

Developing a triage framework

Linking clients with services at Legal Aid NSW



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Law and Justice Foundation of NSW
April 2019



LAW AND JUSTICE
FOUNDATION

OF NEW SOUTH WALES

This report is published by the Law and Justice Foundation of New South Wales, an independent, not-for-profit organisation that seeks to advance the fairness and equity of the justice system, and to improve access to justice, especially for socially and economically disadvantaged people.

This report was prepared by the Law and Justice Foundation of NSW for Legal Aid NSW.

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Title: Developing a triage framework: linking clients with services at Legal Aid NSW

ISBN: 978-0-6484225-2-5



A catalogue record for this book is available from the National Library of Australia

Publisher

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Level 13, 222 Pitt Street, Sydney NSW 2000
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Web: www.lawfoundation.net.au

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Acknowledgements

This publication arises from a research alliance between Legal Aid NSW and the Law and Justice Foundation of New South Wales. We acknowledge and thank Legal Aid NSW Client Services Unit for their comments.

Purpose of this paper

This paper was developed to support Legal Aid NSW undertake a review of their client intake and triage services. It provides a conceptual basis for further investigating and developing a systematic triage service model.

Definition of triage

Triage refers to the practice of responding to and ‘sorting’ the problems of individuals based on their degree or type of need to determine the appropriate type of service within a context of limited resources (National Action Committee on Access to Justice in Civil and Family Matters, Prevention, Triage and Referral Working Group 2013, p. 14).

Thus, the purpose of triage is to manage situations where demand for a service outstrips capacity, providing a means for prioritising clients and matching them with available service options.

Triage principles

The broader literature in disciplines such as health indicates there are different models of triage with diverse theoretical and philosophical underpinnings. These models are variously based on different triage principles, including, for example:

- First come, first served
- Equal chance of receiving the service (‘lottery’)
- Priority to the worst off
- Priority based on the urgency of issues – for example, emergency room model to save lives currently at risk
- Priority based on best (or longer-term) outcomes
- Priority based on helping the most people (see Appendix Table A1).

Legal services may operate under one or more triage principles, depending on the nature, aims and context of the service and of the organisation providing the service. For example, some legal advice telephone lines and clinics operate under a ‘first come, first served’ basis, while duty lawyer services will necessarily consider the urgency and severity of matters. Other types of services may target clients who are worst off, have more to gain or benefit, or are less able to self-help, such as some specialist or outreach services (see Appendix Table A1).

Factors relevant to the triage model selected

The aims of triage for a specific service will depend on the broad principles and goals of the organisation providing the service, as well as the more specific aims and goals underlying the service and the context of the service.

Aims of the organisation

The aims, vision and purpose of the organisation providing the service will guide the basis for determining its client pool, with some organisations providing services to the broader

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community and others providing services for more specific target groups. Further, some organisations provide generalist services while others provide specialist services. Thus, triage principles may depend on the organisation's:

- mission statement, vision, strategic framework priorities
- legislative mandate and scope
- governance/board
- funding requirements
- philosophy – for example, providing early intervention to many people versus intense or holistic services to those who are most needy or least capable of effectively self-helping.

In the case of Legal Aid NSW, the purpose of the organisation is to ensure that legal aid is provided in the most effective, efficient and economical manner, having regard to the need for legal aid to be readily available and easily accessible to disadvantaged persons throughout New South Wales, and to ascertain and keep under review community needs in relation to legal aid (see *Legal Aid Commission Act 1979*).

The Legal Aid NSW *Legal Aid Plan 2017–18* provides the aim of helping people to understand and protect their legal rights through advice, advocacy, representation and education, focusing on disadvantaged people and communities, and it also outlines objectives which also help place the role of triage, including better targeting of legal assistance to disadvantaged people through actions to 'Develop and introduce a triage approach to assess client need and capability on first entry to Legal Aid NSW' (Legal Aid NSW 2017, p. 1).

