

Executive Summary

Overcoming the Invisible Hurdles to justice for young people

The Final Research and Evaluation Report of the Invisible Hurdles Project: Integrated Justice Practice - towards better outcomes for young people experiencing family violence in North East Victoria

Young people face invisible hurdles to accessing legal assistance, particularly where they have experienced family violence. The project, which was the subject of this research and evaluation report sought to identify those hurdles, to develop service delivery models that most effectively overcome them and, in so doing, increase the capacity of young people to engage in the legal system. Through early intervention and integrated service delivery, through innovative service models such as this one which reach out and see justice services collaborating and visible as part of other effective services with shared values, this research finds that young people will experience reduced occurrences of family violence and associated legal problems.

The three-year longitudinal research study shows relationships of trust take time and patience to build, but that they can make significant inroads and better target those who would otherwise miss out. Without access to timely and tailored legal help, young people can lose their homes, be separated from family, and become anxious and stressed and make poor decisions through a lack of accurate and informed awareness of legal options. In some instances, this can jeopardise safety, and so, integrated service delivery and holistic approaches to supporting young people were found to be key to building capacity and responsiveness in young people to help them navigate a system perceived as alien and unhelpful.

The Invisible Hurdles Project

The first partner in the Invisible Hurdles Project is the Hume Riverina Community Legal Service (HRCLS), which offers free legal advice to people living in North East Victoria and the Southern Riverina of NSW. The project is funded by the Victorian Legal Services Board Grants Program, with additional funding received from Legal Aid NSW to support expansion of NSW services in 2017-18. These funds enable a community lawyer from the HRCLS to spend a day a week with each of the following agencies (with an additional day introduced at AWAHS in October 2017 due to the additional funding)

- (i) Albury Wodonga Aboriginal Health Service (AWAHS), an Aboriginal community-controlled health service which works to improve health outcomes for our local Aboriginal community with a range of culturally appropriate, flexible, reliable, professional and viable health and well-being services, to strengthen, nurture, enhance and maintain the overall quality of life of our community members.
- (ii) Wodonga Flexible Learning Centre, which is a school for vulnerable young people who are struggling with attending other schools, and

- (iii) North East Support and Action for Youth Inc (NESAY) in Wangaratta, that provides support services to young people to address issues around adolescence, family life and homelessness.

This project sought to break down barriers, go to the location that clients are likely to visit, and build relationships of trust and collaboration between all the partner agencies. This was not an ‘outreach’ service but rather an *Integrated Justice Practice*, a term that describes the innovative model of lawyering that was used. Key aspects of the model include embedding the lawyer in the organisation by, for example, attending team meetings, providing holistic and connected client care and offering legal secondary consultations to non-legal professional staff at each partner agency as part of a multi-disciplinary practice or ‘Health Justice Partnership’.

The research evaluation

The Australian National University (ANU) was commissioned to conduct this research and evaluation through its key personnel, Dr Liz Curran and Pamela Taylor-Barnett. Given the small amount of monies available for the research and given ANUs social justice aims, the ANU also provided significant ‘in-kind’ assistance. There was an Aboriginal adviser to the project in line with good practice, and as a critical element in the researchers’ approach to such studies where, as in this project Aboriginal young people and their professional supporters and community are involved. This Aboriginal adviser, young people and the professional and executive teams from the partner agencies provided valuable feedback on the methodology and approach taken and ethics approval was granted for the project in a staged approach given the vulnerability of the client group, thus refining the project’s integrity.

Key findings of the research and evaluation are that:

