

AN EVALUATION REPORT ON THE
HEALTH JUSTICE PARTNERSHIP
OUTREACH BETWEEN
LEGAL AID NSW AND
WE HELP OURSELVES (WHOS)

20 October 2020

EXECUTIVE SUMMARY

Legal Aid NSW (LANSW) entered into a Health Justice Partnership¹ (HJP) with the We Help Ourselves (WHOS) drug and alcohol treatment facility at Rozelle in Sydney with the aim of reducing the barriers to legal assistance for residents and better addressing the health harming aspects of legal issues.

This report finds that goal was achieved, that Legal Aid NSW's investment in this partnership is appropriate, effective and efficient, and that time and place of service provision are key to successfully servicing the needs of these specific client communities.

This finding is supported by service data and information gathered from recorded case studies, surveys with clients during legal advice sessions and community legal education (CLE) sessions, focus groups and interviews with WHOS staff, and interviews with Legal Aid NSW staff.

This review was undertaken specifically for the Civil Law Division at Legal Aid NSW and conducted internally by the Planning and Review Unit.

The HJP involved Legal Aid NSW's Community Legal Education Branch, Civil Law Outreach and the Family Law Early Intervention Unit, and WHOS, a therapeutic program aimed at achieving recovery from drug and alcohol dependence, incorporating harm minimisation and co-existing mental health initiatives². WHOS management were consulted on the evaluation framework however they were not involved in developing the focus for the evaluation. The focus of this evaluation reflects the interests of Legal Aid NSW.

FINDINGS

WHAT DID THIS HJP ACHIEVE?

Overall, the review found that this HJP successfully met Legal Aid's objectives³:

- **it targeted outreach to priority Legal Aid clients;**
- **it reduced barriers that these groups are known to face when accessing legal assistance, which in turn stand in the way of achieving their therapeutic objectives;**
- **and it built the capacity of residents and WHOS staff to recognise and address legal problems.**

This HJP facilitated:

1. Partnering effectively with health professionals to address health harming legal issues
2. Targeting high priority clients with multiple demographic indicators of disadvantage at a point in time and place when they are supported, motivated and have time to address their legal problems
3. Reaching repeat clients in a setting where they can go beyond criminal justice issues and address long-term underlying factors
4. Reducing mental health stresses such as anxiety related to addressing legal problems
5. Building awareness, understanding and capacity with WHOS staff and residents through CLE
6. Addressing legal issues that may be a barrier to reintegration into the community
7. Providing coordinated, consistent and sustainable legal services. The resources necessary to deliver the legal services are manageable for all legal service units that attend WHOS.

¹ Health Justice Partnerships are collaborations to embed legal help in healthcare services and teams. <https://www.healthjustice.org.au/hjp/what-is-a-health-justice-partnership/>

² <https://whos.com.au/>

³ Appendix Tab A: Evaluation Framework, p. 3

WHY WAS AN HJP ESTABLISHED BETWEEN WHOS AND LEGAL AID NSW?

People come to WHOS to overcome the problem of substance dependence. Many people with substance dependency issues also have other complex health and social issues. There is an established evidential link showing that people with complex social and health issues such as drug or alcohol use, mental health conditions, homelessness, and domestic or family violence are more likely to have legal issues across a range of areas of law⁴.

Prior to the establishment of the HJP, WHOS staff relied on residents or sometimes NSW Police to advise them of legal matters that required attendance at Court. Residents needing legal assistance had to leave the treatment program and this was considered a significant risk that might precipitate relapse into drug use.

WHOS management identified the need for specialist legal advice onsite in order to avoid potential harm for their clients seeking legal help. The HJP was established as a response to that need over a two-year period beginning in late 2016 with Community Legal Education (CLE) sessions, followed by the establishment of a regular Civil Law advice outreach and later the addition of the Family Law Early Intervention Unit (EIU) outreach. A formal Memorandum of Understanding was signed in February 2018.

Currently, the Civil Law outreach team attend weekly and the EIU attend fortnightly to provide advice, minor assistance and some case work to residents. CLE is conducted on an as needs basis with between six and eight sessions delivered per year.

APPROPRIATENESS, IMPACT & CONSEQUENCES

Appropriateness: Are we doing the right thing in the right place?

Impact: What has changed because of what we've done?

Consequences: Did anything unintended happen because of what we did?

