



hume riverina community legal service

Piecing together the puzzle:
The perspective of community
organisations about legal need

June 2015

Table of Contents

1. Introduction	3
1.1 Stage 1 of the Legal Needs Analysis.....	3
1.2 Stage 2 of the Legal Needs Analysis.....	4
2. Aims and Objectives.....	4
3. Methodology.....	5
4. Results.....	6
5. Service sample –	6
6. Client sample –.....	7
7. Legal Issues experienced by clients –.....	8
7.1 Frequency of Legal Issues	8
7.2 Kinds of Legal Issues.....	9
8. Legal referrals from organisations –	10
9. Barriers to obtaining advice -.....	12
9.1 Barriers faced by Organisations	12
9.2 Barriers faced by clients of community organisations.....	13
10. Service Activities	15
11. Community Legal Education and Policy & Reform -	16
11.1 Legal Education Sessions for Clients –	16
11.2 Legal Education sessions for Organisations -	16
11.3 Policy & Law Reform -	16
12. Summary and Recommendations.....	18
12.1 Legal Issues	18
12.2 Legal Referrals.....	19
12.3 Service delivery and Community Legal Education	20

Piecing together the puzzle: the perspective of community organisations about legal need

1. Introduction

Hume Riverina Community Legal Service (HRCLS) has always provided a range of services to a number of locations across New South Wales and Victoria. Given the limited resources that are available to Community Legal Centres (CLCs), it is important to ensure that our services are being appropriately used in places and ways that will benefit clients the most. One way to ensure that this occurs is through the process of conducting a Legal Needs Analysis.

A Legal Needs Analysis was commissioned by the Principal Lawyer at Hume Riverina Community Legal Service (HRCLS) in March 2013. For stage 1, a project team was assembled comprising HRCLS staff, including the principal lawyer, office manager, two outreach lawyers, community development worker and legal assistant. This stage was concluded in August 2013.

1.1 Stage 1 of the Legal Needs Analysis

Stage 1 of the analysis was primarily conducted using the National Association of Community Legal Centres (NACLC) Assessment Framework to obtain an improved understanding of local legal needs within the service catchment. Understanding the location and broader demographics of people who experience particular barriers to accessing legal services in the service catchment is particularly important for future evidence based service delivery planning. This project was the first comprehensive Legal Needs Analysis that has been conducted at HRCLS.

Stage 1 was conducted using a combination of the following three methods:

- 1) National Legal Needs Strategic Planning Toolkit;
- 2) Analysis of the 2011 Census data from the Australian Bureau of Statistics; and
- 3) Local Knowledge.

Overall, Stage 1 was a success, with the analysis demonstrating a number of key concerns. The results were particularly utilised when refining where outreach services should be targeted. A number of key recommendations were also made including:

- a) Reducing the HRCLS service catchment to 14 Local Government Areas (LGA) in NSW and 7 in Victoria;
- b) Reducing the number of outreach services provided, to allow for increased appointment times in other outreach locations;
- c) Combining the outreach program and the community legal education program to provide a range of services across the catchment;

- d) Constant monitoring of the LGA of Benalla and Wagga Wagga, as these were identified as areas where there are high levels of unmet legal need; and
- e) Consistent implementation of the Legal Needs Analysis on a three year cycle which, has since been embedded into the Community Legal Services Plan (CLSP) Plan.

This stage was concluded in August 2013.

1.2 Stage 2 of the Legal Needs Analysis

Following the success of stage 1, HRCLS employed a Projects Officer in 2015 to survey a range of community organisations in their catchment area to gain a further understanding of legal need. The survey was conducted to gain the perspective of stakeholders, specifically, general community service providers, community health service providers and legal/justice related service providers who are often the first point of contact for clients.

The survey aimed to gather data in relation to:

- 1) The perceptions of legal need in the community held by staff of community organisations and their clients;
- 2) What legal services community organisations are most likely to refer their clients to;
- 3) What barriers community organisations and their clients face when trying to refer their clients or access legal services;
- 4) Whether community organisations and their clients would benefit from targeted community legal education sessions on particular areas of law;
- 5) Whether there were any common topics of law reform identified amongst community organisations; and
- 6) What work still needs to be done to help link the community with the law.

The importance of undertaking this Legal Needs Analysis to inform evidence based strategic planning is particularly highlighted by the National Partnership Agreement (NPA). The NPA is a five-year agreement for the delivery of legal services by CLCs, which indicates that 85% of CLC representation services will need to be provided to people experiencing financial disadvantage and “priority group” clients. Further, in the future it is likely that funding allocations will be made based on jurisdictional service planning, which highlights the need for HRCLS to be well informed about the evidence base for legal need in their service catchment.

2. Aims and Objectives

The Legal Needs Analysis was included as an objective in the HRCLS Community Legal Services Programme (CLSP) Plan (2011 – 2015 and 2014-2015). The strategy was to ‘conduct a Legal Needs Analysis’ and the actions identified as:

- 1) Identify demographic characteristics of our catchment area;
- 2) Identify the target demographic and community groups;

- 3) Engage and collate statistical information from identified key service providers;
- 4) Compare information from identified key service providers with information on services that HRCLS currently provides; and
- 5) Produce a report with evidence-based findings to inform future service delivery by HRCLS.

3. Methodology

Participants –

This study aimed to survey 36 community service organisations across the catchment area of Hume Riverina Community Legal Service (HRCLS). Two primary considerations of this study were first, identifying the kinds of organisations that would be aware of the legal and related needs of disadvantaged people within the catchment area; and second, which regions within the catchment of HRCLS to focus on during this study.

An initial list of organisations was compiled for the survey, comprising of organisations that were identified as key stakeholders for HRCLS or that would have insight into ‘met’ and ‘unmet’ legal needs in terms of geography, client groups and legal matters. The services that were targeted are consistent with similar lists used by other community legal services in their legal needs analysis studies (e.g. Gippsland, Central Highlands, Mid North West Coast). These three categories were:

1. Community Health Services (e.g. aged care services, disability services, community health services, and mental health services);
2. Legal and Justice Related Services (e.g. consumer affairs, local courts, parliamentary bodies); and
3. General Community Services (e.g. councils, family assistance services, community support services).

Given the large geographical boundaries that the HRCLS covers (21 local government areas with 7 in Victoria and 14 in NSW), this study focused on 6 local government areas equally split across Victoria and NSW. In Victoria these identified regions were Wangaratta, Wodonga and Benalla. In NSW, these regions were Albury, Deniliquin and Corowa. These were selected on the basis of regions that have the largest client demand and coincide with locations where HRCLS delivers outreach services, as determined by the Stage 1 of the Legal Needs Analysis.

Procedure –

The purpose of this survey was to:

- 1) Elicit general information on the legal issues of clients and barriers to justice that clients of the service providers experience;

- 2) Ascertain the suitability of different options for legal services that are currently being delivered, or could be delivered, to address legal need; and
- 3) Assess the effectiveness of current referral pathways between legal and non-legal service providers within the region, particularly focusing on the referral pathways between HRCLS and non-legal service providers.

