily Legal Aid NSW had taken a coloured photocopy of the passport at the previous appointment, and was able to certify it.

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193 Case study provided by Hunter Homeless Outreach Solicitor.
The Homeless Outreach Solicitor then advised that K could (with his COT worker) apply for a health care card, and could use this with the certified copy of his expired passport, as identification to open a bank account.

The Solicitor also advised K that he could apply for a DSP. With the assistance of the Reaching Home General Practitioner and General health Nurse (from whom he was by that time receiving treatment), K was able to complete the DSP application and was found to be eligible by Centrelink.

K was also placed on the Housing NSW priority list, and received an offer of housing shortly after. K was then supported into his Housing NSW property by the COT, and continues to receive low level support to sustain the tenancy.

6.3. Service system relationships

6.3.1. Relationship between Legal Aid and other staff or stakeholders of the project

According to the literature, integrated legal service projects need to foster strong working relationships, as well as a sense of trust and respect, between all members of the multi-agency team.

Stakeholders were asked questions relating to the way in which the Homeless Outreach Solicitors worked with the rest of the team or group, both during team / coordination group meetings and outside of meetings.

Active involvement in intake and coordination group meetings

All thirteen stakeholders interviewed described the Homeless Outreach Solicitor attached to their project as being actively involved in meetings. Stakeholders described the solicitors as regularly offering additional information or advice, participating in decisions about applications or referrals, offering to undertake further research, and arranging with caseworkers to meet clients to provide direct advice.

Providing a “rational” perspective in intake discussions

Several stakeholders in both Reaching Home and the Riverina Homelessness project described the Homeless Outreach Solicitors as providing a particular influence on coordination group/intake meetings which was described by a Reaching Home stakeholder as adding “an extra level of commonsense to the discussions – [the solicitor] keeps it real and has a calming effect on people.”\[194\]

The difference in the lawyer’s approach to matters compared to the approach taken by non-legal caseworkers was also noted by four stakeholders of the Riverina project. One Riverina stakeholder felt that as primary role of the solicitor was in fact to

"take a step back emotionally and have a think, sieving through the emotions that come with each application ... She is trained to look at the case from a different perspective, it brings balance."\[195\]

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\[194\] Interviewee 12, phone interview 25/9/12.
\[195\] Interviewee 11, phone interview 24/9/12.
Another Riverina stakeholder described the difference between the solicitor and the caseworkers as follows:

“One of the interesting things I have noted is that the lawyer’s view, her perspective on cases is a little different to what everyone else thinks – a more structured, “why can’t the client pay for some of it” attitude. Case managers tend to have a soft side whereas legal take more of a hard line.”196

This comment points to what appears to be a debate within the Riverina Homelessness Project about whether clients applying for assistance should receive brokerage funding to alleviate all of a their debts - thereby removing the immediate risk of homelessness - or whether brokerage funding, in conjunction with legal assistance, should only be used to pay for debt which was caused by factors outside of the client’s control, for example domestic violence or mental illness. Matrix observed this discussion in relation to several clients at the coordination group meeting we attended.197

Another stakeholder however felt that the solicitor was too hardline in determining whether clients should be provided with assistance, though she acknowledged that this may be the program’s eligibility criteria rather than merely the solicitor:

“[The Homeless Outreach Solicitor] is very black and white, not many shades of grey. Wasn’t just [the lawyer]. At the coordination group, there was a lack of understanding and rigidity about the definition of homelessness, focusing on primary homelessness not couch surfing.”198

A third Riverina stakeholder believed that the solicitor struck the right balance between compassionate assistance and expecting clients to take responsibility:

“[The solicitor] is like a dog with a bone with legal issues, where [clients] haven’t paid their bills because of mental illness, the solicitor is constantly pleading their case to the utilities provider. But [the solicitor] is also aware of the importance of giving clients some self-esteem, giving them a sense of control so that she isn’t doing everything for them, so they do step up and take responsibility.”199

Accessibility of the solicitor to case workers

All thirteen stakeholders interviewed in relation to the Riverina Homelessness Project and Reaching Home praised the availability of the Homeless Outreach Solicitors to other members of the coordination groups, referring NGOs and staff. The solicitors were found to be friendly, easy to talk to, and prompt in returning calls and emails.

In relation to Reaching Home, all stakeholders talked about the fact that the Homeless Outreach Solicitor was not located onsite at James Fletcher Hospital with the other staff of the project, but was based at Legal Aid offices a few blocks away. Four of the five stakeholders felt that being located off-site did not adversely affect the solicitor’s relationship with the rest of the team, as the solicitor was very responsive to phone calls.

196 Interviewee 9, phone interview 19/9/12.
197 Matrix attendance at a coordination group meeting, X date.
198 Interviewee 3, phone interview, 4/9/12.
199 Interviewee 2, phone interview 3/9/12.
and emails, and attended at least one weekly intake meeting as well as many staff meetings. One stakeholder summarised the situation as follows:

“When I came on board in ... 2010, we were not yet all under one roof. I assumed that we were all going to be here, but [the Homeless Outreach Solicitor] was never really based in here. This hasn’t really been much of an issue – she is close by anyway, and she is always contactable... She usually comes to the meetings but will stay around and chat to people, and will accompany staff members to see clients, or will come to the [Reaching Home office] to catch up with someone else about a client. Mostly clients don’t come to the office anyway.”  200

However one stakeholder was more critical of the decision of Legal Aid to relocate off-site:

“ It is problematic .... I don’t see her as being part of the staff team. It poses problems when we cannot access her – we might have a quick question, but can’t get the answer, need to send emails to get the response... She is pretty good [at responding] but it’s not as easy as just popping your head into the office.”  201

The same stakeholder also raised some issues in relation to the way in which the Homeless Outreach Solicitor generally worked with the project, although most of her criticisms appear to be of the broader project and not just of the solicitor’s role.  202

“There are some team dynamics...There are some lessons to be learnt in terms of coordinating between agencies, possibly having an external coordinator rather than someone from Health. Without the core coordination role being played, there wasn’t much collaboration. From the start, from [stakeholder’s agency]’s perspective, we would get a referral and then hear nothing until we might get documents about the client from the solicitor ... In theory the case management is through the intake meetings but in practice intake meetings are purely discussing new clients and not a review of existing clients ... so there are no chances for informal discussions and casework collaboration [through the team meetings].”  203

Collaborative case management by the solicitors and case workers

Stakeholders across both projects praised the flexible, collaborative way in which the solicitors worked with them on individual client matters. The following case study provides an example of this.

Case study: Collaborative case management

The Riverina Homeless Outreach Solicitor provided advice to a 40 year old man at an outreach clinic. The client was initially homeless, but was housed under the Riverina Homelessness Project’s Intensive Support Accommodation program. He had outstanding fines with the State Debt Recovery Office. The Riverina Homeless Outreach Solicitor liaised with his drug and alcohol worker

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200 Interviewee 8, phone interview 9/9/12.
201 Interviewee 6, phone interview 18/9/12.
202 It is relevant to note that at the time of this interview this stakeholder was in the process of being moved out of Reaching Home by her agency.
203 Interviewee 6, phone interview, 18/9/12.
from a community organisation, and advised them that if the organisation became approved for Work and Development Orders (WDOs), the client could continue treatment with the support worker and simultaneously work off his debts to the State Debt Recovery Office. The Riverina Homeless Outreach Solicitor liaised with his case worker and the client’s criminal lawyer to obtain the necessary paperwork, including his Centrelink Income Statement and bank statements, to support his application for a WDO.

The Homeless Outreach Solicitor also liaised with the client’s criminal lawyer in relation to his criminal court proceedings, including requesting his case worker to provide a reference in support of the client which outlined the case management that the client would be receiving as part of the Riverina Homelessness Project. The criminal lawyer advised that these support letters were likely to have reduced the sentence subsequently received by the client.

After some time, the caseworker referred the client back to the Homeless Outreach Solicitor at the outreach clinic for advice in relation to an outstanding ambulance debt. The Homeless Outreach Solicitor was again able to assist through representations to the debt collectors about the fact that the client had a health care concession card, which resulted in an immediate and total waiver of the debt.

6.3.2. Effectiveness of project intake, case management and referral processes in identifying and managing legal issues

The literature review discusses the need for integrated legal services to put in place procedures that allow for an accurate, timely assessment of client’s legal needs so that they may be effectively dealt with in coordinated case management. Such assessments can be done by the non-legal service providers – as is the case with the Medical-Legal Partnerships, whereby doctors sometimes use an I-HELP tool to determine whether a client needs to see a lawyer – or might be done by the lawyer, as is the case with QPILCH’s Legal Health Check used in their Homeless Persons Legal Clinics.

For this evaluation, the effectiveness of project intake, case management and referral processes in identifying and managing legal issues has been evaluated by:

» Reviewing the written intake, case management and referral protocols for each project
» Asking the stakeholders to comment on the solicitor’s participation in intake or coordination group meetings
» Discussion with the two Homeless Outreach Solicitors
» Matrix’s observations of intake / coordination group meetings
» Matrix’s observations of solicitor/client interviews.

Intake or application forms and processes

The application/referral forms for each project generally collect information about a wide range of the clients circumstances, including their legal issues.

The client application forms for Riverina Homelessness Project requires the NGO making the application to provide details about the clients current situation including their “disabling conditions” (eg disabilities, substance use), what support is already being provided and by which agency, the client’s current family, housing, employment, education, financial and legal issues. They also have space to collect information
about the client’s financial status, legal status, and domestic violence issues. Specifically, the form asks whether the client:

- Has a debt, and if so, the source of the debt and whether there are repayment plans in place
- Has a probation, parole or juvenile justice worker, and if so, those contact details
- Has current legal representation, and their details
- Has been previously incarcerated, and the details
- Is escaping domestic violence, and if so, what supports are in place to assist.

The referral form for Reaching Home collects information relating to the client’s housing situation, mental health issues, drug and alcohol issues, and other health issues. In relation to legal issues, the only guidance provided for the referring agency is space to nominate a court hearing date if relevant.

When Reaching Home was first being set up, an Initial Observation Team Assessment form was developed to guide community outreach team members’ observation of prospective clients. The form included an assessment of the client’s vulnerability in areas such as survival and safety skills, physical / medical, and legal issues, rating legal issues 1-5, with 1 meaning the client had “no reported legal issues” and 5 meaning the client has

“significant legal issues and does not have a way of addressing them. Little to no understanding of service options and no support networks. Has impacted on housing options. Impacting on stress levels.”

The aim was for this form to assist the team in determining which clients would be accepted into Reaching Home. As Reaching Home developed, team members did not find the Initial Observation Team Assessment form useful. This mirrors similar experiences of other “street to home” projects that rarely used vulnerability indices when determining acceptance into the team, as discussed in the literature review (section 5.1.2). However, an abbreviated a vulnerability index was attached to a much simpler referral form, which assisted but did not dictate the deliberations at intake meetings regarding which clients would be accepted into the program.

The Homeless Outreach Solicitors use the information on the referral form to ask further questions to clarify the clients’ circumstances, and also to provide the non-legal case workers with some ideas and information about the legal options for the client. Examples of additional questions the solicitor ask, based on Matrix’s observations of coordination group / intake meetings and discussions with the solicitor, include:

- What Centrelink benefit is the client on – does this need to change if the client’s circumstances have recently changed, for example, if her children have now been removed?
- Is there a current AVO in place between client and any other person? What are their conditions?
- Does the client have a debt to the SDRO and if so, how much?
- Is the client on a community treatment order for a mental health condition?

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204 Newcastle Assertive Outreach Service (former name of Reaching Home), NAOS Initial Observation Team Assessment (2010).
205 Discussion with Hunter Homeless Outreach Solicitor, 13/8/12.
» Does the client need rehabilitation or other community supports that might be available through a Work Development Order – so that they can pay off their debts as well as get access to a support program?
» Does the client have debts to money-lenders, credit providers or phone companies who might have exploited their mental illness or cognitive disability when signing them up?
» Are there debts to utility companies?
» If the client is an unsatisfactory tenant with Housing NSW or a community housing provider, what were the circumstances surrounding their eviction – for example, if there was damage, did it occur as a result of domestic violence or situations outside their control? If there was debt, was it because the client was experiencing mental illness and failing to pay rent?

At these intake meetings, the Homeless Outreach Solicitors also contribute information they may have discovered through CASES and on occasion, the JusticeLink database, to identify other possible legal issues for the client. This raises issues of confidentiality which are taken up in section 6.4, but can be extremely effective in painting the whole picture of a client, as illustrated in the following case study.

**Case study: Using information across Legal Aid NSW to assist a client**

A Reaching Home stakeholder provided a case study relating to a client being discussed during intake meetings who was living in his car. A few legal issues were noted on the referral form, but the client had advised case workers there were no current court matters. The Homeless Outreach Solicitor however checked with the CASES and JusticeLink databases, and discovered that the client had an upcoming court date for driving unlicensed. The solicitor advised the case worker to pass on information to the client about what could happen if the client did not attend the court date or was again caught driving unlicensed. The Homeless Outreach Solicitor then liaised with the criminal law solicitor to ensure that the client’s homelessness, as well as a support letter from Reaching Home stating that they were assisting him to find housing, was raised in the sentencing plea to mitigate the client’s sentence and to show that his risk of re-offending was reduced.

**Case management plans**

Once clients’ circumstances have been discussed and clarifying questions asked, the coordination group or team decide whether to accept the client, and if they do accept them, they finalise case support plans for each client.

