

**Legislative Council Standing
Committee on Social Issues**

Inquiry into service coordination in communities with high social needs

Legal Aid NSW contribution to the Department of Justice submission

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Inquiry into Service Coordination in Communities with High Social Needs

Legal Aid NSW thanks the Standing Committee on Social Issues for the opportunity to contribute to the whole-of-government response to the Inquiry into Service Coordination in Communities with High Social Needs.

For ease of reference, this submission will largely maintain the format of the terms of reference. The paper is structured as follows:

- The significance of legal assistance and service coordination to address disadvantage
- 1 (a) the extent to which government and non-government service providers are identifying the needs of clients and providing a coordinated response which ensures access to services both within and outside of their particular area of responsibility. This is dealt with in two sections:
 - Part 1: Identifying the legal needs of clients
 - Part 2: Providing a coordinated response
- 1 (b) barriers to the effective coordination of services, including lack of client awareness of services and any legislative provisions such as privacy law
- 1 (c) consideration of initiatives such as the Dubbo Minister's Action Group and best practice models for the coordination of services
- 1 (d) any other matter

The significance of legal assistance and service coordination to address disadvantage

Legal assistance reduces the impact of legal problems on the individual and community. Research from legal needs surveys indicates that disadvantaged people are more vulnerable to multiple and substantial legal problems across criminal, civil and family law.¹ This can result in income loss, financial strain, physical and mental ill health, relationship breakdown and/or loss of one's home. Complex disadvantage often hinders the person from seeking help and exacerbates the effects of these problems.

The Law and Justice Foundation (LJF) *Reshaping Legal Assistance services: building on the evidence base* (2014) highlighted four important goals for effective legal services:

Legal assistance services for disadvantaged people should, as far as practicable, be:

- **targeted** to those most in need
- **joined-up** with other services (non-legal and legal) likely to be needed
- **timely** to minimise the impact of problems and maximise utility of the service,
- **appropriate** to the needs and capabilities of users.²

While Legal Aid NSW primarily provides legal assistance, we recognise that legal, social and health problems interrelate. As a result, some of our most effective service delivery has been in conjunction with specialist legal services or non-legal services such as medical and health services.

Collaboration and coordination in the planning and delivery of services is often the only way to appropriately meet the needs of our most complex clients. It can also enhance the efficient use of scarce resources and provide more holistic solutions for disadvantaged people and communities.³

The LJF *Legal Australia-Wide Survey: Legal Need in Australia* (2012) indicates that a holistic, multifaceted and integrated approach to justice is needed to appropriately cater for the diverse needs of the whole community.⁴ Integration is recommended to provide more tailored and intensive assistance for legal and non-legal needs.

The survey report suggested that the approach should include all of the following strategies:

- legal information and education
- self-help strategies
- accessible legal services
- non-legal advisers as gateways to legal services
- integrated legal services
- integrated response to legal and non-legal needs
- tailoring of services for specific problems
- tailoring of services for specific demographic groups.⁵

¹ Pascoe Pleasence, Christine Coumarelos, Suzie Forell and Hugh McDonald, 'Reshaping Legal Assistance Services: Building on the Evidence Base' (Discussion Paper, Law and Justice Foundation of NSW, 2014) ('Reshaping Legal Assistance').

² 'Reshaping Legal Assistance' iii.

³ 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, 243 ('LAW Survey').

⁴ LAW Survey, 243.

⁵ LAW Survey, 243.

1 (a) the extent to which government and non-government service providers are identifying the needs of clients and providing a coordinated response which ensures access to services both within and outside of their particular area of responsibility

Part 1: Identifying the legal needs of clients

Effective mechanisms for collecting data on supply, demand and unmet need

Legal Aid NSW collects and uses a variety of data on supply, demand and unmet need.

These include:

- client demographic and service data collected through ATLAS (the grants management system) and CASES (the case management system).
- selected client and service data from LawAccess NSW.
- data published by external agencies such as the Australian Bureau of Statistics - including Census and Socio-Economic Indices for Areas (SEIFA); the NSW Bureau of Crime Statistics and Research (BOCSAR); and the Department of Immigration and Border Protection.
- CLSD Program 'regional profile' data which collates locational empirical data from the Law and Justice Foundation of New South Wales (LJF), ABS/Census Survey, BOCSAR, State Debt Recovery, LawAccess NSW, health agencies as well as data from periodic surveys of local services to gauge supply, demand and emerging and unmet needs of disadvantaged people in regional NSW.

Legal Aid NSW also commissions its own surveys and reviews to inform service development and improvement. Recent examples include:

Surveys and Reviews

Identifying Needs: Review of Provision of Legal Services in South West, Far West, North West and North NSW 2015

Under the Legal Aid NSW Plan 2015-16, Legal Aid NSW has committed to "review provision of legal services in South West, Far West and Northern NSW and identify gaps in legal services experienced by disadvantaged communities in those areas."

In 2014-15, Legal Aid NSW conducted an 8 months conducted review provision of legal services in South West, Far West and Northern NSW. This process included consultations with staff and external stakeholders and considered research literature and data from the Law and Justice Foundation of NSW, Australian Bureau of Statistics and NSW Bureau of Crime Statistics and Research.

The review found that Legal Aid NSW responses have gone some way to increasing Legal Aid NSW's reach in disadvantaged remote communities, however gaps in legal services remain. The review put forward a range of innovative options to provide legal services in remote NSW.

The review was timely given the NSW Government recently announced the development of a new whole of government model of service delivery and governance for Far West NSW. As part of the Far West Initiative, Legal Aid NSW participated in a Government Agency Forum in Dubbo on 19 February 2015. We are committed to working with the Department of Premier and Cabinet on the Far West Initiative to ensure a coordinated approach to service delivery in remote NSW.

Legal Aid NSW will develop a proposal for improved service delivery to meet the recommendations of the Review of legal service gaps in remote NSW.

Aboriginal Field Officer (AFO) Pilot Review

The Aboriginal Field Officer Pilot Project, established in collaboration with the Aboriginal Legal Service (NSW/ACT) (ALS) was reviewed to determine if it had reduced the barriers between Legal Aid NSW and Aboriginal communities and if it has resulted in an increase in client services. The review covered the period January 2011 to June 2013. Key findings showed that the pilot had led to an increase in civil and family law services; established links between Aboriginal communities and legal aid services; reduced barriers between Legal Aid NSW and Aboriginal communities; and changed the culture within the Legal Aid NSW. Increases in minor assistance, casework and community legal education to Aboriginal communities were also observed. A number of challenges emerged including the spread of ALS AFOs, their workload and access to Legal Aid NSW systems.