Rationale supporting use of triage by Legal Aid NSW

Within the context of demand for services outstripping supply, the value of triaging potential Legal Aid NSW clients is indicated by the following:

- Legal Aid NSW does not have the resources to provide every potential client with full services (e.g. representation or casework)
- Only some potential clients require full services to understand and protect their rights
- Legal Aid NSW may not be the most appropriate service provider for each potential client, and many potential clients have the financial resources to obtain private legal assistance
- The type of Legal Aid NSW help available varies by legal problem type (and by location in some cases)
- The level of Legal Aid NSW help required by an individual to understand or protect their legal rights will vary by:
 - the type of legal problem and its circumstances
 - the capability of the client, including alternative resources available to them
- The potential impact of Legal Aid NSW help will vary by legal problem type and circumstances as well as client capability
- Legal assistance should be of benefit potential clients
- Legal assistance may also have wider system benefits that add value to the service.

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Triage may therefore be used to:

- Identify and link target clients to services appropriate to their legal need and capability
- Direct limited resources to those most in need and/or for whom the assistance provides the most benefit
- Guide or refer non-target clients to other forms of assistance, such as self-help or other legal services.

To triage appropriately, Legal Aid NSW therefore needs to have a clear understanding not only of who they seek to serve, under what circumstances and for what issues and to what level, but also what resources and assistance other services offer.

Aims of the specific Legal Aid NSW service

Legal Aid NSW includes a raft of different service initiatives across its three main practice areas of criminal, civil and family law, including generalist and specialist services, as well as services provided via different modes and locations (e.g. telephone advice, in-office advice clinics, duty lawyer services and outreach services etc.). These different services sometimes target different client groups (e.g. the broad community, those eligible for grants of aid, one or more specific disadvantaged groups) and may have different goals and indicators of success.

Consequently, the aims of triage at particular points of contact with Legal Aid NSW will also be driven by the aims and purpose of the specific Legal Aid NSW service in question.

Inputs and outputs of triage

Triage models need to consider both inputs to and outputs from the service.

In terms of inputs:

- Who is the potential client group? (e.g. broad community, specific disadvantaged group etc., people with low capability)
- Which problems can be addressed? (e.g. generalist versus specialist service)
- How will the client group access the service? (i.e. mode and service location).

In terms of outputs, what is the range of available assistance services that a potential client can be triaged to? For example:

- What type or level of assistance may be appropriate? (e.g. community legal education or information, advice, minor assistance, representation)
- Will the triage only refer individuals to other Legal Aid NSW services or to other legal and human services as well?
- Will legal assistance be provided proximate to triage, or will service appointments have to be made?
- Will referrals be 'warm' or 'cold'?

The 2009 *Strategic Framework for Access to Justice in the Federal Civil Justice System* (Access to Justice Taskforce, p. 64) set out a vision for 'system-wide' triage:

All elements of the justice system need to have an inbuilt capacity to direct people to the most appropriate form of resolution. Without a triage capacity people's attempts

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to approach the justice system may be unsuccessful and they may be rejected; or the pathway through the justice system may not be the most appropriate pathway, being determined by how they first made contact with the system (or how the system made contact with them).

Primary versus secondary triage

Triage need not be either a one-shot or static 'stage' of legal assistance. In fact, triage may be used variously at different service entry points, and at successive points of service contact. For example, a Legal Health Check tool may be used in a legal outreach context to help systematically identify a client's potential legal problems, with an outreach solicitor subsequently providing help for some identified problems and referral for others. It is also common for legal practitioners to undertake some form of formal or informal triage when seeing a client, even after they may already have been triaged by administrative or paralegal staff, or another practitioner or service. In fact, it is possible that the type of service that a client is eligible to receive or is deemed appropriate to receive changes as further information about the legal needs and capability of a client is uncovered, such as the nature of their personal circumstances.

Organisational-level versus individual-level triage

In addition to triage being able to occur at an individual service level, such as upon a client's entry to a specific service, it can also occur at an 'organisational' level, for example through service initiatives for certain selected target groups.

