



Community legal education and information: model priorities and principles

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The research evidence on legal need, and on effective service delivery to address that need, provides clear direction for planning effective community legal education and information (CLEI). This paper summarises that evidence and describes the service context for CLEI. It then provides the model priorities and principles that can be adapted by organisations or jurisdictions to best suit their context.

Legal assistance that meets legal need

Public legal assistance services have a broad mandate. Typically, they aim to improve access to justice for disadvantaged people who have the highest concentration of legal problems and yet face the most barriers in addressing those issues. Often, they also aim to assist the wider community to address their legal problems. And all this within available resources.¹

Together, the research findings summarised in Box 1 indicate that to most efficiently and effectively address legal need, services should be increasingly client-centred. This involves services being:

- **Targeted**, particularly to reach those with the highest legal need and lowest capability
- **Joined-up** with other services, to address complex problems
- **Timely** to minimise the impact of problems and maximise the utility of services
- **Appropriate** to the needs and capabilities of users.

These concepts apply equally to all legal assistance strategies, including community legal education and information (CLEI). They inform service strategies directed to disadvantaged people, as well as those intended for the general community.

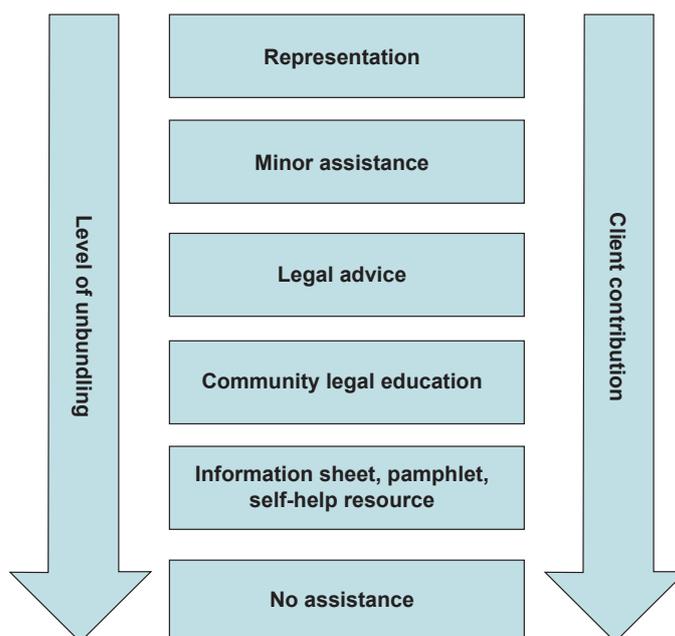
BOX 1: LEGAL NEEDS RESEARCH

More than a decade of empirical research conducted in Australia and overseas (see Pleasence et al. 2014 for summary) shows:

- there is clear inequality in the experience of legal problems, with the LAW Survey indicating that 9% of people experience 65% of the legal problems
- inequity links to social disadvantage, with legal problems particularly prevalent among people with chronic ill-health/disability, single parents, the unemployed and people in disadvantaged housing.
- social disadvantage is linked to lower capability – those most vulnerable to legal problems: tend to have less of the knowledge, self-help skills, motivation and resources required to deal with legal problem without assistance; tend towards delayed, crisis-driven help seeking; and face additional barriers such as remoteness and lack of access to low cost services
- legal problems don't exist in isolation.

¹ Council of Australian Governments (2015).

DIAGRAM 1: THE CONTINUUM OF INDIVIDUAL LEGAL ASSISTANCE SERVICES, NOTING CLIENT CAPABILITY



Source: Adapted from Pleasence et al. (2014).

CLEI as legal assistance

CLEI is part of a ‘toolkit’ of legal assistance service strategies provided to help individuals address their legal problems. This continuum of services – from information, through legal advice and minor assistance to representation – reflects the range and severity of legal problems that people face *and* their varying capability to address those problems. So while some individuals can use self-help strategies for certain problems, others will need more intensive assistance to resolve their legal issues. Many will require a combination of support strategies. Diagram 1 indicates that as the intensity of service provided reduces – and the legal assistance is increasingly ‘unbundled’² – the greater the demand made of the client to resolve the legal problem for themselves.