The survey was administered to the 36 selected organisations via an online survey (see Annexure A). Initially, organisations were contacted to gauge their expressions of interest. Each organisation was asked to nominate one staff member to complete the survey, who had a solid working knowledge of the organisation’s client base. Identified staff were contacted directly via email about the survey details and how to complete the survey online. Survey responses were monitored online and non respondents were followed up with a reminder email.

4. Results

The 28 item survey contained quantitative and qualitative questions on a number of key areas including the legal issues of clients, referral pathways, barriers to justice, the need for staff and client education on legal issues, and areas that may require law reform.

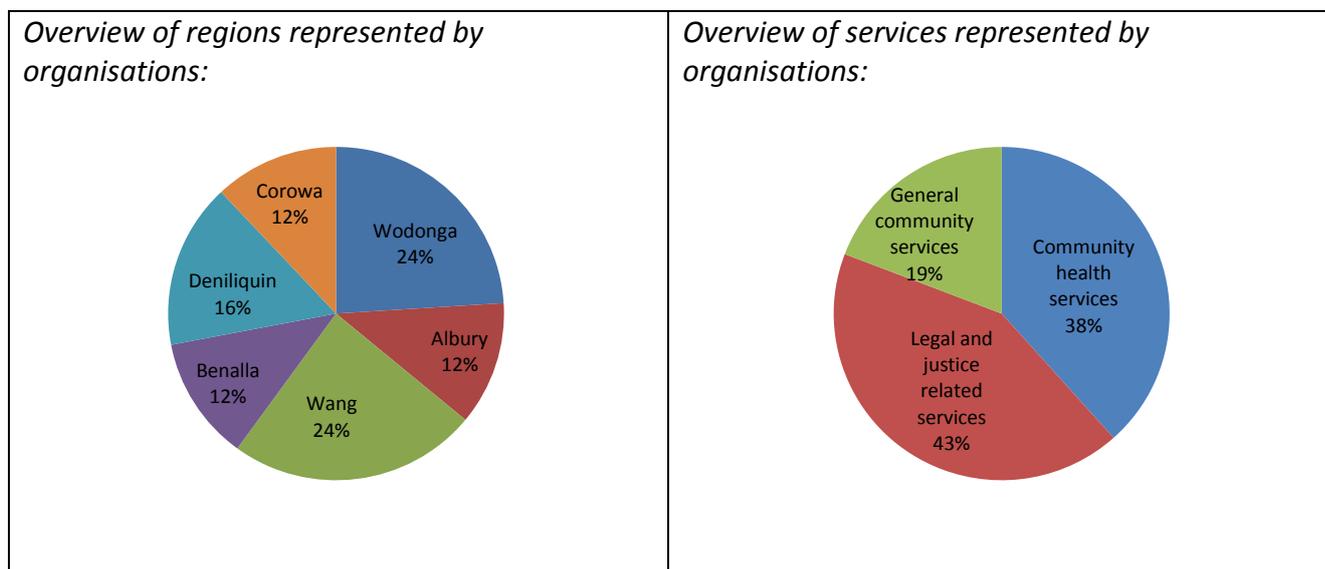
Questions also elicited information about service demographics (e.g. what kind of service does your organisation provide?) and client characteristics (e.g. what is the main source of your client’s income?). The online survey was an appropriately modified version of the Legal Needs Survey of other community agencies such as those used in the *Legal Needs Analysis of Mid North Coast Region and Highlands Legal Needs Analysis*.

5. Service sample –

Twenty-five (69%) of the 36 organisations approached took part in the survey. The 25 organisations that participated were based on the 6 local government areas within the geographical catchment of HRCLS and represented three broad service types.

	Community health services	Legal and justice related services	General community services	Total
Wodonga	2 (20.0%)	3 (30.0%)	1 (20.0%)	6
Albury	1 (10.0%)	2 (20.0%)	0	3
Wangaratta	2 (20.0%)	3 (30.0%)	1 (20.0%)	6
Benalla	1 (10.0%)	0 (0.0%)	2 (40.0%)	3
Deniliquin	2 (20.0%)	1 (10.0%)	1 (20.0%)	4
Corowa	2 (20.0%)	1(10.0%)	0 (0.0%)	3
Total	10 (100%)	10 (100%)	5(100%)	25

Of the 25 organisations, all the target organisation types and regions were represented:



6. Client sample –

The organisations that took part in this study offer a variety of different services, which informs their client base and the results of this study. The varied services offered by the organisations include accommodation, aged care, consumer services, child protection, family support, disability services, housing assistance, health services, legal services and relationship services.

Although these results show that clients of these organisations have a range of family structures (80%), have a mixed gender ratio (55% women, 45% men) and further, that they assist clients predominately within the age ranges of 26-49 (76.9%) and 50-69 (65.4%), the client sample of organisations is likely to be more accurately informed by the kind of services that they offer.

50% of organisations reported that Centrelink was the dominant form of their client's income showing that the responses provided by service providers are informed by a low income client base.

7. Legal Issues experienced by clients –

7.1 Frequency of Legal Issues

Of the 25 organisations, only 2 reported that their clients have never experienced a legal issue. Overall, organisations reported that legal issues were generally experienced by their clients on a daily (24.1%), weekly (26.9%) and monthly (26.9%) basis.

These results are supported by the Legal Australia Wide (LAW) Survey which found that, people generally sought help from non legal advisers for a majority of their legal problems (69.7%) rather than legal advisers (30.3%).¹ This explanation may account for the high amount of clients attending community organisations with legal problems.