Organisational-level triage

Examples of 'organisational-level' triage include:

- the allocation of greater resources to certain types of legal problems, such as crime matters over civil matters (see Cohen, 2013 p. 226)
- outreach services to target particular demographic groups, typically those with lower legal capability or who otherwise face barriers to accessing mainstream legal assistance services (e.g. in-office services) – for example, outreach services at the locations of allied services these groups frequent
- duty lawyer services in local or family courts – to target clients based on legal problem type, convenience, effectiveness and efficacy of assistance, and immediate impact of assistance.

Organisational-level triage is useful in ensuring that priority clients who may not readily access legal assistance themselves are reached. For example, it is well recognised that those clients who are able to contact a legal service looking for assistance are fundamentally different from those who do not contact a service looking for help (Greiner 2016, pp. 290):

...how hard an LSP (legal service provider) is to find determines the kind of potential clients who will find it. In the case of an LSP that is harder to find, one would expect the resulting clients to be those with more prior knowledge of LSPs or law generally, or those with more ability to pay search costs ... an LSP's choices about outreach and intake determine the extent to which the LSP culls its client base.

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The 'search costs' are the 'effort, time and attention required' to recognise a problem for which the legal system can provide a solution (Greiner 2016 p. 289).

Cohen (2013, p. 229) similarly notes that services may need to take account of self-rationing or 'hidden rationing' – where people do not know they have a legal problem, or do not know where to seek help, or do not have the capability to work hard to successfully obtain help. Again, organisational-level triage strategies can be used to overcome access barriers and target services to these clients.

Individual-level triage

Individual-level triage refers to the criteria used to select and/or prioritise clients for assistance within any particular intake stream or service.

Thus, for some services such as outreach and duty lawyer services, triage occurs at both the organisational and individual levels. For example, although these services by their very nature and location are already targeting certain types of clients and legal problems, clients who access these services can be further triaged to match the client with the appropriate level and type of assistance.

Intake pathway: mode and location

The type and role of triage will also vary by intake mode or pathway. For example, legal advice telephone lines such as LawAccess NSW, legal advice clinics, outreach clinics, duty lawyer services, etc., are likely to vary in terms of the mix of their client intake pathways. Clients accessing services via different modes or intake locations are likely to themselves vary, in terms of their legal capability, urgency of issue, type of need, etc. Telephone-based triage will likely differ by the type of triage conducted in an outreach setting – given that the outreach location itself is likely to have been selected for the purpose of effectively targeting particular clients and legal needs.

Some intake modes and locations may be open to the broad community (e.g. telephone advice lines, in-office advice clinics), while others will only be open to a specific target group.

Subsequently, organisational decisions may need to be made about whether service modes and locations open to the broader community should provide assistance to all those who seek to access the service, or whether those with higher legal capability should perhaps be filtered out or linked to external assistance.

Pathways open only to target clients (e.g. outreach, referral from non-legal workers, etc.) may not aim to filter out any clients, but rather, may aim to identify the range of needs experienced by that client and match services appropriately to those needs, such as through differential client service (i.e. some clients may receive legal information, advice and referral, but not minor assistance).

Area of law or type of action

The relevant criteria for triage may also vary by area of law (i.e. criminal, family, civil law) and type of action (e.g. litigation compared to transactional legal services).

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Some areas or actions have greater potential than others for self-help or unbundled service provision, such as for more capable clients, and these differences can also be relevant to the triage criteria selected.

Triage officer

Depending upon the pathway and purpose of triage, triage may be undertaken by:

- a legal support officer or administrative officer or paralegal officer
- a generalist lawyer (see Buck et al. 2010)
- a specialist lawyer (see Buck et al. 2010)
- a senior lawyer
- a referring non-legal worker.

Capacity to assist *at the time of triage* will depend upon the match between the skills/capacity/role of the triage officer and legal issue, and possibly also the client's capability.

If the triage officer is not the person providing the service at that point in time, then it will be necessary to consider both the link between the client and triage officer and also the link between triage and provision of service (see Buck et al. 2010). For example, what are the intended or desired client intake and referral pathways, and how are these likely to affect the role that the triage officer plays?