Client Satisfaction Survey

Biennial client satisfaction surveys are conducted to gauge the satisfaction of clients who receive an advice and/or minor assistance service provided at a Legal Aid NSW office. The 2013 survey reported a client satisfaction rate of 91.5% compared with 89.5% in the 2011 survey. A further survey will be conducted in 2015.

Family Law Early Intervention Unit (EIU) Duty Lawyer Service

Findings from a report in February 2013 on the evaluation of the Family Law Early Intervention Unit (EIU) Duty Lawyer Service substantiate the focus and effort of Legal Aid NSW in providing timely and effective early intervention services. The report found that the service is assisting more people to settle their matter earlier and often outside of court. In the first year of the EIU duty service at the Parramatta Family Law Courts there was an increase of over 160% in the number of duty matters dealt with by a duty lawyer at the court compared to the year before.

Legal Aid NSW 50 Highest Service Users

A study by Legal Aid NSW released in June 2013 found that 80% of the 50 highest users of legal aid services were children and young people who were 19 years and under. 82% of high service users had their first contact with Legal Aid NSW by the time they were 14 years old. Other features of these users included drug and alcohol use, abuse and neglect at home, out-of-home care and in juvenile detention, homelessness, and exclusion, suspension and expulsion from school.

Legal Need in New South Wales Survey

Legal Aid NSW and National Legal Aid commissioned and co-funded the landmark Legal Australia-Wide (LAW) Survey, including the Legal Need in New South Wales Survey, undertaken by the Law and Justice Foundation of New South Wales (LJF). Three initiatives were developed in the Legal Aid NSW Plan 2013-2014 to enhance legal assistance services in response to this survey with a focus on increasing access to justice for people with disabilities.

Outreach Legal Services

Legal Aid NSW commissioned the LJF to conduct an overview of existing outreach services provided by Legal Aid NSW between 2010 and 2012, covering the range and quantum of advice and minor assistance legal services in locations other than in Legal Aid NSW offices, and the types of clients assisted.

The overview was conducted in two stages with the first report showing there has been an 84% increase in advice and minor assistance provided through outreach between 2010 and 2012 with nearly 80% of these services located in rural and regional New South Wales. Thirteen percent of all outreach assistance provided in 2012 was to Aboriginal clients, compared to 6.3% for in-office services; and 58% of outreach services were provided to people on Centrelink benefits compared to 49% of in-office advice and minor assistance services.

The second report identified a range of factors important to good outreach, and informed the Legal Aid NSW Best Practice Guidelines for Outreach Legal Services, and a Planning, Monitoring and Evaluation Framework for outreach.

Research on Family Dispute Resolution

Legal Aid NSW has entered into a research partnership with the Southern Cross University Centre for Children and Young People for the purpose of developing a good practice model for child representatives working and meeting with children. This project will be undertaken over the next 12 months with the goal of providing better guidance for children's lawyers about their practices.

Other arrangements for collecting data on supply, demand and unmet need

Strategic research partnership with the LJF

Legal Aid NSW entered into a new Memorandum of Understanding (MOU) with the LJF for a two year period from July 2014 to June 2016. The previous successful strategic research partnership resulted in significant research projects such as the Legal Needs in NSW Survey, the evaluation of the Family Law Early Intervention Duty Service and the review of outreach services (Stages 1 and 2) providing valuable information on unmet need, demand for services and service delivery. Under the new MOU the LJF will conduct several research projects identified by Legal Aid NSW and provide evaluation master classes.

Building capacity to evaluate

Legal Aid NSW continues to improve the capacity of its staff to understand and carry out evaluations. Evaluation master classes run by the LJF for Legal Aid NSW staff in 2012-2013 contributed to in-house evaluations such as the *50 Highest Service Users Study*, the review of the *Regional Outreach Clinic Program* and the evaluation of the *ADVO Defendant Pilot at Mt Druitt Local Court*. The new MOU with the LJF will result in more evaluation master classes being undertaken by Legal Aid NSW staff.

Part 2: Providing a coordinated response

While communities with high social need can exist in many areas of NSW, regional, rural and remote (RRR) communities experience particular disadvantage, and a large proportion of our submission will relate to RRR service coordination. RRR areas are inherently more isolated and serviced by fewer social and legal services than their urban counterparts.

However, within RRR there are differences of geography, demography and services. Some regional centres have experienced population and service growth, whereas remote and very remote areas have experienced largely consistent population decline. This has led to residualisation and 'pockets' of disadvantage. People who remain in remote communities represent a disproportionately high proportion of people on social security benefits, in unemployment, experiencing disability and in chronic ill-health, as well as people who are older or young, and are of Aboriginal or Torres Strait Islander background.⁶

Legal Aid NSW participates in many collaborative approaches to service delivery in communities with high social needs. Some examples are outlined below.

Cooperative Legal Service Delivery (CLSD) Program

The Cooperative Legal Service Delivery (CLSD) Program involves regionally based networks of key legal, government and non-government organisations to improve outcomes for economically and socially disadvantaged people in particular regions of high social and legal need. CLSD aims for continuous improvements to service delivery through better alignment of planning, program design and service delivery within and across the legal and related sectors covered by the program.

The main objectives of the CLSD program are to ensure that:

- economically and socially disadvantaged people are able to efficiently and effectively access legal services which can help them to understand, protect and enforce their legal rights and interests
- consideration is given to legal need and equity in the provision of legal services and resources, and
- planning and delivery of legal services is approached in a coordinated and cooperative manner between service providers.

The CLSD Program is centred on the following elements:

- Regional coalitions of organisations that meet quarterly to exchange information, identify service delivery priorities and develop and implement projects to address unmet need, including outreach clinics, community legal education and training.
- Provision of Regional Coordinators.
- Improved referrals between service providers and justice agencies.
- Improved access to pro bono legal services, including pro bono referrals, administrative support, training and community legal education.
- Evidence-based planning of legal services that meet local emerging legal needs.

The CLSD Program Unit works closely with LawAccess NSW and the LJF to analyse data on service usage and explore and implement service planning and delivery strategies.

