



Legal Health Check online portal for community workers

Project Report June 2015

Find the hidden legal problems...

DEBT

HOUSING

CRIME

FAMILY LAW

... by asking the right questions

CLIENT

YOU

Do you need help from community lawyers?

- Is anyone chasing you for money?
- Do you have any unpaid fines?
- Do you have hassles with rent/bond arrears?
- Who decides about your income and health?
- Are you due in Court?

LEGAL ✓
HEALTH CHECK

www.legalhealthcheck.org.au

Developed by PILCH in partnership with the Australian Government



An Australian Government Initiative

Table of Contents

1. Overview of the Project.....	3
1.1 Summary of this report.....	3
1.2 Overview of Project activities	3
2. Project rationale and background	5
2.1 QPILCH's legal health check practice	5
2.2 Related developments	6
2.3 Other legal health check practice	7
3. Project activities and outcomes	12
3.1 Testing methods.....	12
3.2 Feedback themes and challenges	12
3.3 Summary of changes to the draft resources.....	14
3.4 Distribution of Project resources.....	15
4. Opportunities	17
4.1 Enabling sharing.....	17
4.2 Continuing the conversation	17
4.3 Evaluation and the legal sector.....	17
5. Concluding remarks	19
Appendix 1 – Annotated literature about legal screening tools.....	20
Appendix 1A – Excerpt from legal health check research proposal (2014).....	22
Appendix 2 – Interest in the QPILCH Legal Health Check (prior to the Project)	26
Appendix 3 – Relevant submissions to the Productivity Commission 2014 inquiry	27
Appendix 4 –List of stakeholders contacted for feedback about the Legal Health Check resources	29
Appendix 5 – Meetings and presentations in the course of this Project.....	31

1. Overview of the Project

In August 2014, the Queensland Public Interest Law Clearing House Incorporated (**QPILCH**) received funding from the Commonwealth Attorney-General's Department via the National Association of Community Legal Centres Inc. (**NACLC**) to develop resources to assist frontline community workers to identify and refer the legal needs of their disadvantaged and vulnerable clients.

In discussion with NACLC, QPILCH proposed developing an online portal for community workers housing resources and training to identify disadvantaged and vulnerable clients' legal needs and refer those clients to appropriate legal services for assistance (the **Project**).

The Legal Health Check is a legal screening tool developed by QPILCH that enables community workers to both "diagnose" a client's multiple legal needs using structured interview questions and collaborate with legal services to develop effective referral pathways to address those legal needs.

Accordingly, QPILCH developed a suite of new Legal Health Check resources and training materials for the Project, which build on its existing work in this area. The new resources are available at www.legalhealthcheck.org.au, a site jointly owned and managed by QPILCH and NACLC, under a Creative Commons Attribution-Non-Commercial use licence (version 4.0).

1.1 Summary of this report

Section 2 of this report sets out the background to the Project, including the literature that informs legal screening tools, QPILCH's experience and a sample of the current use of legal screening tools in Australia and internationally. We use the term "legal screening tool" to describe resources (including training resources) developed for non-legal professionals to "diagnose" the legal needs of particular client groups.

Section 3 sets out the process undertaken by QPILCH to develop and test the new Legal Health Check resources.

Section 4 discusses opportunities for the effective use of the new website and resources. Based on the existing literature, our experience, and the impact of the Project, we recommend that further resources are allocated to respond to and foster a community of practice around the Legal Health Check as a collaborative resource for legal and non-legal organisations.

1.2 Overview of Project activities

In accordance with the Project plan proposed to and approved by NACLC, QPILCH has:

Phase one	<ul style="list-style-type: none">• developed a suite of Legal Health Checks, comprising online and PDF versions of a basic Legal Health Check suitable for all disadvantaged and vulnerable clients and tailored Legal Health Checks for youth at risk, new arrivals, people with mental health concerns and people with housing concerns, and a PDF mini-Legal Health Check postcard;• initially developed two video training tutorials, three reinforcing quizzes and one evaluation quizzes for community workers about using the Legal Health Check;• consulted widely with community organisations, legal assistance services and related stakeholders about the draft Legal Health Check resources;
Phase two	<ul style="list-style-type: none">• amended the draft resources to take into account relevant feedback.• These amendments included:<ul style="list-style-type: none">○ creating four shorter training videos with some amended content;○ creating a short promotional video with some new content;○ drafting new content for the website, including:<ul style="list-style-type: none">▪ a series of Frequently Asked Questions for community workers and community lawyers;▪ information about how to access appropriate legal assistance services (including

	<p>links to existing directories and a sample of outreach and integrated services);</p> <ul style="list-style-type: none"> ▪ a guidance note about how to establish a Legal Health Check pathway; ▪ a guidance note for community workers about how to assist clients to prepare for an appointment with a community lawyer; <ul style="list-style-type: none"> ○ reducing the three reinforcing quizzes to one, which will provide a further source of analytics about the use of the Legal Health Check resources; ○ developing two promotional posters for community workers to display in their workplaces; and ○ collating links to similar practices and resources about Legal Health Checks and legal information for community workers and community lawyers. <p><i>Note: In consultation with NACLC, this phase merged with phase three. The second distinct testing phase as originally planned, did not occur, in order to accommodate the dynamic nature of the feedback process. Changes were tested in a more flexible dialogue with stakeholders, which they appreciated.</i></p>
Phase three	<ul style="list-style-type: none"> • distributed the draft resources to, presented to, and consulted with a broad range of legal and non-legal stakeholders to foster and support experimentation with the amended Legal Health Check resources; • negotiated details of ownership and management of website; and • amended resources accordingly.
Phase four	<ul style="list-style-type: none"> • submitted a Project report; • planned opportunities to present the resources at the NACLC conference and distribute to stakeholder networks; and • planned an official launch for the resources in Brisbane.

2. Project rationale and background

The purpose of the Legal Health Check is to overcome the barriers that prevent disadvantaged and vulnerable populations accessing legal assistance for the legal needs that are endemic to disadvantage, by training and resourcing the community workers which support those populations.

The Legal Health Check is a legal screening tool that assists community workers to “diagnose” and prioritise a disadvantaged and vulnerable client’s legal needs and refer the client to one or more appropriate legal services for assistance. This diagnosis by the community worker both maximizes the choice of the client to seek relevant legal assistance and enables legal service(s) to be efficient and appropriate in addressing the legal problems.

The Legal Health Check is based on a number of assumptions confirmed by research about the legal need of disadvantaged populations, including that:¹

1. disadvantaged populations are likely to have multiple, complex and interlinked legal and non-legal needs;
2. many people do not recognise their problems as “legal”;
3. if people seek help for their legal problem, most will not go to see a lawyer but will turn to non-legal services (such as welfare or health agencies) for support;
4. individuals within non-legal services (referred to in the literature as “problem noticers” or “trusted intermediaries”) are not best placed to solve legal problems and would benefit from resources to appropriately refer clients for legal assistance; and
5. disadvantaged populations would benefit from holistic, joined-up services and assistance that is “made to measure” their needs and capabilities.

The need to provide accessible, flexible and relevant training to community workers in the use of Legal Health Checks and to establish collaborative service delivery frameworks cannot be separated from the distribution and use of the tool itself; and is a core rationale of this Project.

Literature about the development and use of legal screening tools by lawyers and community organisations, and in particular the training modules associated with these tools, remains relatively limited. As part of the Project, we have undertaken a preliminary review of the existing literature and practice in relation to legal health checks and related legal screening tools in Australia and internationally. **Appendix 1** is an annotated list of the relevant resources we identified.

2.1 QPILCH’s legal health check practice

In 2009, QPILCH developed the legal health check for its Homeless Persons’ Legal Clinic (**HPLC**).

