

Attorney-General's Department
3-5 National Circuit
Barton
Canberra 2600

17 January 2019

Dear Review Panel,

Re: Review of the National Strategic Framework for Legal Assistance 2015-2020

Thank you for the opportunity to provide input on the review of the National Strategic Framework on Legal Assistance 2015-2020.

As the national centre of excellence for health justice partnership, Health Justice Australia works 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. We welcome the opportunity to ensure the Framework for legal assistance emphasises the importance of working together through integrated assistance provided to clients, with a focus on help provided rather than on the system itself, as the endpoint for meaningful and sustainable interdisciplinary collaboration.

We note and welcome the expanded remit of the Framework on all legal assistance services, not only those funded by the Commonwealth.

Our input for the Review is framed around two key issues: collaborative service integration and outcomes.

1. Collaborative service integration

Responding to a growing body of evidence, policies at both state and Commonwealth levels are increasingly exploring opportunities to better integrate service provision around the legal, health and social problems in people's lives. With the right supports, public legal assistance services can innovate their service models in the interests of improved support for people with unmet legal need. The evolution of health justice partnership in Australia, led by community sector lawyers, demonstrates this capability well.

Supporting client-centred service innovation requires policy frameworks that encourage testing and learning from new approaches; and funding mechanisms that enable it. By strengthening clarity and intention in key areas, the Framework could provide useful context in both these elements. For example, efforts to better integrate service delivery are happening beyond the legal assistance sector, as the move towards health service integration demonstrates.¹ Yet in the Framework's discussion about integrated legal

¹ See for example the NSW Health integrated care strategy, <https://www.health.nsw.gov.au/integratedcare/pages/default.aspx>.

assistance, it is unclear whether this is referring to integration within the legal assistance sector specifically, and/or with other service areas across the health and human service landscape broadly. At a minimum, acknowledging opportunities for integration both within and beyond the sector would be useful in the Framework. At best, encouraging these processes could provide a springboard for legal assistance services to work differently to meet the needs of people who currently miss out on their services.

Similarly, the Framework moves between concepts of 'cooperation', 'collaboration', 'integration', 'joined up' and 'partnership' without distinguishing these, yet they connote very different approaches in practice. For example, cooperation requires much less in the way of system support and resourcing than service integration; and partnership requires a considerable time investment to build the trust and relationships that are foundational to the establishment of a shared vision and goals. Moreover, each approach requires differing levels of investment and may have quite different outcomes for the people legal assistance services are here to help, particularly those experiencing unmet legal need. Each and any approach adopted should always be driven by local context, available resources and need.

In the context of collaborative service planning specifically, the evolution of place-based initiatives is another key development on the health and human services landscape that has implications for legal assistance services. Place-based initiatives are programs designed and delivered with the intention of targeting a specific geographical location/s and particular population group/s in order to respond to complex social problems, typically focussed on areas and communities with entrenched disadvantage or deprivation. Key elements of place-based initiatives include a focus on systems change; and support (including resourcing and developing the partnering capability of local services and actors) to scope and build the local partnerships that can and should inform place-based, collaborative service planning. While the goal of collaborative service integration is shared with legal assistance services, place-based initiatives include an added priority on strong involvement of people with lived experience of the needs being targeted. This suggests the potential value of opening up collaborative planning beyond legal assistance services only, which would complement the existing approach to empowering and enabling and the related concept of 'client focus' that are set out in the Framework.

2. Outcomes

Perhaps most significantly for the Framework, there would be great value in strengthening its over-arching goal in terms of outcomes. Neither innovation nor collaboration nor improved service planning are endpoints on their own. Their objective should be improved outcomes for the people legal assistance services are here to help.

In order for legal assistance services to be appropriate, proportionate and tailored to people's legal needs and capabilities, service delivery models need to be flexible enough to draw upon a range of strategies to cater for different capability needs. We would welcome a Framework that prioritises the purpose of service innovation in the interests of improved outcomes for people with legal need. But we recognise this is challenging, in terms of both capacity to control outcomes and to measure them. For instance, a legal service can advise someone to take action, but if that person does not take that action,

they might not achieve the desired outcome – through no fault of the legal advice provided. Or it might be appropriate to advise someone that there is nothing that can be done about their problem.

At a minimum then, it is important that this Framework sets out what Government wants to see for clients of legal assistance services, even if that is described in broad terms. For example, is it just that people should receive legal help? Or that legal help should improve someone's situation? And if so, how should outcomes be measured to reflect this?

While the focus on 'client-centred practice' is welcome and reflects a shared focus within jurisdictions and service environments across the country, how well it is being achieved and what impact this focus is having for clients themselves remains a central question. The Framework would benefit from consideration of community engagement, user experience and the outcomes that users themselves desire. For example, in what circumstances should consumer voices be included in collaborative service planning, as a key reflection of the Framework's focus on client-centred practice?

The attention to timeliness of interventions should also consider a person's legal problem/s in the context of their whole life (client-centred practice). Legal problems can trigger as well as be triggered by non-legal problems. Take for example a client who is unable to maintain secure housing due to their acute mental ill health. A legal service might work to secure housing after someone has been evicted, but that might be a short-term fix while their mental health remains unchanged. This example points to why coordination with other health, welfare and wellbeing services might be useful; but it also informs the outcomes we should be looking for in an instance of effective assistance.

The Framework's attention to empowerment and resilience provides a key connection with outcomes. The discussion here would benefit from acknowledging some of the key literature informing where legal assistance services might achieve the greatest outcomes. For instance, community legal education has demonstrated value in addressing unmet legal need when it focuses on other (non-legal) professionals, not only on people likely to be in need of legal assistance themselves.²

We hope that this input is useful and would welcome the opportunity to discuss our comments further.

Yours sincerely,



Dr Tessa Boyd-Caine, CEO

² See for example Forsdike, K., et al (2018) 'An Australian hospital's training program and referral pathway within a multi-disciplinary health-justice partnership addressing family violence,' *Australian and New Zealand Journal of Public Health* 42(3): 284-290; and Forell, S & McDonald, HM (2015) *Community legal education and information at Legal Aid NSW: activities, costs and future planning*, Law and Justice Foundation of NSW.