The template Case Support Plan for the Riverina Homelessness Project set out a series of needs, including “Financial issues”, “Legal issues” and “Family and Child Risk Issues” against which are columns for Goals, Actions, Who is Responsible?, Date to Do By, Tick When Done, and Progress / Review Notes. Advice from the coordinator of the Riverina Homelessness Project is that it is not necessarily the case that all legal actions are undertaken by the Homeless Outreach Solicitor: often the caseworker has the task of working on the legal issues identified by the solicitor, with the solicitor noted as a back-up.

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206 Interviewee 13, phone interview, 2/10/12.
207 Interview with Coordinator of the Riverina Homelessness Project, face-to-face, 25/7/12.
In relation to Reaching Home, case management records include a category for “legal aid” which sets out what the solicitor has offered to do. As with the Riverina project however, some of the case management strategies may have been developed as a result of the input of the solicitor, and therefore some actions – for example seeking a WDO placement – might be undertaken by other caseworkers.

**Legal needs assessments as part of direct legal services, through clinics or otherwise**

The research of Noone and Digney set out in section 5.4.1 found that solicitors tend to only provide advice in relation to legal issues nominated by clients, but that more in-depth questioning of clients, or more detailed assessments of their legal problems, had the potential to reveal significant other legal and social issues that directly related to the presenting legal problem.

Matrix observed both Homeless Outreach Solicitors in clinic interviews with clients (not ongoing clients of the broader homelessness programs). In total, five interviews were observed, two involving the Riverina Homeless Outreach Solicitor, three involving the Hunter Homeless Outreach Solicitor.

In the client interviews, the solicitors would ask the clients information to fill out the Homeless Advice and Contact Form (see Appendix D) including name, address, date of birth, details about their type of accommodation, whether they were Aboriginal or Torres Strait Islander, country of birth, whether they were on Centrelink, and (where relevant to the legal matter) the names of other parties for conflict checks. Both Homeless Outreach Solicitors felt that these questions in themselves allowed the solicitor to gather useful information for uncovering possible legal needs.²⁰⁸

The solicitor would then ask the client what they needed advice about, and then proceed to advise on that issue. Of four of the five client interviews Matrix observed, the solicitor did not ask the client whether there were additional legal or support issues with which they required help. In two cases the client attended with a support worker, so it was perhaps unnecessary to ask about broader social issues as clearly the client was receiving assistance for non-legal issues already.

In the one interview Matrix observed where the solicitor did ask the client if he wanted additional help, the solicitor specifically asked the client if he needed assistance with fines, or debts, or other legal issues. Despite the fact that the client had alluded to unstable housing and family arrangements throughout his interview, his response to the solicitor’s inquiry was curt and negative, displaying a clear unwillingness to discuss anything other than his initial presenting legal issue with the solicitor.²⁰⁹

Both solicitors felt that although some clients had the attitude that they just wanted assistance with the one problem, in many other cases a discussion of the presenting legal issue did lead the client on to talk about other related legal and non-legal issues.²¹⁰ They felt this was particularly the case for clients of the homelessness project, as revealed by the data relating to the number of advice and minor assistance services provided to clients of this group. For example, in the case of Reaching Home, 89 clients were provided with a total of 98 legal advices and 41 minor assistance services. Each client received at least one advice, while

²⁰⁸ Discussion with Riverina and Hunter Homeless Outreach Solicitors, by phone, 15/10/12.
²⁰⁹ Matrix observation of client interview with the Hunter Homeless Outreach Solicitor, 25/07/12.
²¹⁰ Discussion with the Riverina and Hunter Homeless Outreach Solicitors, by phone, 15/10/12.
several received at least two advices, and about half of all 89 clients received additional minor assistance services.

Although the Homeless Outreach Solicitors do not routinely assess all of the legal or support needs of all clients at the point of the first provision of advice, the solicitors did feel that the questions they asked clients when filling out the Homeless Advice and Contact forms often triggered further discussion with the client about the adequacy of their housing and income-support.\(^\text{211}\)

**Referral of clients from Legal Aid NSW to the homelessness project**

The Homeless Outreach Solicitors do not comprehensively screen or assess all the clients that they see to determine whether they are homeless, at risk of homelessness, or would otherwise be eligible for Reaching Home or the Riverina Homelessness Project. The Legal Aid NSW Homeless Advice and Contact Form (see Appendix D: Legal Aid Homeless Advice form) does require the solicitor to record the client’s housing information, but both solicitors noted that their focus was usually on providing legal advice in relation to the client’s presenting legal problem, rather than assessing every client as a prospective applicant for homelessness projects.

Nevertheless, both Homeless Outreach Solicitors on occasion saw legal advice clients who were homeless or at risk of homelessness but were not tied into other supports, and so the solicitors sought to refer them into the Riverina Homelessness Project or Reaching Home.

The Hunter Homeless Outreach Solicitor estimates that at least one or two clients a month were identified either by herself or other Legal Aid NSW solicitors as being eligible for referral to Reaching Home.\(^\text{212}\) The Homeless Outreach Solicitor would collect as much information as possible about the client, fill out the referral and client consent forms, and present the referral to Reaching Home intake meetings. However the solicitor found that the client information she was able to gather was not sufficiently detailed – clients did not seem to want to tell lawyers about all their social issues, for example drug and alcohol problems. Frequently, these referrals from Legal Aid would be passed on to the Community Outreach Team and arrangements would be made by Legal Aid for other staff to meet with the client so a more thorough assessment could be made of their circumstances.\(^\text{213}\)

In contrast, it was never envisaged that the Riverina Homeless Outreach Solicitor would have a role in directly supporting a client to apply for assistance from the Riverina Homelessness Project. Instead, when the Riverina Homeless Outreach Solicitor provided legal advice to someone she thought could benefit from the program, she would explain the homelessness project to the client and if they were interested in assistance, would refer them to an NGO participating in the project. The solicitor noted that she did not routinely follow up the referral to see if the client followed up with the NGO, but on occasion she would see applications for assistance for that client presented to one the four coordination group committees.

\(^{211}\) Discussion with the Riverina and Hunter Homeless Outreach Solicitors, by phone, 15/10/12.

\(^{212}\) Discussion with Hunter Homeless Outreach Solicitor, by phone, 15/10/12.

\(^{213}\) Discussion with Hunter Homeless Outreach Solicitor, by phone, 15/10/12.
6.3.3. Referral and liaison between the Homeless Outreach Solicitor and other solicitors

An important part of the Homeless Outreach Solicitor’s work is referring case workers or clients to other legal services where the lawyer is unable to help, for example, where they do not have expertise in a particular area or for other reasons such as a conflict of interest (where Legal Aid NSW has assisted another party in a dispute with the client).

The literature review in section 5.3 discusses the need for integrated service delivery to include coordination between lawyers involved in a client’s case. The research also describes two types of referral: warm or assisted referrals whereby the solicitor locates the particular solicitor that can assist, speaks to them about the issue, and then facilitates the client or case worker speaking with that solicitor; and cold referrals whereby the solicitor merely provides the general contact details for a lawyer or legal service that might be able to assist.

One of the questions asked of stakeholders in phone interviews was to explain how the Homeless Outreach Solicitors referred clients or caseworkers when the Homeless Outreach Solicitor was unable to provide legal advice in a particular area of law or for another reason.

In relation to the Riverina Homelessness project, several stakeholders identified that the Homeless Outreach Solicitor was unable to deal with matters involving criminal law, family law and immigration law. The process of referral described by three stakeholders was that the Homelessness Solicitor would be very clear about her role as providing civil law advice, and would provide the caseworkers or clients with the names and contact details of other solicitors within Legal Aid NSW who would be able to assist them.

Matrix also reviewed several advices provided by the Riverina Homeless Outreach Solicitor that noted that clients with criminal law matters were advised to attend court and seek assistance from the duty lawyer on the day.\(^{214}\)

One of the Riverina stakeholders recalled an instance in which the Homeless Outreach Solicitor contacted a specialist lawyer and asked them to ring the caseworker directly, which she said “was a good way because we then arranged for the specialist lawyer to call at a time when we knew the client would be there.”\(^{215}\)

Three stakeholders with the Riverina project expressed the view that the lawyer’s inability to provide advice relating to criminal and family law – and having to refer those matters on – was a problem. One stakeholder stated that if there was one thing they could change about the project, it was they would

“like [the solicitor] to be more broad. I know the solicitors are limited and have their expertise but it would be good to expand it to criminal and family matters – it is hard having to refer clients to a range of different individuals.”\(^{216}\)

\(^{214}\) Matrix review of a sample of advices provided by the Riverina Homeless Outreach Solicitor, Legal Aid Wagga Wagga office, 27/7/12.

\(^{215}\) Interviewee 3, phone interview 4/9/12.

\(^{216}\) Interviewee 4, phone interview 4/9/12.
This view accords with the research of the Law and Justice Foundation of NSW which found that disadvantaged clients experience difficulty when they have to access a range of different lawyers for their different legal problems: see section 5.3.

Another Riverina stakeholder however praised the Homeless Outreach Solicitor’s role in facilitating access to another solicitor within Legal Aid NSW and noted the importance of referrals in small communities:

“There was a family in our area, lived on a property, family was well-known … The woman and her children wanted to move out but the family didn’t want her to leave. The woman did not want to get legal advice from local solicitors because they were in some way connected with the family… [The lawyer] was able to put her in contact with a lawyer in Wagga Wagga. This legal advice alleviated her stress – she was at a point where she didn’t know where to get advice, so she was very grateful to get access to independent advice.”

In relation to Reaching Home, all stakeholders described quite a different referral process which was more akin to a liaison process. Usually, where the Homeless Outreach Solicitor was unable to assist on a particular legal issue, the solicitor would go away, talk to another Legal Aid solicitor or another legal service, then come back to the caseworker either with specific advice, or in the event that the Homeless Outreach Solicitor could no longer assist, the name and contact details for another solicitor who would help them. Usually the Homeless Outreach Solicitor would also brief the other lawyer about the client and their issues – in other words, provide a “warm” referral.

The Hunter Homeless Outreach Solicitor described her role as often acting as a “go-between” or “liaison” between the client and other Legal Aid solicitors, particularly in relation to criminal matters. One of the reasons for this was that the criminal lawyers at the Newcastle Legal Aid office are not generally available for one-on-one client appointments at their offices, instead seeing the majority of clients through the duty roster at the local courts. So where the Hunter Homeless Outreach Solicitor felt a client needed criminal law advice before the client was at court, she provided that advice after speaking with the relevant duty lawyer. The Hunter Homeless Outreach Solicitor also noted that she had previously practiced in criminal law, and so was comfortable in her ability to provide advice and act as a liaison with criminal lawyers.

The following case study illustrates the usefulness of this “liaison” role:

**Case study: The Homeless Outreach Solicitor as a liaison between the client and other solicitors**

JC was a client of Reaching Home who was living in his car and receiving support regarding obtaining accommodation. He was also accessing mainstream services, receiving mental health assistance through the community health team and Legal Aid NSW duty solicitor services for criminal charges. The duty solicitor had advised him that he would need to attend a mental health assessment for a report for court. The Reaching Home caseworker approached the Homeless Outreach Solicitor for assistance when the client became concerned that he had not had his mental health assessment despite the approaching court date. The Homeless Outreach Solicitor spoke to the Legal Aid duty

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217 Interviewee 3, phone interview, 4/9/12.
218 Discussion with Hunter Homeless Outreach Solicitor, 15/6/12.
219 Ibid.
220 Case study provided by Hunter Homeless Outreach Solicitor.
solicitor and discovered that the client had changed his mobile number so the duty lawyer had not been able to advise him of his appointment. The Homeless Outreach Solicitor passed on this information to the Reaching Home case worker, who told the client of his appointment details, and supported the client at the appointment and at Court.

In the terminology of the Law and Justice Foundation set out in the literature review, the Riverina Homeless Outreach Solicitor tended towards a “cold” referral process, whereas the Hunter Homeless Outreach Solicitor’s “go-between” role was more akin to a “warm” or assisted referral process. This “go-between” role accords with the recommendations of the 2012 report of the Law and Justice Foundation. It found that legal services for disadvantaged clients should be provided in a coordinated manner so that disadvantaged people do not have to routinely attend a range of different solicitors or legal services, but where possible, can deal directly with one solicitor or service who can then coordinate the other legal services they may require (see section 5.3).

6.3.4. Increasing the capacity of non-legal workers in relation to legal issues

The research relating to integrated legal service delivery set out in section 5.4 places great importance on the need to train non-legal workers to identify, understand and advocate for their clients on legal matters. The Medical-Legal Partnerships in fact set this out as one of the seven features of MLPs.

All the stakeholders interviewed for this evaluation were non-legal workers. They were asked about their understanding of legal issues and whether they knew about how to approach lawyers for advice for clients, prior to being involved in the homelessness project. Stakeholders were also asked whether their understanding of legal issues had changed as a result of the project, in what way, and whether they would be more likely to refer clients to a lawyer (or contact a lawyer on their behalf) in the future.

In relation to the Riverina Homelessness Project, of the eight stakeholders who were interviewed, five stated that their understanding of legal issues before they were involved in the project was very basic or minimal. Two stakeholders felt they had a “medium” level of understanding of legal issues, while one stakeholder felt they had a pretty good understanding. When legal matters arose, only four stakeholders stated that they would refer clients to legal aid. Three stakeholders stated that if the legal problem was in relation to debts they would refer the client to a financial counsellor to negotiate a repayment plan or assist them to access vouchers.221 Stakeholders from a particular town stated that they would not refer clients to Legal Aid at all but would refer to local private lawyers who usually were able to offer pro bono assistance.