⁶ Cipants, J, Lovric, J, 'Review of Provision of Legal Services in South West, Far West, North West and North NSW 2015', Legal Aid NSW, p6.

- Central coordination through the Legal Aid NSW CLSD Program Unit. The Unit is able to raise regional issues at a broader level. Information on identified gaps in services and emerging and systemic issues are fed back to Legal Aid NSW Head Office, the NSW Legal Assistance Forum, the LJF and LawAccess NSW. The CLSD Program Unit also manages funding for CLSD projects and liaises with justice agencies to facilitate outreach to CLSD regions.

The CLSD program has been highly successful. Government agencies such as ombudsman and complaints services are increasingly leveraging the CLSD networks to promote awareness of and access to their services across regional NSW.

As the LJF explains, “[a]s well as providing an incubator for new collaboration, CLSDs act to counter the historical tendency for collaboration initiatives in the legal services domain to ‘have been relatively small-scale projects that have been undertaken on a disjointed or ad hoc basis.’”⁷

The program is detailed as an example of best practice at [1\(c\)](#).

Legal Aid NSW Outreach services

Legal outreach⁸ at Legal Aid NSW involves the deployment of 'mobile lawyers' who provide advice, minor assistance and community legal education to clients in hard to reach areas. Mobile lawyers are well placed to develop and maintain local partnerships and adopt a holistic, problem solving approach to resolving legal problems as early as possible.

Legal Aid NSW has developed partnerships with a range of non-legal community and government organisations so that outreach services are provided in accessible environments such as Aboriginal Medical Services, Migrant Resource Centres, Neighbourhood Centres, Centrelink, Courts and correctional facilities.

Legal Aid NSW has a comprehensive network of outreach services and provides regular outreach services in over 200 locations across NSW. Legal Aid NSW also conducts remote advice clinics using web-based video conferencing. Some of these outreach services are outlined below.

Regional Outreach Clinic Program (ROCP)

This program involves selected private and community legal centre lawyers funded on a fee-for-service basis to deliver advice and minor assistance clinics in locations identified as highly disadvantaged and lacking in legal services. The program is run in 12 locations in regional areas.

Settlement Services International

Under a partnership between Legal Aid NSW and Settlement Services International, family and civil lawyers provide legal advice services to people from linguistically and culturally diverse backgrounds at eight Migrant Resource Centres (MRCs) across Sydney, Newcastle and Wollongong.

This partnership has increased the capacity of MRC staff to identify legal problems and make timely, appropriate and effective referrals to Legal Aid NSW and other legal service providers. Feedback from MRC staff included the following:

It means that staff are empowered to know where they can go for what and what the latest information is. It keeps them informed and up to date. Law

⁷ 'Reshaping Legal Assistance', p 223.

⁸ *Outreach services* refer to face to face legal assistance away from Legal Aid NSW offices. This may be done on a regular or ad hoc basis and may be supplemented by phone or video conferencing assistance.

is but one of the areas they work across, so keeping it simple and current is vital. (MRC CEO Survey respondent)

... having training across some of those areas is very empowering for [workers] because you don't know what you don't know but once you actually attend that training you think, 'Okay, I understand how the clinics work, I understand the different areas of law. I understand the components around referrals for my clients.' And so there's a sense of confidence in that – in that referral process, that they understand. (SSI manager)⁹

Effective service coordination, particularly when services are co-located, has additional benefits for clients and communities.

And the thing is, clients in trauma, they often have issues with building trust and you need to establish that trust very quickly to get instructions, to get proper instructions. And they often have that trust with their caseworker and you're not just a lawyer, you then become the friend of the caseworker. (General civil solicitor)

It's not only that client we are taking to. We are talking to the whole community. That client goes out and that client says, this is what I found, and it's a word of mouth thing. If we are telling them certain things and definitely they are receptive, if they are taking it and they go to their community, their family, and they say, '... I tried, it really helped'. The message gets across. That's what we want. (General civil solicitor.)¹⁰

When services are adequately joined-up, clients who would otherwise be unaware of legal assistance services can receive legal help through referral and networks. Additional data was collected from every client of the Legal Aid NSW and SSI partnership over a 'snapshot' period, from 24 February 2014 to 21 March 2014. During this period, researchers found that only 1.9% of clients knew about Legal Aid NSW prior to the clinic. 42.2% of clients were referred to the clinic by an MRC worker or program, 24.7% of clients had previously received assistance from the clinic and 9.1% were referred to the clinic by family or friends.¹¹ This suggests that the clinics were well embedded in the target client group's networks.¹²

The partnership is further discussed as a best practice model at [1\(c\)](#).

Women's Domestic Violence Court Advocacy Services and Safety Action Meetings

Legal Aid NSW administers State government funding for 28 Women's Domestic Violence and Court Advocacy Services (WDVCASs) across NSW through the Women's Domestic Violence and Court Advocacy Program (WDVCAP). The WDVCAP provides funding to incorporated non-government organisations through triennial service agreements.

WDVCAS work alongside the legal system to assist women and their children experiencing domestic and family violence, seek to obtain legal protection through an Apprehended Domestic Violence Order (ADVO). They attend 114 Local Courts across NSW. WDVCAS also provide information and referrals to women for their ongoing legal and social welfare needs.

WDVCASs have also been selected as the Local Coordination Point (LCP) for female victims of domestic violence under a key element of the NSW Government's domestic

⁹ McDonald H, Forell S, Wei Z, Williams S, 'Reaching in by Joining Up: Evaluation of the legal assistance partnership between Legal Aid NSW and Settlement Services International', Law and Justice Foundation of NSW, 2014, 9 ('Reaching in by Joining Up').

¹⁰ 'Reaching in by Joining Up' 39.

¹¹ 'Reaching in by Joining Up' 43.

¹² Ibid.

violence reforms *It Stops Here: Safer Pathway* (Safer Pathway). Safer Pathway is a new approach to assessing the level of threat facing victims, and coordinating services in response to the needs of victims and their children.

As LCPs, WDVCS receive electronic referrals from the NSW Police Force via a computerised central referral point, and voluntary referrals from other service providers. LCPs use a domestic violence assessment tool to assess the level of threat to the victim's safety, and place all victims assessed as at serious threat of further harm on the agenda of a Safety Action Meeting (SAM).