One challenge for service providers is to match the level of legal assistance to the legal needs and capability of the client, within the resources available. Public legal services typically do this through service eligibility guidelines. As less intensive forms of assistance, legal information

resources and community legal education tend to be available community-wide, without the type of means or merit tests used for more intensive types of legal assistance services. And yet, as shown in Diagram 1, these strategies can also require a relatively high degree of client contribution and capability, and will not be effective for all users or situations.

But while CLEI is unlikely to be an effective stand-alone, one-size-fits-all, service strategy for the whole community,³ it remains a vital tool in the ‘kit bag,’ which can be used in combination with other strategies to support different clients in a variety of ways.

CLEI: what type, for whom, when and why?

CLEI itself comprises a broad range of strategies, from face-to-face education or training sessions, to fact sheets and brochures, to online assistance. It includes self-help materials as well as materials intended to improve legal understanding and raise awareness of legal rights. It includes information to connect people with available services and fact sheets that reinforce legal advice provided. Critically, for CLEI to have an impact, the specific *audience, purpose* and *timing* for each strategy should be carefully considered. In short, certain types of CLEI are better suited to different issues and different clients.

² ‘Unbundled’ legal services refers to the provision of circumscribed assistance, often in the form of legal information, advice and minor assistance, and in contrast to full service ‘bundled’ services such as the type of traditional legal representation often provided by private practitioners. Unbundling involves separating discrete components and tasks between an adviser and client. Public legal services in Australia provide unbundled legal services as a way to stretch their scarce resources to assist more people. Pleasence et al. (2014) noted the inherent tension between providing more unbundled and ‘lighter’ forms of legal assistance to more people, and more ‘bundled’ and intensive forms of service that may be more effective in terms of resolving legal problems, particularly more complex types of matters.

³ Rather, a holistic, multifaceted approach to planning and providing legal assistance may be the key to more efficient and effective services that enhance access to justice across the whole community.

DIAGRAM 2: IDENTIFYING THE PURPOSE OF CLEI: TO WHOM, WHEN AND TO WHAT END

<i>Who</i>		<i>Broader community</i>	<i>Core clients</i>	<i>Workers</i>
		<i>Higher capability</i>	<i>Lower capability</i>	<i>Problem noticers</i>
<i>To do</i>		<i>Self-help</i>	<i>Get help (& reinforce help)</i>	<i>Give help</i>
<i>When</i>	<i>Just in time</i>	Procedural – to outline steps to take with current problem and provide tools to do so e.g. LawAssist NSW Is someone chasing you for money? Divorce classes * <i>More scope for technology</i>	To identify problems as legal, and introduce legal service for immediate help e.g. CLE provided by solicitors in outreach locations * <i>Less scope for technology due to importance of relationship building</i>	To educate problem noticers to recognise clients' existing legal issues and know where to refer client to legal help (including outreach) e.g. Law Check-Up tool, linked to outreach advice service * <i>Mix of technology and face-to-face CLE</i>
	<i>Just in case</i>	To encourage steps to prevent problems arising and encourage action when they occur e.g. Planning for later life decision-making CLE on Cyber bullying for young people * <i>More scope for technology</i>	To identify problems as legal – to prevent problems and to encourage help seeking when problem arises e.g. Let's talk CLE package, delivered in migrant resource centres To reinforce advice provided * <i>Less scope for technology due to importance of relationship building</i>	To build capacity to recognise issues and refer, across a range of issues, to assist current and future clients e.g. Law for non-lawyers, the webinar series * <i>More scope for technology</i>
<i>Intent</i>		Provide <i>alternative</i> to legal assistance services	To <i>connect</i> isolated clients to legal assistance services	Provide a <i>pathway</i> to legal assistance services for clients
<i>Types of outcomes</i>		Users able to resolve issues	Users seek assistance	Problem noticers provide appropriate referrals

Source: Adapted from Forell & McDonald (2015). Examples refer to Legal Aid NSW resources unless otherwise stated.