Triage criteria

The aims of the service, and hence the aims of triage, dictate the relevant triage criteria, as well as how the success of the triage can be measured. For example, successful triage might be indicated by the fit between the level of service provided and the client's needs and capability or perhaps by an increased capacity to reach and assist priority or target clients.

Criteria which may be useful for triage include:

- *intake pathway* – e.g. mode and location of service
- *client characteristics* – e.g. client disadvantage and client capability
- *legal problem characteristics* – e.g. type, severity and urgency of problem
- *available assistance options* – from the intake service, from other Legal Aid NSW legal assistance services, or from other external legal or human assistance services
- *likely outcomes of assistance* – for the client in the short-term and longer-term, and possibly also for the dispute resolution and justice system.

Intake pathway

As noted above, the intake pathway will dictate who will typically access the service – the broader community or only specific target groups.

Client characteristics

Specific disadvantaged groups can be targeted by service initiatives, such as homeless people, Indigenous people or migrants. Often client groups will face particular types of complex problems and may experience heightened forms of disadvantage and have lower 'legal capability'.

Capability of client

The legal capability of clients refers to the personal characteristics or competencies (i.e. knowledge, skills, psychological readiness and other resources) needed to effectively resolve legal problems (see McDonald & Wei, 2016, p. 1).

A relevant triage question is therefore 'how likely is this person to be able to resolve the problem without assistance or without assistance to a certain level of intensity?'

Methods are needed to identify clients with low legal capability, including those who may have 'hidden' low capability.

Examples of triage by capability include:

- criteria legal aid commissions apply for grants of legal aid (see benchmarking comparison in McDonald, Wilson, Wei, Randell & Forell 2017)
- various online triage tools – which, depending upon service criteria, ask for information on postcode, age (e.g. over 60 years), number of persons in household, household income etc. (American Bar Association 2014; Northwest Justice Project 2012; Utah Legal Services 2011)

Legal problem characteristics

Legal assistance services are often targeted to *different types of legal problems*. Relevant triage questions here are:

- Is the presenting legal problem one for which the service can provide assistance (i.e. is it within service scope) and does the service have the capacity to provide assistance in the given circumstances?
- Would the assistance make a positive difference to the client?
- How much assistance is required to progress or resolve the problem?

Legal problems can also vary according to their *urgency* and *severity*, which are often employed as key criteria for triage. Note, however, that identifying the urgency and severity of legal problem will often be dependent on the type of issue.

Available services

The general purpose of triage is to link clients with relevant services, or to otherwise put people into the appropriate 'service slot' (see McDonald et al. 2017). Relevant questions here concern what type of assistance would be appropriate and whether there is capacity to deliver that assistance:

- Can the triage officer assist directly with the presenting problems (especially where the triage is undertaken by a lawyer)?
- Can the intake service assist, even though the triage officer cannot?
- Is another internal service a more appropriate provider?
- Can an external legal or other human service assist?

Available service options will vary by:

- the capacity of the service provider (either the triaging officer or lawyer) to assist with the particular issue or area of law (and by any eligibility criteria that may apply)
- the timing and urgency of the issue
- the geographic location of the client relative to the appropriate service
- the capability of the client to make effective use of particular services or assistance options.

If the legal service provider cannot assist with the problem, then the client will have to be triaged out, irrespective of their legal need or capability.

Outcome of assistance

Another key triage question is *who* will get the most out of the assistance provided. Above we have discussed the difference between potential clients in terms of their capability. Here we consider the difference between clients in terms of the *potential impact* of any assistance provided.

As others have asked, a relevant consideration is 'how much an individual will gain (or avoid losing) from the assistance as opposed to other possible potential clients' (Greiner, 2016 p. 291; Cohen, 2015 p. 258).

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Note, however, that triage on the basis of likely outcomes requires the ability to predict or at least anticipate the future outcome (Greiner, 2016 p. 291), *with* and *without* the available assistance. This requires:

- appropriate information being provided at intake, and
- the triage officer being able to effectively apply this information in the client's particular situation and circumstances.

Legal diagnosis and triage in such a context may therefore place a premium on legal skills.