SAMs are regular meetings of key government agencies and non-government services providers. Members share relevant information to develop a comprehensive picture of a victim's circumstances, and then develop an action plan to reduce the threat to their safety. SAM participants include NSW Health, Family and Community Services, Education and Communities and Corrective Services, and relevant non-government service. SAMs are chaired by a NSW Police officer. LACS provide secretariat support and liaise with or victims and other services working closely with them.

New information sharing provisions in the Crimes (Domestic and Personal Violence) Act 2007 (NSW) have enabled increased sharing of information between service providers where there is a serious threat to a person's life, health or safety.

Case study: Annie

Annie was assessed as being at serious threat by Police because of the following:

- Annie was afraid of her partner
- there had been an increase in controlling and violent behaviour towards Annie
- there had been previous harm or threats to harm the family pet
- there had been assaults or threats to assault Annie with weapons
- Annie had been choked or strangled
- there had been threats to kill Annie

Annie's Chronology

Day 1 The LCP received the referral for Annie and contacted her.

A referral was made to the Sydney WDVCS for support throughout the court process for an ADVO against the defendant.

A referral was also made to Housing NSW for a housing transfer and to Victims Services for moving and other costs.

Day 2 Annie attended an interview with Housing NSW and was approved for transfer. A referral was made to Staying Home Leaving Violence and Annie's locks were changed within four hours of referral.

Day 3 *Court Date*

Annie was supported at court by Sydney WDVCS and a final ADVO in suitable terms was made for her protection. Annie was placed on the Agenda for the next SAM.

Day 8 Annie was offered a Housing NSW property in her desired location. Annie accepted the offer from Housing NSW and signed the lease.

Day 9 Annie moved into her new property at a location some distance from the defendant's home.

Day 12 Annie's case was discussed at SAM. Because there was already an ADVO in place and she was safely re-located and housed and connected to appropriate services, the SAM agreed that the serious threat had been reduced and her case was removed from the Agenda.

Annie provided extremely positive feedback regarding the assistance she had received.

Work and Development Order Scheme

The Work and Development Order (WDO) Scheme is a world first initiative that commenced as a pilot in 2009, was implemented in 2011. The WDO Scheme is a unique partnership between the Department of Justice, State Debt Recovery (SDR), Legal Aid NSW and the Aboriginal Legal Service NSW/ACT (ALS).

The WDO Scheme allows certain disadvantaged groups to clear unpaid fines by undertaking volunteer work, courses, financial counselling, treatment programs and other activities with not for profit organisations, government services and health practitioners. It is aimed at addressing the disproportionate hardship on people who incur fines debt due to their circumstances of disadvantage and reduces cost to government of seeking unrecoverable debt.

The Legal Aid NSW WDO Service undertakes targeted expansion in areas of high fine debt and social disadvantage, with a focus on regional and remote communities where licence sanctions for fine default have a disproportionate impact on access to employment, education, health services and participation in everyday life activities. Service priorities and locations are determined by mapping which takes into account SDR fines debt data, the numbers of approved WDO sponsors by Local Government Area, SEIFA data and a remoteness index.

The Legal Aid NSW WDO Service 'signs up' new providers (WDO sponsors) and links eligible clients with the program. It gives advice, training and support to organisations and health practitioners participating in the WDO Scheme. It delivers community legal education and produces information resources for sponsors and eligible individuals. It also provides legal assistance and a WDO placement service to clients with fines debt.

Fines days, fines clinics and other innovative outreach strategies are used to assist people to reduce their fines. Most outreach days are delivered in Aboriginal communities or in areas with high Aboriginal populations. Around 22% of scheme participants are Aboriginal.

Legal Aid NSW considers that the WDO program is a best practice model for effective service coordination which addresses significant social needs. See [1\(c\)](#) for further details.

Health-Justice Partnerships

Health-Justice partnerships offer a targeted and integrated approach for complex needs clients who are least likely to access legal services. It does this through legal assistance service partnerships with health services.

LJF research has evidenced a marked correlation between long term illness or disability and legal problems. The number of legal problems reported increased with the level of disability or illness. Many legal problems arise from the intersections of poverty and vulnerability, often compounded by a change in financial circumstances or health status.

As a result, Legal Aid NSW is increasingly integrating with community service and health organisations who work with our clients and are best placed to identify legal problems early and to provide “wrap around” support in the community. This strategy includes training health workers to identify legal problems and refer people for early assistance. To remove some of the barriers these groups experience in accessing legal services, lawyers provide services on site in the health organisation.

A number of Health-Justice partnership projects are being established across Sydney including in South Western Sydney, South Eastern Sydney, North Sydney and the Central Coast. Legal Aid NSW already provides civil and family law outreach services in a range of health settings across NSW.

Legal Aid NSW has also established a community of practice to develop expertise in this area through seminars, a website and mailing lists.

Legal Aid NSW considers that Health-Justice partnerships are a best practice model for coordinated service delivery. Further details are at [1\(c\)](#).

Young People with Complex Needs

Care Partnerships

As part of the NSW State Government *Safe Home for Life* reforms to the *Children and Young Persons (Care and Protection) Act* which commenced in October 2014, Legal Aid NSW initiated a partnership with 22 Community Legal Centres and the Aboriginal Legal Service (NSW/ACT) and to provide a network of services across NSW for families needing urgent or early intervention care and protection advice. These 'care partnerships' aim to provide advice and minor assistance in relation to the early intervention aspects of the reforms, specifically Parental Responsibility Contracts, Parent Capacity Orders and sections 861(A) and s86A contact orders and variations.

The choice of CLC partners for this initiative and funding allocations were based on location and experience in with care matters, having regard to care statistics and demographics which demonstrated high areas of need for care and protection matters, and specifically:

- the availability of existing services, including services provided by the Legal Aid NSW Early Intervention Unit (EIU) and the Aboriginal Legal Service (NSW/ACT)
- potential gaps in service delivery coverage across the State
- the need for services to be in close proximity to the Children's Court specialist circuits
- ensuring a formal referral network of services across the State, with both local referral options and State-wide services to provide full coverage for Indigenous clients, women experiencing domestic violence and clients with an intellectual disability, and
- a review of care grants and Family and Community Services activity across NSW to ensure services were located in areas of most need to prospective clients.

