



Clients at the centre: evidence-based access to justice and reshaping legal assistance services in Australia

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Overview

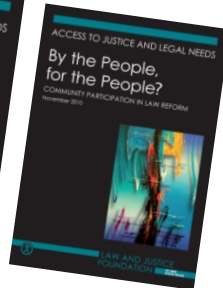
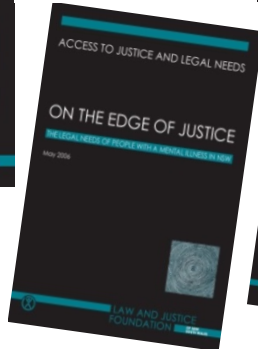
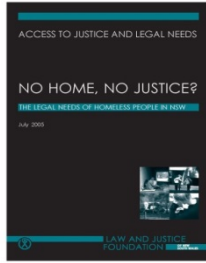
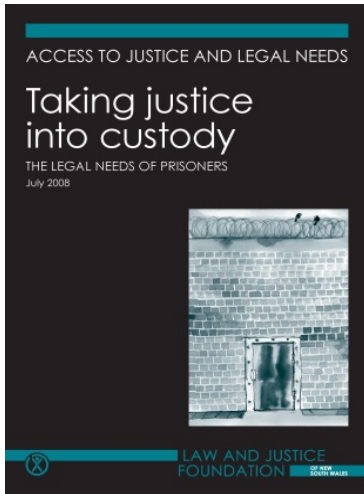
Foundation's Access to Justice Research:

- Key findings
- Implications for client-centred service reform





LJF's Access to Justice Research



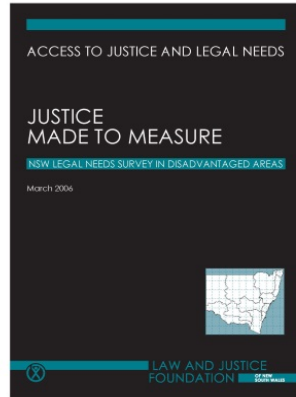
Qualitative research:

- Older people
- Homeless people
- People with a mental illness
- Prisoners
- Law reform





LJF's Access to Justice Research



Legal needs surveys:

- Justice Made to Measure – NSW
- LAW Survey – 9 major reports: Australia and each state/territory
(over 20,000 respondents)

*Coumarelos, Macourt, People,
McDonald, Wei, Iriana & Ramsey 2012*





LJF's Access to Justice Research

LAW Survey data 'mining':

Justice Issues papers

Updating Justice papers

- Specific/hard-to-reach disadvantaged groups (e.g. disability, homeless, Indigenous, single parents, youth, renters, NESB, business owners)
- Specific legal problems (e.g. personal injury)
- Legal 'capability'





Key findings: LJF's Access to Justice Research

Consistent core findings:

1. Inequality of experience
2. Multiple problems compound inequality
3. Inequality of access and capability





Empirical evidence:

Inequality of experience





Inequality of experience and disadvantage

Problems are not randomly distributed across population:

- LAW Survey: 9% of people = 65% of problems

Disadvantaged groups often have elevated prevalence, e.g.

- disability, single parenthood, unemployment, homelessness



Legal problem prevalence: disability

(Coumarelos, Pleasence & Wei 2013 – LAW Survey data)