Factored into consideration of the outcome is also the relative impact of different forms of assistance on that outcome. In the circumstances, will a self-help resource have as much impact on the potential outcome as advice or minor assistance? Will minor assistance have as much impact as a grant of aid? This is the type of triage question that might be relevant in criminal duty settings. For example, where legal advice and advocacy is unlikely to make a substantive difference to the outcome of minor traffic matters, within a relatively narrow band of outcomes, a legal assistance service provider may determine only to provide 'lighter' forms of legal assistance, such as legal information and education (see McDonald et al. 2017).

However, critical to the question of the impact of the assistance on the outcome, is, as discussed above, the capability of the client to use the help provided.

An example of triaging by potential for resolution is the Alaska State Court's family law self-help program:

Two-level triage process used to decide which cases go through the State Court Early Resolution Program (ERP). First level of triage consists of screening the case to determine if it is suitable for ERP. In screening a case, the review looks for likelihood of settlement and operates under the premise that all cases have the potential to settle with the right assistance. This means that the screening looks at reasons to exclude cases including an active child protection case, active domestic violence, significant DV history, an incarcerated party, complicated finances, a need for substantial fact finding, contested relocation involving children, and more. Where parties aren't in agreement, they're accepted into ERP if young parents with a young child are involved, the solution to the case is obvious, litigants have some sort of unrealistic position on the desired case resolution, or there's a sense that at least a partial or interim agreement can be reached. (Self-Represented Litigation Network 2015)

Note, however, that if likelihood of resolution is the criterion, then clients with complex issues and hard-to-solve cases may be excluded from assistance.

Current triage practices by Legal Aid NSW

Legal Aid NSW does not currently have well documented nor systematic or consistent triage practices. To provide a starting point for examining current triage practices, Table 1 provides a matrix that attempts to map the **likely/possible** triage practice by type of entry point. The matrix provides a template for identifying actual triage practices, and whether or not they are consistent with the goals of different services.

Note that some triage may have already occurred prior to first contact with Legal Aid NSW, and that further triage may also occur at subsequent points of contact with Legal Aid NSW.

Each row of Table 1 considers a different *type* of entry point. For each entry point, the table sets out the likely/possible/relevant:

- aims of services at that entry point
- triage criteria at that entry point
- staff conducting triage at that entry point
- client groups who are likely to enter Legal Aid NSW at that point
- range of services that can be provided directly at that entry point, including referrals to other internal and external services.

Note that the table sets out the *main generic types* of entry points and does not attempt to detail every specialist Legal Aid NSW service separately. For example, the Domestic Violence Unit is a specialist service that would be subsumed under duty lawyer services. For a variety of reasons, specialist services will often operate in a specific way, and hence may triage accordingly. For example, a new type of casework service, 'extended legal assistance', has been trialled within specialist youth and Indigenous services and allows for the provision of extended legal assistance services to be provided to target clients who would otherwise have been ineligible for a grant of legal aid.

Definitions of terms in Table 1

The basis for triage – who gets what type and level of service, when – requires organisational decisions, policies and guidelines. Thus, various key organisational decisions may first have to be made before a triage service model and framework can be implemented. Examples or options potentially relevant to each term in Table 1 are provided below as a starting point for consideration.

Disadvantaged clients

Note that although there is considerable overlap between 'disadvantaged clients', 'clients with low capability' and 'priority clients', these are not necessarily identical, but will often overlap considerably in practice. Disadvantaged clients could consist of any of the following:

- People who meet Legal Aid NSW eligibility criteria (including merit test and means test) for grants of aid
- National Partnership Agreement of Legal Assistance Services 2015–20 priority groups – that is, children and young people; Indigenous Australians; older people; people experiencing, or at risk of, family violence; people experiencing, or at risk of, homelessness; people in custody and prisoners; people residing in rural or remote

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areas; people who are culturally and linguistically diverse; people with a disability or mental illness; people with low education levels; and single parents

- One or more specific disadvantaged groups, depending on the specific type of service or needs of a target client (e.g. legal outreach to recently arrived migrants)
- Residents of relatively disadvantaged areas.