High Service Users Project

In 2013, Legal Aid NSW published *High Service Users at Legal Aid NSW: Profiling the 50 highest users of legal aid services*.¹³ The High Service Users (HSU) study found that 80% of high users of legal aid services had their first contact with legal aid by the time they were 14 years old. The study found evidence of a pattern of complex and multiple needs amongst high service users. More than half of the high service users were homeless, almost all had spent time in juvenile detention, and nearly half had been in statutory Out of Home Care.

In response to these findings, Legal Aid NSW designed a new service model for young people who were identified as having complex needs and being at risk of becoming high service users. The aim is to provide a flexible, innovative and client centred legal service. This includes a partnership between the Civil Law Division and the Children's Legal Service (Criminal Law) of Legal Aid NSW, Shopfront Youth Legal Centre and the Aboriginal Legal Service NSW/ACT (ALS).

To date, Legal Aid NSW has:

- undertaken further research to refine the "identifiers" of young people who are at risk of escalating into high service use
- appointed a dedicated lawyer to the Children's Legal Service to work more intensively with identified young people
- established a Children's Civil Law Service to address the many civil law issues potentially affecting contact with the criminal justice system, including, advocacy on

¹³ van de Zandt, P and Webb, T, *High Service Users at Legal Aid NSW: Profiling the 50 highest users of legal aid services* (2013) (High Service Users Study).

Out of Home Care issues, debt issues and access to income support, and to reduce barriers to accessing services

- appointed a dedicated social worker to the Children's Civil Law Service to provide more intensive case management support for identified young people
- established a collaborative partnership with Family and Community Services and the residential care sector regarding behaviour management practices in Out of Home Care settings and interactions with the criminal justice system
- partnered with the Children's Court at Parramatta to design and conduct a trial of a Youth Diversion Process which is driven by the key elements of diversion, rehabilitation and a multi-agency approach. Diversion has included referrals to the Western Sydney Family and Community Services Integrated Case Management Panel which allows for multi-agency review and case management of eligible young people.

Children's Civil Law Service

Working closely with the Legal Aid NSW Children's Legal Service and Shopfront Youth Legal Centre, the Legal Aid NSW Children's Civil Law Service aims to:

- provide civil law services to young people who are vulnerable and have complex needs in order to prevent further involvement in the criminal justice system
- resolve issues that are contributing to negative outcomes and further entrenching these young people in disadvantage, and
- address systemic issues that are contributing to young people being brought before the criminal justice system.

A key issue identified by Legal Aid NSW Children's Civil Law Service has been Out of Home Care service providers referring the behaviour of a child or young person to the police as a behaviour management tool, in circumstances where this would not occur with children in a normal family environment. This has led to unnecessary and frequent interaction with the police, and criminalisation of these vulnerable children and young people where it results in referral to the criminal justice system.

To assist in addressing the issue of criminalisation of children and young people in Out of Home Care, the Legal Aid NSW Children's Civil Law Service has:

- negotiated directly with Out of Home Care service providers about behaviour management practices. This has reduced interaction with police
- partnered with the NSW Ombudsman's Office to develop a state wide protocol on behaviour management practices in Out of Home Care. The content of this protocol was developed through a working party facilitated by Legal Aid NSW through the Western Sydney Residential Providers Forum which includes NSW Police and non-government organisations.

The NSW Ombudsman is holding a roundtable on 18 August 2015 to obtain multi agency sign off for the Protocol so that it will be embedded in practice across NSW. This is a significant piece of work that has the potential to impact on the lives of approximately 500 young people who live in residential care in NSW.

The Legal Aid NSW Children's Civil Law Service also facilitates case conferences with Out of Home Care service providers and Family and Community Services to develop leaving care plans,¹⁴ including advocating for entitlements after the young person turns 18.

¹⁴ Mandated under Part 6 of the *Children and Young Persons (Care and Protection) Act*.

Client Assessment and Referral (CARS)

The Legal Aid NSW Client Assessment and Referral Service (CARS) is an example of multi-faceted service integration within a single service provider. CARS works with Legal Aid NSW lawyers to ensure the best possible outcomes for Legal Aid NSW clients. CARS identifies how clients' psychosocial difficulties impact on their legal problems, provides a psychosocial assessment for court and refers clients to other services for assistance. The assessments disclose the client's history and behavioural issues, and provide options for lawyers and the courts. CARS has been particularly useful in improving outcomes for young people with complex needs.

Case Study: 'Keira'

Keira is a young Aboriginal woman, aged 19, who has experienced significant instability in her young life, including:

- chronic neglect, exposure to domestic violence and substance abuse by others
- removal into care at aged 4 and exposure to further abuse and trauma, resulting in frequently placement changes to different foster families
- lengthy periods of homelessness
- incomplete schooling, leaving at 16-17 years old, having completed Year 10
- a long and complex history of mental health issues, including anxiety, depression, post-traumatic stress disorder, ADHD and ODD.

How we assisted:

Keira was first referred to the Legal Aid NSW Children's Civil Law Service to assist with two phone debts. The Legal Health Check revealed that Keira had numerous other legal issues. Soon after Keira was referred to Legal Aid NSW she was excluded from her After Care services, and as a result, had no support services. The relationship with her caseworker also broke down and she became homeless, spending some nights at her birth mother's house and other nights in a friend's car with her dog.

The Legal Aid NSW Children's Civil Law Service was able to assist Keira as follows:

- secured a tenancy with NSW Housing and provided Keira with tenancy advice especially tailored to her special needs to ensure her tenancy is stable and successful.
- consumer debts waived
- State Debt Recovery Fines waived
- update of her leaving care plan including leaving care entitlements
- advice on possible victims support claims and referral to a pro bono solicitor for assistance to make these applications
- Keira is now able to identify problems as legal issues and seek assistance

The Legal Aid NSW CARS Social Worker was able to assist Keira as follows:

- support for Keira's housing needs, including advocating with housing services and Housing NSW to try and accessing documents to show her Aboriginality.
- advocating to ensure that Keira's leaving care plan is updated to include all of the extra supports she requires to manage her various mental health and cognitive impairment needs
- referral into a case-management After Care service and to Victims Services counsellors, in preparation for her victim's support claims.

Legal Aid NSW and Aboriginal engagement

Legal Aid NSW funds Aboriginal Field Officers to engage and work with Aboriginal communities to assist them in accessing Legal Aid NSW family and civil law services. In addition, Legal Aid NSW is providing targeted services Aboriginal communities across NSW by expanding its civil and family law outreach to regional and remote communities. For example, the WDO Service uses 'fines clinics' to provide legal advice, minor assistance and referral services to rural, regional and remote communities with high Aboriginal populations.