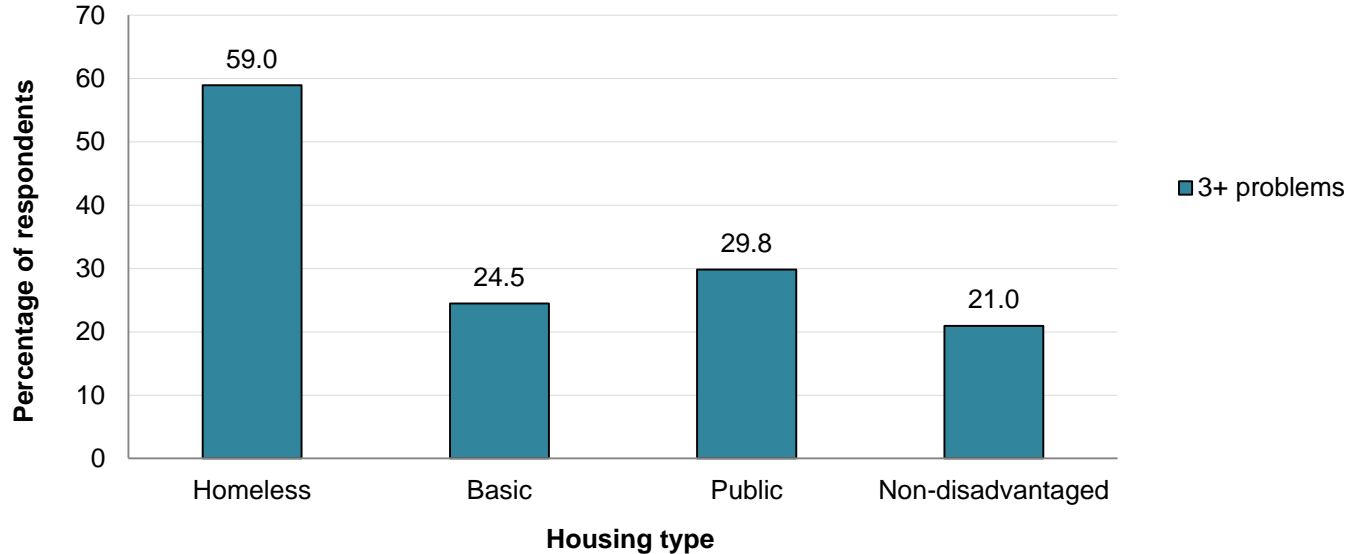
Illness/disability: Type	Severity	Mean no. of legal problems
None		2.1
Mental	Low	5.1
	Moderate	5.8
	High	9.1
Physical	Low	2.5
	Moderate	3.7
	High	6.1
Mental and physical	Low	5.4
	Moderate	9.4
	High	13.5

Notes: N=20,716 LAW Survey respondents.



Legal problem prevalence: homeless people

(Coumarelos & People 2013 – LAW Survey data)