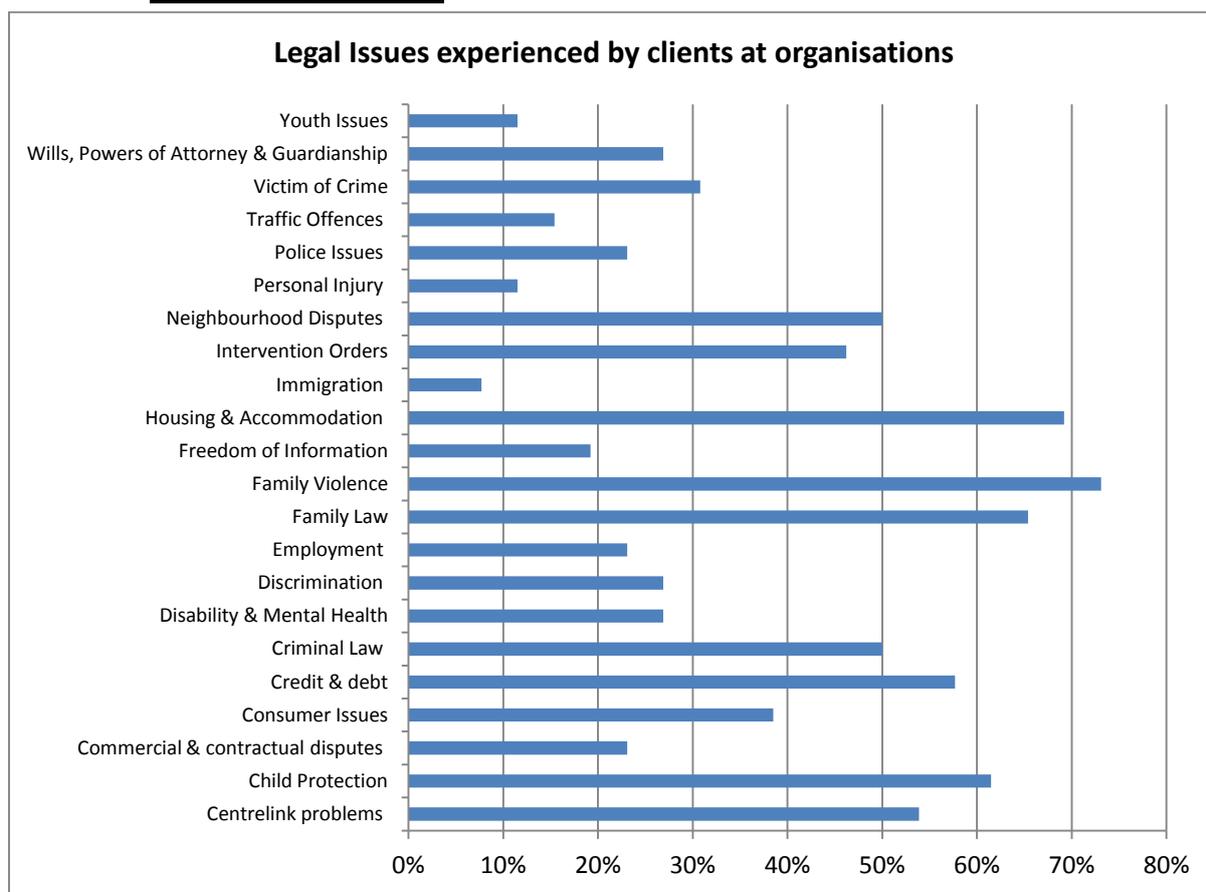
Other research also demonstrates a high correlation between disadvantaged people and a high prevalence of legal issues. For example, in the LAW survey there was a significant relationship between a high frequency of legal issues and people with a disability, people who lived in disadvantaged housing and people who were unemployed.² This highlights the need for targeting legal services to ensure that limited public funds are first used to assist those who are least able to access legal assistance.

In this present study, the responses to the above question required community organisations to identify whether their clients had a legal issue from a specific list. This means it is possible that there may have been other legal problems not included on the list that were not accounted for. However, despite this, these results demonstrate that organisations are aware that their clients frequently present with a range of legal issues.

¹ Law and Justice Foundation of NSW, 'Legal Australia-Wide Survey: Legal Need in Australia' (2012) (LAW survey), 135

² LAW Survey, 77.

7.2 Kinds of Legal Issues



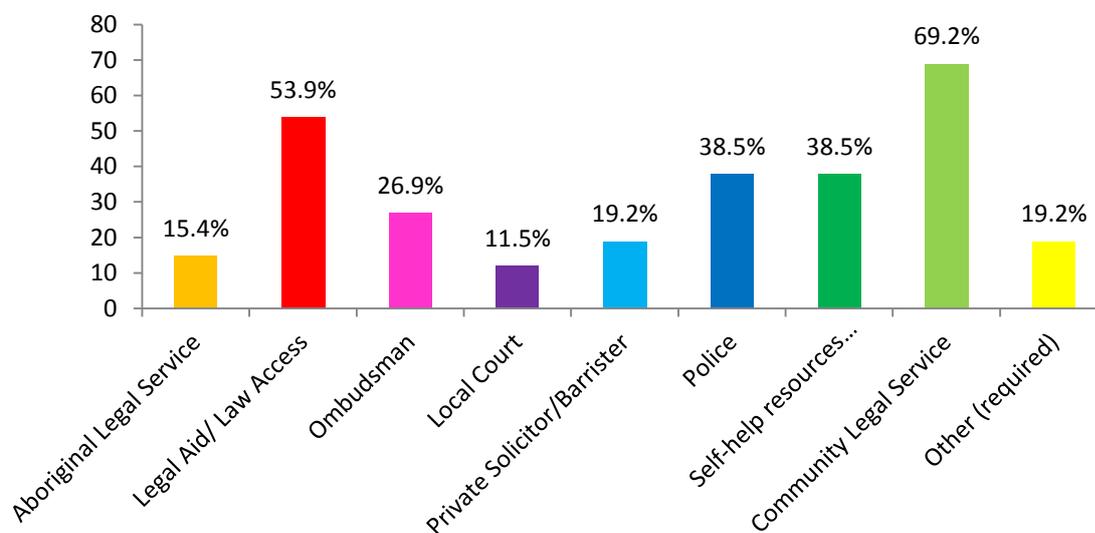
High rates of reporting for a variety of legal issues indicate that most organisations were dealing with clients with numerous legal problems. The five most frequently reported legal areas were: Family violence (73.1%), Housing and Accommodation (69.2%), Family law (65.4%), Child protection (61.5%) and Credit and Debt (57.7%).

The findings of the LAW survey found that people tend to experience legal issues in problem groups rather than in isolation. For example, it found that legal problems concerning credit/debt, family and money generally cluster together and occur in combination.³ This may explain the six commonly experienced legal issues sited in this study, which largely cluster amongst the three topics sighted in the LAW survey. It has been suggested that the concurrence of these issues may be explained by one legal issue causing another or by certain individuals being vulnerable to experiencing these combinations of legal issues.⁴

³ LAW survey, 164.

⁴ LAW Survey, 164.

8. Referrals by community organisations to legal services–



Staff were presented with a list of 8 kinds of legal services and were asked to indicate how likely they were to refer their clients to them. The top three most common referrals that staff made were to Community Legal Services (69.2%), Legal Aid (53.9%), and equally, the Police and Self Help resources (38.5%).

These results are positive, as it demonstrates that many organisations are aware of the availability of alternative legal pathways to which they are able to refer their clients. The presence of 69.4% of organisations referring to Community Legal Services, also suggests there is a great demand for the services that CLCs provide and in particular the services provided by HRCLS. The fact that organisations refer their clients to CLCs (69.4%) more often than Legal Aid offices (53.9%) speaks to the need for a further CLC within our catchment to meet this demand.

It is also reflective of the fact that there is no Legal Aid office within the vicinity of HRCLS or its outreach locations. The results may demonstrate that organisations prefer to refer their clients to local services which they can access easily and which offer in person advice within close proximity. The closest Legal Aid office in Victoria is Shepparton, and in NSW is Wagga Wagga. These locations are over 1.5 hours' drive away from Albury – Wodonga and are not easily accessible by public transport from most towns with the HRCLS catchment area.