The HPLC is an outreach legal service that provides pro bono legal assistance to clients experiencing or at risk of homelessness. The HPLC is co-located with community organisations that provide essential services and support for people experiencing homelessness.

The legal health check is in essence a menu – a list of effective and appropriate questions to diagnose the legal needs of disadvantaged and vulnerable clients. It was developed to facilitate collaboration with community workers, in order to empower the client and improve the quality and quantity of legal referrals for clients of the community organisation. The legal health check provides a process for collaboration, rather than simply offering community workers more knowledge about legal issues.

¹ The body of legal needs research that informs the QPILCH legal health check includes: S Forell, E McCarron and L Schetzer, ‘No Home, No Justice? The Legal Needs of Homeless People in NSW’ (Access to Justice and Legal Needs, vol 2, Law and Justice Foundation of NSW, July 2005); C Coumarelos, Z Wei and A Zhou, ‘Justice Made to Measure: NSW Legal Needs Survey in Disadvantaged Areas’ (Access to Justice and Legal Needs, vol 3, Law and Justice Foundation of NSW, March 2006); S Clarke and S Forell, ‘Pathways to justice: the role of non-legal services’ (Justice Issues No. 1, Law and Justice Foundation of NSW, June 2007); L Curran and MA Noone, ‘Access to justice: A new approach using human rights standards’ (2008) 15(3) *International Journal of the Legal Profession* 195-229; C Coumarelos et al, ‘Legal Australia-Wide Survey: Legal Need in Australia’ (Access to Justice and Legal Needs, vol 7, Law and Justice Foundation of NSW, August 2012); HM McDonald and Z Wei, ‘Concentrating disadvantage: a working paper on heightened vulnerability to multiple legal problems’ (Updating Justice No. 24, Law and Justice Foundation of NSW, May 2013); P Pleasance et al, ‘Reshaping legal assistance services: Building on the evidence base’ (Discussion paper, Law and Justice Foundation of NSW, April 2014).

Since 2009, QPILCH has trained hundreds of community workers to use the Legal Health Check. Training includes free, full day workshops on the legal issues covered by the legal health check; in-house training at community agencies to establish legal health check practices and procedures compatible with the agencies' client framework; and ongoing phone support to individual community workers seeking to make an effective referral or support a client to address their legal issues. Feedback from training participants is consistently highly positive, and indicates a significant increase in the participants' awareness of the multiple legal needs of their clients.

The QPILCH community worker training framework was supplemented in 2013 by the development of two training videos for community workers in homelessness support services available at www.qpilch.org.au/lhc. The videos were also used to train pro bono lawyers who volunteered with the HPLC. These videos were independently evaluated as highly effective resources and noted the benefit of scenario-based content. Specifically, the evaluator observed:²

All of the findings correlate with literature on the benefits of using video in an educational context, particularly with adult learners, because video allows participants to marry visual cues, memory and the recall of new information. As the research suggests video can be just as effective in communicating facts or demonstrating procedures because the viewer can revisit complex clinical or mechanical procedures as many times as they wish. Furthermore, the interactive features of modern web-based media players can be used to promote 'active viewing' approaches with a range of participants.

The flexibility of videos as a training tool has additional benefits for services which may not have the resources to send all staff to training events.

Staff from QPILCH have written and presented extensively about the legal health check and our training frameworks (see resources referred to in **appendix 1**) and continue to experiment with legal health checks for different client groups, including refugees, people recovering from mental illness, young people exiting the child protection system and others.

Published QPILCH data indicates that legal health check use increased the number of legal issues which were raised by each client, raised significant legal issues which were not typically raised by self-presenting clients and enabled a greater percentage of clients of a community agency to approach the visiting lawyers. Subsequent data cited in **appendix 1A** confirms an increase in the percentage of legal issues which are resolved for a client when both a legal health check is used and a community worker is actively involved in the ongoing process.

In 2013, Sue Garlick and Cameron Lavery of the HPLC presented about the QPILCH legal health check to the NACLC conference in Cairns. In 2014, Sue Garlick also presented a webinar for the Queensland Association of Independent Legal Services (**QAILS**) about using the QPILCH Legal Health Check to identify clients' legal needs.

Following these presentations, a number of lawyers from community legal centres and other organisations contacted QPILCH to request copies of the QPILCH legal health check and further information about training resources for community workers. A list of the people and organisations that expressed an interest in the QPILCH legal health check is set out in **appendix 2**.

2.2 Related developments

In its 2014 report on Access to Justice Arrangements, the Productivity Commission recognised the value of the QPILCH Legal Health Check and other legal screening tools as important mechanisms (alongside outreach) to assist disadvantaged client groups to access legal services. The Productivity Commission's report was published in December 2014 after the Project had commenced.

² C Banks, 'Evaluation of Legal Health Check Online Tutorial: Supporting community workers to better assist disadvantaged clients with legal need' (Report, 30 June 2014), p 9. Available at: http://www.qpilch.org.au/dbase/upl/Evaluation_of_LHC_training_video_June_2014.pdf.

In addition to QPILCH,³ a number of submissions to the Commission acknowledged or expressed support for the use of legal health checks. These are noted in **appendix 3**.

By way of comparison, the proposed use of legal health checks raises concern or demonstrates misunderstanding in some sectors. The Law Society of South Australia albeit inadvertently, confirmed the need for a diagnostic tool for disadvantaged and vulnerable clients to be administered by trained community workers when it noted:

The difficulty with extending legal health checks to those groups identified is that one of the reasons they may not identify that they have a legal problem is because their vulnerability does not allow them to identify that. We question how they are expected to be able to understand and complete a health check unless they come forward; also, how any organisation can identify the need to administer such a tool. The obvious existing source of legal health checks are the legal aid providers, and community legal services.

Ultimately, the Productivity Commission Recommendation 5.3 proposed the following measures to support the identification and assistance of complex legal needs for disadvantaged populations:⁴

- *legal health checks that are developed for priority disadvantaged groups should be funded through the proposed Community Legal Education Collaboration Funds and shared amongst providers. The resulting material should be shared amongst providers. Legal Assistance Forums should coordinate this activity to avoid duplication between jurisdictions and maintain the currency of the health checks.*
- *legal assistance and relevant non-legal service providers should be encouraged to coordinate their services in order to provide more outreach and holistic services where appropriate and need is greatest.*
- *the proposed Community Legal Education Collaboration Funds should assess the most effective way to support the legal education of non-legal community workers. Training materials should be shared among legal assistance service providers and between jurisdictions.*

QPILCH supports these recommendations and considers this Project has been a key first step to increase the understanding of, development and sharing of legal health check resources nationally.

In 2014, QPILCH became actively involved in the 500 Lives 500 Homes campaign⁵ which surveyed a large sample Brisbane's homeless population using an amalgamated multidisciplinary assessment tool – the Vulnerability Index and the Service Prioritisation Decision Assistance Tool (**VI-SPDAT**). Our intention was to experiment with the active integration of the legal health check with other assessment tools and this has led to an increase in community agencies in Brisbane using both tools and consequently referring a greater percentage of their clients to the HPLC or other QPILCH services. The 500 Lives 500 Homes campaign and its statewide counterpart, Home for Good, have increased the interest of QCOSS in fostering the use of legal health checks as a systemic practice in the community sector. However, QPILCH's ability to actively participate in this campaign has been limited by our resources and reach.

2.3 Other legal health check practice

We conducted a preliminary review of existing practice in relation to legal health checks and related legal screening tools in Australia and internationally.

For the purposes of this Project and report, we have limited our review of “legal health check” practice to a sample of resources that:

- are designed to identify the legal needs of clients experiencing disadvantage or vulnerability;

³ Queensland Public Interest Law Clearing House Inc, Submission No 58 to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 4 November 2013. Available at: http://www.pc.gov.au/data/assets/pdf_file/0017/129320/sub058-access-justice.pdf; Queensland Public Interest Law Clearing House Inc, Submission No DR247 (Response to Draft Report) to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 23 May 2014. Available at: http://www.pc.gov.au/data/assets/pdf_file/0008/137375/subdr247-access-justice.pdf.