Four of the eight stakeholders with the Riverina Homelessness Project who were interviewed attended at least one community legal education session provided by the Riverina Homeless Outreach Solicitor, primarily Law for Non-Lawyers. The stakeholders were enthusiastic about Law for Non-Lawyers, with two describing it as “really fantastic”222 or “really good,”223 although one stakeholder said for her it was “more to just fill in the gaps” of her knowledge about legal issues.224

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221 Interviewee 1, phone interview 3/9/12, Interviewee 7, phone interview 19/9/12, and Interviewee 9, phone interview 19/9/12.
222 Interviewee 5, phone interview 4/9/12
223 Interviewee 11, phone interview 24/9/12
224 Interviewee 9, phone interview 19/9/12.
When asked whether their legal knowledge had improved as a result of the involvement of the Homeless Outreach Solicitor with the Riverina Homelessness Project, all eight stakeholders named at least one area of law which had improved.

One Riverina stakeholder described the solicitor as having to constantly educate new workers:

“There have been some agencies slow to come on [the Riverina Homelessness Project], and I have noticed [the solicitor] leading the new providers through the basics of legal education. She is very flexible, encourages new workers to work with her on legal issues.”

Another Riverina stakeholder noted that the overall level of understanding amongst caseworkers in the coordination group she attended had improved:

“When [the solicitor] is not there [at a coordination group meeting], we are now pretty good at identifying legal matters ourselves and then will follow it up with [the solicitor] later.”

In relation to Reaching Home, all five of the stakeholders interviewed assessed their own knowledge of legal issues as being fairly minimal prior to their involvement in the project. Four of the stakeholders stated that whenever a legal issue came up, they would advise the client to call Legal Aid - they usually would not contact a solicitor themselves to seek advice on behalf of a client. One of the stakeholders admitted that the only legal service she even knew about was “Law on the Beach” (the University of Newcastle’s summer clinic).

Four of the five Reaching Home stakeholders attended at least one community legal education session run by the Homeless Outreach Solicitor, with three of these attending Law for Non-lawyers, and the fourth attending a session about the Consumer Tenancy and Trader Tribunal. One stakeholder commented that she learnt from the solicitor through “Law for Non-lawyers, also in-services for the team, also on an individual basis when you are having a chat about a client.”

The following case study illustrates this multi-faceted role of providing advice in relation to a client as well as education to workers about the broader legal issues.

**Case study: Legal advice to a client leading to education of workers on the legal issues**

M is a 20 year old female client of Reaching Home with a small child. They were homeless as a consequence of domestic violence. She was housed in the medium term housing in the ‘This way home property’, received mental health intervention from Reaching Home, and outreach support externally from a youth service with which she was already engaged. Family and Community Services were also actively involved due to concerns for the safety of the child, who had been present during several domestic violence incidents.

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225 Interviewee 2, phone interview 3/9/12.
226 Interviewee 1, phone interview 3/9/12.
227 Interviewee 8, phone interview 19/9/12.
228 Interviewee 8, phone interview 19/9/12.
229 Case study provided by Hunter Homeless Outreach Solicitor.
The client met with the Homeless Outreach Solicitor when she faced eviction proceedings in the Consumer Trader and Tenancy Tribunal due to rental arrears, even though a payment arrangement was in place with the community housing provider. After discussions with the housing provider, it was found that the order for termination was in error, and they were only seeking a specific performance order confirming the payment plan.

The Homeless Outreach Solicitor also attended a joint case conference with all of the client’s workers, to ensure all workers understood what specific performance orders were, and to answer other questions regarding terms of the residential tenancy agreement. She also discussed the effect of part-time employment on Centrelink payments and public housing rental calculations.

All five Reaching Home stakeholders were able to identify at least one area of law that they now were familiar with as a result of working alongside the Homeless Outreach Solicitor. One stakeholder described how she used to just assume that when a client had a legal problem such as being an unsatisfactory tenant with Housing NSW, or a debt to a money-lender;

“We would just say oh well there’s nothing we can do, and now we understand that this can be reviewed and Legal Aid can assist with that ... I used to think oh well, they got themselves into this debt, they will have to pay their way out, I didn’t realise you could dispute it.”

Another stakeholder noted that as her understanding of legal issues grew, she could help clients more and more, and this changed her relationship with the Homeless Outreach Solicitor:

“My participation and conversations with the lawyer have changed [during the project] because the lawyer no longer has to explain everything, we are a few steps ahead of where we used to be.”

Four of the five Reaching Home stakeholders stated that as a result of being involved in Reaching Home and working closely with the solicitor, they were now more likely to refer clients to Legal Aid or another legal service. In the words of one stakeholder, the Homeless Outreach Solicitor was “a great ambassador for Legal Aid – I now know if I call [Legal Aid] someone will listen to me and decide whether they can help.”

The fifth stakeholder however said that they weren’t sure whether they would call Legal Aid to seek advice for clients after Reaching Home ends and there no longer is a Homeless Outreach Solicitor at Legal Aid NSW - “I don’t know when this finishes how we will refer in – we are back to square one.”

6.3.5. Knowledge and capacity of the solicitors in dealing with the social service sector and the needs of complex clients

Stakeholders were asked whether they felt that the Homeless Outreach Solicitor understood the social issues facing clients of the project and whether they appreciated the difficulties of their lives.

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230 Interviewee 8, phone interview 19/9/12.
231 Interviewee 13, phone interview 2/10/12.
232 Interviewee 12, phone interview 25/9/12.
233 Interviewee 6, phone interview 18/9/12.
In relation to the Riverina project, five of the eight stakeholders felt that the Homeless Outreach Solicitor understood homelessness well, with comments including “the solicitor definitely gets homelessness”\(^{234}\) and “[the solicitor] has a very strong social conscience ... and she really knows what’s going on in the homeless sector.”\(^{235}\)

Two stakeholders felt the Riverina Homeless Outreach Solicitor’s understanding of disadvantaged people had improved over the period of the project.\(^{236}\) One stakeholder, who engaged with the solicitor early on in the project, made the following comment:

“I don’t think [the lawyer] necessarily understood domestic violence issues relating to homelessness. Our experience is that a person may need to leave a situation on a number of occasions before they are in a place where the relationship has ceased. But the lawyer wanted to give them advice about their rights – it was too early for this...”\(^{237}\)

It is important to note that this stakeholder expressed general dissatisfaction with the Riverina Homelessness Project as she felt that it was not particularly useful for homeless people in the town in which she was located. She also noted that the town’s homelessness agencies had good access to a range of other legal services, including private lawyers acting pro bono and the Hume Riverina Community Legal Centre located in Albury.\(^{238}\)

In relation to Reaching Home, all five stakeholders stated that the Homeless Outreach solicitor definitely understood their clients’ lives. One stakeholder said “I don’t know what her past experience was but she fits in well [with the team]”,\(^{239}\) while another stakeholder felt she had a greater understanding of the clients’ issues than many of the other team members:

“Even early on I guess I was able to appreciate her knowledge around the issue of homelessness, she has a great understanding. Most of the caseworkers have experience in human services but not necessarily homelessness.”\(^{240}\)

Echoing the comment made by one of the Riverina stakeholders, a Reaching Home stakeholder felt the Homeless Outreach Solicitor had “a really strong social conscience and awareness of issues, and is very flexible.”\(^{241}\) The experience of this stakeholder in working with the Homeless Outreach Solicitor changed their overall perception of lawyers:

“I was expecting someone more formal! I often see lawyers … who look so arrogant … they think they are more important than we are ... Then I met this lawyer and [my opinion] is now totally changed.”\(^{242}\)

\(^{234}\) Interviewee 1, phone interview 3/9/12.

\(^{235}\) Interviewee 2, phone interview 3/9/12.

\(^{236}\) Interviewee 9, phone interview 19/9/12 and Interviewee 11, phone interview 24/9/12.

\(^{237}\) Interviewee 3, phone interview, 4/9/12.

\(^{238}\) Interviewee 3, phone interview, 4/9/12.

\(^{239}\) Interviewee 10, phone interview 24/9/12.

\(^{240}\) Interviewee 8, phone interview 19/9/12.

\(^{241}\) Interviewee 13, phone interview 2/10/12.

\(^{242}\) Interviewee 13, phone interview 2/10/12.
The following case study provided by a Reaching Home stakeholder illustrates the sensitivity with which the Hunter Homeless Outreach Solicitor works with disadvantaged clients.

**Case study: Rough sleeper re-instated with Centrelink and Housing NSW**

A Reaching Home client had a brain injury, significant mental health issues, was a rough sleeper, has been incarcerated several times and had a whole range of legal issues. The Homeless Outreach Solicitor took on a co-case management role with another Reaching Home caseworker. She assisted the client to get access to the right type of Centrelink benefits, including backpay covering periods that the client lived on the street and didn’t claim any Centrelink payments. The solicitor also got the client back on the Housing NSW waiting list with an agreement to repay the debt.

The stakeholder that provided information about this client noted that the solicitor was extremely patient with the client, who would get confused easily and was often quite delusional. The solicitor was able to provide information in a way that allowed the client to understand that some of his demands (he often wanted to sue everyone) were unrealistic. The client had a history of getting agitated with government agencies, but the solicitor took time to explain what he could do in relation to Housing NSW and Centrelink, which meant he did not take his anger out on staff from those agencies.

6.3.6. Benefits and value of having a lawyer involved in the project

Stakeholders were asked whether having a lawyer “added value” to intake or coordination group meetings, and whether involving a lawyer would benefit other homelessness projects, or whether is was just an “optional extra”. They were also asked to describe what they believed to be the solicitor’s role in the project. The responses to this question provided further insight into the value the stakeholders placed on the involvement of the solicitor.

**Overall value of involving a lawyer in homelessness projects**

All thirteen stakeholders were of the opinion that all homelessness projects should involve lawyer. One Reaching Home stakeholder expressed amazement that other homelessness projects did not include a lawyer.244

A Riverina stakeholder stated:

“I think all projects would benefit – specially with people who have been long-term homeless, they have so many complex issues, over many years, there is a lot of stuff in their past that at first you don’t know about, but having that legal assistance to dig through all of that stuff over a period of time, its so useful.”245

A Riverina stakeholder who felt they didn’t really need to access the services of the Homeless Outreach Solicitor provided the following response:

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243 Interviewee 10, phone interview, 24/9/12.
244 Interviewee 6, phone interview 18/9/12.
245 Interviewee 1, phone interview 3/9/12.
“I think we have been spoilt because of our good relationship with the local lawyers. But for other services who don’t have a similar relationship, it would be incredibly valuable and useful.”

**Legal assistance as a tool to engage clients**

In relation to Reaching Home, two stakeholders separately nominated that an unexpected benefit of having a lawyer as part of the project was the discovery that offering legal assistance was a useful tool for engaging clients in the program more broadly:

“The lawyer’s role can help the client engage with the service, because it may be one of the few times that the client actually gets a concrete outcome quite quickly. This builds trust in the service [Reaching Home] so the client may stay with the whole program.”

“[Having a lawyer involved] is a way of gaining rapport, its something you can offer the client as well – it can almost be used as a way of engaging with the program, because they have no idea how to navigate the legal system and having such good access to a lawyer means they gain confidence and trust and then they may engage with other works, for example, now I will go and see the dentist, maybe its OK to let [the caseworker] into the house. It’s the way to get the best outcomes for the clients, its about getting their trust. Legal services are like getting food vouchers or meals on wheels.”

**Having a lawyer involved saves time**

Two stakeholders with the Riverina Homelessness Project expressed the view that having a solicitor involved in the project saved the case workers time down the track:

“People from a social work background don’t know much about the legal system and what is available to clients, what they can access… It would take so much more work and so much more research to find out. There is no time. [But] the lawyer can say “Let’s try this”…”

“When the lawyer is not there we don’t know if we are barking up the wrong tree – we would spend a long time discussing an issue, whereas if [the lawyer] is there she can just provide us with the answer – she can eliminate that time in discussing it….This is a complex client group, and having someone who is easy to contact and says quickly what the answer is, saves me on time chasing it up.”

**Having a lawyer involved saves money**

Four of the eight stakeholders involved with the Riverina Homelessness Project expressed the view that having a solicitor involved saved the project money overall, potentially allowing a greater number of clients

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246 Interviewee 3, phone interview 4/9/12.
247 Interviewee 8, phone interview 19/9/12.
248 Interviewee 13, phone interview 2/10/12.
249 Interviewee 11, phone interview 24/9/12.
250 Interviewee 2, phone interview, 3/9/12.
to access the limited amount of brokerage funds available through the project. One stakeholder explained it this way:

“There are so many reasons that a debt occurs, usually case workers just try and get a client financial assistance. But the lawyer often pulls them up and says – Actually they may not be liable for that debt. If the lawyer were not there, we would just accept they have to pay... This is saving the government money – instead of referring clients off to other services or charities to have their bills paid, the legal aid lawyer can get the debt negated – it takes pressure off the charities in giving out their dollars to people to help with bills.”

Another noted that in the past they would refer clients to financial counsellors who

“sometimes don’t query the debt, they just say lets get a repayment plan. [The Homeless Outreach Solicitor] is very strong about housing debts arising from DV and she will say let’s go to Housing NSW and ask to wipe the debt as it wasn’t the woman’s fault.”

**Benefit of the continuity of the solicitors**

Several stakeholders interviewed in relation to both Reaching Home and the Riverina Homelessness Project made the point that the Homeless Outreach Solicitors had a better understanding of the history of each project than almost any other person involved. Both solicitors were employed by Legal Aid NSW in February 2010, several months before the projects began receiving clients. Both solicitors participated in the Regional Homelessness Action Plans and the steering committee meetings establishing each specific project. The solicitors established their clinics and were already providing legal assistance to homeless people before the projects commenced taking clients in June 2010 (the Riverina Homelessness Project) or October 2010 (Reaching Home). The solicitors were both involved in drafting guidelines and protocols.