- The ‘Invisible Hurdles’ project, across all the measurement tools, was effective, efficient and had an impact reaching clients who would otherwise not have been reached.
- Engagement, capacity, empowerment and collaboration improved throughout the project for many young people and non-legal professionals as awareness grew about the possibilities that legal problem solving could present.
- Secondary consultations were delivered as a way of reaching young people, who this and other research reveal, often distrust authority or are frightened, with the project’s approach minimising the young person feeling exposed and with them turning to a trusted teacher or health and allied health professional.
- The presence of ‘justice’ service providers, advising alongside other disciplines, was seen to enhance decision-making, not just of the young person and their worker but at times led to enhanced decision-making and a deeper understanding of legal options at agency and organisational level, increasing agency responsiveness.
- Secondary consultations enabled young people to get access to accurate, relevant timely legal information, through their trusted intermediary being able to quickly access a lawyer,
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- and then support them or if the young person felt able to later be referred, having established trust from both the worker and the young person.
- Secondary Consultations also built capacity of non-legal professionals to be able to respond in a timely way, to improve decision-making, and reduce the professionals sense of anxiety as they know the information through the lawyer is reliable.
- Word of mouth about the project, in that young people felt the lawyer was okay, took time to develop, but in the recent twelve months of the project there was evidence in the data that young people were starting to self-present because of the experiences of other young people.
- Young people experiencing family violence are unlikely to reveal it unless they feel safe, the lawyer is approachable, non-hierarchical, non-judgemental and speaks simply and are likely to disclose other issues first and test out a lawyer first before opening-up. Poor lawyer stereotypes can inhibit willingness to seek help and so the type of lawyer is critical to engagement.
- Young people will wait and observe how the lawyer interacts with others first, sometimes for up to six months, before feeling they can approach a lawyer or their worker about a legal issue.
- Many young people relied on family members or friends for legal opinions and often these sources were suspicious of lawyers and the legal system and so opportunities for early intervention and problem prevention or escalation were not utilised but with the lawyer on site, visible, available and approachable more young people were availing themselves of legal help either directly or through a trusted non- legal professional than would have been the case without the project.

Mixed data gathering methodologies were used with inclusions of staff, young people, management and external agencies, over three years. Critical was involvement in their design of those affected. Including the focus group with young people.

Key recommendations

1. Community development

Lawyers and community educators have a role in giving the young people the power, information, skills and opportunities to engage in decision-making processes that affect them. There are opportunities being missed that could be taken up.

2. Professional development and reciprocity

There is capacity for professional development work to continue in both opportunistic ways (lunchroom, staff meetings) and formal planned ways. This should be reciprocal, that is not only from the HRCLS lawyer to the other partners, but also from and between all four partners.

3. Professional Culture and Stereotyping

The data revealed more reciprocity and exchange of approaches and understanding about disciplines improves and enhances professional collaboration and breaks down incorrect stereotypes.

4. Staff retention

Retention of lawyers was an issue in this project. Attracting and retaining legal staff in rural and regional communities is hard, and having trained, recruited and built trust, staff due to insecure funding and opportunities in rural settings will often leave. At a government and systemic level there needs to be more endeavour to expose law students and early career lawyers to the advantages that such future careers in the bush can offer, but supports and strategies for retention need to be put in place if rural and regional communities are not to be placed at a disadvantage in accessing justice.

5. Young people, Aboriginal service delivery and engagement

Trust and longevity of presence, the delivering on promises, understanding of culture, family and Elder connectedness or disconnectedness need to inform service delivery and engagement. These features were critical for engagement and responsive service delivery to Aboriginal Australians in closing the gap in this project.

6. University linkages to support good practice and service delivery in the region

Universities can play more of a part in training and clinical opportunities in regional areas. Linkages with legal centres, community partner agencies, students, the local private profession and philanthropic funders could support collaborations to encourage students to make a long term career in country Australia.

7. Time, longevity and sustainable funding

Government policy and funding needs to acknowledge and build in funding components for the time and intense work it takes to develop the trust and sustain relationships so as to reach vulnerable and complex, often traumatised clients, whose safety is often at risk and feel shame, embarrassment or other complex barriers to seeking legal advice.

8. Young people and family violence and responsiveness

Services and funders need to accept that to address and support people experiencing family violence takes time and trust. Funding models need to be adjusted to reflect and enable this with resourcing of services to work together and separately as may be required to gain such trust.

9. Community development approaches to young people: empowerment and inclusion

Lawyers and community educators have a role in giving the young people the power, information, skills and opportunities to engage in decision-making processes that affect them.

10. Collaboration and multi-disciplinary practice expansion

Justice should be included in existing models in health, allied health, social service and educational organisations. While multi-disciplinary practice is common, there are rare examples of the consideration of justice as part of such practices and yet it can enhance holistic service provision and agency capacity.

11. Systemic policy work

Policy reform is critical to avert the revolving doors of problems that might be resolved with grass roots informed policy responses. All partners across the data expressed a wish for opportunities to further identify, explore and work together on policy work that might address problems that might be alleviated or changed for better outcomes for young people. The involvement of young people in policy work that affects them is important.

12. Further consolidation and funding

This project needs ongoing, secure further funding to consolidate and explore other opportunities and identified needs emerging to better support and reach young people.

13. Rural and regional diversity

Locations in rural setting can have different complexities to life in a regional setting. Cross border issues and different law enforcement which discriminates against Aboriginal young people need to be counteracted by cultural awareness and training. Child protection policies that overlook cultural connection and connections to land in different areas for family members need to be acknowledged in decision making.