⁴ Productivity Commission, *Access to Justice Arrangements*, Inquiry Report No 72 (2014), pp 171-180 (section 5.4).

⁵ For further information about the 500 Lives 500 Homes campaign in Brisbane, see: <http://www.500lives500homes.org.au/>. The Queensland government rolled out the campaign statewide, in partnership with QCOSS. The statewide campaign is called “Home for Good”. Further information is available at: <http://www.hpw.qld.gov.au/Housing/Homelessness/homeforgood/Pages/default.aspx>.

- are used by non-legal professionals to identify their clients' legal needs, in dialogue with the client; and
- facilitate collaboration between legal and non-legal services.

We have not considered resources described as “legal health checks” that are designed as self-help tools⁶ or for users who are not vulnerable or disadvantaged.⁷

2.3.1 Legal health checks used in legal services for homeless clients

A number of legal assistance services aimed at homeless client groups, including Legal Aid NSW, Justice Connect (Homeless Law), Street Law (ACT) and the Hunter Community Legal Service have developed their own legal health checks. These resources were based on the original QPILCH Legal Health Check created in 2009.

Legal assistance services from other States and Territories who work with homeless populations have also expressed an interest in the QPILCH Legal Health check.

To our knowledge, Legal Aid NSW is the only service that has comprehensively tested and evaluated the effectiveness of a legal health check, the Law Check-Up, as part of a pilot program in five homelessness services in New South Wales. The evaluation found that the Law Check-Up and associated training was successful in:

- increasing community workers' knowledge of civil law in all five pilot locations;
- increasing referrals to the outreach legal clinic in two locations;
- increasing the diversity of civil law matter types in three locations; and
- strengthening the relationships between Legal Aid and host agencies in four locations.⁸

We understand that Justice Connect conducts pre-training and post-training surveys of non-legal workers administering its legal health check. The survey results show that non-legal workers find training based on the legal health check useful and that workers felt more confident to discuss legal issues with their clients because of the availability of the legal health check.⁹

2.3.2 Legal health checks used for other client groups

A number of other legal assistance services also use legal health checks in partnership with community agencies for different client groups.

Justice Connect uses a legal health check as part of its Seniors Law practice (in Victoria). This resource is based on the QPILCH Legal Health Check developed in 2009. We also understand that Justice Connect's MOSAIC program for migrants also uses a legal health check.

In Victoria, Youthlaw developed a 'Legal Check-Up' for young people. In its submission to the Productivity Commission, the Australian Child Rights Taskforce observed that:¹⁰

There is an appetite for more legal education for youth workers, training in how to identify legal problems and interest in a 'train-the-trainer' approach. As an example the 'Legal Health Check' document used by Youthlaw Victoria has been a useful tool – originally designed for research but turned into a legal education tool for youth workers.

⁶ Consider eg, the 'Legal Health Checklist' developed by Legal Aid ACT (available at: http://www.legalaidact.org.au/pdf/publications_legalhealthchecklist.pdf) or the resource being developed by Townsville Community Legal Service for seniors.

⁷ See, eg Hutchinson Legal "Business legal health check": <http://www.hutchinsonlegal.com.au/business-legal-health-check/>; Slater and Gordon, "5 Minute Legal Check": <https://www.slatergordon.com.au/5-minute-legal-check>.

⁸ P Novotna and B Dougall, 'Law Check-up Evaluation Report: Pilot of Law Check-up tool in five homeless outreach clinics – July-December 2013' (Legal Aid NSW, 16 April 2014), p 3.

⁹ Justice Connect, Submission No DR290 (Response to Draft Report) to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 4 June 2014, pp 13. Available at: http://www.pc.gov.au/data/assets/pdf_file/0003/137793/subdr290-access-justice.pdf.

¹⁰ Australian Child Rights Taskforce, Submission DR285 (Response to Draft Report) to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 3 June 2014, p 18. Available at: http://www.pc.gov.au/data/assets/pdf_file/0008/137744/subdr285-access-justice.pdf.

Inspired by Disaster Legal Help in Victoria, Legal Aid Queensland coordinated Flood & Cyclone Legal Help following the 2011 Queensland floods. A modified legal health check based on the existing QPILCH content was adopted by the Queensland Legal Assistance Forum to supplement this initiative.¹¹

Knowmore approached QPILCH in 2014 to assist in the development of a legal health check for their clients, who are seeking support to engage with the *Royal Commission into Institutional Responses in Child Sexual Abuse*, and typically have multiple legal needs. QPILCH correspondingly introduced a question into its legal health check to support referral of homeless clients to knowmore.

We have noted that assessment, referral and self-help tools in women's legal and integrated support settings are highly developed.¹² QPILCH uses the legal health check at three women's "refuges" with high engagement from workers and clients. Our focus is to address legal issues in addition to the domestic violence and family law matters which more obviously present.

Other legal assistance services in Australia may have experimented with their own legal health check resources but it was beyond the scope of the Project to explore this practice.

2.3.3 Use of legal health checks in Advocacy-Health Alliances

Advocacy-Health Alliances (**AHAs**) are innovative partnerships in Australia between legal assistance services and the health sector, which deliver legal services in a healthcare setting.¹³ The purpose of AHAs is to integrate legal assistance in medical practice and address the social factors that cause and exacerbate poor health. The AHA model in Australia is based on the Medical-Legal Partnership model from the United States.

Based on consultations conducted under this Project and submissions to the Productivity Commission,¹⁴ we understand that AHAs may use legal health checks or similar tools to train medical professionals to identify legal needs and refer them to lawyers. We also understand that a modified version of the I-HELP tool (see section 2.3.4 below) is being developed as part of a toolkit for AHAs.

From published information, we understand that legal information and referral are often the main focus of training for health and allied workers in these integrated settings. One prominent example of this type of training is the I-HELP tool, which comes with a comprehensive written, training guide for health practitioners (see further section 2.3.4 below). Gyorki also notes examples of and the need for legal information training for health practitioners.¹⁵ Other examples of substantive training for non-legal professionals are Legal Aid NSW's training resources for community workers and PIAC's paid module, 'Law for Non-Lawyers'. The QPILCH focus on process training for community workers as compared with legal information training may add value to this body of work.

The distinction in practices, frameworks and assessment tools applied in health settings, compared to those used in community agencies should also be properly considered as part of efforts to integrate the practice of Legal health checks and health-based legal assessment tools.

Sophisticated assessment tools have been used for many years in community settings, and typically incorporate a wide range of life domains which correlate with both the intent and content of legal health check.¹⁶ The intent of the community worker based tools is to capture all relevant needs of the client, as well as the potential capacity of the client to address these issues within their own resources. Health settings traditionally incorporate

¹¹ A copy of the Flood & Cyclone Legal Help legal health check is available online at: http://www.legalaid.qld.gov.au/floods/Documents/Legal_health_check.pdf.

¹² See, eg Women's Legal Service Tasmania, 'Girls gotta know'. Available at: <http://girlsgottaknow.com.au/>.

¹³ See, eg Loddon Campaspe Community Legal Centre's partnership with Bendigo Community Health Services (<http://lcclc.org.au/programs/advocacy-health-alliance/>) and Inner Melbourne Community Legal's "Acting on the warning signs" project (<http://www.imcl.org.au/what-we-do/projects/>).

¹⁴ See, eg submission by La Trobe University School of Law and Advocacy and rights Centre Ltd.