Legal Aid NSW has found that engagement with Aboriginal communities benefits not only those communities but also increases our capacity to provide effective, culturally appropriate services.

1 (b) barriers to the effective coordination of services, including lack of client awareness of services and any legislative provisions such as privacy law

Lack of services

One of the most obvious and challenging barriers to effective coordination of services is the lack of services in some communities with high social and legal needs. We have found this particularly problematic in RRR communities which, in the experience of Legal Aid NSW, generally have higher needs and fewer services than their urban counterparts. Additionally, distance, poverty and cultural barriers may exacerbate difficulty accessing the services that do exist in these areas.

Most recently, the Legal Aid NSW *Review of Provision of Legal Services in South West, Far West, North West and North NSW* (2015) reinforced the fact that coordinating and delivering effective services is difficult where Legal Aid NSW lacks an on the ground presence and where services are sparse.

Changes in membership of partnerships and uncertain funding

Individual relationships are the foundation of effective collaboration and service coordination.¹⁵ Sometimes these relationships can take years to cultivate. When members of partnership change, or partner agencies are defunded, significant disruption can occur to effective service coordination.¹⁶ This means trusted, direct contacts and lines of communication are concluded, which increases difficulty in communication and coordination.

As the Law and Justice Foundation of NSW (LJF) noted, “[c]ollaborations are vulnerable to the turning tides of policy and funding, both at the organisation level and above.”¹⁷ When significant funding reform occurred in the homelessness sector, many agencies were defunded and others later established. Our contacts in the original agencies were made redundant. This was a significant barrier to efficient and close service coordination with that sector.

Differences in organisational goals and priorities

Different organisational goals and priorities between partner agencies may also hinder effective service coordination or mean that these relationships take longer to build.

Agencies with different philosophies, goals and priorities can develop significantly disparate services or approaches within the context of the same issue.¹⁸ This has the potential for considerable tension and reluctance to coordinate integrated services.

One example for Legal Aid NSW was our relationship with Housing NSW as it relates to our Women Leaving Custody Project, and specifically, the housing needs of Aboriginal women leaving custody. Housing NSW has very limited housing stock, and our clients are often the most complex to accommodate. We have found that collaboration can take longer where these differences in priorities occur.

¹⁵ ‘Reshaping Legal Assistance’ 76.

¹⁶ ‘Reshaping Legal Assistance’ 79-80.

¹⁷ ‘Reshaping Legal Assistance’ 79.

¹⁸ ‘Reshaping Legal Assistance’ 74.

Over-servicing and lack of leadership for coordination

Sometimes there are adequate services but a lack of leadership for effective coordination of services for clients with high social needs.

Case Study: Jacob

Jacob is an 18 year old Aboriginal young person who was removed from his home when he was a child and was placed in the care of a foster family until he was 17. Jacob's placement with his foster family broke down as a result of ongoing substance abuse which led to his involvement in the criminal justice system.

Jacob has since been placed with a residential Out of Home Care service provider which is located in an area far from Jacob's kinship ties and public transport. Despite being case managed by the Out of Home Care service provider, Jacob did not have a leaving care plan, adequate aftercare, or Centrelink or other employment arrangements.

Legal Aid NSW successfully engaged a number of agencies to assist Jacob, including Family and Community Services, an after care service and an Aboriginal specific youth service. However, despite the presence of these services, there has been little planning and action because of the lack of a lead agency coordinating service delivery. As Jacob has turned 18, his Out of Home Care service provider will cease case management, which means that the support he has received to date will not continue. The lack of continuity and consistency has had a negative impact on Jacob, who has an increased distrust in services attempting to engage with him because of the limited assistance he has received.

Case Study: Eve

Eve is 15 years old. She has experienced domestic violence and repeated sexual assault, and is in the care of the Minister.

Eve's first contact with the criminal justice system occurred in April 2014 for relatively minor matters. Her interactions with the criminal justice system have escalated, and have resulted in time in custody and being admitted to the specialist Mental Health in-patient unit at Westmead Children's Hospital. After her discharge from hospital, she was returned to the care of her foster family. Soon after, in December 2014, Eve's foster family relinquished care.

Since being in the care of Family and Community Services, Eve has had placements in Queanbeyan, Keiraville, the Central Coast and now to Newcastle. In providing criminal law representation to Eve, it was observed that:

- There was a lack of timely response to 'significant harm' reports relating to Eve, and limited response to these issues when they arose in foster care placement over 2013-14
- The numerous moves from one place to another resulted in:
 - significant difficulties in providing child protection case management. Eve's case remained in Queanbeyan until March 2015 despite the fact that she no longer lived there
 - delivery of health services was compromised because there was no continuity of relationship/care.
 - disjointed case management of supervision by Juvenile Justice.

For Eve, the negative implications of these changes were case coordination by different actors at different times and services provided late and with a limited knowledge of her complex background and history. The lack of coordinated and consistent service delivery has ultimately resulted in poor outcomes for Eve. It has contributed to her risk-taking,

declining mental health and poor emotional regulation. Legal Aid NSW is committed to providing consistent legal representation to Eve, and liaising with government and non-government agencies.

Cross-Border issues

Legal problems are further complicated in areas near State borders and make collaboration difficult. A significant issues is strict state based funding.

Some agencies are only funded to provide services to residents of one state or territory, even if the person lives in one state but is closer to an interstate agency. For example, people needing surgery in Tweed Heads are being flown to Sydney because the nearest Queensland hospital will no longer accept NSW border residents. This has the potential for poorer health outcomes and exacerbates existing geographical disadvantage.

From the perspective of legal assistance services, strict state based funding also precludes the possibility of appropriate cross boarder collaboration which benefits communities with high legal needs, including Health-Justice partnerships.

1 (c) consideration of initiatives such as the Dubbo Minister's Action Group and best practice models for the coordination of services

Legal Aid NSW does not hold a view on the Dubbo Minister's Action Group.

The following are examples of programs that we consider to be best practice models for the coordination of services.

Memoranda of Understanding

One best practice strategy for the coordination of services is implementation of Memoranda of Understanding, or interagency agreements. These are statements of commitment which outline shared organisational priorities, guidelines or protocols of effective collaboration.