The Riverina Homeless Outreach Solicitor is also one of only two people who attend every Co ordination Group (the other being the Project coordinator), and several stakeholders felt this meant she had a much better overview of the whole program than most other members of the coordination group.

Several stakeholders commented about the value of this continuity and overview. A stakeholder with Reaching Home noted:

“[The solicitor] was on the steering committee as well so on an organisational level she took part in giving us all a background about the project – it was only her and the coordinator who had this knowledge.”

At the time of interviewing Reaching Home stakeholders, the person filling the role of the Homeless Outreach Solicitor took on another role with Legal Aid NSW and therefore a new staff member was recruited to this position, which might slightly undermine the value of the continuity. However three of the five stakeholders noted that the new solicitor appeared to have a strong understanding of the position and its role.

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251 Interviewee 2, phone interview, 3/9/12.
252 Interviewee 1, phone interview 3/9/12.
253 Interviewee 12, phone interview, 25/9/12.
The importance of having continuity in the staff of an integrated human service delivery projects has been set out in the literature review and highlighted as good practice when delivering integrated services to disadvantaged people.

6.4. Issues, challenges or barriers for solicitors involved in the projects

Working alongside partner agencies who may be in conflict with the client

One of the notable features of both homelessness projects is their inclusion of a wide range of government agencies and NGOs. Some of these agencies however are also agencies whose decisions are sometimes in direct conflict with the rights of homeless clients – for example, Housing NSW, Centrelink and community housing providers. This poses an interesting dilemma when the solicitors begin to act for clients in asserting rights against these agencies.

One Reaching Home stakeholder mentioned surprise when she received a bundle of documents relating to a client’s legal matter from the Homeless Outreach Solicitor, with little informal discussion from the lawyer with the stakeholder about strategies or informal ways of moving forward. The Hunter Homeless Outreach Solicitor agreed that on most occasions, informal discussion and collaborative case management was appropriate and would lead to a good outcome; but in some circumstances, clients might best be served by legal representation through the formal appeal processes.

High governance costs: meetings, meetings and more meetings

As set out in section 6.1.6, each Homelessness Outreach Solicitor was involved in the various steering committees, operational committees, and Regional Homeless Committees that related to their project. The number of meetings they therefore had to attend was quite large. All this time spent in meetings took time away from client work, and was difficult to schedule in given the weekly clinics and intake/coordination group meetings they both were committed to.

It was noticeable that most other agency staff involved in each of the projects did not have to attend quite so many meetings as the Legal Aid solicitors. For example, in relation to Reaching Home, only some staff were members of the Operations Committee and agency representatives on the Steering Committee were regional managers not operational staff. However, wherever Legal Aid representation was required on homelessness projects, it fell to the Homeless Outreach Solicitors to perform this role.

Although both solicitors did feel overwhelmed by the number of meetings, both also felt that almost every meeting was crucial for them to attend. As the only Legal Aid NSW staff member involved in each project, they were the only people who could adequately represent the views of the agency at the various points of the governance chains.

In addition, as described in section 6.1.6, it is likely that the networking that occurs through these meetings also increases the trust and awareness of non-legal agencies about the role that Legal Aid NSW can play in assisting homeless people.

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254 Interviewee 6, phone interview 18/9/12.
255 Consultation with Hunter Homeless Outreach Solicitor, by email, 31/10/12.
256 Consultations with Riverina Homeless Outreach Solicitor and Hunter Homeless Outreach Solicitor, by email, 5/11/12.
Little time to undertake law reform or engage in systemic policy issues

One of the key features of integrated legal services, and particularly of MLPs, is that service providers use the knowledge they gain in delivering services to advocate for change. The position description of the Homeless Outreach Solicitor includes undertaking relevant law reform (see Appendix A: Legal Aid NSW Homeless Outreach Solicitor position description).

However, both solicitors felt they were too stretched in their legal work to undertake a great deal of systemic advocacy, policy or law reform work. For example, the Hunter Homeless Outreach Solicitor researched upcoming amendments to the *Residential Tenancies Act* and new laws in relation to boarders and lodgers, but did not have time to contribute a submission.\(^{257}\)

The Riverina Homeless Outreach Solicitor did contribute to Legal Aid NSW’s submission to the NSW Law Reform Commission in relation to Penalty Notices, and was also involved in a Pay Day Lending project being conducted by Legal Aid NSW in conjunction with the Consumer Credit Legal Centre, involving education of community members and caseworkers in relation to payday loans.\(^{258}\)

In terms of systemic advocacy on policy issues, the Hunter Homeless Outreach Solicitor noted that she did on occasion identify issues at the service provision level, which she then took up through the governance committees, particularly to the Hunter Regional Homelessness Committee. Some of the issues she identified included:

- The methods used by Housing NSW in calculating rental arrears, and delay in notifying tenants
- The extent of the evidence required by Housing NSW to grant a person “priority status” now that the formal priority application process had been removed
  - The need for Housing NSW to review prior tenancy debts that occurred in the context of domestic violence.\(^{259}\)

The Riverina Homeless Outreach Solicitor also took up a policy issue relating to the difficulty that homeless clients have in complying with the requirement to provide an address on their white card training with some service providers with WorkCover.\(^{260}\)

Sharing of information between Legal Aid NSW and other agencies

The literature review in relation to integrated legal services and MLPs (section 5.3) highlighted the potential for barriers or challenges raised by lawyer’s professional or ethical obligations. MLP practitioners in the US for example felt that some legal institutions were cautious and conservative, with a tendency to inflate ethical issues, which could undermine partnerships with non-legal services.

Much of the strength of the two homelessness projects lies in the information-sharing and collaboration between the workers attending team or coordination group meetings. Several stakeholders particularly valued the information the Homeless Outreach Solicitors were able to provide about some clients – obtained

\(^{257}\) Consultation with Hunter Homeless Outreach Solicitor, by email, 5/11/12.  
\(^{258}\) Consultation with Riverina Homeless Outreach Solicitor, by email, 6/11/12.  
\(^{259}\) Consultation with Hunter Homeless Outreach Solicitor, by email, 5/11/12.  
\(^{260}\) Consultation with Riverina Homeless Outreach Solicitor, by email, 6/11/12.
from the Legal Aid NSW CASES database, other Legal Aid NSW lawyers, occasionally from Courts NSW’s JusticeLink database, as well as from their own interviews with the client if they were able to speak directly with them. The following case study particularly shows the value to clients of the solicitor’s access to this information to inform case management.

**Case study: Legal strategies as part of a case management plan**

Client P was referred to Reaching Home after being evicted from a community housing provider for property damage. He was aged in his early 20s and had chronic mental health problems as well as a history of drug and alcohol use. The initial referral to Reaching Home noted that there were some legal issues but no outstanding matters. P had a two year old son living in southern NSW, and the client expressed interest in seeking legal advice about his rights of access. P also had a large debt to the SDRO, many debts to pay-day lenders, and a $10,000 debt to the community housing provider. The caseworkers also noted that P found it difficult to manage his Centrelink income which usually is all spent on the day he receives it, and then relies on friends for food and support until the next payday.

P was staying short-term with his mother, but throughout engagement with Reaching Home he often rough-slept on the Sydney-Newcastle train, or stayed with friends, in boarding houses or other informal lodging arrangements. These often broke down after a few weeks.

P was accepted into Reaching Home in early 2012, and staff began attempting to review his debt to the community housing provider and to search for long-term housing options. They noted that at the time of living in community housing P was not linked into any supports and was unmedicated. In March 2012, P was admitted to hospital, diagnosed with schizophrenia, then discharged on a Community Treatment Order with ongoing medication to be managed by Reaching Home staff. After discharge, P engaged well with Reaching Home caseworkers. On request of his case workers, the Homeless Outreach solicitor attempted to make contact with P to provide legal advice, but these attempts were unsuccessful.

A complex case management discussion about this client was scheduled by Reaching Home, focusing on finding a long-term housing solution. During the meeting the Homeless Outreach solicitor used P’s consent (attached to his referral into the program) to share information about his previous presentations to Legal Aid NSW and JusticeLink. The solicitor found that P had a long history with the juvenile and adult justice system, commencing as a young teenager with break and enters, larceny and assault. At one stage he was on bonds requiring him to comply with mental health service treatment, which he complied with. Usually, as soon as the bonds ended he would disengage from services, cease medication, and problems would recur. However the solicitor noticed that according to JusticeLink, P had not been arrested for any offences since he was accepted into Reaching Home. It was one of the longest stretches on P’s record where he was not in trouble with the police.

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261 Case study written up as a result of Matrix’s observation of a Reaching Home complex casework meeting, 13/8/12.

262 Attended by Matrix on Board on 13 August 2012.
During the complex casework meeting, the solicitor offered to write a support letter to Housing NSW about the client’s improved criminal record since engaging with Reaching Home. Staff also agreed to write support letters to Housing NSW to seek long-term housing that would be accompanied by mental health support.

The Homeless Outreach solicitor also suggested that P could apply for a Work Development Order with a local charity which would help to reduce his SDRO debt, but more importantly, would link him in with support services that can provide him with ongoing support post July 2013 when Reaching Home funding ceased.

The suggestions by the solicitor became part of the case management plan for the client.

Although clearly the sharing of information about a client’s legal issues is extremely useful in case management, both solicitors noted that they were constantly balancing the importance of this information-sharing, collaborative role, with their ethical and legal responsibilities as solicitors.263 These include the requirement to comply with Professional Conduct and Practice Rules made under the Legal Profession Act 1987 (NSW). These rules set out the requirements to act honestly and fairly on a client’s instructions (Rule 1) and not disclose a client’s information to anyone outside the solicitor’s firm, except where the client authorises disclosure, or the solicitor is permitted or compelled by law to disclose (Rule 2).264

As discussed in sections 3.1.5 and 4.1.5, all applicants for assistance from the Riverina Homelessness Project and Reaching Home sign a consent form authorising agencies to share information. The consent forms for each project however are quite different, with a consequent difference in the way in which each Homeless Outreach Solicitor shares information with other agencies.

The Riverina Consent form includes the following text:

“I [client’s name] give permission for [name of agency making the application] to discuss issues specific to my current life situation, including the nature of support I am receiving, with other agencies/persons pertaining to my support needs and management plans. I have discussed the issues of confidentiality with [case manager’s name] including:

› The disclosure of information may include information that is “personal information” but only relevant to my case management needs
› The disclosure of information may include “health information” and
› Any disclosure will not be in breach of the PPIP or the HRIP Act.

I understand that this authority will remain valid for the duration of my support by the HAP Program until revoked by me in writing...”

This consent form appears directed to allow the agency case-managing the client to share information about the client with other agencies and people – presumably the members of the relevant coordination group that will consider the application and determine the case management plan. On the face of it, the form does not appear to authorise other agencies – such as Legal Aid NSW – to share information that they have about

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263 Discussion with Riverina Homeless Outreach Solicitor, face-to-face, 24/7/12; discussion with Hunter Homeless Outreach Solicitor, face-to-face, 13/8/12.

the client. In keeping with the limitations of this consent form, although the Riverina Homeless Outreach Solicitor was sometimes aware of the legal background of applicants for assistance – through her own contact with the client, or research she undertook prior to coordination groups using the CASES database – she did not routinely provide this information to other members of the coordination group. It was only if the client had consented to the sharing of information, or the information had already been disclosed in the application for assistance, that the Riverina Homeless Outreach Solicitor would talk about it to the group. On occasion, this would put the Riverina Homeless Outreach Solicitor in the difficult position of being aware that the client had past or current legal issues but not being able to disclose these to the client’s case manager. The solicitor’s response to this dilemma was to ask the case manager if they were aware of any current legal matters for the client, and to encourage the case worker to explore legal issues with the client. The Riverina Homeless Outreach Solicitor would also encourage the case manager to put the client in touch with the solicitor directly so they could be provided with direct legal advice.

The consent form for clients seeking access to Reaching Home includes the following text:

“The members of the Reaching Home team are NSW Health, Housing NSW, Legal Aid NSW, Baptist Community Services – NSW/ACT.

For the Reaching Home team to be able to assist you, they will need to contact and obtain information from the agency or service that is referring you to the Reaching Home team.

By signing this form, you consent to exchange of your personal information and/or health information between members of the Reaching Home team and [name of referring agency], and consent to that agency referring you to Reaching Home.

(NB: This consent is valid for a period of 2 years from the date of signing.)”

According to one Reaching Home stakeholder, health staff on the team routinely used this consent to access health databases and provide information to inform intake and case management of clients. This stakeholder believed that Legal Aid NSW also used this consent to access their own databases and share this information with other team members.

The Hunter Homeless Outreach Solicitor noted that while she might research the client’s information on CASES and JusticeLink during intake meetings, so that she could find out if they had upcoming legal issues, she did not routinely provide this information to other Reaching Home staff. The Hunter Homeless Outreach Solicitor was always aware of her obligations relating to legal professional rules. However, if the client disclosed in their referral form that, for example, they had an upcoming criminal matter, the solicitor might check CASES to find out which criminal solicitor was responsible for the client and would advise the rest of Reaching Home that she was happy to act as a “liaison” between the client and the criminal solicitor if the client wanted this.

It is not clear how much information the solicitors are able to provide to team members about clients, based on their own research or used of CASES. It is even less clear whether the solicitors can research further

265 Discussions with Riverina Homeless Outreach Solicitor, 24/7/12, 25/7/12, and 29/10/12.
266 Discussions with Riverina Homeless Outreach Solicitor, 24/7/12, 25/7/12, and 29/10/12.
267 Interviewee 12, phone interview, 25/9/12.
268 Consultation with Hunter Homeless Outreach Solicitor, by email, 31/10/12.
information from Courts NSW’s database JusticeLink and provide this to team or coordination group members. When Legal Aid employees access JusticeLink they are asked to “tick” a statement that says they are using the information obtained as part of assisting a client. Technically the person about whom they are seeking information is at this point not a “client” in the legal sense of the word. It is important that Legal Aid NSW obtain clarification about whether the Homeless Outreach solicitors can access JusticeLink in these situations, that is, when seeking information about a person and providing it to a broader group of agencies under an integrated service project.