¹⁵ L Gyorki, 'Breaking down the silos: Overcoming the practical and ethical barriers of Integrating Legal Assistance into a Healthcare Setting' (Final Report, Winston Churchill Memorial Trust of Australia, 25 September 2014), pp 57-59. Available at: https://www.churchilltrust.com.au/media/fellows/Breaking_down_the_silos_L_Gyorki_2013.pdf.

¹⁶ The "Outcomes Star" tool is one example: <http://www.outcomesstar.org.uk/>. The VI-SPDAT (referred to in section 2.2 above) was inspired by 13 different assessment and screening tools. For more about the development of the VI-SPDAT, see OrgCode Consulting and Community Solutions, 'The SPDAT and VI-SPDAT: Tools Grounded in Evidence' (Evidence Brief). Available at: [http://100khomes.org/sites/default/files/SPDAT_Evidence_Brief%20\(1\).pdf](http://100khomes.org/sites/default/files/SPDAT_Evidence_Brief%20(1).pdf).

diagnostic frameworks, in contrast to both the community and legal sectors which engage “alongside” or only at the instruction of the client. We suggest that it is these “alongside” frameworks that make the use of an assertive legal health check for both lawyers and community workers such a counter-intuitive tool initially, and which were addressed in the training materials for community workers.

The experience of QPILCH with the VI-SPADT (see further section 2.2 above) indicates nevertheless that health-focused assessment tools can effectively integrate with the legal health check, once appropriate consultation and training practices are established. The legal health check has also been used since 2013 in mental health settings and integrates effectively and appropriately with recovery-model assessment and planning frameworks. QPILCH’s Health Advocacy Legal Clinic, a student clinic providing a multi-disciplinary clinical practice experience to law, social work and medical students since 2014, uses a legal health check in its training and service framework.

The consultations conducted under this Project indicate that the training and resources developed on the Project website may be of value to AHA practice. We see the value in resourcing to enable active participation in the communities of practice which are developing in the AHA “sector”.

2.3.4 International practice

Two examples of international practice repeatedly surfaced in our reading and conversations.

In Canada, Halton Community Legal Services (**HCLS**) has recently finished the pilot phase of a project testing the “Legal Health Check-Up”, which is available online at: <https://www.legalhealthcheckup.ca/>.

HCLS has partnered with seven “trusted intermediary” organisations to implement the Legal health Check-Up to identify “everyday legal problem” that affect disadvantaged people and target legal services to this population.

The QPILCH legal health check was part of the inspiration for the Canadian Legal Health Check-Up. In 2014, Michele Leering from the Community Advocacy and Legal Centre (another community legal centre in Canada)¹⁷ visited QPILCH, discussed the QPILCH legal health check with lawyers from the HPLC and was provided access to all our legal health check resources.

Michele Leering subsequently tweeted about the QPILCH legal health check on PLE Learning Exchange – a platform that supports organisations across Ontario in developing and delivering effective public legal education.

In our conversation with Colleen Sym of HCLS, Colleen confirmed that Michele Leering had brought the QPILCH legal health check to HCLS’ attention as part of their pilot. Through this Project, we have connected with HCLS and the legal health check practice in Canada and intend to maintain an active engagement with our very aligned practices.

A recent evaluation of the pilot phase of the HCLS project has found:¹⁸

- partnerships with community-based or welfare organisations are “a solid platform for developing a legal service delivery model targeted at people who are most disadvantaged”;
- the Legal Health Check-Up checklist is an effective outreach tool;
- the Legal Health Check-Up was described by users (the intermediaries) as “effective for uncovering specific problems and importantly, for opening a conversation to bring unacknowledged problems to the surface”;
- the Legal Health Check-Up process is “especially effective in overcoming a cynicism toward all bureaucracies and, in particular, an aversion toward involvement with legal services”;
- disadvantaged people may have a preference for supported self-help solutions; and
- there may be scope for the trusted intermediaries to go beyond their gateway role of problem spotting and referral to assist clients in a mutually supporting partnership with the legal clinic.

¹⁷ We understand the Community Advocacy and Legal Centre has also developed its own “legal health checklist”, which is available at: http://www.communitylegalcentre.ca/legal_information/Tips/LegalHealthChecklist.pdf.

¹⁸ A Currie, ‘Extending the reach of legal aid: Report on the Pilot Phase of the Legal Health Check-Up Project’ (2015), pp 6-7. Available at: <https://www.legalhealthcheckup.ca/bundles/legalcheck/pdf/legal-health-check-up-pilot-evaluation.pdf>.

Many of these findings align with QPILCH's own observations about the legal health check. The findings in relation to supported self-help and the participation of community workers or non-legal support persons in resolving legal issues merit further research in the Australian context.

Another well-known legal screening tool is the I-HELP Advocacy Guide, developed by the Medical-Legal Partnership in Boston in 2009 and revised in 2010.¹⁹

The I-HELP Advocacy Guide is a comprehensive handbook that assists clinicians to screen patients for potential legal need in five areas of legal need:

1. Income supports;
2. Housing and utilities;
3. Education and employment;
4. Legal (immigration) status; and
5. Personal and family stability and safety.

The Guide explains the links between different legal issues and poor health outcomes and in each of the five areas includes suggested questions for screening patients.

The I-HELP tool is respected internationally and, as explained above, has inspired legal screening tools in the context of AHAs. The potential alignment between QPILCH's legal health check and the I-HELP tool could be considered as part of any future research. Better understanding of the respective training resources and frameworks would be beneficial.

¹⁹ Both versions of the I-HELP Advocacy Guide are available at: <http://www.mlpboston.org/resources/for-health-care-providers/advocacy-guide>.

3. Project activities and outcomes

"It's a really wonderful and clear resource."
(Feedback from a community worker in Queensland)

This section summarises the process undertaken by QPILCH to test the new resources with a range of stakeholders, and describes the feedback received during the Project and major alterations to the resources on this basis.

3.1 Testing methods

The content of the training videos was based on existing training delivered by QPILCH. Some new and original concepts were tested in training delivered in May, September and October 2014 to approximately 50 community workers and amended based on feedback.

Draft versions of the website, video tutorials, Legal Health Check forms and "Find Lawyer" section were published online in January 2015. On the website, two quizzes and a feedback form were designed. In our experience, the website was not the most effective method to test the resources for the purposes of the Project. The overall response rate was relatively low and we found more extensive feedback was provided by email. Nevertheless, results of the online quiz and feedback can be checked and reported on for years, if required.

Throughout the Project period, QPILCH distributed the draft Legal Health Check resources to, made presentations to and conducted consultations with a range of legal and non-legal stakeholders. We also requested feedback by email. A full list of the 62 organisations contacted for feedback about the draft Legal Health Check resources is set out in **appendix 4**.

During this period, QPILCH staff also presented about the draft Legal Health Check resources in 37 distinct settings. Where appropriate, feedback was collected from these presentations. These presentations frequently led to invitations to present at further forums, such as conferences and CPD days. These subsequent presentations were also very positively received with many participants able to indicate immediately how they planned to practically implement the resources. A full list of the organisations presented to or trained in the new Legal Health Check resources is set out in **appendix 5**.

3.2 Feedback themes and challenges

Many stakeholders engaged actively and generously with the Project and provided valuable feedback about the draft Legal Health Check website, tutorial videos and resources.

3.2.1 Feedback from community workers

Community workers consistently acknowledged the benefits of the Legal Health Check tutorial videos and resources as follows:

- *"The [Legal Health Check] checklist makes it easier to discuss issues with the client";*
- *"[...] Conversation starter. Helps give caseworkers a fuller picture";*
- *"Easily maps a complex system [and] communicates how to navigate and provide appropriate referral";*
- *"I think it gives a better picture of legal issues affecting the client.";*
- *"Team effort with social workers and lawyers".*

Feedback from community workers about the structure, content and presentation of the video tutorials was overwhelmingly positive.