These can provide a sound philosophical underpinning for collaboration and practical guidance for the operation of the partnership. They can specify resource usage, methods to resolve conflict and confidentiality or privacy requirements.

Legal Aid NSW currently has Memoranda of Understanding with the Aboriginal Legal Service (NSW/ACT), Settlement Services International, the Children's Court and several other agencies, including non-government organisations that host outreach locations.

Best practice model: Cooperative Legal Service Delivery

The Cooperative Legal Service Delivery (CLSD) model is among our most effective examples of collaborative services delivery. The CLSD Program was evaluated in 2012. The key outcomes identified across CLSD in the Evaluation Report are set out below.¹⁹

CLSD Evaluation 2012: Outcomes identified across CLSD

Networking, information sharing and referral pathways between services have increased as a result of CLSD activity in all regions, indicating an improvement in the ability and capacity of participating agencies to assist disadvantaged clients in their legal needs. Many examples of individual clients assisted as a direct result of CLSD were given in interviews....

The key benefits identified at the regional level were information sharing between partners, improved referral pathways, networking, increased legal knowledge in community service providers, increased access to legal services by disadvantaged people and an identification of legal needs and gaps. Regional meetings are viewed as...efficient and effective... (although these can be more effective in some regions); projects are also viewed as a key opportunity for delivering these benefits, but the limited capacity of CLSD members limits outcomes. Central agency stakeholders commenting on perceptions of the program at a regional level listed similar benefits, plus the additional benefits of anecdotal local knowledge gained from CLSD regions and access to a regional network to enhance their own initiatives.

The delivery of the CLSD Program in a region ensures that systematic attention is paid to identifying and addressing legal needs of disadvantaged populations. Regional partner interviews and consultant attendance at regional meetings confirmed that discussion of issues is framed in this way, that planning is focused on addressing gaps and that the regional data supplied by Law Access and other sources is used for discussing issues facing the regions. The framework of identifying and addressing legal needs faced by disadvantaged populations is seen as a *raison d'être* for the CLSD partnership.

¹⁹ Ryan and Ray, *Report: Evaluation of the Cooperative Legal Services Delivery Program, 2012*, at 4.1.2.

The CLSD program is strongly supported at the regional and central levels and by a diverse range of stakeholders. Even where difficulties in the functioning of some regional programs were raised, support for the program was strong and more benefits than weaknesses were identified.

The LJF referred to the CLSD as an example of prudent use of existing data to identify legal needs, demographic characteristics and gaps in services.²⁰ Such analyses were conducted in each CLSD region when a CLSD is started in that region, and is conducted every two years. This analyses draws on census and legal service data.²¹

The then Department of the Attorney General and Justice 2012 referred to the CLSD program as an example of “key coordination mechanisms for legal assistance” in the pursuit of “seamless access to legal information and services.”²² Through working together, CLSD partners have attracted additional resources, enabling agencies to extend services to meet emerging legal needs. Partners have developed targeted community legal education sessions, improved client referrals between agencies, developed new resources, and provided training and capacity-building initiatives.

Legal Aid NSW is considering expanding CLSD to metro areas and more areas of where there are services gaps, such as Moree. For the latter, the CLSD model will need to adapt to provide a similar level of service integration without a local CLC or Legal Aid NSW office.

Best practice model: Work and Development Order Scheme

The WDO Scheme is a unique and highly successful program. It has resulted in clearance of over \$35 million in outstanding fines debt. The WDO Scheme promotes engagement with health and welfare services, as clients with complex needs access work experience, training, living skills and treatment programs in their local communities. Importantly, the WDO Scheme helps break the cycle of secondary offending arising from continuing to driving while licence suspended.

The WDO service has taken part in over 140 fines outreach events in locations such as Wilcannia, Broken Hill, Bourke, Brewarrina, Walgett, Taree, Kempsey, Purfleet, Moree, Toomelah, Boggabilla, Kyogle, Murrin Bridge, Lightning Ridge, Condobolin, Orange, Lithgow, Nowra, Mt Druitt and Redfern. WDOs and other fines management options are set up on the spot, enforcement action is suspended and licence sanctions lifted immediately.

When working in remote or disadvantaged communities, the service implements a 'no wrong door' policy, partnering with other agencies such as the State Debt Recovery, Roads and Maritime Services, EWON, Centrelink, financial counsellors, local community organisations, and well as other Legal Aid NSW programs (such as Cooperative Legal Services Delivery Program and the Civil Law Service for Aboriginal Communities), to ensure clients get a holistic service appropriate to their needs.

Best practice principles for Legal Aid NSW outreach services

Legal Aid NSW has developed a set of Best Practice Principles for delivering outreach services, with input from the Law and Justice Foundation of NSW. Among others, the principles provide that Best Practice Legal Aid NSW outreach services are:

- Engaged with target client groups and with local services that assist those groups
- Coordinated and collaborative across Legal Aid NSW and with external agencies

²⁰ 'Reshaping Legal Assistance' 65.

²¹ 'Reshaping Legal Assistance' 65.

²² 'Reshaping Legal Assistance' 28.

- Resourced and sustainable within a broader service framework, with options available should an outreach not continue

Health-Justice Partnerships

Health-Justice partnerships are examples of best practice models of service coordination. By cooperating with other services, co-locating and effectively co-case-managing clients, these partnerships provide coordinated assistance from multiple services. This level of coordination is ideal to adequately meet the needs of people experiencing complex and multi-faceted disadvantage.

One Health-Justice partnership is run in Miller, four kilometres south west of Liverpool, and comprises Legal Aid NSW, South West Sydney Community Legal Centre, Sydney South West Local Health District and Bidyari Aboriginal Health Centre. It focuses on providing services to mental health consumers, particularly aboriginal clients. The partnership involves working with a psychologist funded by Sydney South West Local Health District in a weekly outreach clinic. Legal Aid NSW and other partnership members have also worked closely to improve and develop relationships with other service providers including Housing NSW. The case study below is one example of the outcomes of effective service coordination.

Case Study: Jane

Jane was referred to Legal Aid NSW by Bidyari Aboriginal Health Centre. Jane is an Aboriginal woman with schizophrenia, and is also part of the methadone program. She was incarcerated 5 years ago and has been homeless since her release. Jane was not sure why her tenancy ended. We approached our contact person at Housing NSW directly and were able to confirm that Jane had been categorised as ineligible. We were able to explain to Jane what her options were including possible grounds for appeal.

