



Timing early intervention

Source

This paper is drawn from ***Reshaping legal assistance services: building on the evidence base: a discussion paper*** by Pleasence, P, Coumarelos, C, Forell, S & McDonald, HM (2014). [http://www.lawfoundation.net.au/ljf/site/templa tes/reports/\\$file/Reshaping_legal_assistance_ser vices_web.pdf](http://www.lawfoundation.net.au/ljf/site/templa tes/reports/$file/Reshaping_legal_assistance_ser vices_web.pdf)

About Reshaping legal assistance services

The *Reshaping legal assistance services* discussion paper draws on a substantial base of empirical research – together with current experience of service providers – to inform the design and delivery of efficient and effective legal assistance services (e.g. legal aid, Aboriginal legal services, family violence prevention legal services, community legal centres and pro bono services).

It provides a framework for discussion around how Australian access to justice research, policy and legal assistance services can best build upon this substantial evidence base.

Reshaping legal assistance services explores the notions of targeted, joined-up, timely and appropriate service delivery. It exposes the conceptual and operational tensions in delivering such services, while providing guidance to and illustrations of practice, detailing facilitators and obstacles to change and presenting a range of approaches to evaluation.

Acknowledging current arrangements and resources, *Reshaping legal assistance services* provides a basis for considering how to move from the theory to the practice of client-centred service delivery.

‘Better to have a fence at the top of the cliff than a fleet of ambulances at the bottom.’

Such is the call for early intervention, timing interventions so they prevent legal problems from forming and escalating, rather than patching things up once the crisis has struck.

But for ‘early intervention’ legal assistance to be cost effective, services need to:

1. reach those who have most of the legal problems ‘early’
2. be relevant, appropriate and intensive enough to make a difference.

Put simply, the fence needs to be long enough and appropriately placed to ‘catch’ legal issues as they are forming, and high enough to prevent the fall.

This presents a particular challenge to public assistance services which necessarily prioritise assistance to the most disadvantaged.

Legal needs research indicates that less than 10 per cent of people experience about two-thirds of all legal problems, and that disadvantaged people are overrepresented in this group. This research also demonstrates that the most disadvantaged tend to have less of the resources skills and knowledge required to alone resolve legal issues.

The *need* for legal assistance services therefore sits at this intersection, between high levels of legal need and low capability to address that need. Services need to match both the legal needs of the client group – and the capability of such clients to effectively engage with legal services.



Reaching disadvantaged people ‘early’

There is a wealth of empirical evidence (and service provider experience) indicating that many people, particularly disadvantaged people, do not seek assistance for their legal problems ‘early’. Barriers to taking action include feelings of hopelessness and despair, fear, shame, denial, gratitude and frustrated resignation; believing they have insufficient power; not recognising or believing the law can work in their interests; or having other immediate priorities which take precedence over legal issues.

Indeed, while early intervention aims to circumvent ‘the crisis’, a crisis may in fact be the impetus for action and a key opportunity for change.

Further, for clients with complex needs, the timing of legal assistance cannot be considered uni-dimensionally – early or late in the progress of a single legal issue or process – but relative to a range of other influencing factors, including co-occurring issues such as mental illness or other more immediate priorities.

Together, these observations suggest that a framework which focuses on the *timeliness* of services *relative to experiences of the client* may better address the needs of the most disadvantaged. A focus on the timeliness takes into account how legal issues are experienced by the client and how help is sought – recognising the common experience of crisis-driven help seeking.

Timeliness relative to the client experience also enables consideration of significant ‘transition’ points in the client’s life course, or even the life of a problem.

Transition points offer opportunities for assistance when and where it is ready to be used. Legal problems themselves are often sites of transition (criminal conviction, family breakdown, loss of employment to name a few) where a legal crisis offers a chance to address immediate and imminent related issues. This is an area for further evaluation and research.

Appropriate interventions

Early intervention in the legal assistance sector has commonly been understood as ‘lighter’ services (e.g. information, advice, minor assistance) early to prevent more intensive services (e.g. representation) later on.

However, research indicates that to be effective, services need to be ‘appropriate’ both to the client’s particular legal needs and to their personal capabilities. If an early intervention service is not suited to the client’s capability (that is, not intensive enough to help that client progress or resolve the matter), the service may become an adjunct to rather than a replacement of a later crisis response service, further stretching already limited resources.

Research has also demonstrated disadvantaged clients with complex needs commonly face interconnected problems that extend beyond the tight remit and resources of the legal assistance sector. As these clients may also be clients of other services, legal assistance services need to work as part of a broader service network to provide holistic client-centred responses.

In *Reshaping legal assistance services* we argued that a more sustainable and inclusive framework, which may well involve assistance to prevent the escalation of issues, should focus on assistance that is targeted and appropriate to the client and timely. Timely services means accessible at the time and in the place they are useful and ready to be used.

Appropriate services are those which match both the legal needs of clients and their capability, such that some clients may receive more intensive assistance than others, whether ‘early’ or ‘late’. Services also need to be connected to help address the complex needs of clients while remaining within the scope and expertise of legal assistance services. And at the centre of appropriate, targeted, timely and connected services is the client.

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Read our long paper *Is early intervention timely?* which explores what ‘early intervention’ delivers in the legal assistance sector and to whom. Visit www.lawfoundation.net.au/publications

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