

NPA Review Panel
Online submission

3 September 2018

Dear Review Panel,

Re: Review of the National Partnership Agreement on Legal Assistance Services 2015-2020

Thank you for the opportunity to participate in the Review of the National Partnership Agreement on Legal Assistance Services 2015-2020 ('the Review').

Health Justice Australia is the national centre for health justice partnership. These collaborations between health and legal services support populations that are particularly at risk of poor health and justice outcomes by embedding lawyers into healthcare settings. The integrated service provision enabled by health justice partnerships reflect the reality of complex lives, where legal and other issues are intertwined, particularly for marginalised, vulnerable and hard to reach client groups.

Health Justice Australia supports the expansion and effectiveness of health justice partnerships through:

- Knowledge and its translation: developing evidence and translating that evidence into knowledge that is valued by practitioners, researchers, policy-makers and funders
- Building capability: supporting practitioners to work collaboratively, including through brokering, mentoring and facilitating partnerships
- Driving systems change: connecting the experience of people coming through health justice partnerships, and their practitioners, with opportunities for lasting systems change through reforms to policy settings, service design and funding.

As part of this work, Health Justice Australia has undertaken the first national review of health justice partnerships across Australia. Our research, 'Mapping a new path: the health justice landscape in Australia, 2017', will be released on 30 August.¹ It shows up to 50 services working on what we call the health justice landscape, reflecting a range of different service models included. Mostly community legal services working in health

¹ <https://www.healthjustice.org.au/mapping-a-new-path/>

settings, these services are spread across capital cities and regional centres; in hospitals and community health services; working with a range of priority populations while also providing generalist legal help to the many patients accessing health services.

Our report identifies five (5) tangible ways in which services are demonstrating a partnership-based approach that provides a different way of working from other/existing community legal service models:

1. Shared goals of the partnering services that centre around supporting better health and justice outcomes
2. Formal and informal referral pathways between partnering services
3. Two-way secondary consultations
4. Interdisciplinary training
5. Shared systemic advocacy

From our work with health justice partnership we have also identified that the innovation to collaborate that is so central to health justice partnerships is also one of the barriers to their sustainability. Working in partnership is challenging. It requires sustained investment of time and funding to develop and maintain relationships between the community legal service (which might be a community legal centre or a legal aid organisation) and doctors, nurses and allied health professionals in community health and hospital settings.

Goal two (2) of the National Partnership Agreement on Legal Assistance Services 2015-2020 (NPA) provides that 'legal assistance service providers collaborate with each other, governments, the private legal profession and other services, to provide joined-up services to address people's legal and related problems'. Health Justice Australia recommends that any changes made to the NPA recognise the time and resourcing it takes to work collaboratively; and reflects this recognition in associated performance benchmarks and reporting. Specifically, Health Justice Australia recommends the Review consider how the NPA can:

- better support programmatic solutions that do not act as a barrier to collaborative practice
- enable pooled resources for greater impact
- maximise learning from existing approaches like health justice partnerships through robust comparative research into the cost and impact of different service models, to secure the effectiveness of current and future reforms
- reflect the time and resourcing required for collaborative service design and delivery, particularly in non-mainstream legal settings
- adopt a truly equity-based approach to service design and delivery, recognising the time and resourcing it takes to reach marginalised, vulnerable and hard to reach client groups
- contain performance benchmark and reporting frameworks that adequately provide for the differences in time and resourcing to do collaborative service design and delivery well.

The NPA already provides scope for innovation which may better address the needs of communities that are vulnerable to legal need, by clearly articulating which client groups are a priority for service provision and why. The NPA also draws upon evidence to suggest such services should take a holistic approach to addressing legal need “through collaboration with, and coordinated service delivery between, legal and non-legal sectors, including by delivering appropriate and timely services to best meet people’s legal needs”.

However, the lessons of effective innovation suggest that the NPA needs to do more than simply identify such opportunities as within its scope, if it is to enable service innovation that truly meets the needs of people with unmet legal need who are already hard-to-reach. Success in this context does not only involve investment in a change in practice, although that is a key ingredient; as is the ability to learn from efforts that do not at first succeed. Success here also involves the appropriate investment in quality comparative evaluation to assess whether the new service (innovation) has benefits beyond that of status quo services and/or at a lesser cost. If there is no quarantined funding available for quality research/evaluation, history would suggest that the evaluation will be underfunded (and therefore of less value) as resources are pushed into frontline service delivery.

As the national centre of excellence for health justice partnership we work closely with community legal service and other practitioners who are innovating to find new and collaborative ways to reach people with entrenched and unmet legal need. The Review provides a major opportunity to ensure the funding and policy framework guiding the practice of these same practitioners is truly enabling of effective and sustainable interdisciplinary collaboration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tessa Boyd-Caine', written in a cursive style.

Dr Tessa Boyd-Caine, CEO