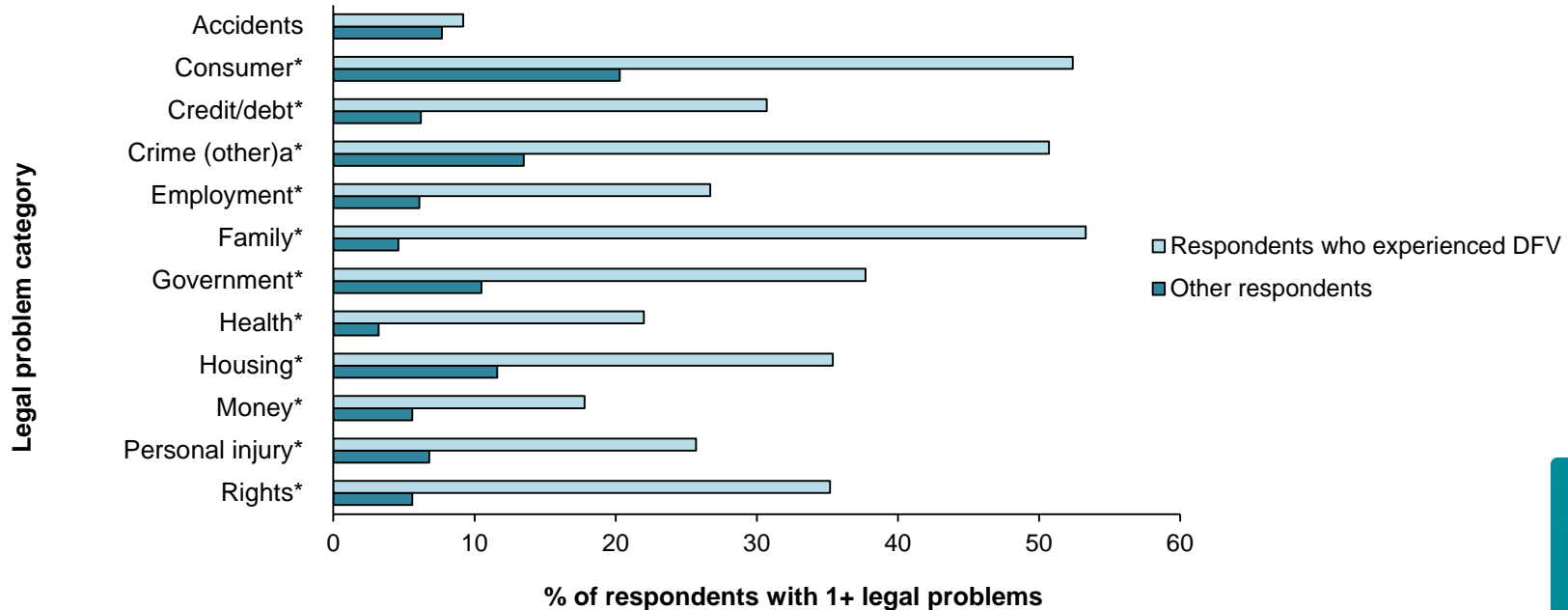


Notes: N=20,716 LAW Survey respondents, including 270 homeless respondents and 965 in basic/public housing



Legal problem prevalence: People experiencing domestic/family violence

(Coumarelos, McDonald, Forell & Wei 2015 – LAW Survey data)



Notes: N=20,716 LAW Survey respondents, including 169 respondents who experienced DFV.





Empirical evidence:

Multiple problems compound inequality





Legal problems don't exist in isolation

- Legal problems co-occur: defined clusters
- Legal problems co-exist with 'everyday life' problems
(e.g. social, financial, health)

Bi-directional link:

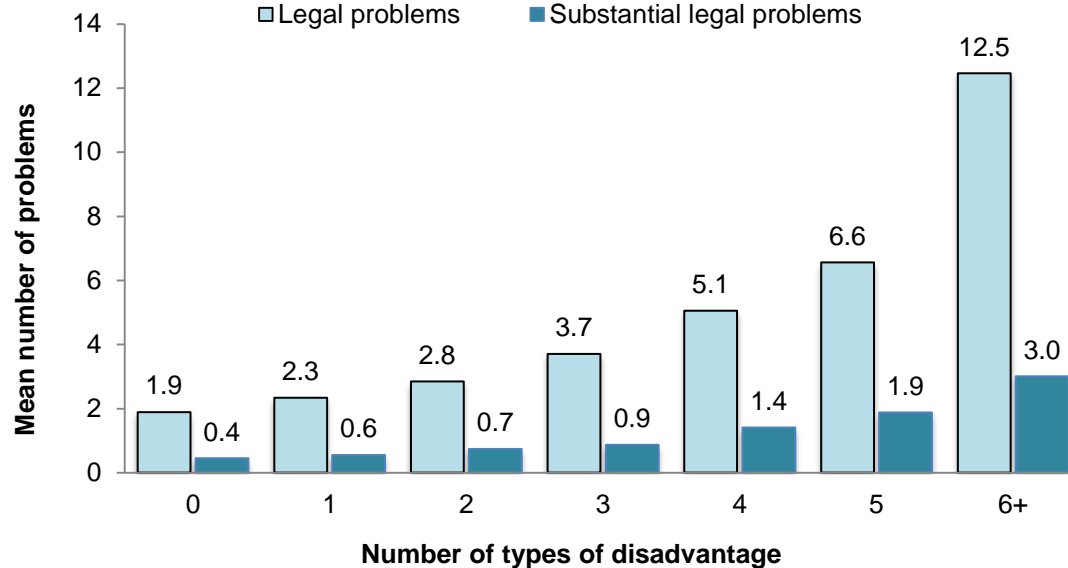
- Legal problems can **BOTH result from AND create/perpetuate** broader life problems and disadvantage





Multiple disadvantage = multiple legal problems

(McDonald & Wei 2013 – LAW Survey data)



Types of disadvantage:

- Disability
- Disadvantaged housing
- Indigenous
- Low education
- Low income
- Non-English main language
- Remote/outer regional area
- Single parent
- Unemployed

Notes: N=20,716 LAW Survey respondents.