Low client capability

Clients with low legal capability are those who do not have the knowledge, ability or resources to resolve their legal problem without assistance or without a certain level of assistance. 'Resources' can refer to personal, financial or more systemic (e.g. remoteness of residential area) factors. To triage clients based on capability, appropriate indicators are needed that can identify low capability clients or service users quickly and reliably. These might include:

- No money or poor (e.g. according to means test or income level, employment status etc.)
- Illiterate or poor education
- No English or poor English
- Mental health issue, including drug or alcohol issue (e.g. as indicated by type of medication and treatment)
- Physical disability, including long-term illness (e.g. as indicated by type of medication and treatment)
- Pressing social needs (e.g. no housing, risk to safety, no employment, no family and friends in area)
- Living in a remote community without easy access to transport or other services.

Triage criteria

Key features of all service models are client intake, triage and service eligibility. Triage criteria may be a mix of formal or informal practices, and may also have a mix of mandatory and discretionary requirements.

Priority clients

Often priority clients will be those who are either 'disadvantaged' or have 'low client capability' – see above. A key consideration for legal assistance service providers in defining priority groups for each service is how the client's financial circumstances intersect with indicators of disadvantage or low client capability. For example:

- For grants services, clients must usually meet criteria, such as a merit and means test for income and assets, and prospects of success in obtaining the desired outcome, and whether providing aid is an appropriate use of limited public funds.
- For other services, relevant considerations are:
 - whether low financial resources are *sufficient* for priority client status – for example, would a client who has low financial resources qualify for the service, even though they are capable of self-help, and the problem can be successfully addressed via effective self-help?

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- whether high income (i.e. can afford a private lawyer) *precludes* priority client status, even if the person meets other indicators of disadvantage or low client capability (e.g. non-English speaking, disability, other situational disadvantage or vulnerability).
- Having defined priority client groups does not necessarily mean that non-priority clients are ineligible or cannot receive any assistance, but rather that service provision may be subject to resource capacity and the competing demands of priority clients.

Urgency of problem

Urgent legal problems might include instances where a legal process or consequence is imminent or where the client is in crisis. For example:

- Imminence of legal issue – for example, imminent court appearance, deportation or mortgage default or repossession, risk of child being taken out of jurisdiction, etc.
- Clients in legal crisis (analogous to patients with ‘medical emergencies’ or life-threatening health conditions) may include clients facing the following, or at risk of facing the following, in the absence of assistance:
 - no liberty
 - no safety
 - no kids
 - no money
 - no housing.

Available services

‘Available services’ refers to whether Legal Aid NSW has the *relevant expertise* and *current capacity* to deliver or link the client to the appropriate *type of legal assistance service* they need, as well as the availability/accessibility of such a service. That is, whether or not the client can be provided appropriate assistance:

- directly via the Legal Aid NSW service conducting the client’s intake
- via internal referral to another service within Legal Aid NSW, including specialist Legal Aid NSW services
- via referral to an external legal or human assistance service provider.

Discretion

- Although triage can occur exclusively via fully pre-defined criteria, it may well be more effective and appropriate to afford discretion in terms of which clients are triaged in or out at certain entry points or contact points. Thus, another decision that will need to be made is whether the triage service model(s) that are developed will allow for any ‘discretion’ to be used in triage for either some or all services.

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Table 1: Possible variation of triage practice by Legal Aid NSW entry point