Recent studies have identified the value in the ability of community organisations to provide referrals to legal services, as they are often consulted by people with legal problems (as demonstrated above).⁵ Further, providing community organisations with information about legal avenues is particularly important, given that there is considerable research demonstrating gaps in knowledge about legal services in the community more generally. For

⁵ LAW Survey, 38.

example, the LAW survey demonstrated the following recognition rates of legal services: Legal Aid (87.7%), Aboriginal Law Societies (66.9%), Community Legal Services (36.3%), Court Services (33.5%).⁶ Thus, further educating community organisations to make them aware of other available legal avenues for their clients is important in ensuring that their clients receive adequate assistance and correct referrals.

The high rate of referrals by community organisations to Community Legal Services (69.2%) is a testament to the work being done by HRCLS through its outreach programs to build links with service providers and raise awareness of its services within the communities being served.

⁶ LAW survey, 134

9. Barriers to obtaining advice -

9.1 Barriers faced by Organisations

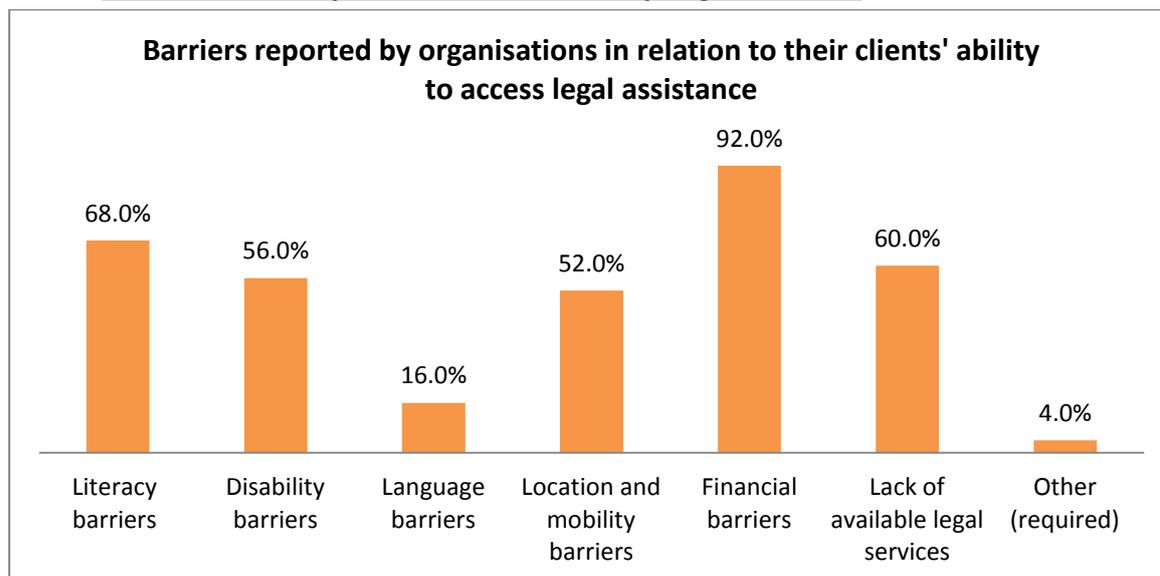
In response to the question ‘what difficulties does your organisation face in referring your clients to legal services?’ there were a number of responses that addressed various barriers. The common themes are as follows:

1. Organisations stated that they had difficulties in finding appropriate referral services and up to date information for service providers:
“Difficulty finding services that are applicable to refer to”
“The services supports are very limited, people have very limited choice”
“Difficulty finding appropriate referral services for rural clients”
“Up to date information, service appropriate, contact details are needed”
“A known contact person”
2. Organisations stated that they had faced uncertainty in referring clients, particularly as to whether their clients will receive assistance as a result of the referral:
“Lack of funding to HRCLS means some clients do not meet the criteria”
“We need clear guidelines regarding who is able and who are not. We refer people with a disability to HRCLS or legal aid only to be told that the organisation is not able to assist”
“Often clients are repeat offenders. The organisations are quick to put the clients on a low priority or in rare cases dismiss them”.
3. Organisations also raised issues such as conflicts of interest and the difficulty that organisations face in getting their clients to accept the referrals:
“Local services often have conflicts of interest, limited choice for local legal support for our client group”
“Conflict of interest if 2nd person is also requiring legal aid”
“Some clients are unwilling to go, yet another story of no assistance”

This demonstrates the general difficulties faced by organisations in appropriately referring clients to services in regional areas. There is a possibility that local services may be discouraged from making future referrals to their clients or lose confidence in HRCLS if these barriers are not addressed. Positive differences are likely to arise from supported pathways between legal and community organisations. The HRCLS has a current partnership with a community health organisation in regional NSW, where there is an arrangement for monthly legal outreach clinics to take place at the organisation. When this organisation was asked whether they had any referral difficulties they stated:

“To date I have not had any difficulties. As we have a monthly outreach clinic, the clients will book into see the legal service on this day. If they cannot wait they will contact the Service to see whether they can travel to Wodonga for an appointment”.

9.2 Barriers faced by clients of community organisations



Staff were also asked to report whether their clients experienced any barriers to accessing legal assistance. All organisations reported that their clients face some kind of barrier in finding and accessing legal assistance. Financial barriers (identified as a barrier by 92% of organisations who participated in the survey) and literacy barriers (68%) were the most commonly reported issues affecting the organisation's client base. They also displayed significant concerns about location barriers (52%) and lack of available legal services (60%) which impede their clients' ability to get help.

General comments from organisations about these barriers were:

"Geography and location in this area is a big problem – it is difficult for our clients to get to some of the services because of the distance between them".

"Transportation and money are the biggest factors. But also a lack of knowledge to know when you can ask for legal advice, as they tend to self help more than needed".

"Not being aware of their general legal rights. Affordability and accessibility".

"Lack of community legal services in the southern areas of the electorate of Indi"

"Them knowing that they have a problem that needs to be dealt with and knowing who to go to".

"Leaving things too late to be sorted easily".

Past surveys have identified that people face similar barriers in obtaining legal advice and assistance. The LAW Survey identified cost as the most frequently reported barrier (21%) when respondents were seeking assistance from a legal adviser.⁷ The consistency amongst these studies suggests a possible gap in service provision between legal aid arrangements for people and those that can afford legal representation. It is possible

⁷ Law Survey, 189

that, as guidelines are becoming more restrictive, further services may be needed to account for the gap between those that fall short of meeting the guidelines but yet financially cannot afford a private lawyer.