Diagram 2 provides a tool for thinking about the diverse range of CLEI strategies. It indicates that CLEI can be provided to:

- disadvantaged communities to help them identify issues as legal problems and to link them with legal assistance services to address these issues
- problem noticers and intermediaries (e.g. community workers, family members, interpreters etc.) who support disadvantaged clients
- the broader community to help people help themselves.

To solve particular problems, CLEI may be most effective if provided *just in time* – at the point and place it is needed and ready to be used. However, there is also an important – but different – role for *just in case* CLEI. *Just in case* CLEI may involve providing foundational knowledge, skills and confidence required to respond to legal problems as they arise. It can include information about the legal system more broadly or it may let people know that certain problems may have 'legal' solutions. Here CLEI may intersect with community development strategies and other initiatives to build legal literacy skills which are built outside the legal sector – for instance, within schools.

The diagram indicates how different CLEI strategies can be used to achieve diverse aims for different groups of people. It may help planners to think more specifically about what the strategy they are considering may achieve, when and for whom.

See model priorities and principles over page.

References

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Community legal education and information

Model priorities and principles for planners and providers

CLEI is part of a 'toolkit' of legal assistance service strategies provided to help people identify, understand and deal with their legal problems. Rather than being a standalone strategy, CLEI often supports or links users to other forms of assistance, such as legal advice or minor assistance. Or CLEI may help people to and through dispute resolution options. In each jurisdiction there will also be a range of agencies that provide CLEI. Effective CLEI is planned in the context of this broader service environment.

The following evidence-based priorities and principles can be adapted by organisations or jurisdictions to best suit their context.

Priorities

Stated priorities assist decision-making about whether to develop or select a CLEI strategy over any another option.

Priority is given to evidence-informed CLEI:

- that supports broader priorities (e.g. of the program, policy or organisation)
- that links with other strategies to address these priority issues or needs
- that does not already exist in an appropriate format for this topic, target group and to achieve this specific purpose
- to which [the organisation] brings unique skills, expertise or resources
- that is the most appropriate and cost-effective way to address the issue.

Principles

Principles underpin best practice CLEI as one of the range of strategies used by legal assistance services to help people understand and protect their legal rights.

1. CLEI is targeted and client-centred

CLEI is targeted to a clearly defined audience or user group (e.g. the broader community, core clients, community workers or problem noticers) and is focused on what each audience needs.

2. CLEI is appropriate to the target audience

The format and content of the CLEI is appropriate to:

- the needs of the intended audience
- their capability to address that need
- their cultural background and context
- their circumstances.

The use of technology is appropriate to the user.

3. CLEI has a clear and realistic purpose

CLEI is central to assisting people to identify and address legal issues but may not alone solve a problem. Recognising this, the intent of the CLEI is modest and clearly expressed, whether to let people know an issue has a legal solution, to let people know where to get help or to help people to draft a letter to resolve a dispute.

A realistic purpose takes account of what the problem is, the capability of the user, the complexity of the resolution process and how the resource may contribute to a person resolving the problem.

4. CLEI is timely and accessible

CLEI is provided at a time and place where it can have the most impact and is accessible to those who need it. CLEI may be provided 'just in time' in response to immediate need or 'just in case' to help people identify issues as 'legal' issues that can be resolved, to raise awareness about potential problems and to encourage and support preventative action. Again, consider for whom 'just in time' or 'just in case' information may be most appropriate.

5. CLEI is joined-up

CLEI is developed to be part of a continuum of service. It is linked to other strategies as appropriate to help people resolve their legal problems. For instance, CLEI may be an important part of an outreach advice service or it may direct people where to go next to resolve their problem.

6. CLEI meets an unmet need

Noting that many organisations produce CLEI resources, CLEI is developed to complement (not duplicate) existing resources and where appropriate, is developed collaboratively. Before developing new resources, investigate whether materials already exist on this topic for this audience and to achieve the same end.

7. Planned, tested, monitored and evaluated

CLEI resources and events are user-tested for access and usability. Access concerns how target users will find this resource, where and when they need it. Usability concerns the utility of the resource to help the target user to take the next step (as defined by the purpose of the CLEI).

CLEI is planned, monitored and, where appropriate, evaluated to ensure that it is consistent with best practice and providing the assistance intended.