⁴ Coumarelos, C, Macourt, D, People, J, MacDonald, HM, Wei, Z, Iriana, R & Ramsey, S 2012, Legal Australia-Wide Survey: legal need in Australia, Law and Justice Foundation of NSW, Sydney

WHAT DIFFERENCE DID IT MAKE?

In order to begin answering this question, a workshop was held with LANSW staff to find out why and how this project was expected to work, identifying short to medium-term outcomes, pre-conditions⁵, and connective assumptions⁶.

This review finds that those conditions and assumptions are largely supported by the data, and that this HJP appropriately achieved the majority of the desired outcomes.

The exception was in regard to reducing homelessness for clients. Although this client group was reached in this setting and efforts were made to contribute to this outcome, changing the homeless status of clients was not within the scope or control of lawyers.

Reaching high priority clients

An integrated service will allow LANSW to address an unmet legal need by targeting legal service delivery to these high priority clients with complex and multiple legal issues. Furthermore, there is a need and opportunity for cross-divisional legal assistance, and having lawyers at WHOS will result in residents receiving specialist legal advice across various divisions.

Service and survey data demonstrate that WHOS residents are indeed priority clients for Legal Aid NSW.

Clients often had previous interactions with the criminal justice and legal system, and the assumption that substance dependence is a key driver of legal issues is somewhat supported by survey responses from clients at WHOS.

There is a constant volume of legal work, from all areas of law (criminal, civil and family).

Delivering more effective services in a safe environment

Providing legal services in a safe and therapeutic environment is more effective and has greater impact than doing so in other Alcohol and Other Drug (AOD) settings; e.g. a lawyer at a methadone clinic. By addressing unresolved legal issues, LANSW is also contributing to WHOS goals.

The finding that “time and place” of this service is key is borne out by the survey data, which supports the assumption that the provision of legal services in this environment allows clients and lawyers to unpack often complex or multiple legal issues over time, and develop a better relationship over time, without losing contact.

⁵ Pre-conditions are circumstances that exist and underpin why the service is required.

⁶ Connective assumptions are IF-THEN connections. If something is done for a service participant, then something should change.

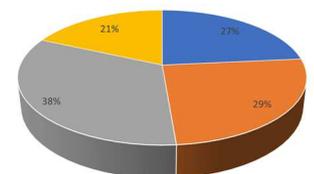
SERVICE DATA

The clients at WHOS are high priority clients for Legal Aid NSW.

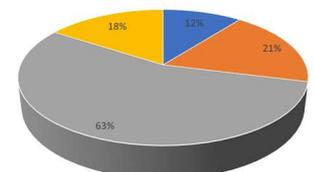
Between February 2018 and December 2019 839 services were delivered to people in four of the high priority client categories:

- ❖ 579 In-House Advice services
- ❖ 224 Minor Assistance services
- ❖ 8 ELA services
- ❖ 28 Grants of Aid

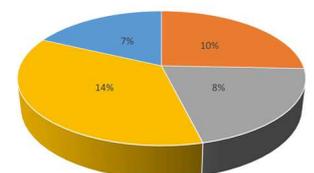
Services to Clients With a Disability



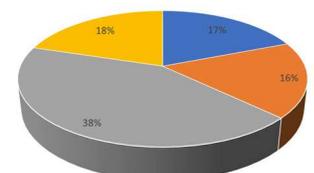
Services to Clients With a DV Flag



Services to Aboriginal Clients



Services to Clients At Risk or Homeless



SERVICE DATA (continued)

Most common matter types were Family Law Other Commonwealth; Other Civil (State); Other Civil from Criminal; Criminal Law Matter Civil; Spend time with; WDOs; Other Post-Care Orders

Referrals:

- Most Advice and Minor Assistance matters require no further legal referral.
- The majority of referrals made are to other in-house services at Legal Aid NSW.
- Of the referrals made to external services most were to the private sector, Government departments, community organisations, financial counsellors, ALS.

Clients in this setting are ready to address their legal issues and there is a greater trust of lawyers. Survey results show they are more likely to seek legal advice from a lawyer after attending CLE sessions because they have greater awareness and better knowledge of legal matters.

The legal service is integrated into the support services that contribute to the therapeutic community at WHOS. Both WHOS and LANSW staff indicated numerous benefits to the provision of services in this safe, supportive and respectful therapeutic environment where clients can confront issues, including legal issues, that impact their ability to be substance free or in maintenance.