Past research has indicated that without adequate literacy, language and communication skills, people are unlikely to be able to pursue a legal resolution effectively.⁸ Given that 68% of organisations perceived that their clients had literacy barriers and 56% reported that their clients had disability barriers in this present study, it is important that legal services remain flexible in accommodating the needs of each client. For example, this may include providing legal advice and information in a less complex form.

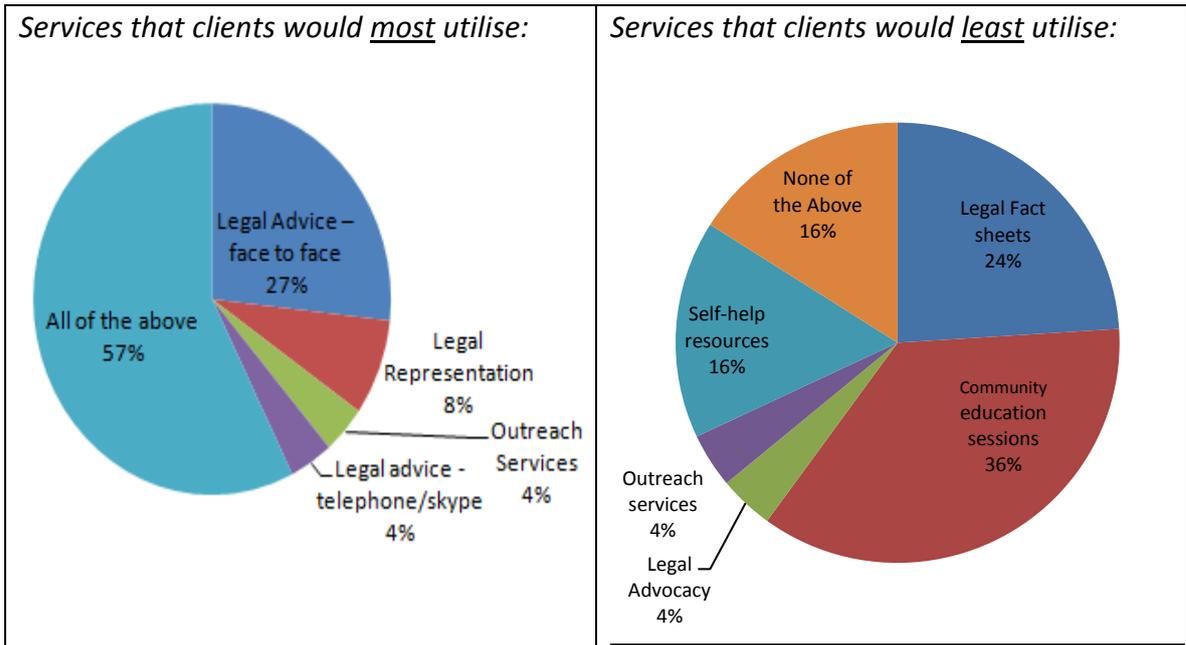
Lack of accessibility to legal advisers was a barrier also endorsed within the LAW survey, particularly in relation to getting through on the phone (15%), advisers taking too long to respond (14%), inconvenient opening hours (8%) and difficulties getting an appointment (7%).

Legal services may also need to ensure that they target groups of people which experience these barriers to ensure that scarce resources are used efficiently. This is supported by studies undertaken by the Law and Justice Foundation of NSW which found that social disadvantage is linked to lower levels of client capability.⁹ This research indicates that those most vulnerable to legal problems tend to have less knowledge, self-help skills, motivation and resources required to deal with legal problems without assistance. Further, they tend to delay in seeking help and face additional barriers exacerbated with remoteness. On this basis, it is important that organisations ensure that their services are targeted to people that are experiencing these barriers. This may require the provision of case work guidelines (i.e. inclusion criteria) which informs the decision of organisations when deciding whether or not to take on a matter.

⁸ LAW Survey, 20.

⁹ Law and Justice Foundation of NSW, 'Reshaping legal assistance services: building on the evidence base'.

10. Service Activities



Staff were asked to indicate what kinds of legal services they believed their clients would most utilise. The 8 legal services presented were: legal fact sheets, legal advice (face to face), community education sessions, legal representation, legal advocacy (e.g. writing letters), outreach services, legal advice (telephone & skype) and self help resources. Over half (57.7%) indicated that all of these activities would be most useful, while over a quarter (26.9%) of staff thought that legal advice (face to face) would be most beneficial to their clients. The presence of only 4% of community organisations stating that their clients would most utilise legal advice by telephone/skype potentially shows the importance of providing face to face legal advice over other methods of service delivery.

Of the 8 services, organisations stated that legal fact sheets (24%) and community education sessions (36%) would be the least useful out of the available options. In conjunction with further data (see below) this indicates that whilst legal education and 'self-help' resources are a valuable tool, they cannot replace specific, personal legal advice.

11. Community Legal Education and Policy & Reform -

11.1 Legal Education Sessions for Clients –

Staff were asked to indicate whether their clients had a good understanding of the legal system and further, whether they would benefit from community legal education sessions. Despite the data above showing that education is the least useful tool in assisting clients, it still has an integral role to play in the broader picture. More than half (68.2%) indicated that their clients did not have a general understanding of the legal system, and a majority (60%) indicated that their clients would benefit from targeted community legal education sessions. Staff reported sessions covering the following topics would be most helpful for their clients:

- Family Law (e.g. child support, family violence, divorce) (73.1%)
- Debt and financial issues (e.g. bankruptcy, credit rating disputes) (50%)
- Neighbourhood disputes (e.g. fencing issues) (42.3%)
- Wills, Power of Attorney and Guardianship (38.5%)
- Criminal Law (e.g. assault, theft, property damage, drug offences) (30.8%)
- Employment Law (e.g. unfair dismissal and discrimination) (19.2%)

11.2 Legal Education sessions for Organisations -

76.9% of organisations also indicated that they would benefit from receiving legal education sessions on issues that affect their client group. Staff reported sessions covering the following topics would be most helpful to them:

- Family Law (e.g. child support, family violence, divorce) (62.5%)
- Debt and financial issues (e.g. bankruptcy, credit rating disputes) (50%)
- Neighbourhood disputes (e.g. fencing issues) (41%)
- Criminal law (e.g. assault, theft, property damage, drug offences) (33%)
- Wills, Powers of attorney and guardianship (33.3%)

Other areas (25%) that staff would like to receive education on include:

“Consumer Law”, “Dispute resolution and mediation services”, “Intervention orders”, “Centrelink”, “Family violence and sexual assault” and “Information on the legal processes involved with victims of crime and family law”.

11.3 Policy & Law Reform -

Staff were asked if there were any social justice or legal issues that were currently impacting their clients or the local community in any unfair way that could be addressed by law or policy reform. 33% of participants responded in the affirmative, while 50% stated that they didn't know. Topics which they thought should be targeted were:

“Domestic violence and new arrivals”

“Some recognition of the special nature of cross border cities. The only comparable place in Australia is Tweed Heads/Coolangatta. Should be special jurisdictional zones where people on Orders can travel freely, like limits of Albury City or Wodonga City”.