Empirical evidence:

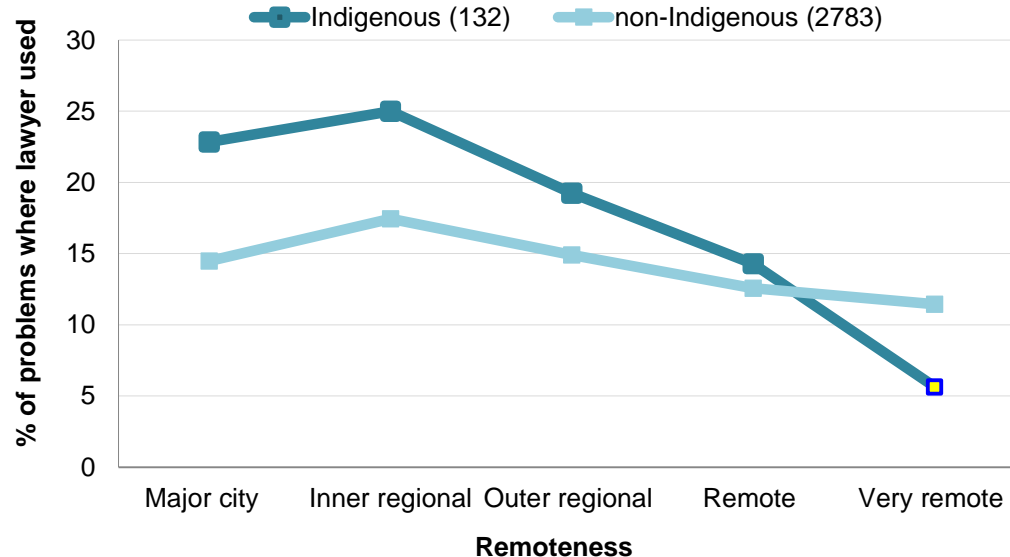
Inequality of access and capability





Inequality in lawyer use: geography and Indigenous status

(Iriana, Pleasence & Coumarelos 2013 – LAW Survey data)



Notes: N=132 Indigenous and 2783 non-Indigenous respondents.

Use of lawyers:

- LOWER in very remote areas
- LOWEST for Indigenous people in very remote areas

Contributing factors:

- Physical barriers to access
- Disadvantage
- Capability



Key implications for service delivery

Finding

Inequality of experience

Multiple problems compound inequality

Multiple problems compound inequality

Inequality of experience, access and capability

Services should be client-centred:

- 1. Targeted:** to reach the neediest
- 2. Joined-up:** to address joined-up, complex life problems
- 3. Timely:** to ensure responsiveness as early as practicable
- 4. Appropriate:** to the needs and capability of the user



Reshaping legal assistance services: Targeted, joined-up, timely and appropriate



Discusses each service direction:

- Findings in support
- Key features and potential benefits
- Potential challenges



1. Targeting and outreach

Features

Simple legal gateways

Non-legal professionals as gateways

Outreach to reach disadvantaged people
(less likely to take action/self-help)

Potential challenges of outreach

Geography	Distance/poor transport Lack of local services
Client engagement	Hard-to-reach clients Access barriers (cultural, distrust)
Disadvantaged clients	Multiple legal & non-legal needs Low capability
Staffing	Skilled legal/other staff, generalist versus specialist lawyers Staff turnover/training/supervision, Conflict of interest, resources
Collaboration with host/partner agencies	Many
Service delivery	In person outreach: high resourcing Technology-based outreach: limitations Availability of host agencies/partners Admin, responsiveness, consistency & sustainability of service



2. Joining up services

Features

Clients can move **seamlessly** between services to address **all** their needs

Basis of joining up:

- Continuum: minimal to full integration
- Overlapping client group, etc.
 - E.g. Health-Justice Partnerships

Potential challenges: many

challenges ↑ with increasing integration





3. Timely services

Traditional definition: 'early intervention'

- Light, earlier assistance to resolve problems sooner, at lower cost
 - *e.g. CLEI to facilitate self-help and access*
- Leaves behind the most disadvantaged who:
 - *don't take action/self-help*
 - *may already be at crisis point*
 - *account for the majority of problems!*

New definition: 'timely intervention'

- Responsive legal assistance, provided at the *earliest point practicable*, relative to the client's experience of problems and help-seeking





4. Appropriate services

Appropriate services match client need and capability

Self-help, light services: high capability

Intensive, wrap-around services: low capability and multiple problems

Disadvantaged people ↓ legal capability





Designing client-centred services: Targeted, joined-up, timely and appropriate

- Legal service gaps?
- Target clients?
Needs? Capabilities? Access barriers?
- Service model that meets client need and capability?
- Resources needed to implement service model?
Available resources? Existing infrastructure?
- How will success be demonstrated?
Monitoring and evaluation?



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