Planning for the projects closure

At the time Matrix conducted the review, there was only 10 months before the funding for each project was due to end (June 2013). It was apparent that the imminent closure of the project was foremost in the minds of the Homeless Outreach Solicitors as well as other staff and stakeholders in both projects. Casework discussion about individual clients observed by Matrix269 focussed on how to transition them back into mainstream support networks to make up for the fact that they will no longer be able to access support under the two homelessness projects - see for example Case Study P.

Stakeholders also expressed a concern that the cross-agency worker relationships built up through the project would be lost. In the words of a Riverina stakeholder:

“Having [the solicitor] as a contact person [at Legal Aid NSW], knowing her, and her being empathetic and supportive, it’s been really good, because when you just ring Legal Aid reception, they’re busy and they can’t put a face to a name, so I now [always] go straight to [the solicitor] and get her guidance on who the best person to talk to is. If she leaves, it will be back to how it was before, ringing reception.”270

269 Observation of a Riverina coordination group meeting 27/7/12; observation of a Reaching Home complex casework meeting, 13/08/12.
270 Interviewee 4, phone interview 4/9/12.
7. Recommendations

This section provides recommendations in relation to the legal component of the Riverina Homelessness Project and Reaching Home, as well as about Legal Aid NSW’s involvement in future integrated service projects.

7.1. Legal needs assessment tools

7.1.1. Legal needs screening or assessment by non-legal caseworkers

Currently the collation of information in relation to the legal needs of clients, which would allow a thorough assessment of these needs and the development of strategies to assist them, occurs in an ad hoc way in both homelessness projects.

Both projects require non-legal caseworkers who are referring clients for assistance into the homelessness projects to include information about clients’ legal needs in the application or referral form. However the guidelines for each program contain no written guidance for caseworkers in how to assess legal needs, or what kind of legal support is be available.

At intake meetings, and during secondary consultations outside of meetings, the Homeless Outreach Solicitors often seek more information about the client on issues such as income support, immigration status, debts, fines, family issues and so on. Both solicitors tend to ask similar questions to get the information they needed to provide a legal needs assessment (see section 6.3.2). Again, these questions are not currently written down anywhere as guidelines for the solicitors to use routinely.

As the data in section 6.1.3 reveals, a much larger number of clients of the homelessness programs receive legal advice via secondary consultations than through direct assistance, and therefore it is important for the Homeless Outreach Solicitor to ensure that the information about the clients needs that they gather from their case worker is as accurate as possible. Homeless people are frequently hard to contact, so gathering all the information at one time is much more effective than trying to seek additional information down the track.

Legal Aid NSW may wish to trial whether the collation of information about the legal needs of clients could be streamlined through the use of a legal needs assessment or screening tool which non-legal caseworkers can use with their clients – whether as part of the application / referral form for intake, or during ongoing case management. The tool would not just identify legal issues, it could potentially include some form of needs index (for example, 1 = no debts, no criminal matters, no family law concerns; going up to 5 = court matter in the next month). This would allow the solicitors and case workers to prioritise legal assistance during case management and ensure those with high legal needs are put directly in touch with the solicitor as soon as possible.

The outcomes of using such a tool would be a more efficient use of the Homeless Outreach Solicitor’s time, and assurance for both solicitors and non-legal caseworkers that they have an understanding of all the issues facing the client at an early stage.
The I-HELP screening tool developed by the MLPs in the United States (see Appendix C: Sample Medical-Legal Partnerships I-HELP) provides a good template for questions that might be useful, although it should be adapted to the Australian homelessness context. Legal Aid NSW would need to ensure that the questions are easy to understand by the non-legal worker, and are not so detailed as to overwhelm clients at the critical point of attempting to refer them into the program. Non-legal workers would also need to be trained in using the tool.

**Recommendation 1: That Legal Aid NSW develop a legal needs assessment or screening tool for use by non-legal support workers, similar to the I-HELP screening tool used by Medical-Legal Partnerships in the United States. The tool would need to be trialled with non-legal workers, who would then receive training in its administration.**

7.1.2. Legal needs assessment tool for use by the Homeless Outreach Solicitors

Homeless Outreach Solicitors would also benefit from the development and use of a more detailed legal needs assessment tool that can be used for all homeless or at-risk clients during the provision of direct legal services.

The Legal Health Check developed by QPILCH (see Appendix B: QPILCH Legal Health Check) is an example of this type of a legal needs assessment tool. A tool such as the Legal Health Check would allow the solicitor to determine the whole range of possible legal issues that the client may be facing, not just the immediate ones for which the legal appointment has been made.

**Recommendation 2: That Legal Aid NSW consider using some form of Legal Health Check for solicitors to use when conducting legal needs assessments of homeless clients.**

7.2. Referral procedures

7.2.1. Referring clients from Legal Aid NSW to the homelessness projects

Both Homeless Outreach Solicitors provide legal advice and assistance to a large number of people who are at risk of homelessness, particularly through outreach clinics. Although the solicitors do refer some of these clients to their respective homelessness projects, they do not routinely assess every client for eligibility to the projects. The solicitors also do not routinely ask clients whether they have other non-legal support needs. This means that potentially, some clients being seen by the Homeless Outreach Solicitors might be in need of greater support services, but the opportunity to engage these clients or refer them for assistance, has been lost.

Despite the absence of a systematic screening tool, both Homeless Outreach Solicitors have on occasion referred people into their homelessness programs. The Hunter Homeless Outreach Solicitor was able to recall several instances however where a referral from Legal Aid NSW solicitors into Reaching Home did not contain enough information about the client’s health or other support needs. The Reaching Home case workers then needed to locate the client to re-assess their circumstances.

Legal Aid NSW would benefit from the development of a simple homelessness screening or assessment tool and process which Homeless Outreach Solicitors, or other Legal Aid NSW solicitors, can use to assess whether the client is at risk of homelessness or has other support needs, and then refer them for assistance.
If the solicitor identifies through the use of the screening tool that a client has housing or other support needs, they could provide a “warm” or assisted referral to a non-legal worker, possibly located within the community organisation hosting the outreach advice clinic through which the initial advice was provided. This could then provide the possibility of “seamless” referrals, thus reducing the risk that the client will not take up the referral. However, this is obviously dependent on the resources of the hosting agency.

An alternative would be to develop a referral protocol between Legal Aid NSW and another organisation which would allow the Homeless Outreach Solicitor to directly refer clients from the outreach clinics for assessment for eligibility for support, or access to a particular homelessness program.

Recommendation 3: That Legal Aid NSW develop a simple screening tool to identify whether Legal Aid NSW clients are homeless, at risk of homelessness, or have unmet support needs. In local areas, Legal Aid offices should establish referral protocols with at least one local homelessness organisation so that clients in need of non-legal support can be referred for assistance.

7.3. Improved data and record collection procedures

7.3.1. Homelessness status

The Homeless Advice and Contact Form asks if the client is currently homeless, was recently homeless, or is at risk of homelessness. However, CASES cannot translate this information into useful data. If the “homeless” flag is selected on CASES, solicitors are unable to easily enter contact details into the client’s address field (as discussed in section 1.3.4). For this reason, it is not possible to determine through CASES whether particular clients are actually homeless.

If Legal Aid NSW wishes to provide evidence of the volume and nature of work it is doing with homeless people, it will need to modify CASES so that it can capture information about the homelessness status of clients.

Recommendation 4: That Legal Aid NSW consider revising CASES to allow a record of whether a client is currently homeless, was recently homeless, or is at risk of homelessness.

7.3.2. Legal matter categories

As the Homeless Outreach Solicitors are located within the civil law division of Legal Aid NSW, and in theory are civil law specialists (see Appendix A: Legal Aid NSW Homeless Outreach Solicitor position description), they only have access to a set list of civil law problem types when recording their advices in CASES.

However, the position description for the Homeless Outreach Solicitor anticipates that the solicitor would provide at least some form of assistance across family and criminal as well as civil law. Further, the Homeless Advice and Contact form provides a range of legal matter types for Homeless Outreach Solicitors to record data in, including criminal law, several different categories of family law, and Apprehended Violence Orders. These categories do not match with the civil law categories that the solicitors are able to select in CASES. The only way the solicitors could categories these advices when entering data into CASES was to use very broad categories such as “Civil – other”, which makes it impossible to understand the actual nature of many of the advices provided by the solicitors. It also possibly distorts the overall reports of Legal Aid NSW data as the work being done in relation to criminal or family law is not being adequately captured.
If Legal Aid NSW wants the Homeless Outreach Solicitors to provide advice across criminal, family as well as civil law, the Homeless Outreach Solicitors should have access to the full range of categories in CASES relating to family, criminal and civil law.

Alternatively, if Legal Aid NSW wishes to put limits on the role of the Homeless Outreach Solicitors so that it is primarily a civil law position, with criminal and family law matters to be referred onwards, Legal Aid NSW should at a minimum more accurately define civil law categories in CASES so that it is clear which categories are used when the lawyers are providing referrals on criminal and family law.

The outcome of these changes to CASES will be much more accurate data on the legal needs of homeless people being assisted by the Homeless Outreach Solicitors.

Recommendation 5: That Legal Aid NSW review the categories in CASES that are available to Homeless Outreach Solicitors when recording their advices, so that the data more accurately reflects the legal matters being dealt with by these solicitors.

7.3.3. Recording secondary consultations

As discussed throughout the report, Homeless Outreach Solicitors engage in a large number of secondary consultations with non-legal organisations in relation to individual clients. During the period evaluated in this report, CASES was unable to record any advices given to organisations about a client.

However from 1 July 2012 this has now changed, with solicitors able to record the “client” as the organisation, and record these advices.

In order to facilitate these secondary consultations, the Homeless Advice and Contact Form (see Appendix D: Legal Aid Homeless Advice form) would benefit from being amended by including space to note the following:

» Whether the contact was a direct advice or a secondary consultation (defined as advice to a worker/organisation about an individual client)
» The date, place and format of the consultation (eg Reaching Home intake meeting, phone advice, Albury Coordination Group meeting)
» That the lawyer had sighted the client’s consent form (either attached as part of their application/referral in to the relevant project, or a separate consent form provided by Legal Aid NSW) which permits discussion of their issues by the case manager to Legal Aid NSW
» In the section allowing for the recording of information about the client’s issues, a note should be included along the lines of “Where this is a secondary consultation, the client’s name can be included here”
» In the section allowing for the recording of information about the advice, a note should be included noting: “Include actions to be undertaken by the solicitor as part of the client’s integrated case support plan”.

In these secondary advices, the “client” is the organisation and not the actual person about whom they are seeking advice. Matrix understands that this means that CASES will not record the actual person’s name, and so it will not be possible to locate all secondary consultations about a particular person using a search on CASES. However the Homeless Outreach Solicitor could keep hard copies of the Homeless Advice and
Contact form in relation to each secondary consultation in a file about that client. This would assist the solicitors in retaining records of their involvement in the case management of a particular client.

**Recommendation 6: That the Homeless Advice and Contact Form be revised to allow for the recording of secondary consultations.**

It should be noted that requiring the Homeless Outreach Solicitors to record all secondary consultations would mean they would spend additional time on record keeping and data entry. If Legal Aid NSW wants to accurately record this information, then it will need to consider providing additional resources, for example, ensuring every Homeless Outreach Solicitor has ongoing access to a Legal Support Officer to enter all data into CASES.

**Recommendation 7: That Legal Aid NSW recognise the resource consequences of increasing the amount of data to be recorded and ensure that Homeless Outreach Solicitors have access to administrative support for CASES data entry.**

### 7.4. Practice notes for lawyers involved in integrated legal services, including consideration of confidentiality and other ethical issues

Clients seeking assistance from both homelessness projects sign a consent form for the sharing of information between the services that are part of the project. The two projects, however, use quite different consent forms, which results in different restrictions on the way in which the Homelessness Outreach Solicitor share information with other agencies. The consent form for the Riverina Homelessness Project is limited to an authorisation by the client for the referring agency share their information with other agencies of the relevant coordination group. The consent form for Reaching Home however allows not only the agency referring the client to share information with the Reaching Home agencies, but also allows these other agencies to share information with each other about the client.

The interpretation of these consent forms are also affected by the Professional Conduct and Practice Rules made under the *Legal Profession Act 1987* (NSW), as solicitors are bound to act on direct instructions and respect clients’ confidentiality. Both Homeless Outreach Solicitors revealed that they are daily required to weigh up their professional ethical responsibilities with the desire to contribute to the effectiveness of the service integration.

To guide these ethical considerations, senior legal practitioners at Legal Aid NSW should work with the current Homeless Outreach Solicitors to develop a set of practice notes relating to the provision of legal advice within an integrated service model. These notes should clarify in detail the ethical and legal requirements relating to the sharing of information, whether the solicitor is able to research information from the Legal Aid NSW CASES database and/or Courts NSW’s Justicelink database, and under what circumstances the solicitor can disclose matters relating to a client to the other agencies involved in the integrated service. It could also include a good practice template consent form to accompany client applications to these integrated, cross-agency services, which would allow Legal Aid NSW as well as other agencies involved in the service to share information they are able to obtain from relevant databases.
Recommendation 8: That Legal Aid NSW develop a template client consent form and a set of practice notes relating to the provision of legal advice within an integrated, cross-agency service model.