“People with disability are over represented in the Justice System. In 2014, the Human Rights Commission undertook research into barriers preventing people with disabilities. The Commission found the low cost early intervention are the best way to reduce re: offenders. We need support from local community persuade governments to fund DAIS justice support program beyond June”.

“Consistent responses by Magistrates and Solicitors in relation to IVO breaches and applications. A more systematic response is needed”.

“We need more funding and more services to cover the demand of this region. There are lots of people that require services in the region”.

The presence of 50% of organisations indicating that they were unsure about potential law reform issues, may suggest the need for HRCLS to work more closely with them in relation to future law reform to ensure that their perspectives are heard. This may allow HRCLS to identify some common themes for law reform and further, help them advocate for the difficulties organisations and their clients are facing.

12. Summary and Recommendations

Given that the results of this survey contain findings that are largely consistent with a number of other credible surveys, such as the 'Legal Australia – Wide Survey: Legal Need in Australia' (LAW survey), there are potentially useful recommendations to be made from the results of this study. This data can be used for future evidence based strategic planning within the catchment of HRCLS. This section makes recommendations in light of the findings and further, compares the results with HRCLS data.

12.1 Legal Issues

Almost all staff of community organisations reported that their clients experienced legal issues. They further reported that the legal issues experienced by their clients were numerous and varied, with family violence, housing/accommodation, child protection and family law reported as the most prevalent.

Similar to past surveys the high prevalence of varied and diverse legal issues suggests that legal problems often cluster together with other non legal issues which cause them to attend community organisations. Given these conclusions, there is room to suggest that a more holistic approach to justice needs to be taken, which requires diverse solutions beyond providing traditional legal advice. For example, the Reshaping Justice survey suggested developing “joined-up services” which would maximise the potential for clients to move between legal and non legal services easily in accordance with their needs at a particular time. Outreach services such as the medical-legal partnership between HRCLS and a local community health centre in Wodonga is one way that HRCLS utilises this initiative. HRCLS could also further maximise its relationship with Upper Murray Family Care, its auspicing agency, to facilitate cross referrals between the legal and non-legal services provided within Upper Murray Family Care.

Some areas of law commonly experienced by clients of community service organisations, such as family law, are well serviced by HRCLS. However, other legal issues that HRCLS does not focus on such as housing/accommodation and child protection were common issues also reported. To address this in the short term, HRCLS could continue to ensure appropriate referrals to other legal advisers that specialise in these issues. However, in future service planning, it is also possible that HRCLS should consider tailoring the areas they deliver legal services on to further accommodate these demonstrated areas of legal need. For example, HRCLS could consider including child protection matters within the HRCLS casework guidelines or delivering specialised clinics on housing/accommodation issues. Poor legal knowledge often constrains people from acting to resolve their legal issues, thus, the further provision of legal services and education sessions are vital to empowering people to take action to resolve their legal problems themselves.

As these results suggest that community organisations are well placed to act as gateways to legal services, HRCLS could also explore ways to train community organisations on common legal issues experienced by their clients (e.g. via webinar sessions or community legal

education sessions developed or hosted by HRCLS). Community organisations would not be expected to act as lawyers, but rather would be better placed to identify people with legal issues and appropriately refer them, through having a raised awareness of different areas of law and legal processes.

HRCLS has recently delivered 5 community legal education sessions based on the Legal Aid NSW Law Check-Up tool, a resource for training community workers about how to identify legal issues. The training includes the following:

- What constitutes a legal problem
- When to refer a legal problem
- What legal services are available to their clients

QPLICH has introduced a similar model in their service, in the form of online Legal Health Check training which provides community workers with online training and resources to help them identify legal issues experienced by their clients. This online training resource can be used by community workers in any sector across Australia. The implementation of this method within the HRCLS catchment on a regular basis is likely to result in a more systematic use of non legal professionals as legal problem identifiers, as they will be better trained in legal diagnosis, triage and referral.

12.2 Legal Referrals

Findings also demonstrated that staff of community organisations are likely to refer their clients to a variety of legal services, with the most common referrals being made to Community Legal Services and Legal Aid/Law Access. However, staff also indicated a number of difficulties in appropriately referring their clients to these services, particularly in relation to (1) finding appropriate referral services and finding up to date information on service providers, (2) conflicts of interest and (3) uncertainties in relation to the nature of the assistance their clients will receive following a referral.

(1) Finding appropriate referral services and up to date information on service providers

These findings suggest the need to increase networking between staff in legal and non legal services to ensure there is an ongoing awareness of the services provided. It may also be beneficial for HRCLS to provide organisations with legal referral manuals to ensure non-legal organisations are able to access appropriate information about services for their clients. This is likely to address many of the difficulties expressed by staff of community organisations, as it would increase their knowledge about legal services and referral options available to their clients locally.

HRCLS could also increase the awareness of itself as a first point of contact for community organisations seeking to link their clients with legal services, regardless of what type of client or legal problem. Community Legal Centres, when well resourced, are best placed to provide local service providers with local information.

(2) Conflicts of Interest

As conflicts of interest are most likely to arise as a result of two individuals attending the same legal service for advice, the provision of a further Community Legal Service or local Legal Aid office within this regional area would be ideal.

On the basis of the current funding climate, however, it is more realistic for HRCLS to focus on short-term solutions to this issue. Continued coordination between HRCLS and other legal services could ensure that clients can be appropriately referred to another legal service when a conflict of interest arises. For example, HRCLS currently have a partnership with Murray Mallee Community Legal Service (MMCLS) which enables the Wodonga Family Relationship Centre to refer clients to them when HRCLS is unable to assist due to a conflict of interest.

HRCLS could explore further the possibility of developing coordinated arrangements with other community legal centres (such as state wide specialist CLCs) and Legal Aid commissions, to address conflict of interest issues. If streamlined referral pathways or partnerships are able to be developed, this should be promoted to community organisations so that they do not lose confidence in making referrals to HRCLS.

(3) Uncertainty of organisations knowing the nature of the assistance their clients will receive following a referral

It is possible that the provision of further outreach services at community organisations may reduce the uncertainty experienced by organisations as they will be able to book clients in for a legal appointment when necessary and will be able to have legal services available to their clients on a consistent basis within their community organisations.

To address barriers faced by clients (as discussed on page 10) it is likely that legal services need to remain flexible in accommodating the needs of each client. For example, this may include providing legal advice and information in a less complex form for particular groups of clients. The needs for approaches that cater for diverse needs of the community are also supported by the LAW survey. In this survey, it is stressed that justice must be 'made to measure' according to the varying legal needs and capabilities of different people.¹⁰

12.3 Service delivery and Community Legal Education

Of the available legal services presented, staff reported that all of the available services would be helpful. More than half of the organisations indicated that their clients did not have a general understanding of the legal system, and a majority indicated that their clients would benefit from community legal education sessions on varied issues including Family Law, Debt/Financial Issues and Neighbourhood disputes. Similarly, community organisations indicated they would benefit from receiving legal education sessions on issues affecting

¹⁰ Law Survey, 207

their client groups on the same issues (family law, debt/financial issues and neighbourhood disputes).