Most community workers found the leaky boat and restaurant/menu analogies used in the tutorials helpful to explain the concepts underpinning the Legal Health Check. Community workers stated that these analogies were *"clear, accessible illustrations"* that *"put the legal issues for [the] client into perspective"* and *"show[ed] how hard it can be for clients to understand the legal language"*.

The stories included in the tutorial videos were well-received, with one community worker observing that it was *"useful to hear about the direct benefits that actual community workers have experienced"*.

One community worker in the Northern Territory made a plan to use Legal Health Checks at an upcoming “health fair” at an Indigenous community alongside the blood pressure and diabetes checks.

Most community workers indicated that they would recommend the website, tutorial videos and resources to their colleagues.

“Yes, this would be helpful for some with limited knowledge of possible legal issues that clients may or may not understand as well as ways to get legal advice through [community legal centres].”

(Online feedback from a community worker in Queensland)

3.2.2 Feedback from legal assistance services

The resources were also tested with lawyers in Australia working in community legal centres or Legal Aid Commissions.

“The comments were overwhelmingly positive regarding the information staff could take away and apply in their [community legal centre (CLC)], particularly around the resources that were available to them to complete the Legal Health Checks. The attendees all responded that they would recommend the session to other [CLCs] with some of the comments stating that it is a great idea for CLCs and that legal health checks are used in many CLCs with great success.”

(General feedback from presentation to CLC lawyers in New South Wales)

Valuable feedback was provided about the general messaging on the website and the need for further resources to assist lawyers to collaborate with community sector agencies.

In many cases, it appears that the Legal Health Check website and resources were often a starting point for productive discussions about collaborative practice between legal and non-legal service providers. One lawyer commented “[...] the Legal Health Check kept coming up in the discussion following [the presentation]. [...] look forward to further contact – I know a number of people here are really keen to use the Legal Health Check [...]”.

During the course of the Project, we are aware that a coordinator at a CLC in Victoria presented about the Legal Health Check resources to a group of community services and agency workers. The presentation demonstrates the willingness of the CLC sector to experiment with the resources. Feedback from the presentation confirms the interest in the Legal Health Check resources and highlights the importance of ongoing support to foster collaboration between legal and non-legal services.

“I had an opportunity to do a presentation [about the Legal Health Check website] to a local network meeting [of] community services and agency workers. [...] The concept of a Legal Health Check was new to everyone in the room; they all thought it was a great tool to prompt them to ask about various common issues in their clients lives. [...] People thought it would most likely be an organisational decision to adopt the Legal Health Check as a tool for all caseworkers, followed by training together as a group. [...] At the end I had requests on the spot for presentations at several of the agencies represented.”

(Feedback from a coordinator at a community legal centre in Victoria)

3.2.3 Challenges

Substantive feedback and concerns we engaged with during the Project as we consulted on these resources included:

1. *The appropriateness and extent of community worker involvement* – Some stakeholders raised concerns about this matter during the Project. Although it was not formally part of consultation for the

Project, the concerns raised by the Centre for Advocacy, Support and Education for Refugees in its submission to the Productivity Commission are representative.²⁰

[...] given the complicated backgrounds of these clients we have concerns about the capacity of non-legal agencies to undertake legal health checks. It is often difficult for legally trained staff to identify the myriad of legal issues that may be facing these clients. There is a concern that non-legal agencies may not have the experience to fully understand the complexities involved. Whoever is doing legal health checks for this group needs to be able to address the combination of legal issues, language barriers, cultural differences, backgrounds of torture and trauma in conjunction with other potential issues such as mental illness, homelessness, reliance on income support.

We submit that the recommendations of the Productivity Commission and the activities of this Project address these issues. However, education and practice around these concerns needs to continue (see further section 4 below).

2. *The potential increase in demand for legal services which may be generated by increased use of a Legal Health Check* – we suggest that the gap between need and resources has been long understood in the legal assistance sector and the role of the Legal Health Check in identifying, targeting and responding to legal need should be viewed in the context of this long-term resourcing issue.
3. *The need for clear messaging about the scope of services available for disadvantaged and vulnerable clients* – not all legal services are resourced to provide ongoing services to assist a person to resolve their legal problems. We emphasise the need for legal and non-legal services to communicate about the scope of assistance available and, where appropriate, establish a Legal Health Check pathway. Some guidance for doing so is included in the website resources.
4. *The need for adequate resourcing of collaboration activities* – As discussed in some submissions to the Productivity Commission,²¹ there is concern that legal assistance services are not adequately funded to support the use of legal health checks by partner agencies in the community sector or manage the resulting referrals. We agree that collaboration should be recognised as an essential component of effective legal outreach to disadvantaged and vulnerable populations and collaborative practice should be adequately resourced and funded.
5. *The value of the Legal Health Check in Aboriginal and Torres Strait Islander settings* – QPILCH has engaged with the Indigenous Legal Needs Project,²² which recommended use of the legal health check in its submission to the Productivity Commission.²³ We conducted training in at least three settings where a majority of clients were Indigenous, which were well-received. ATSILS are actively engaged with QPILCH in a new Legal Health Check project (see further section 4 below).

3.3 Summary of changes to the draft resources

Based on the feedback received, the following changes were made to the draft resources:

3.3.1 Shorter videos

The initial videos were changed from 2x10minute long videos to four videos approximately 5 minutes long each. In consultation with NACLC a 2 minute introductory/promotional video was produced. This change is intended to

²⁰ Centre for Advocacy, Support and Education for Refugees, Submission No DR241 (Response to Draft Report) to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 21 May 2014, p 2. Available at: http://www.pc.gov.au/data/assets/pdf_file/0009/137367/subdr241-access-justice.pdf.

²¹ Centre for Rural Regional Law and Justice and the National Rural Law and Justice Alliance, Submission No 20 to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 1 November 2013, p 2. Available at: http://www.pc.gov.au/data/assets/pdf_file/0018/129105/sub020-access-justice.pdf; Law Council of Australia, Submission No 96 to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 13 November 2013, p 76. Available at: http://www.pc.gov.au/data/assets/pdf_file/0015/130173/sub096-access-justice.pdf.

²² For more information about the Indigenous Legal Needs Project, see: <http://www.jcu.edu.au/ilnp/index.htm>.

²³ Indigenous Legal Needs Project, Submission No 105 to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 19 November 2013, pp 10-11. Available at: http://www.pc.gov.au/data/assets/pdf_file/0012/130350/sub105-access-justice.pdf.

make the training as flexible and accessible as possible. Changes were made to some of the video narration, based on concerns that the draft resources might inappropriately increase the expectations of workers about the capacity and resources of legal assistance services.

3.3.2 Navigating site and messaging

The content of the videos was rearranged to preference earlier messaging about what a Legal Health Check was. Similar messaging to assist navigation of the site for users who have no prior knowledge of the underlying concepts was included.

This included drafting of FAQs, placement of the introductory video, reframing titles and tabs, and directing traffic to other resources on the site.

3.3.3 Other resources

We drafted guidance materials on specific issues based on feedback, including how to establish a legal health check pathway between a community agency and a legal service and how to assist a client to prepare for an appointment with a lawyer.

3.3.4 Referral suggestions

In consultation with NACLCL and others, we developed easy links to legal referral agencies, linking users to existing resources wherever possible. However, we consider that the ongoing success of this website will depend not on the accidental connection of a community worker or service to the website, but rather on the appropriate resourcing and mobilisation of the legal assistance sector to use the website in a targeted way to connect with, train and support their local community agencies to refer clients to specific, relevant legal services.