7.5. Increased CLE relating to utility debts, fines, WDOs and other key areas of law

An analysis of the most common legal matters dealt with by the Homeless Outreach Solicitors reveals the high prevalence of debts amongst the client group. The work of the solicitors in relation to resolving or reducing these debts for individual clients is highly praised by all stakeholders. Several stakeholders note their surprise that solicitors could go “behind” some debts and argue to moneylenders or other companies that the client should never have been permitted to sign the relevant contract as they clearly were not in a position to pay. Stakeholders note that in this, the solicitors appear to be quite different to financial counsellors, who did not usually question the debt but rather would usually just assist the client to access financial support or a repayment plan.

An analysis of some of the cases undertaken by the solicitors also showed the value of Word and Development Orders in simultaneously reducing debts to the State Debt Recovery Office for unpaid fines and tying a client into community treatment or other support programs that would have long-term benefits for the client’s general welfare. Both Homeless Outreach Solicitors spent time locating appropriate community organisations to sign up as WDO providers, with the result that many organisations in the homelessness sector in the Hunter and Riverina regions are now signed up to assist people with WDOs.

There is clearly an ongoing need for community legal education to community workers in the homelessness (as well as the general welfare) sectors across NSW to talk about all forms of debt, including SDRO debts, and to explain the sorts of legal options available for disadvantaged people to deal with these debts, including WDOs. Matrix understands that Legal Aid NSW now has a Work and Development Order Service which provides advice to individuals about their fines and using WDOs, as well as information to organisations and health practitioners wanting to register as approved organisations or providers. The service could work with the Homeless Outreach Solicitors to design an approach to better target homelessness organisations across the state to become approved organisations.

Recommendation 9: That Legal Aid NSW’s Work and Development Order Service seek assistance from the Homeless Outreach Solicitors in relation to targeting organisations in the homelessness sector across NSW to become “approved organisations” for WDO placements.

7.6. Homeless Outreach Solicitor position description

The position description for the Homeless Outreach Solicitor places the position within the civil law division of Legal Aid NSW and emphasises the provision of civil law advice (see Appendix A). However, this report reveals that Homeless Outreach Solicitors in fact provide advice across the whole spectrum of civil, family and criminal law. Indeed, the most common legal matter advised upon by the Hunter Homeless Outreach Solicitor is criminal law (see section 6.1.2). Feedback from stakeholders also indicates that the solicitors are most useful when they are able to provide advice across the legal spectrum, without the need to refer clients to another lawyer.

This mirrors research conducted by the Law and Justice Foundation of NSW which found that “the partitioning of legal matters within the legal aid sector” undermines a holistic case management approach to clients (see section 5.3). The Foundation recommends that integrated legal service models consider the best
way to ensure specialist legal assistance is available while recognising the importance of limiting the number of lawyers an individual person has to see (see section 5.4.1).

In theory therefore, Homeless Outreach Solicitors should provide advice across the spectrum of legal matters. However, in practice, it is rare to find a solicitor who has knowledge and experience across all civil, criminal and family law matters. This would therefore require Legal Aid NSW to provide appropriate training to Homeless Outreach Solicitors. Although some training was made available to Homeless Outreach Solicitors on specific topics in family or criminal law, more in-depth training about legal processes pertaining to those practice areas may be required.

In this evaluation, stakeholders placed great emphasis on the empathy shown by the two Homeless Outreach Solicitors to homeless people; their flexibility in how they worked with people with complex needs; and their strong sense of social justice.

To ensure that Legal Aid NSW is able to recruit and retain the right staff for Homeless Outreach Solicitor positions, it may wish to consider a range of measures including:

- Reviewing the position description of the Homeless Outreach Solicitor to ensure it reflects the need to have people who have empathy, flexibility, a passion for social justice, as well as experience working with disadvantaged people.
- Considering whether applicants should be required to have experience in either criminal, civil or family law, with experience across at least two of these areas being highly desirable.
- Once a solicitor is appointed, reviewing their particular experience and tailoring a training package which is designed to improve their knowledge and skills across civil, criminal and family, with a focus on those areas in which they have not had much experience.
- Consider rotating Homeless Outreach Solicitors across other divisions of Legal Aid NSW so they may gain practical skills and knowledge in other areas; it may be possible to have civil or other lawyers to fill the Homeless Outreach Solicitor position so others can gain an insight into this work of Legal Aid NSW.

Recommendation 10: That Legal Aid NSW review the position description, selection criteria, and ongoing training needs of Homeless Outreach Solicitors to ensure that people working in these positions continue to have the right skills and training to work effectively within integrated legal services.

7.7. Planning for the projects’ closure

Matrix understands that both homelessness projects will conclude at the end of June 2013 unless additional funding is provided by State or Federal Governments. Without ongoing funding for these two positions, it will be difficult for Legal Aid NSW to continue working in an integrated way with other service providers in the Hunter and Riverina regions. Research set out in section 5.4.1 showed that services find it extremely difficult to work collaboratively unless funding bodies recognise the level of resources required for collaboration.

However, there may be some strategies that Legal Aid NSW could put in place prior to the closure of the projects, to ensure that one of the most disadvantaged groups in Australia continues to have access to free legal assistance. Such strategies would also work on retaining the relationships that have been made, and the goodwill that exists, between Legal Aid NSW and other agencies in the Hunter and Riverina homelessness sector.
One of the main concerns expressed by stakeholders in both projects was that after the projects finish, they will be back to “cold-calling” Legal Aid NSW’s reception when attempting to get advice for their clients, and having to put their client in the queue for an appointment at the Legal Aid office which, in their experience, the client is unlikely to attend.

With this in mind, Legal Aid NSW may wish to consider some of the following strategies to try and maintain some level of service to homeless people or people at risk of homelessness in the Hunter and Riverina regions:

- Identify an existing civil law position as the key contact person for homelessness and welfare workers in the region, perhaps redefining the position as Civil Law / Homeless Outreach Solicitor
- The role of this position would be to participate in Homelessness Interagency meetings; be the first contact point for community sector workers in order to provide secondary consultations; and maintain at least one clinic at a homelessness organisation in the region so that homeless people can access face-to-face legal advice in a non-threatening environment
- The clinic which Legal Aid NSW chooses to retain should be determined in consultation with the existing Homeless Outreach Solicitors, and should be based on the numbers of people attending each clinic, and the willingness of the current community organisation to continue hosting the clinic
- It may be possible for Legal Aid NSW to work with other legal services in each region - such as Aboriginal Legal Services NSW/ACT, Hunter Community Legal Centre, the University of Newcastle Law Centre, or the Hume Riverina Community Legal Service - with a view to sharing the staffing of additional clinics
- The civil lawyer working as the homeless outreach lawyer in the Hunter and Riverina regions could work with Legal Aid NSW’s Community Legal Education staff, as well as the Public Interest Advocacy Centre’s Homeless Persons Legal Service, to ensure CLE such as Law for Non Lawyers or other topics relevant to homeless people, continues to be provided to community workers in each region.

The outcome of implementing these strategies is that homeless people in the Riverina and Hunter regions continue to have access to legal assistance. For Legal Aid NSW offices in these regions, an outcome is the retention of the relationships and goodwill it has developed with non-legal agencies in the homelessness sector. And for Legal Aid NSW as a state-wide government agency, the benefit of continuing to work with homeless people and homelessness agencies is that is satisfies the imperatives of the National Agreement on Legal Assistance Services to provide early intervention services in collaboration with other human service agencies.

**Recommendation 11: Legal Aid NSW seek to continue some level of legal service delivery to homeless people or people at risk of homelessness in the Hunter and Riverina regions through identifying an existing civil law position as being the key contact for homeless people and homelessness organisations in each region, and working in collaboration with legal and non-legal services to improve legal services in the future.**

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7.8. Integrated legal service projects into the future

Legal Aid NSW should continue to identify opportunities for involvement in integrated legal service programs: that is, programs in which solicitors work in partnership with health, welfare and other non-legal service providers to case manage individual clients.

This would include working with legal service groups, such as the fledgling Advocacy Health Alliances group, which is modelled on Medical-Legal Partnerships, as well as peak legal bodies such as National Legal Aid, the National Association of Community Legal Centres, Community Legal Centres NSW, and/or the NSW Legal Assistance Forum.

Legal Aid NSW may also want to approach relevant NSW government departments, such as Health NSW, as well as peak welfare bodies such as Homelessness NSW, NSW Family Services (FAMS), Network of Alcohol and Other Drug Agencies (NADA), and the Australian General Practice Network, to identify interest in future involvement in integrated legal service projects. This approach could be combined with an approach about providing community legal education on WDOs to the members of these peak bodies, with a view to getting more organisations signed up as approved organisations.

The benefit for Legal Aid NSW in continuing to work in the field of integrated legal services is that it will put it “ahead of the curve” in what increasingly appears to be best practice in delivering legal services to disadvantaged groups.

Recommendation 12: That Legal Aid NSW approach relevant legal service groups, government departments, and non-government peak bodies about future opportunities for integrated legal services.

7.9. Good practice principles for integrated legal service delivery to homeless people and/or complex clients

The literature review in section 5.4 includes research by Noone and Digney into good practice principles for integrated legal service delivery, and US research which puts forward seven essential features of successful Medical-Legal Partnerships (MLPs).

The evaluation of these two projects has also emphasised the importance of particular practices, such as secondary consultations and warm referrals.

The following table combines Noone and Digney’s indicators of a successful integrated legal service program; the seven features of MPLs; and the findings of this evaluation, then distils them into a set of 11 features of an effective legal service. These features could be used as standards or quality requirements when establishing new programs, or performance indicators when evaluating them.

Table 21: Features, standards or performance indicators of an effective integrated legal service

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<thead>
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<th>Features of an integrated legal service</th>
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<tr>
<td>1. Trust and respect between staff of the legal agency and staff of the other agencies; all staff need to</td>
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<tr>
<td>have a shared commitment to improving the lives of the client group.</td>
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<tr>
<td>2. Sufficient resources to provide legal services and develop new responses to community need.</td>
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<tr>
<td>3. Flexibility in the provision of direct legal services, so staff go to where clients want to see them –</td>
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can include co-location of services, outreach clinics, or attending on clients on the street, in their houses, or at another location they feel comfortable in.

4. Appropriate governance and other support for collaborative practices, including facilitation of communication and feedback across disciplines and sites.

5. Capacity-building and training of non-legal workers both within the project and in the broader sector (for example through community legal education, attendance of interagency meetings, or in-services) so they can identify legal need and appropriately refer to legal support while also improving their capacity to undertake preliminary, early intervention advocacy on behalf of the client.

6. Use of secondary legal consultations whereby the solicitor provides advice on legal issues and strategies to non-legal caseworkers.

7. Referral practices that encourage “warm” or assisted referrals wherever possible.

8. Consultation with the community/client-group who is intended to be assisted by the service (for example homeless people) in relation to their needs and what services they want.

9. Ensuring clients are, where possible, enabled to identify their own needs, identify which services can support them in meeting the needs, are physically able to access the services, have the confidence to ask for help, and to expect they will receive the right help.

10. Systems improvement, including engagement in law reform or systemic advocacy informed by direct service experience.

11. Collaborative planning and evaluation processes with all partner agencies involved, which seeks to consult with the client group as well as other key stakeholders.

**Recommendation 13: That Legal Aid NSW consider adopting a set of standards, features, or performance indicators to guide the development of future integrated legal service programs.**

**7.10. Measuring outcomes in future integrated legal service programs**

In this report, Matrix has analysed research relating to “good practice” evaluation of legal service programs, in particular focusing on client outcomes – see sections 5.5. This research found that well-resourced, effective evaluations of legal service delivery programs should:

- First fully investigate and describe the services which are to be evaluated before attempting to measure its impact, results or outcomes
- Work alongside the agencies operating the service model to develop an evaluation framework and identify principles, features and outcomes
- Identify any good practice principles or features that should underpin the particular service model, using principles drawn from other evaluations, or developing new ones where others are not appropriate
- Identify the desirable outcomes of legal assistance or other services
- Determine a methodology that will gather all data needed to measure outcomes – this may include creating new data collection methods
- Determine the outputs or performance indicators that will be used to identify whether outcomes or results have been achieved
- Undertake the evaluation, ensuring consultation with all agencies involved in the model, and including sensitive consultation of clients of the relevant services.
This research can be used as a starting point for Legal Aid NSW in developing future evaluations. However it is important to note that in-depth evaluations such as that undertaken by Noone and Digney (as set out in section 5.4.1) require much greater resources and time than Legal Aid NSW had available for this evaluation.

In order to ensure that future evaluations are participatory, the establishment of a project steering committee should be considered, consisting perhaps of on-the-ground solicitors, one or two staff members from relevant non-legal agencies, as well as Legal Aid NSW managers.

Future evaluations may also require the development of new tools to collect data. For example, at the moment CASES does not routinely collect detailed information relating to the result or outcome of a legal matter. Although there are difficulties with using a database to collate and report outcomes (as has been experienced by UK legal services), there may be precedents or models in other jurisdictions, or other sectors in Australia – particularly health – which could be researched.

Recommendation 14: When considering an evaluation of a particular legal service program, Legal Aid NSW may wish to utilise the literature review set out in this report, and consider mechanisms to ensure the evaluation process is participatory and outcomes-focused. This might include establishing an Evaluation Steering Committee, seeking external funding, and creating new tools for collating necessary data and information.
Appendices

Appendix A: Legal Aid NSW Homeless Outreach Solicitor position description

LOCATION:

1. **PURPOSE OF POSITION**

Provide high quality legal advice and representation to homeless people in NSW, in order to contribute to the implementation of the Commission’s mission to deliver high quality legal services to our clients and to assist them to resolve their legal problems.