As more than half of the organisations indicated that their clients did not have a general understanding of the legal system, it would seem that there is a general need to enhance legal knowledge in the public. Public education through legal information and legal education are well recognised as a useful component of legal service provision, as any legal rights are meaningless if people are unaware of them or do not know how to access them.¹¹

These results highlight the need for further joint and integrated legal and non- legal service partnerships. The LAW survey also provides valuable empirical evidence that a possible approach to justice supports the need for a more holistic outlook.¹² This could possibly include HRCLS providing community legal education sessions on a particular issue that is prominent to an organisation's client base, providing legal advice to their clients or providing more advice over the phone. This is likely to address the needs in relation to community legal education expressed by clients and organisations.

Although this study acknowledges that community organisations believe face to face legal advice (24%) will be most beneficial for their clients, there are current restraints on the scope of core service activities that HRCLS can provide organisations. However, there may be the opportunity to explore funding options for creative partnerships for the provision of future services. For example, specific advice to organisations about what services are available, delivery of training to staff about how to identify a legal issue or further outreach services might be explored.

The finding that face-to-face legal advice is believed by community workers to be most effective in assisting clients, is particularly important. There is currently a trend by funders to support the provision of legal services into regional and rural areas through the use of technology (such as phone or skype), or other innovative service delivery models. Whilst technology can be used effectively to supplement and increase legal services provided (for example, the Women's Legal Service Victoria Link to Legal program has increased legal services for family violence victims in regional Victoria), this survey shows that the provision of legal services via technology should not replace traditional face-to-face outreach services provided in regional and rural locations for particularly disadvantaged clients. It may also highlight that service providers are likely to be more willing to refer clients for face-to-face legal advice than other services.

¹¹ Law Survey, 207

¹² Law Survey, 207

13. Comparison of survey results and HRCLS data on service provision

13.1 Problem types of clients at HRCLS

HRCLS data on problem types demonstrates that HRCLS provided legal services in a diverse range of areas in 2014. Over 55% of the advice provided was in Family Law related issues including child contact, property related issues and child residency. This is consistent with the findings of this study which indicated that Family Violence and Family Law were commonly experienced issues by clients of organisations.

This study also demonstrated clients experienced a high amount of legal issues relating to housing and accommodation, child protection and credit/debt. In 2014, HRCLS delivered the following legal advice in these areas:

- 99 matters relating to credit and debt (4%);
- 20 matters relating to tenancy disputes (1%); and
- 37 matters relating to child protection (1%).

Given that HRCLS does not deliver a large amount of legal services covering these areas, there is a possibility that HRCLS could adapt its service provision to provide legal assistance in these areas of law, unless it is identified that other legal service providers (such as private lawyers) are already meeting this need.

14. Recommendations

The results indicated that clients that attend community organisations often have interrelated legal and non legal issues and the legal issues they present with are varied. The most commonly presented legal issues were family violence, housing/accommodation and family law. To address this it is recommended that:

1. That HRCLS review and evaluate whether there is a need to increase or target its services to meet client needs in relation to child protection, homelessness and/or credit/debt issues, through further funding applications.
2. That HRCLS seek funding to deliver Law Check Up training to key service providers within its catchment area to help them identify clients with legal issues.
3. That HRCLS explore the opportunities available to increase secondary consultations to service providers

The results also indicated that staff are likely to refer their clients to varied legal services, with the most common referrals been made to CLCs and Legal Aid/Law Access. To address the barriers discussed above (page 10) it is recommended:

1. That HRCLS evaluate and improve the referral pathways available for service providers to refer clients to HRCLS, through further consultation with key service providers. This

could include HRCLS providing information to organisations about eligibility for its services.

2. That HRCLS promote and encourage referrals to state wide triage options available such as VLA Help line and Law Access NSW, where appropriate. This could include developing partnerships with state-wide CLCs and Legal Aid bodies to ensure that those who are excluded from assistance due to conflict of interest are able to easily access an alternative service.
3. That HRCLS explore further options for joining up its services (whether through improved collaboration or co-location) with non-legal service providers where possible. This includes HRCLS continuing to maximise its relationship with its auspice agency, Upper Murray Family Care, to increase collaboration between services.
4. That HRCLS continue to promote itself as a local referral agency in relation to legal services. HRCLS could also explore the possibility of developing information sharing protocols with non-legal service providers assisting clients of HRCLS, where ethically appropriate.

Results also indicated that clients of organisations experience diverse barriers when accessing legal assistance, particularly, financial, literacy and disability barriers. To address this it is recommended:

1. That HRCLS review the approach taken to assist people with literacy issues, and how such clients can be assisted most effectively (e.g. through plain English advice or through working more closely with non-legal service providers to support such clients).
2. That HRCLS advocate for further funding to be provided for face to face legal services in outreach areas where gaps in service delivery exist.

Staff indicated that their clients did not have a good understanding of the legal system and that they would benefit from a range of community legal education sessions on a range of issues including family law, debt/financial issues and neighbourhood disputes. To address this it is recommended:

1. That HRCLS seek funding to deliver community legal education on topics requested by service providers as identified within this survey, or to facilitate other legal service providers to deliver CLE locally to meet this need.

15. **Concluding remarks**

Together, these findings indicate that HRCLS is doing a number of things correctly to effectively assist those with legal needs including providing targeted outreach and community legal education across the catchment. HRCLS also has a number of positive relationships with local and state wide services, which assist clients to access legal services.

These findings also indicate a number of prospective solutions. These future prospective solutions aim to further assist organisations in helping clients that have legal issues and also, to assist in building sustainable community relationships between legal and non-legal service providers to ensure better access to the law for the community.

It is hoped that this analysis will give rise to a discussions about how best the community can move from theory to practice, to build partnerships between all organisations and pathways to ensure that clients feel supported when seeking assistance.

ANNEXURE A – LEGAL NEEDS SURVEY

Your response to this survey is essential in ensuring that we have an accurate understanding of the legal needs that exist within the wider community.

Please kindly complete this survey by the 5 May 2015.