Legal Aid NSW entry point	Main aims of triage	Potential triage criteria (n.b. includes criteria that may not always be employed but are potentially relevant)	Current triage officer	Clients at entry point	Range of Legal Aid NSW assistance available at that entry point (n.b. assistance provided will depend on eligibility e.g. priority client, severity, urgency etc.)
LawAccess NSW	<ul style="list-style-type: none"> Guide non-priority clients to self/external help Link priority clients to legal help 	<ul style="list-style-type: none"> Client disadvantage / capability Legal problem type Urgency of problem Available services – type and capacity Use of triage tool/guidelines? Other criteria? 	Service officer	Broad community, including priority clients	<ul style="list-style-type: none"> CLI for self-help Advice Referral to Legal Aid NSW/external service
Phone (Legal Aid NSW)	<ul style="list-style-type: none"> Guide non-priority clients to self/external help Link priority clients to legal help 	<ul style="list-style-type: none"> Client disadvantage / capability Legal problem type Urgency of problem Available services – type and capacity Use of triage tool/guidelines? Other criteria? 	LSO	Broad community, including priority clients	<ul style="list-style-type: none"> CLI for self-help Referral to private/other legal services Referral to Legal Aid NSW service Referral to other human service
In-office – (central)	<ul style="list-style-type: none"> Assist all clients with simple, in-scope issues Guide non-priority clients with complex, out-of-scope issues to self/external help Link priority clients with Legal Aid NSW specialist assistance 	<ul style="list-style-type: none"> Client disadvantage / capability Legal problem type Available services – type and capacity Likely client outcomes Discretion Use of triage tool/guidelines? Other criteria? 	LSO/ lawyer	Broad community, including priority clients	<ul style="list-style-type: none"> CLI for self-help Referral to private/other legal services Advice Minor assistance Referral to other Legal Aid NSW service Referral to other human service Legal aid grant (LAG)

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Table 1: continued

Legal Aid NSW entry point	Main aims of triage	Potential triage criteria (n.b. includes criteria that may not always be employed but are potentially relevant)	Current triage officer	Clients at entry point	Range of Legal Aid NSW assistance available at that entry point (n.b. assistance provided will depend on eligibility e.g. priority client, severity, urgency etc.)
In-office – (regional)	<ul style="list-style-type: none"> Assist all clients with simple, in-scope issues Guide non-priority clients with complex, out-of-scope issues to self/external help Link priority clients with Legal Aid NSW specialist assistance 	<ul style="list-style-type: none"> Client disadvantage / capability Legal problem type Available services – type and capacity Likely client outcomes Discretion Use of triage tool/guidelines? Other criteria? 	LSO/ lawyer	Broad community, including priority clients	<ul style="list-style-type: none"> CLI for self-help Referral to private/other legal services Advice Minor assistance Referral to other Legal Aid NSW service Referral to other human service Legal aid grant (LAG)
Duty (crime)	<ul style="list-style-type: none"> Identify/prioritise urgent issues Assist all clients with urgent issues Guide non-priority clients with non-urgent issues to self/external help Link priority clients with Legal Aid NSW specialist assistance Improve efficiency of the court 	<ul style="list-style-type: none"> Urgency of problem Legal problem type Client capability Available services – type and capacity Likely client outcomes Discretion Use of triage tool/guidelines? Other criteria? 	LSO/ lawyer	Broad community, including priority clients	<ul style="list-style-type: none"> CLI for self-help Referral to private/other legal services Advice Minor assistance In court advocacy Referral to other Legal Aid NSW service Legal aid grant (LAG)
Duty (family/ civil)	<ul style="list-style-type: none"> Identify/prioritise urgent issues Assist all clients with urgent issues Guide non-priority clients with non-urgent issues to self/external help Assist priority clients with urgent issues Link priority clients with Legal Aid NSW specialist assistance Improve efficiency of the court 	<ul style="list-style-type: none"> Urgency of problem Legal problem type Client capability Available services – type and capacity Likely client outcomes Discretion Use of triage tool/guidelines? Other criteria? 	LSO/ lawyer	Broad community, including priority clients	<ul style="list-style-type: none"> CLI for self-help Referral to private/other legal services Advice Minor assistance In court advocacy Referral to other Legal Aid NSW service Referral to other human service Legal aid grant (LAG) .