3.3.5 Content of Legal Health Checks

We received a range of feedback about the phrasing of questions in the Legal Health Checks, the focus of the questions on civil law matters and the rationale for different checks for different client groups. Negative or concerned feedback came largely from legal agencies with no existing practice in diagnosing legal need across a range of legal issues. We encouraged these agencies to experiment with the tools and then respond to us further. We have not been able to systematically follow up with these agencies.

We engaged with a number of legal services which already use legal screening too, and encouraged each of them to load their tools (with their formatting and branding intact) or links to them onto the website's Legal Health Check "library". This offer led to one service clarifying that its tool was actually a self-help tool and they now plan to explore whether a mediated tool would be more appropriate. Our offer has also led to a number of services actively considering this offer within their service or network, but to date, the Legal Health Checks on the site remain those created by QPILCH.

3.4 Distribution of Project resources

The Legal Health Check website and resources will be available for distribution from 30 June 2015. A number of activities to promote and distribute the resources to community agencies and legal assistance services are planned. These include:

- *Official launch:* QPILCH and NACLCL will officially launch the resources in Brisbane on 22 July 2015. Special guests at the launch will include Mark Henley, the Chief Executive Officer of the Queensland Council of Social Service (QCOSS) and representatives from the Attorney-General's Department. Herbert Smith Freehills, which strongly supported the creation of the QPILCH legal health check in 2009, will host the launch.
- *NACLCL conference:* QPILCH will present the Legal Health Check website and resources at the NACLCL conference in August 2015. NACLCL is well-placed to promote the resources electronically (via social media and other online platforms).

- *Posters and postcards:* QPILCH will distribute hard copies of the Legal Health Check postcards and posters to a targeted group of community agencies and community legal centres in Queensland. Postcards and posters will also be available for distribution at the NACLC conference to interested community legal centres. NACLC is also considering a mail-out of these printed resources, which can also be downloaded from the website.
- *Other promotion/distribution:* We understand the Attorney-General's Department is considering the distribution of the resources to frontline workers in Commonwealth services.

4. Opportunities

“Staff are in agreement that the website is a useful tool [...] We have valued the opportunity to engage with your work. This kind of ‘cross-pollination’ is essential in our sector, allowing us to learn from each other and build relationships. We’d like to engage in this kind of process more often. Legal Health Checks are gaining currency in our sector as a tool. Learning about their application is really beneficial for us.”

(Feedback from a Legal Aid Commission)

Throughout the Project, we identified a number of opportunities for Legal Health Check practice as a result of our own observations and through conversations with stakeholders.

4.1 Enabling sharing

The Legal Health Check website and resources are available for use under a Creative Commons Attribution-Non-Commercial use licence (version 4.0).

The terms of the license allow any person to use and amend the Legal Health Check resources on two conditions:

- the person must acknowledge QPILCH and NACLC as the creators of the resources; and
- the resources must only be used for non-commercial purposes. This means a person must not charge others for use of or access to the existing Legal Health Check resources or any amended versions.

Guidance about the creative commons licence is set out in the FAQs on the website.

This licence enables users to use and share the resources easily and to tailor the questions in each Legal Health Check to the needs of their disadvantaged and vulnerable clients.

4.2 Continuing the conversation

A community of practice is developing around the new Legal Health Check resources. QPILCH is aware that a number of different legal assistance services and community agencies use or are interested in experimenting with the new Legal Health Check resources and sharing existing resources.

Additional funding and support is recommended to support and foster conversation about the Legal Health Check and “best practice” resources for collaboration between the legal and community/health sector.

With additional funding, QPILCH would be open to using and maintaining the new Legal Health Check website as a Legal Health Check “library” and discussion space.

Future projects could also explore the similarities and differences of collaborative practice between outreach to the community (welfare) sector using the Legal Health Check and partnerships with the medical profession as part of Advocacy-Health Alliances.

There is also need to continue developing resources to support appropriate referral practices and further evaluation of the effectiveness of the Legal Health Check.

4.3 Evaluation and the legal sector

On the basis of this Project, QPILCH received funding from the Queensland Department of Justice and Attorney to evaluate the effectiveness of Legal Health Checks, and to pilot the Legal Health Check in different legal assistance settings.²⁴ Best practice guidelines, resources and training will be developed for community lawyers to use the Legal Health Check and facilitate collaboration with non-legal community services. Once published, the benefit of these resources to legal assistance services in other states and territories is apparent.

We also understand the Law and Justice Foundation is interested in further exploring the assumptions underpinning the Legal Health Check and has recommended that the use of legal health checks in Australia

²⁴ See appendix 1A for the draft research proposal that was developed into the DJAG Legal Health Check Project 2014-16.

should be accompanied by appropriate monitoring and evaluation.²⁵ Adequate attention should be given to resourcing monitoring and evaluation activities and recommendations.

²⁵ Law and Justice Foundation of NSW, Submission No DR231 (Response to Draft Report) to Productivity Commission, *Inquiry into Access to Justice Arrangements*, 21 May 2014, pp 4-5. Available at: http://www.pc.gov.au/data/assets/pdf_file/0009/137295/subdr231-access-justice.pdf.

5. Concluding remarks

QPILCH has appreciated the opportunity to develop this suite of resources for NACLIC and the Attorney-General's Department and looks forward to their use being maximised.

We would like to particularly acknowledge:

- the 16 community workers who volunteered in the production of the videos;
- the flexibility and skills of Martin Howard and Lachlan Hughes in producing the videos and website;
- Fleur Hopkins, who provided initial administrative support to the Project;
- the many community workers and legal assistance services who contributed to making these resources as useful as possible to our work; and
- our remarkable clients, especially Royce our latest "screen star".

Sue Garlick and Marissa Dooris, Queensland Public Interest Law Clearing House Inc

June 2015

Appendix 1 – Annotated literature about legal screening tools

QPILCH publications and evaluations prior to the Project

1. S Garlick, 'Sharing the Menu: Using a Legal Health Check' (QAILS webinar, 1 May 2014). Available at: <https://www.youtube.com/watch?v=N8VALfikBis>.
2. S Garlick, 'Freedom to choose: Sharing the legal menu with vulnerable clients' (2014) 27(9) *Parity* 43-44.
3. C Banks, 'Evaluation of Legal Health Check Online Tutorial: Supporting community workers to better assist disadvantaged clients with legal need' (Report, 30 June 2014). Available at: http://www.qpilch.org.au/dbase_upl/Evaluation_of_LHC_training_video_June_2014.pdf.
4. QPILCH, 'Legal Health Check Training Videos' (2013). Available at: <http://www.qpilch.org.au/lhc>.
Training videos for community workers funded by a small grant from the Legal Aid Queensland CLE collaboration fund.
5. QPILCH Homeless Persons' Legal Clinic, 'Legal Health Check: Snapshot' (October 2013). Available at: http://www.qpilch.org.au/dbase_upl/LHC_Snapshot.pdf.
6. QPILCH Homeless Persons' Legal Clinic, 'Sharing the Menu: Perspectives and Data from the Legal Health Check' (Report, September 2013). Available at: <http://www.qpilch.org.au/cms/details.asp?ID=684>.
Explains the rationale for the QPILCH Legal Health Check and insights from the pilot project at Roma House.
7. S Garlick and C Lavery, 'Sharing the Menu: The Legal Health Check' (Presented at NACLC Conference, Cairns, 25 July 2013).
8. S Garlick, 'There's no place like HPLC: A 'legal menu' services help for the homeless' (2013) 33(5) *Proctor* 26-28. Available at: http://www.qpilch.org.au/dbase_upl/June_2013_Proctor.pdf.
9. Encompass Family and Community, 'Evaluation of Queensland Public Interest Law Clearing House Incorporated (QPILCH) Homeless Persons' Legal Clinic (HPLC) and Refugee Civil Law Clinic (RCLC) (Report, November 2011). Available at: <http://www.qpilch.org.au/cms/details.asp?ID=684>.
10. S Garlick, 'Legal Health Checks: A Targeted Response to Legal Need' (2010) 23(6) *Parity* 22-23.
11. QPILCH: Numerous unpublished training presentations, resources and feedback responses delivered to QPILCH partner law firms and community agencies.