While at the clinic for housing advice we also discovered that Jane was on NewStart and had not applied for the Disability Support Pension.

We continue to assist with her housing matter and have advised her to apply for the pension.

Settlement Services International

The Settlement Services International (SSI) partnership was externally evaluated in 2014. On collaborative service coordination, the evaluation stated:

The SSI Partnership contained a number of structural features that formed a strong foundation for collaborative working, in particular:

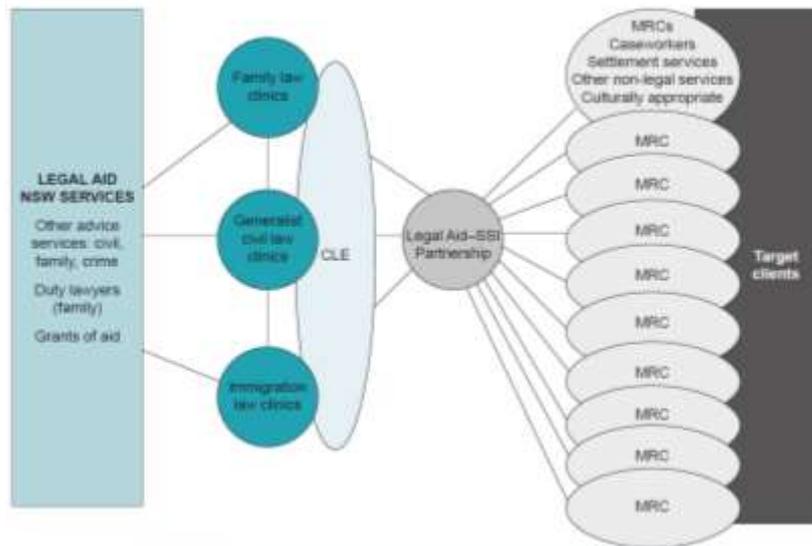
- the baseline needs analysis
- NPA funding requirements
- MOU terms and conditions
- peak organisational relationship between SSI and the MRCs
- the Steering Committee, and interaction between Legal Aid NSW and MRC (Migrant Resource Centre) staff.

The SSI Partnership arrangements provided for and supported robust partnering in strategic planning, implementation and frontline service delivery...

Figure 10 depicts the client pathway created by the SSI Partnership. It indicates how the SSI Partnership and collaboration with MRCs, and their

other non-legal and culturally appropriate services, successfully connected socially disadvantaged and isolated clients to Legal Aid NSW’s legal outreach services, and through them, to Legal Aid NSW’s other legal assistance services. In short, they connect two networks of already joined-up services.

Figure 10. Client pathway created by the Legal Aid–SSI Partnership



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The evaluation said there were ‘substantial benefits to legal services partnering with other human service providers’ sharing a common target client group.’²⁴ Legal Aid NSW was able to improve the assistance MRC staff provided to clients, and similarly MRC staff assisted Legal Aid NSW solicitors to better support clients.²⁵ Additionally, the evaluation reiterated the importance of organisational capacity, adequate funding and structure to provide effective partnerships.²⁶

²³ ‘Reaching in by Joining Up’ 70.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

1 (d) any other matter

Jurisdictional planning: National Partnership Agreement on Legal Assistance Services

The objective of the National Partnership Agreement on Legal Assistance Services 2015-2018 (NPA) is a “national system of legal assistance that is integrated, efficient and cost-effective, and focused on providing services for disadvantaged Australians in accordance with access to justice principles of accessibility, appropriateness, equity, efficiency and effectiveness.”²⁷

The NPA requires jurisdictional planning, or collaborative service planning, for legal assistance services. Jurisdictional planning aims to coordinate and maximise the reach of legal assistance services and to ensure that services are delivered where most needed.

The jurisdictional planning process consists of three elements:

- Use of an evidence base to identify priority clients and their locations
- Biannual jurisdictional planning meetings
- Reporting on key outcomes resulting from the jurisdictional planning process based on the outcomes outlined in the NPA.

NSW undertakes extensive jurisdictional planning for legal assistance services. This was acknowledged by the Commonwealth Attorney-General’s Department throughout NPA negotiations, and the Productivity Commission Access to Justice Arrangements Draft Report of April 2014.

For more information on this submission or programs involving Legal Aid NSW, please contact Anmarie Lumsden, Executive Director Strategic Policy and Planning at Anmarie.Lumsden@legalaid.nsw.gov.au.

²⁷ National Partnership Agreement on Legal Assistance Services 2015-2020.

About Legal Aid NSW

The Legal Aid Commission of New South Wales (Legal Aid NSW) is an independent statutory body established under the *Legal Aid Commission Act 1979* (NSW) to provide legal assistance, with a particular focus on the needs of people who are economically or socially disadvantaged. Legal Aid NSW provides information, community legal education, advice, minor assistance and representation through inhouse and private legal practitioners. Legal Aid NSW also administers funding for 36 community legal centres and 28 Women's Domestic Violence Court Advocacy Program (WDVCAP) services.

Legal Aid NSW provides information, community legal education, advice, minor assistance and representation through in-house and private legal practitioners.

Legal Aid NSW supports a collaborative approach to service delivery. Echoing recommendations by the Law and Justice Foundation, we recognise that tailored, flexible, accessible, timely and joined-up legal and non-legal services are required to appropriately address client need and capacity.

Our services are built upon years of experience in assisting clients with complex needs, the findings of research and lessons distilled through evaluation.

Legal Aid NSW Client profile

Legal Aid NSW clients are among the most disadvantaged members of the community, experiencing deep and persistent disadvantage. Many of our clients have multiple social, psychological and physical needs and complex legal problems.

Clients may also have difficulty accessing legal services because of low levels of literacy, English as a second language or they may have cognitive or mental health issues. The client profile below is based on case grants and duty services provided in 2013–2014.

Female*	26.2%
Born in non-English speaking countries	13.5%
With dependants	13.3%
On Commonwealth Benefits	50.2%
Aboriginal	10.2%
Under 18	14.2%
18-60	83.7%
Over 60	2.1%
Rural and regional (including Newcastle and Wollongong)	42.5%

*While 26.2% of Legal Aid NSW clients are female, the client gender profile changes significantly when criminal law clients are excluded. In 2013-2014, women comprised 60% of family and civil law case grants and 54% duty services.