Developing a triage framework

Table 1: continued

Legal Aid NSW entry point	Main aims of triage	Potential triage criteria (n.b. includes criteria that may not always be employed but are potentially relevant)	Current triage officer	Clients at entry point	Range of Legal Aid NSW assistance available at that entry point (n.b. assistance provided will depend on eligibility e.g. priority client, severity, urgency etc.)
Outreach	<ul style="list-style-type: none"> Identify (co-occurring) legal issues (of priority clients) Address simple/in-scope issues (of priority clients) Link priority clients with further legal help for more complex/ beyond scope issues 	<ul style="list-style-type: none"> Legal problem type Co-existing legal problems Available services – type and capacity Likely client outcomes Discretion? Use of triage tool/guidelines? Other criteria? 	Lawyer	Priority clients	<ul style="list-style-type: none"> Advice Minor assistance Referral to private/other legal service Referral to other human service Legal aid grant (LAG)
Community legal education and information	<ul style="list-style-type: none"> Help people identify their own legal issues Refer/direct audience members to appropriate Legal Aid NSW (or other) service 	<ul style="list-style-type: none"> Legal problem type Other criteria? 	CLE officer/ lawyer	CLE audience (e.g. priority clients, broad community)	<ul style="list-style-type: none"> Context specific. May include: <ul style="list-style-type: none"> Advice Minor assistance Legal aid grant (LAG)
Legal Aid grant (LAG)	<ul style="list-style-type: none"> Assess eligibility for LAG Provide LAG for eligible clients Assess whether LAG assistance provided by Legal Aid NSW or private lawyer (e.g. family law matters) 	<ul style="list-style-type: none"> Legal problem type Eligibility criteria – e.g.: <ul style="list-style-type: none"> client means merit of the outcome being pursued exceptional circumstances (e.g. other client characteristics) 	Grants officer Lawyer	Priority clients	<ul style="list-style-type: none"> Representation/casework services Referral to other human service
Allied services	<ul style="list-style-type: none"> Identify legal issues facing client Link clients to legal help 	<ul style="list-style-type: none"> Legal problem type Use of triage tool/guidelines? Other criteria? 	Non-legal worker	Priority clients	<ul style="list-style-type: none"> Referral to Legal Aid NSW: <ul style="list-style-type: none"> Advice Minor assistance Casework Assist with grant of aid forms

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Appendix

Table A1: Some theoretical principles which can be applied to triage and service rationing

Triage principle	Description	Legal service examples
First come, first served	Service to those who 'come through the door'. Risk: favours 'more sophisticated or persistent consumer of legal services' rather than the neediest or least capable.	Some legal advice lines. Some legal advice clinics Allocation of clients within some outreach settings.
Lottery – equal chance of receiving service - weighted - otherwise	Can add weighting to particular groups. Risk: 'Risks treating every potential client with equal concern and respect only by treating every potential client with no concern or respect'.	Only known use for legal services in experimental allocation.
Priority to worst off - in terms of legal need - generally	Assisting those likely to have the worst legal outcomes (or possibly the worst outcomes overall) if not assisted. Risk: those with 'more' may have more to lose – therefore risks preferencing wealthier, employed etc. Thus, need to factor in client resources/capability: who has less chance of getting alternative help or a good outcome without help.	Allocation of grants. Some targeted outreach services.
Urgency / priority for identified lives	An 'emergency room' model. Level of need at time of allocation (urgency), in preference to those who will be worse off over a lifetime.	Duty lawyer services consider urgency.
Age weighting - for quality of life - for quantity of life	Preferencing younger people over older people, as the intervention may have a longer effect. E.g. World Health Organization age weighting in allocating resources towards the global burden of disease – young more productive so give them a chance to 'grow the pie'. Impact of outcome on young people greater – e.g. avoiding first imprisonment. Scope for change/impact seen as greater. Age is used an indicator of likely outcome.	Allocation of grants – special provisions for young people.
Best outcome / assisting the most people - save the most lives/rule of rescue - save the most quality of life years	Allocating resources to the cause that will benefit the most people rather than to a cause that benefits only an individual. Assisting people who likely have more to gain (or avoid losing) from the intervention. 'Saving the most life years' or improving quality of life years. 'Rule of rescue' – those at most immediate risk will be rescued. Has symbolic importance but can be risky as basis for triage.	Some community legal education and information. Some early intervention initiatives. Some early/timely intervention initiatives. Legal health checks to address complex need.

Source: Adapted from Cohen (2013) and Boyle (2013).