Other Australian resources

12. K Ho, 'Legal Health Checks: Early identification of legal issues' (2014) 27(9) *Parity* 41-42.
Sets out insights about the Legal Health Check used in Homeless Law services in Justice Connect's Homeless Law program.
13. L Gyorki, 'Breaking down the silos: Overcoming the practical and ethical barriers of Integrating Legal Assistance into a Healthcare Setting' (Final Report, Winston Churchill Memorial Trust of Australia, 25 September 2014). Available at: https://www.churchilltrust.com.au/media/fellows/Breaking_down_the_silos_L_Gyorki_2013.pdf.
Recommended use of legal screening tools by frontline health and social work professionals to identify and refer legal needs of patient populations.
14. P Pleasance et al, 'Reshaping legal assistance services: Building on the evidence base' (Discussion paper, Law and Justice Foundation of NSW, April 2014).
Considers different types of legal health checks and support the use of legal health checks in appropriate partnerships between legal and non-legal services.

15. P Novotna and B Dougall, 'Law Check-up Evaluation Report: Pilot of Law Check-up tool in five homeless outreach clinics – July-December 2013' (Legal Aid NSW, 16 April 2014).

Quantitative and qualitative evaluation of Law Check-Up developed by Legal Aid NSW.

16. Justice Connect, 'Developing a Legal Screening Tool' (Draft Guide, 2014).

Dr Fiona Lander, a secondee to Justice Connect from Corrs Chambers Westgarth, consulted with QPILCH on our resources and the content of this draft guide for health services. We understand Justice Connect plans to publish the Guide but to our knowledge it is not publicly available at this time.

17. HM McDonald and Z Wei, 'Concentrating disadvantage: a working paper on heightened vulnerability to multiple legal problems' (Updating Justice No. 24, Law and Justice Foundation of NSW, May 2013).

Confirms that the experience of multiple "clusters" of legal problems is more prevalent among disadvantaged groups and populations. Recognises the role of "legal health checks" and diagnostic tools in identifying clusters of legal issues for disadvantaged and vulnerable client groups.

18. M A Noone and K Digney, "'It's Hard to Open up to Strangers" – Improving Access to Justice: The Key Features of an Integrated Legal Services Delivery Model' (Report, La Trobe University, September 2010). Available at: <http://lcccl.org.au/wp-content/uploads/2013/09/Noone-Digney-Its-hard-to-open-up-to-strangers.pdf>.

Recognises that community members may face challenges in identifying which problems are "legal" in order to seek assistance from lawyers. Considers the role of intake and assessment tools in facilitating effective legal referrals.

Other international resources

19. A Currie, 'Extending the reach of legal aid: Report on the Pilot Phase of the Legal Health Check-Up Project' (2015). Available at: <https://www.legalhealthcheckup.ca/bundles/legalcheck/pdf/legal-health-check-up-pilot-evaluation.pdf>.

Report on the results of the Legal Health Check-Up pilot being conducted by Halton Community Legal Services in Canada with seven "trusted intermediary" partners. There are many synergies between the Legal Health Check-Up pilot project and QPILCH's work.

20. M Regenstein et al, 'Medical-Legal Partnership and Health Centers: Addressing Patients' Health-Harming Civil Legal Needs as Part of Primary Care' (Report, National Center for Medical-Legal Partnership, February 2015). Available at: <http://medical-legalpartnership.org/wp-content/uploads/2015/02/Medical-Legal-Partnership-and-Health-Centers.pdf>.

Considers different training and screening tools developed in the context of existing medical-legal partnerships, eg incorporating screening and referral into electronic medical records.

21. T Beeson, B D McAllister and M Regenstein, 'Making the Case for Medical-Legal Partnerships: A Review of the Evidence' (Report, National Center for Medical-Legal Partnership, February 2013). Available at: <http://medical-legalpartnership.org/wp-content/uploads/2014/03/Medical-Legal-Partnership-Literature-Review-February-2013.pdf>.

Identifies that mechanisms and tools for assessing and identifying the legal needs of patients is an evidence gap in the practice of medical-legal partnerships and recommends best-practice and information sharing across programs.

Appendix 1A – Excerpt from legal health check research proposal (2014)

This research proposal later developed into the DJAG Legal Health Check Project 2014-16.

3. Is the Legal Health Check effective and flexible with vulnerable client groups?

3.1 Trial

The Legal Health Check (LHC) was trialed with arguably the most vulnerable cohort of clients – residents of a crisis accommodation support service for people whose homelessness and behaviours were complex, entrenched, and often excluded them from other homelessness services. People experiencing homelessness have been subsequently identified by the Law Survey Australia as having the greatest number of unaddressed legal problems, with 85.4% having one unaddressed legal issue and 50.5% having three unaddressed legal issues.ⁱ

Data in the *Sharing the Menu Report* indicates that when caseworkers are involved and a LHC is used, an average of three legal issues per vulnerable client can be addressed, and over 80% of the client group had their previously unrecognized legal needs addressed.

3.2 New pilot projects

Two current QPILCH pilot projects indicate the possibilities of the LHC with other vulnerable groups.

3.2.1 Outreach Legal Clinic

People in unstable or transitional housing on Brisbane's north side who are supported at one of the four participating community agencies – a women's' refuge, a support program for young parents, a tenancy support service and a migrant settlement agency can complete a LHC with their worker in order to identify legal needs, and then access a pro bono casework lawyer together, by phone for legal casework or referral for any issues identified. The LHC is provided to the lawyers prior to the initial legal interview, which maximises the time and skills of the lawyer.

In the first 6 months of the pilot, 16 clients were assisted with 52 legal matters (an average of 3.25 legal matters each), ranging from debts, fines, tenancy, family law, guardianship and victims compensation.

3.2.2 LegalPod

Vulnerable young people transitioning from the Child Protection system in Queensland are now matched with a small team (the Pod) of pro bono lawyers for the duration of their transition to independence – typically four years. The lawyers complete a LHC with the young person when they first connect to the LegalPod service to identify and address the legal issues raised. The Pod revisits the LHC with the client at least every 6 months, targeting emerging issues which are likely barriers to sustaining housing and employment.

QPILCH delivered Legal Health Check training to community workers in the sector and collaborates intensively with these workers to deliver the LegalPod service. In the first month of operation, LegalPod connected 11 young people to Pods to commence this comprehensive and personalized legal service.

3.3 Other client groups

QPILCH has developed distinctive Legal Health Checks for its Refugee Civil Law Clinic and Mental Health Civil Law Clinic, varying the content to address legal issues most likely to form barriers to housing and social participation for that cohort.

3.4 Sector interest

Legal assistance services around Australia have identified their vulnerable clients as potentially benefitting from a LHC practice and regularly seek the advice of QPILCH to establish and evaluate the model. These services include medico-legal partnerships, specialist and generalist community legal centres, NACLC and the Department of Human Services.

3.5 Measuring effectiveness

QPILCH suggests that there are a number of measures of effective service delivery to address the legal need of vulnerable clients. These include, but are not limited to:

- the proportion of clients of a community agency which receive legal assistance for previously unrecognized legal need;
- the number of significant legal issues addressed for the client;
- the correlation between legal needs being addressed and sustaining housing and community participation;
- the correlation between legal needs being addressed and the client proactively addressing future legal needs; and,
- the growth in awareness of community workers to identify and respond appropriately to the legal needs of their vulnerable clients.