Work within a network of civil law homeless outreach services, and the Homeless Persons Legal Service, to provide effective services to homeless people in NSW.

2. **REPORTING RELATIONSHIPS**

Supervisor

Senior Solicitor grade IV (in designated Regional Office)

**Other Reports to Supervisor**

Grade I-III Solicitor

**Reporting to this Position**

**NIL**

3. **ORGANISATIONAL CONTEXT**

The Commission provides legal aid services across NSW. It was established under the *Legal Aid Commission Act of 1979* as an independent authority to assist economically and socially disadvantaged people to understand and protect their rights in the legal system. People with disabilities, from non-English speaking backgrounds, women and children, ATSI and Torres Strait Islander people and people who are institutionalised may experience difficulties when enforcing and defending their rights.

Working in partnership with private lawyers, the Commission provides legal advice, information and minor assistance to eligible people, and legal representation in many areas of law. For some services, clients need to meet a means and merit test. Clients who are granted aid for legal representation will, in most cases, need to make a contribution towards the cost of their case. The Commission also provides alternative dispute resolution services, community legal education programs, and publications.
The Commission’s Board, which consists of the Chief Executive Officer and nine part-time members, establishes the broad policies and strategic plans of the Commission. The Commission is the largest legal aid agency in Australia, comprising a head office in Sydney, 20 regional offices in metropolitan and regional centres across NSW and a number of specialist services and advice clinics.

The key programs and services provided or funded by the Commission include:

- Legal advice & minor assistance to members of the public attending advice clinics;
- duty lawyer service in every local court in NSW;
- prisoners’ legal service;
- children’s legal service (criminal matters);
- criminal litigation on behalf of legally aided defendants and appellants in the High, Supreme, Court of Criminal Appeals, District and Local Courts; and the Parole Board;
- child support services for paying and carer parents;
- alternative dispute resolution services including family law conferencing, family law mediation and civil law pro bono mediation;
- family litigation;
- civil law services;
- mental health advocacy service;
- veterans’ advocacy service;
- administrative law service particularly for immigration and refugee matters;
- community education and publications;
- community legal centres funding program;
- court assistance program for women seeking apprehended violence orders; and
- social work services for clients with socio-legal needs
- law reform submissions.

The Commission is funded by the Commonwealth Government (for family law matters and other Commonwealth responsibilities) and by the New South Wales Government. Sizeable portions of the budget are gained from grants from the Public Purpose Fund and from client contributions.

Civil Law Division

The Civil law Division provides advice and representation in civil law matters in accordance with the Commission’s policies and guidelines. Advice is provided to all members of the public. Representation is available subject to a means and merit test in certain civil matters including:

- housing and tenancy disputes including in residential parks and retirement villages
- consumer law
- human rights and discrimination law
- some migration matters
- social security law
- public interest coronial inquests
- public interest environment law
- veteran’s entitlements
- mental health and guardianship
- aid is available in a wider range of matters to children and disabled persons

The civil law division also undertakes law reform and community legal education activities.

In 2007, Legal Aid NSW began participating in the Homeless Persons Legal Service (a project of the Public Interest Law Clearing House) to provide outreach services to homeless people. Legal Aid
NSW is now enhancing its participation in this project through the establishment of a network of outreach clinics to homeless people in regional NSW.

This position will be one of the outreach positions located in regional NSW.

1. **NATURE AND SCOPE OF POSITION**

**Major Role**

The position holder is responsible for:

- Providing outreach services to homeless people (especially in civil law)
- Developing referral protocols with the Commission’s in-house family/civil/criminal law practice, and other agencies such as community legal centres as appropriate
- Conducting an efficient and effective legal practice in civil law matters
- Determining applications for legal aid under delegated authority and/or submitting applications for Legal Aid to the Grants Division
- Complying with the Legal Aid Commission Act, policies and practice management standards and undertaking all related administrative and case management activities
- Contributing to the development and review of legal aid policies and guidelines and law and policy reform initiatives
- Undertaking community legal education

**Key Challenges or Constraints**

- Being able to communicate with and take instructions from a wide range of people including those from ATSI communities, people in crisis, people with a physical or intellectual disability or mental illness, people from non-English speaking backgrounds, or who have problem behaviours such as drug or alcohol addictions, in situations where the legal concepts involved are complex and difficult for the client to understand.
- Maintaining and enhancing professional competence, keeping abreast of legal developments, changes in Legal Aid policies, systems, guidelines, and practices and community needs.
- Adapting to new systems and technology which have a significant impact on the legal practice.
- Effectively balancing the requirements of managing a case load with co-ordinating and managing the provision of outreach services to homeless people
- Operating as a key resource in the delivery of civil law legal services to homeless people (including developing referral databases)
- The position is a newly created position and is responsible for establishing the outreach services to homeless people in close collaboration with the Homeless Persons Legal Service and establishing and maintaining links with other relevant agencies (including the private profession) to enhance legal services available to homeless people.

**Decision Making**

The position holder is responsible for ensuring appropriate and effective legal services are provided to homeless people within the bounds set by relevant corporate and operational plans. The position holder will liaise/consult with the RPC Civil/Family/Crime on a regular basis, and the co-ordinator of [PIAC’s] Homeless
Persons Legal Service in relation to service delivery issues. The position makes independent decisions relating to the day-to-day provision of services within this context.

The position is guided in its decision-making by standards of competent practice in the area, by legislation such as Legal Profession Act and the Legal Aid Commission Act and by policies and guidelines under that Act. The position makes independent decisions relating to the day-to-day conduct of their legal practice within this context.

The position seeks the advice and support of the senior civil solicitor in the regional office in which the position holder is located on a regular basis, particularly in relation to determining applications for aid in complex matters.

The position holder reports to the Solicitor in Charge of the regional office in which the position holder is located in relation to administrative matters relevant to the role.

Communication

Internal

The key relationships are with the senior solicitor of the civil law program in the regional office in which the position holder is located and the Regional Program Coordinator Civil Law.

The position holder is also expected to work closely with the Client Assessment and Referral Team.

External

Externally, the position holder has regular contact with clients and potential clients requiring legal assistance, taking instructions, where appropriate and providing oral and written advice.

The position holder consults and works with government and community organisations, in particular the homeless Persons Legal Service, private practitioners and other stakeholders (including welfare agencies) to develop strategies and initiatives to meet client needs.

2. KEY ACCOUNTABILITIES

• Ensure the provision of an effective outreach service/s to homeless people, including appropriate data collection and analysis and providing reports to senior management as required

• Provide advice and assistance to legal officers in relation to working effectively with homeless people

• Providing an efficient and effective legal service to clients in accordance with legislation and directions, policy, guidelines and practice standards, including:
  - providing legal advice and minor assistance to members of the public;
  - representing clients in legally aided matters, including appearing for clients, instructing counsel when necessary and participating, as appropriate, in dispute resolution including negotiating early resolution of litigation;
  - conducting casework including taking instructions, undertaking research and preparation of documents/submissions;
  - providing appropriate referrals to other agencies/services as required.

• Determining applications for Legal Aid under delegated authority and consistent with the Legal Aid Commission Act, policy and guidelines and/or submitting applications for Legal Aid to the Grants Division including:
- making recommendations about merit and exercising discretion as required;
- preparing reports for the Legal Aid Review Committee as required;
- Undertaking active case management and complying with practice standards for case management including performing case related accounting duties

- Regularly liaise with the in-house civil/family/criminal law practice in order to facilitate greater access to the Commission’s in-house civil/family law services by homeless people
- Using the Commission’s electronic case management/tracking system and database including entering data in accordance with the standards and requirements of the systems, preparing required documentation and maintaining appropriate records in both soft and hard copy forms
- Contributing to the development and ongoing review of legal aid policies and guidelines, including contributing to law reform initiatives through providing feedback as requested on issues raised and/or /documents distributed
- Organising and presenting information sessions for homeless people and conducting community education as required
- Assisting with the preparation of printed promotional materials and/or information booklets and pamphlets
- Keeping up-to-date on legal developments and procedures, identifying training needs and attending training to maintain professional standards and retain a practicing certificate
- Performing the required duties in accordance with the requirements of the following legislation and/or public sector policies:
  - Equal Employment Opportunity (EEO)
  - Occupational Health and Safety (OH&S)
  - Ethnic Affairs Priority Statement (EAPS)
  - Ethical Practices

3. KNOWLEDGE, SKILLS AND EXPERIENCE

- Legal qualifications and a NSW Practicing Certificate,
- Knowledge of civil law and capacity to acquire knowledge of consumer law, housing law, human rights law or social security law as required.
- Capacity to represent legal aid clients in civil law matters and to undertake an advocacy role before Courts or Tribunals.
- Strong interpersonal skills and an ability to provide quality customer service in a high volume work environment.
- Proven capacity to identify and understand legal and cross cultural issues facing socially and economically disadvantaged people.
- Excellent written and verbal communication skills, including the ability to conduct community legal education and to prepare court documents, correspondence, submissions and other written materials.
- Ability to understand Legal Aid Commission policies and procedures to determine applications of legal aid and advise clients about eligibility or the capacity to rapidly acquire such knowledge.
- Well developed legal research/analytical and statutory interpretation skills
- Ability to meet deadlines, work without close supervision and to manage a diverse workload.
Matrix on Board Evaluation of the legal component of the Riverina Interagency Homelessness Project & Reaching Home Newcastle

- Demonstrated computer skills;
- Understanding of and capacity to implement equal employment opportunity, occupational health and safety, principles of cultural diversity and ethical practice.
- Class C Driver’s Licence, as required

**SELECTION CRITERIA**

- Legal qualifications and possession of, or immediately eligible to hold, a current NSW Solicitor’s Practicing Certificate issued by the Law Society of NSW.
- Knowledge and/or capacity to acquire knowledge of civil law including but not limited to legal issues facing homeless people or people at risk of homelessness including credit and debt, tenancy and admin law.
- An ability to work independently, to work in outreach settings and liaise with other service providers in the provision of a holistic legal service as well as an ability to provide quality customer service in a high volume work environment
- Proven capacity to identify and understand legal and cross cultural issues facing socially and economically disadvantaged people.
- Excellent written and verbal communication skills, including the ability to conduct community legal education and to prepare court documents, correspondence, submissions and other written materials.
- Ability to understand LANSW policies and procedures to determine applications for legal aid and advise clients about eligibility, or the capacity to rapidly acquire such knowledge.
- Well developed legal research skills as well as the ability to meet deadlines, work without close supervision and to manage a diverse workload.
- Demonstrated computer skills and Class C Driver’s Licence.

**JOB NOTES**
The position holder will need to have a willingness to drive in metropolitan and country locations as well as a willingness to travel by plane and stay overnight or longer to undertake outreach work or training, as required.
Appendix B: QPILCH Legal Health Check

Queensland Public Interest Law Clearing House Incorporated
Homeless Persons' Legal Clinic

<table>
<thead>
<tr>
<th>Lawyer’s Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caseworker Name:</td>
</tr>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Time:</td>
</tr>
<tr>
<td>Attendance on:</td>
</tr>
<tr>
<td>Exit date from Hostel (if applicable):</td>
</tr>
</tbody>
</table>

1. Debt

Part A: Debt Details

Is anyone chasing you for money? Do you have payments due or accounts which are unpaid? For example, for phone, Centrelink, Cash converters, personal finance, car loan?

1. ________________________________
2. ________________________________
3. ________________________________

For each debt listed in Part A, complete a HPLC Debt Details sheet (attached).

Please remember to collect any documents indicated in the Debt detail sheet.

Please attach copy of client’s Centrelink statement.
Fines - SPER

1. Have you received any fines or infringements that you can’t pay?

_________________________________________________________________________________________

_________________________________________________________________________________________

2. Do you currently have a SPER debt? If yes, for how much?

_________________________________________________________________________________________

_________________________________________________________________________________________

3. Are you currently paying the SPER debt off by instalments, or through a Fine Option Order (community service)?

_________________________________________________________________________________________

_________________________________________________________________________________________

4. If not, would you like to apply for an instalment plan or a Fine Option Order?

_________________________________________________________________________________________

_________________________________________________________________________________________

Part B: Financial Details

1. Do you receive Centrelink payments?

_________________________________________________________________________________________

_________________________________________________________________________________________

2. Do you have any other income?

_________________________________________________________________________________________

_________________________________________________________________________________________

3. How much income do you receive on average per week?

_________________________________________________________________________________________

_________________________________________________________________________________________

4. When were you last employed, and as what?
5. Do you have any bank accounts, motor vehicle or any other assets/savings?

6. Have you had any difficulties getting credit?

7. Do you have any dependents?

8. Do you have any capacity to repay your debts, and how much do you think you can afford?

9. If you are unable to repay your debts, briefly describe why this is so (for example, loss of job, health problems, family breakdown, housing crisis)

2. Housing

   (a) When did you arrive at your current accommodation?

   (b) Where were you living before that?