Both Legal Aid NSW and WHOS staff said WHOS staff are committed to promoting legal clinics and CLE.

WHOS staff reported that the legal clinic often provides legal advice that supports and does not distract from clients' ongoing commitment to their therapeutic goals.

Building understanding of legal issues for community & health workers

Building WHOS staff understanding of legal issues will benefit residents in terms of their legal issues.

Survey and the focus group responses demonstrate that CLE and the legal clinics contribute to improved legal awareness and knowledge of where to get help among WHOS staff. Their understanding of legal issues is also increased through incidental conversations with the lawyers who regularly attend the legal clinic.

Furthermore, Legal Aid NSW staff reported that WHOS staff, including managers, communicated with them more frequently, calling to speak about legal issues that arose.

Establishing a coordinated, consistent legal service

Providing consistent and coordinated services in partnership with a health organisation will bring about additional benefits.

Data shows that clients benefited from having access to consistent legal services and were better able to access related services.

Through the legal clinics, clients re-engaged with relevant services such as FaCS, Housing and Criminal lawyers.

Lawyers were able to initiate referral pathways and, where relevant, connect clients to community and government organisations.

WHAT DID THE CLIENTS SAY ABOUT HOW THIS HJP AFFECTED THEM?

To find out how clients perceived the effects of the HJP, 33 surveys were conducted with those who sought legal advice from Civil lawyers between August 2019 and October 2019. Clients were asked about their level of stress regarding the legal issues prior to seeing a solicitor, and after. The results were very positive.

- 94% of clients felt stress about legal issues prior to seeing a solicitor
- 100% of clients felt better or much better about their legal issues after an advice session
- 79% of clients reported that they were a great deal or a lot more confident to take steps to address their legal issues after seeing a lawyer
- 94% of clients considered substance dependence to be related to their legal issues to varying degrees
- 97% of clients believed resolving their legal issues would contribute to assisting in their recovery.

Surveys were also conducted for Community Legal Education (CLE) sessions run during August 2019 and October 2019. The CLE sessions facilitated during this period were on housing issues, financial rights, criminal law, and grants of legal aid. Clients were asked the same questions before and after the CLE sessions to gauge an increase in knowledge/awareness.

- Across all CLE sessions, clients showed an improved recognition of legal issues.
- In all the sessions, the number of clients who reported they would seek legal advice from a lawyer and/or research their rights and act on that knowledge increased.

LESSONS LEARNED

The HJP is successful for multiple reasons:

- WHOS management and staff act as “champions” of the legal service by motivating residents to see a lawyer if they have a legal issue. The staff organise a weekly or fortnightly list of clients in preparation for the lawyers attending.
- The consistency of the weekly and fortnightly legal clinics provided by Legal Aid NSW staff contributes to the success of the HJP because it is seen as reliable for WHOS residents and staff.
- CLE is a quiet achiever integral to the success of the HJP because of its capacity to tailor sessions relevant to the residents’ needs, improve understanding and awareness of legal issues for clients and WHOS staff, and because it leads to improved referral pathways to the legal clinics.
- A need was identified for a formal governance process to be introduced to ensure appropriate coordination of the service. The suggestion was for bi-annual meetings between WHOS managers and Legal Aid NSW staff to discuss the HJP and consider any future planning such as CLE sessions.

RECOMMENDATIONS

More formal governance structures:

- The Civil Law Outreach Team coordinate bi-annual meetings with the EIU and CLE branch to discuss the service delivery and any issues that have arisen.
- The Civil Law Outreach Team coordinate bi-annual meetings with EIU, CLE and WHOS management to discuss the HJP. A guide such as *Maintaining Effective HJPs: Reviewing the way you partner*⁷, provided by Health Justice Australia may be used in the meeting to explore the partnership and assess its effectiveness.

⁷ Health Justice Australia: <https://healthjustice.org.au/?wpdmdl=2756>

- Legal Aid NSW raises with WHOS the possibility for an induction for any new staff servicing WHOS.

Replicate / Scale

- The Civil Law Outreach team work with SICs from regional offices in locations with other WHOS sites to establish HJPs.
- Other drug and alcohol services where legal outreach is delivered to high priority clients work to incorporate the elements that have made this model successful.

Acknowledgement

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This report was authored by Naomi Cheetham, Manager, Planning and Review Unit, Legal Aid NSW and Andrew Taylor who provided narrative for the background on the Health Justice Partnership with WHOS.