Date: -----/-----/-----

Location: -----

Staff Member: -----

Service Provider Contact Name: -----

Organisation: -----

Contact Details: -----

Primary Function of Service

Geographical Catchment Area

Profile		
<p>1) Please indicate what percentage of <u>your clients</u> are male and female.</p>	<p>Male</p> <p><input type="checkbox"/> 0-20%</p> <p><input type="checkbox"/> 20-40%</p> <p><input type="checkbox"/> 40-60%</p> <p><input type="checkbox"/> 60-80%</p> <p><input type="checkbox"/> 80-100%</p>	<p>Female</p> <p><input type="checkbox"/> 0-20%</p> <p><input type="checkbox"/> 20-40%</p> <p><input type="checkbox"/> 40-60%</p> <p><input type="checkbox"/> 60-80%</p> <p><input type="checkbox"/> 80-100%</p>

<p>2) What is the predominant age/s of your clients? <i>Tick all that apply.</i></p>	<input type="checkbox"/> Under 18 <input type="checkbox"/> 18 – 25 <input type="checkbox"/> 25 – 49 <input type="checkbox"/> 50 – 69 <input type="checkbox"/> 70 – 84 <input type="checkbox"/> 85+
<p>3) What is the most common family structure of your clients? <i>Tick all that apply.</i></p>	<input type="checkbox"/> Single / Unpartnered <input type="checkbox"/> Single Parent <input type="checkbox"/> Couples / Partnered – no children <input type="checkbox"/> Couples / partnered – with children <input type="checkbox"/> Other <i>(please specify):</i>
<p>4) What is the main source of your client's income?</p>	<input type="checkbox"/> Wages – full time <input type="checkbox"/> Wages – part time <input type="checkbox"/> Centrelink Payments (Pension, Newstart, Youth Allowance etc.) <input type="checkbox"/> Unsure / not recorded <input type="checkbox"/> Other <i>(please specify):</i>

Legal Assistance and Advice

<p>5) What legal issues do your clients most commonly present with? <i>(Please tick all that are relevant)</i></p>	
<input type="checkbox"/> Centrelink problems (e.g. problems with benefits)	<input type="checkbox"/> Freedom of Information (e.g. problem obtaining documents from government depts.)
<input type="checkbox"/> Child protection (e.g. removal of children from parents care)	<input type="checkbox"/> Housing & Accommodation (e.g. dispute for Landlord / Office of Housing, rent, homelessness, eviction)
<input type="checkbox"/> Commercial & contractual disputes (e.g. contracts, business partnership disputes)	<input type="checkbox"/> Immigration (e.g. detention, refugee visa, deportation)

<input type="checkbox"/> Consumer issues (e.g. disputes with retailers, banks, solicitors)	<input type="checkbox"/> Intervention Orders
<input type="checkbox"/> Credit & debt (e.g. problem paying bills, credit rating dispute, bankruptcy)	<input type="checkbox"/> Neighbourhood Disputes (e.g. dispute over fence, noise, trees)
<input type="checkbox"/> Criminal Law (e.g. assault, theft, property damage, drug offences)	<input type="checkbox"/> Personal Injury (e.g. injury at work, car accident)
<input type="checkbox"/> Disability & Mental Health (e.g. involuntary psychiatric hospitalization, problems with medical treatment)	<input type="checkbox"/> Police Issues (e.g. unfair treatment, false imprisonment, harassment, bail)
<input type="checkbox"/> Discrimination (e.g. race, religion, sex, disability)	<input type="checkbox"/> Traffic Offences (e.g. loss of driver's license, traffic offences challenged, drink driving)
<input type="checkbox"/> Employment (e.g. unfair dismissal, harassment / bullying at work)	<input type="checkbox"/> Victim of Crime
<input type="checkbox"/> Family Law (e.g. separation and divorce, family property disputes, child support payments, contact with children)	<input type="checkbox"/> Wills, Powers of Attorney & Guardianship
<input type="checkbox"/> Family Violence (e.g. victim/perpetrator of family violence)	<input type="checkbox"/> Youth Issues (e.g. suspension from school, Youth Allowance)
<input type="checkbox"/> Other:	

6) When you are able to make a referral, where are you most likely to refer clients with legal issues? *Tick all that apply.*

Aboriginal Legal Service

Private Solicitor/Barrister

Legal Aid/ Law Access

Police

- Ombudsman
 Self-help resources (e.g. fact sheets)
- Local Court
 Community Legal Service
- Other Service Organisations (e.g. financial counselling)

Please specify: _____

7) What difficulties does your organisation face in referring your clients to these services?

8) What problems do your clients most commonly encounter in trying to find and access legal assistance? *Tick all that apply.*

- Literacy barriers (e.g. difficulty readings and understanding information)
- Disability barriers (mental and physical)
- Language barriers
- Location and mobility barriers
- Financial barriers
- Lack of available legal services
- Other please specify: _____

9) What kind of legal services do you think your clients would most utilise?

- Legal Fact sheets
 Legal Advice - face to face
 Community education sessions
 Legal Representation - court appearances
 Legal Advocacy- letters of demand, making phone calls
 All of the above
- Outreach services
 Legal advice - telephone
 Self-help resources

10) What kind of legal services / information do you think your clients would least utilise?

- | | |
|--|--|
| <input type="checkbox"/> Legal Fact sheets | <input type="checkbox"/> Outreach services |
| <input type="checkbox"/> Legal Advice - face to face telephone | <input type="checkbox"/> Legal advice - |
| <input type="checkbox"/> Community education sessions | <input type="checkbox"/> Self-help resources |
| <input type="checkbox"/> Legal Representation - court appearances | |
| <input type="checkbox"/> Legal Advocacy- letters of demand, making phone calls | |
| <input type="checkbox"/> All of the above | |

11) Based on your clients in 2015, how often would you refer your clients to Hume Riverina Community Legal Service per year?

- Daily
- Weekly
- Monthly
- Yearly
- Never

Community Legal Education

The Hume Riverina Community Legal Service often runs Community Legal Education (CLE) seminars to educate the community about different legal issues and topics.

12) Do you believe that your clients have a general understanding of the legal system?

- Yes No Don't know

13) Would your clients benefit from targeted community legal education?

- Yes No Don't know

14) If **yes**, which topics do you believe to be the most beneficial? (*Tick all that apply*)

- Debt and financial issues (e.g. bankruptcy, credit rating disputes)
- Family law (e.g. child support, family violence, divorce)
- Employment law (e.g. unfair dismissal and discrimination)
- Neighbourhood disputes
- Criminal Law (e.g. assault, theft, property damage, drug offences)
- Wills, Power of Attorney and Guardianship
- Neighborhood disputes (e.g. fencing disputes)
- Other – please specify: _____

Professional Legal Education

15) Would your staff be interested in receiving legal education sessions on issues that affect your client group?

- Yes No Don't know

16) If yes, what topics would you like information on? *(e.g. legal processes, specific aspects of law)*

Law Reform

17) Are there any social justice or legal issues that are currently impacting on your clients or the local community in an unfair way that could be addressed by law or policy reform?

- Yes No Don't know

18) If yes, please provide a brief overview of the area that should be targeted?

Additional Information / Comments

19) Do you have any further comments that you would like to share with us?

Thank you for taking the time to complete this survey.

If you have any further questions or comments please contact Tessa Mead at Hume Riverina Community Legal Service by email on tmead@umfc.com.au or by phone on 1800 918 377