   (c) What accommodation have you had in the last 6 months? Tick all applicable:

   - [ ] Boarding House
   - [ ] Caravan Park
   - [ ] Private rental
   - [ ] Emergency Hostel
   - [ ] Government housing
   - [ ] Friends/Relatives
   - [ ] Sleeping Rough
Please answer all relevant questions:

1. Who owned or managed the accommodation?
________________________________________________________________________________________
___________________________________________________________________________________

2. Where was the accommodation?
________________________________________________________________________________________
___________________________________________________________________________________

3. Why and when did you leave the accommodation?
________________________________________________________________________________________
___________________________________________________________________________________

4. If you paid a bond, did you get it back? If not, do you know why not?
________________________________________________________________________________________
___________________________________________________________________________________

5. Did you leave any belongings behind? If yes, please provide details:
________________________________________________________________________________________
___________________________________________________________________________________

6. Did you have any rent outstanding? If yes, provide details:
________________________________________________________________________________________
___________________________________________________________________________________

7. Do you know if you are listed on the TICA database? If yes, provide details:
________________________________________________________________________________________
___________________________________________________________________________________

3. Crime

1. Do you have a Notice to Appear, or are you due to appear in Court?
________________________________________________________________________________________
___________________________________________________________________________________

2. Have you had any contact with the police in the last few months? For example have you been questioned or arrested by the police? If yes, provide details:
________________________________________________________________________________________
___________________________________________________________________________________
3. Are you aware of any outstanding Warrants in your name?
_____________________________________________________________________________________
_____________________________________________________________________________________

4. Are you on probation or a good behaviour bond? If yes, provide details:
_____________________________________________________________________________________
_____________________________________________________________________________________

4. Guardianship

1. Are you under a Forensic or Involuntary Treatment Order?
_____________________________________________________________________________________

2. Has the Adult Guardian and/or the Public Trustee been appointed to look after your affairs?
_____________________________________________________________________________________

3. Are you satisfied with their involvement?
_____________________________________________________________________________________

5. Child and Family

1. If you have any children under 18 years old:
   - are you concerned about any parenting plans or orders with respect to these children? (e.g. who the child/ren live with, spend time with, or your involvement in major long-term issues)

   ___________________________________________________________________________________

   - has the Department of Child Safety tried to, or obtained any orders with respect to those children, which you would like to discuss?

   ___________________________________________________________________________________

2. Have you obtained, or are you subject to, a current domestic violence protection order, which you would like to discuss?
_____________________________________________________________________________________

3. If you are in a relationship, do you have any concerns or queries with respect to your rights in that relationship?

________________________________________________________________________________________

_______________________________________________________________________________________

4. Do you have matters proceeding through the Family Court of Australia, such as divorce or property applications, which you would like to discuss?

________________________________________________________________________________________

_______________________________________________________________________________________

6. General

Do you have any other concerns that you would like to raise with a lawyer?

________________________________________________________________________________________

_______________________________________________________________________________________

If you needed a lawyer in future, where would you go?

________________________________________________________________________________________

_______________________________________________________________________________________

[Fill the following page out for every individual debt]:

DEBT DETAILS

DEBT DESCRIPTION: (eg mobile phone) __________________________________________

1. A) Who is the debt owed to (the creditor)?
   B) Is a debt collector involved, and if so, who are they?
   C) Do you have a Customer Reference number?

2. A) When did you first begin to owe this money?
   B) When did you stop making payments towards the debt?
   C) What amount is left to pay

3. If the debt relates to a service (for example, phone or electricity) has the service been disconnected or terminated?

4. If the debt relates to goods, did you obtain these goods through a rent-to-buy scheme, or with the help of a finance company? Please give details.
5. Do you need to keep the good/service? And if so, why?

6. Has the creditor or debt collector commenced court action in relation to the debt (either now or in the past)?

7. Is the creditor or debt collector contacting you about the debt (via letters, telephone or personal visits)? If so, how often, and has there been any threatening or other inappropriate behaviour?

8. Do you think there is anything unfair or wrong about the debt? (e.g. you think someone else is responsible for the debt/you weren’t given correct paperwork?)

Please attach any documents you have about the debt (for example, notices from the creditor or debt collector, a statement of account or the contract or service agreement)
Appendix C: Sample Medical-Legal Partnerships I-HELP


<table>
<thead>
<tr>
<th>Area</th>
<th>Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income supports and Insurance coverage</td>
<td>• Do you have enough money to make ends meet?</td>
</tr>
<tr>
<td></td>
<td>• Do you have enough food to feed your family?</td>
</tr>
<tr>
<td></td>
<td>• Do you owe any money on your rent or utilities?</td>
</tr>
<tr>
<td></td>
<td>• (If children) Do you have affordable childcare?</td>
</tr>
<tr>
<td></td>
<td>• Do you have affordable home care for any elders?</td>
</tr>
<tr>
<td></td>
<td>• Do you have health insurance?</td>
</tr>
<tr>
<td>Housing and utilities</td>
<td>• Are you concerned about the safety or stability of your housing?</td>
</tr>
<tr>
<td></td>
<td>• Is it hard to keep rodents, insects or mold away?</td>
</tr>
<tr>
<td></td>
<td>• Are there any other problems with your apartment?</td>
</tr>
<tr>
<td></td>
<td>• Have you gotten behind on any rent or utility bills?</td>
</tr>
<tr>
<td></td>
<td>• Do you participate in any programs to protect utility service or reduce utility bills?</td>
</tr>
<tr>
<td>Education and Employment</td>
<td>• If you have a child in elementary, middle or high school:</td>
</tr>
<tr>
<td></td>
<td>• Are you concerned about his/her learning, performance or behavior at school?</td>
</tr>
<tr>
<td></td>
<td>• Does s/he have an IEP, and if so are you satisfied with it?</td>
</tr>
<tr>
<td></td>
<td>• Are you concerned about his/her discipline or safety?</td>
</tr>
<tr>
<td></td>
<td>• Do you or your child need any extra help or accommodations to participate in adult education or college?</td>
</tr>
<tr>
<td></td>
<td>• Does your health or the health of a family member interfere with your or his/her job?</td>
</tr>
<tr>
<td>Legal status (e.g. immigration)</td>
<td>• Are you concerned about your family’s health and stability for any immigration-related reason?</td>
</tr>
<tr>
<td></td>
<td>• Have you been discouraged from applying for public benefits because of immigration status?</td>
</tr>
<tr>
<td>Personal and family stability and safety</td>
<td>• Have you had difficulty accessing income supports or housing benefits because of birth certificate documentation or custodial status?</td>
</tr>
<tr>
<td></td>
<td>• Are you currently receiving child support?</td>
</tr>
<tr>
<td></td>
<td>• Are you concerned that a family member cannot take care of him or herself due to illness to disability?</td>
</tr>
<tr>
<td></td>
<td>• Have you identified someone who will make decisions about your health care in the even that you become too ill or hurt to express your wishes?</td>
</tr>
<tr>
<td></td>
<td>• Many of my patients have experienced domestic violence or controlling behavior by a family member. Do you ever feel unsafe at home?</td>
</tr>
</tbody>
</table>
Appendix D: Legal Aid Homeless Advice form

**HOMELESS CONTACT AND ADVICE FORM**

Date: __________________________ Legal Aid NSW Client No: __________________________

Location: __________________________

**Client details**

Date of Birth: __________________________ Client is: □ ATSI □ Male □ Female

Country of Birth: __________________________ Date of arrival in Australia: __________________________

First Language: __________________________ Interpreter Required: □ Yes (TIS) □ Other (specify)

Disability: □ Physical □ Intellectual □ Mental Illness □ Drug Dependent □ Undisclosed

Present financial status: □ Under financial management □ Guardianship Order □ Neither

Is the client homeless now? □ YES □ NO If no, were they recently? □ YES □ NO

Are they at risk of homelessness? □ YES □ NO

**Current accommodation**

Tick one

- Boarding House
- Private Rental
- Emergency/Crisis Accommodation
- DOH Rent Assistance
- Caravan Park
- Sleeping Rough
- Private Hotel/Backpackers
- Community housing
- Friend/Relative
- Public Housing
- Squatting
- Other:

Employment status: □ Full time □ Part time □ No income □ FT Student

Receives Centrelink payment: □ YES □ NO If yes, state payment type: __________________________

Dependent children □ YES □ NO Been in defence forces: □ YES □ NO

**Area of law. Tick all that apply:**

- Administrative
- AVO
- Bankruptcy
- Consumer Claim
- Criminal
- Family - general
- Family – care and protection
- Family – child support
- Fines
- Guardianship/Administration
- Mental Health
- Motor Vehicle
- Personal Injury/ Negligence
- Personal Property
- Discrimination (specify):
- Police
- Probate/Wills
- Social Security
- Tax
- Victims Compensation
Matrix on Board Evaluation of the legal component of the Riverina Interagency Homelessness Project & Reaching Home Newcastle

<table>
<thead>
<tr>
<th>Credit</th>
<th>Housing/Tenancy</th>
<th>Other (specify):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debt</td>
<td>Immigration</td>
<td></td>
</tr>
<tr>
<td>Employment/Industrial</td>
<td>Insurance</td>
<td></td>
</tr>
</tbody>
</table>

- **Work status**

  - [ ] Referral
  - [ ] Advice
  - [ ] Minor Assistance
  - [ ] Open LAC file

- MA or LAC file work intended:

- How did client find out about us?

- **Client details**

  - First Name: ____________________________  Surname: ____________________________
  - Address: ____________________________
  - Suburb: ____________________________  Postcode: ____________________________
  - Phone: ____________________________  Mobile: ____________________________
  - Fax: ____________________________  Email: ____________________________
  - Alternate Contact: ____________________________
  - Date of Birth: ____________________________  Age: ____________________________

- **Conflict Check**

  - Other party/ies: ____________________________
  - Is there a conflict?  [ ] YES  [ ] NO  Limitation Period:  [ ] N/A
  - OR If yes, please state: ____________________________

  - Start Date: ____________________________  End Date: ____________________________  Expired: ____________________________

- **Client problem**

  Extract the details of client's problem. Please use dot points.

__________________________________________________________________________________________________________________________________________________________________________
Advice Given to Client

Include Advice on Limitation Date. Please use dot points.

May 2010
Appendix E: Phone interview questions for stakeholders

Phone interviews of stakeholders of the Riverina Homelessness Project and Reaching Home Newcastle

Thank you for agreeing to talk to me today. As discussed, Matrix on Board is conducting a review of two homelessness projects that it is involved with. One is in the Riverina, and one is in Newcastle.

The aim of the review is to look at the type of services being provided by Legal Aid, how these services integrate with the other services being provided, and what might be done in the future to improve the way legal services are delivered in these kind of integrated, multiservice homelessness projects.

We do not intend to review the entire project: for example we are not examining how many clients were assisted by the entire program, or whether the clients sustained their tenancies. This will be covered by other evaluations, such as the one being conducted by ARTD and by Consan Consulting (Robyn Considine).

Our evaluation concentrates just on the legal services delivered through the homeless programs.

The information I am collecting from you today will be de-identified. I would like to encourage you to be honest, and talk about any problems as well as the good things, that you have observed in relation to Legal Aid’s involvement with the project.

1. Which project is this in relation to – Riverina or Reaching Home

2. Contact details (Only for clarifying information – will be separated from content)

3. Service type

4. Are you a member of one of the coordinating groups or of the outreach clinic? (In Riverina, which Coordination group: Albury. Wagga, Griffith, Deniliquin)

5. Before we start, I’d like to find out a bit more about your experience with legal issues BEFORE this project. How would you assess your understanding of the legal issues affecting your clients before you took part in this project?

6. BEFORE this project, did you know how to approach lawyers for advice for your clients? Can you tell me how you would do this?

7. I next want to ask some questions about the role of the lawyer in the project. What do you think is the role of the lawyer?

8. In the meetings, is the lawyer actively involved? For example, does the lawyer identify legal issues in relation to particular clients, provide information to the rest of the team about legal issues, or offer to follow up or assist the client with legal assistance? If they are not active in some of these areas, why do you think that is?

9. Can you tell me how often the lawyer attends team meetings (if Newcastle)/ coordination group meeting (if Riverina)? (Eg attends the majority of meetings, about half, fewer than half the meetings)

10. Do you think having a lawyer adds value to these team meetings? How?
11. What do you think is the lawyer's understanding of the social issues affecting the clients? Do you think she appreciates the difficulties of their lives?

12. Can you give a case study of a particular client and the legal issues they faced? It can be just one that was brought up at a recent meeting, or one that you have worked with and referred to the program. How did the lawyer help out in this situation? What did she do?

13. Thinking of the above case, or of another case, do you think the lawyer's assistance with your clients' legal issues helped to resolve other problems in the clients' life? Can you give a bit more information?

14. How have you found it interacting with the lawyer outside of the team meetings is she easy to get into contact with, and is she responsive to calls or emails?

15. The next question is about how the lawyer refers people to other legal services. Have you asked the lawyer about a particular legal issue, but she has said she is not an expert in this area and needs to refer you? When this has happened, does she offer to get the required legal advice from a specialist lawyer and then tell you what they say? Or does she find the appropriate lawyer for you and get them to call you? Does she provide the details of the other lawyer for you to follow up?

16. Since the project started, have you referred other clients (not necessarily homeless people) directly to the Legal Aid lawyer or one of her clinics? Would you say you are now more likely to refer clients to a lawyer than you were before this project started?

17. Have you noticed any changes in the way the lawyer has worked with service providers during this project? For example, do you think that the lawyer understands more about the kind of issues faced by the clients? Or has she become more or less willing to take action as the project progressed?

18. Have you gone along to any of the community legal education sessions that the lawyer has organised? Were these helpful for you? In what way?

19. Is there anything you would change about the lawyer's involvement in the project?

20. If you were starting the project from scratch, are there other government agencies, NGOs or particular types of workers that you think should have been part of the project?

21. After this project is finished, do you think that you will refer clients to Legal Aid or another lawyer more often? Why?

22. Has your knowledge about particular legal issues improved since the commencement of the project? Can you give a particular example?

23. Overall, do you think that every homelessness project would benefit in having a lawyer involved? Or is this just an optional extra?

24. Thankyou for your time in taking part in this interview, it will really help us get an understanding of the project and the lawyer's involvement. Are there any last comments you would like to make in relation to the project?
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