3.6 Current HPLC data

HPLC data is not available for all of these measures across all clinics; however, clinic data for 2013/14 (as at June 10, 2014) indicates that:

- In four HPLC locations where a LHC is completed and community worker involvement is significant, clients are assisted with 2.4 to 3.2 legal matters each.
- In twelve HPLC locations where a LHC is only occasionally used and community worker involvement is limited, clients are assisted with only 1 to 1.7 matters each.

It should be noted that other factors may influence the efficacy of the model including the expertise of the individual lawyers, the stability and resources of the community service, and the engagement and circumstances of the individual client.

It would be valuable to confirm the variables which correlate to the success of the LHC model, and in which contexts it is likely to be most effective.

3.7 Link to housing data

Further research is also necessary to confirm the correlation between completing a LHC and stabilized housing for the client. This type of longitudinal data may arise from the LegalPod and Outreach Law clinics if they are funded to continue.

It is harder to demonstrate a correlation between legal services and sustained housing for clients who are currently homeless and managing a range of challenges. Nevertheless the HPLC is attempting to develop evidence of this link in collaboration with Micah Project's Street to Home team. (see 4.3.2 for further details).

4. What is the value of targeting community workers with the Legal Health Check?

It would be valuable to gather robust evidence to confirm the value of involving community workers in the delivery of legal health checks and to determine where on the spectrum of involvement the greatest efficiencies and efficacy lies. The LHC service delivery model indicates the following benefits and considerations of targeting community workers are:

4.1 Efficient

Community workers rarely have an adequate and practical knowledge of the legal needs of their vulnerable clients, effective tools to identify those issues with a client, or a schema to prioritise these needs with the non-legal needs of the client. However, once these skills are developed they potentially benefit all the clients supported by that worker, even when the client moves employment to another agency. The HPLC has been able to develop new legal clinics due to a trained and skilled worker moving to a new location. Workers also often move roles within large community organisations (for example, from supporting homeless people to supporting prisoners) and bring their understanding of the relevance of legal need to the new client demographic.

4.2 Appropriate

Community workers are best placed to assess the competing, non-legal priorities of the client and determine the most effective timing to engage with the legal issues.

The ideal scenario is when the community worker not only completes some or all of the LHC prior to the interview with the lawyers, but continues to support the client to engage with the on-going legal casework. This addresses many of the communication challenges of delivering services to vulnerable and often transient clients. Kelly Sciacca, Manager of Roma Houseⁱⁱ notes:

So workers can be involved with the clinic on a couple of different levels. Once they signed the consents that the client's okay for them to communicate with the lawyers, they can keep on top of the situation to assist the law firm in delivering communication and also being aware of all the issues affecting the resident that they are working with which again feeds into their recovery and support plan.

4.3 Flexible

QPILCH encourages community agencies to embed the LHC in the existing practices and assessment tools of their agency. This allows the LHC to be flexibly administered in the context of the caseload and resources of the particular community agency. For instance, where the agency provides assessment and referral services, rather than on-going support, the capacity of the worker to complete the LHC with the client is limited by the high volume of clients, and only some aspects of the LHC can be prioritised. However, where the worker has funding to support a client intensively for 3 or more months, the appropriateness and efficiency of completing a LHC is evident.

Examples of embedding a LHC in the practices of a community agency include:

- 4.3.1. At a homeless drop-in service with limited casework resources, the workers identified just two questions from the LHC – one about fines debts and one about court attendance, which they now verbally ask all clients requesting emergency supplies (such as tinned food, clothes and toiletries) from their resources room. These clients are then encouraged to attend the HPLC (visiting weekly) about these issues.
- 4.3.2 The Vulnerability Index survey recently administered to people experiencing homelessness as part of Micah Projects 500 Lives/500 Homes campaign (see www.micahprojects.org.au/community/500-lives-500-homes) included questions about debts and legal issues. Early data from the survey indicates that up to 40% of participants self-identified some legal need. The HPLC is collaborating with Micah to connect survey participants to complete a LHC at an HPLC.
- 4.3.3 A housing and tenancy support service on Brisbane's northside identified client debt as a barrier to sustaining housing, and administers a LHC to these clients as well as supporting them to access a legal service.
- 4.3.4 At Roma House, the LHC is embedded in the intake procedures for residents. The Manager notesⁱⁱⁱ:
...when workers are having initial talks with residents around their journey and their experiences, often questions that relate directly to the Legal Health Check come up.

4.4 Community workers require resources, training and support

Regular training and support enables workers (especially in the context of the high staff turnover characteristic of this sector) to use the LHC. Support and training for workers is provided by QPILCH in the following ways:

- Training videos^{iv}, postcards (mini LHCs) and posters are provided as free resources for non-legal workers using the LHC. Currently separate postcards are produced for legal issues encountered by homeless, tenants of public housing, refugees, young people transitioning from care and people experiencing mental illness respectively. There is a need for translations of these postcards in languages other than English.
- In-house and cross-sector training events on the content and rationale of the LHC are provided by QPILCH, to support non-legal agencies to administer the LHC. With limited resources, QPILCH struggles to maintain consistent levels of support to the 24 community agencies it now partners with. QPILCH observes anecdotally that effective referrals increase after all training sessions.

- QPILCH offers phone-based support to community workers in the sector about effective referrals to QPILCH using the Legal Health Check and on-going communication about the progress of the client's matter.

5. Is it important that the Legal Health Check requires a casework response?

QPILCH considers that it is necessary to give a casework response to matters raised by a LHC. The LHC is not effective as a self-help tool or advice-only resource when delivering services to highly vulnerable clients.

The context of the vulnerable client was discussed in the *Sharing the Menu Report*^v and recent reports deepen our understanding of the cluster of vulnerability experienced by these clients.^{vi}

Endnotes

ⁱ Coumarelos C & People J, 'Home is where the heart is: a working paper on homelessness, disadvantaged housing and the experience of legal problems' (2013) 23 *Updating Justice*, Law and Justice Foundation of New South Wales, Sydney.

ⁱⁱ QPILCH, Legal Health Check online training videos 2013, available at www.qpilch.org.au/lhc.

ⁱⁱⁱ See note iii above.

^{iv} The LHC training videos were funded in 2013/14 by the LAQ CLE Collaboration Fund together with funding to evaluate their efficacy. The evaluation report will be provided to LAQ by June 30, 2014.

^v See also Lawler M et al "Opportunities and Limitations in the Provision of Self-help resources to citizens in need" (2012) 30 *Windsor YB Access Justice* (Available at: <http://ssrn.com/abstract=2165880>)

^{vi} For example, see the 2014 report *The Trauma and Homelessness Initiative*, prepared by the Australian Centre for Posttraumatic Mental Health.

Appendix 2 – Interest in the QPILCH Legal Health Check (prior to the Project)

A number of people and organisations contacted QPILCH and expressed an interest in the resources.

Person/ organisation	Comments
Homeless Persons Legal Service, Public Interest Advocacy Centre (NSW)	Requested access to legal health check training materials and resources to conduct training for all caseworkers
Street Law (ACT)	Requested copy of legal health check and mini legal health check postcard, and slides for legal health check training
Street Law Centre WA Inc (WA)	Requested information about legal health check training and resources
Mid North Coast Community Legal Centre (NSW)	Requested copy of legal health check for community workers <i>"Thanks for the presentation – I found it completely inspiring"</i>
Victoria Law Foundation (Vic)	Requested access to legal health check tutorial videos online
Elizabeth Evatt, Community Legal Centre (NSW)	Requested copy of legal health check
Youth Support Advocate, Youth Advocacy Centre Inc (Qld)	Requested copies of mini legal health check postcards to distribute to youth/community workers as part of statewide training program
Hunter Community Legal Centre (NSW)	Requested copy of legal health check and mini legal health check postcard. Interested in adapting the legal health check for their service and training community workers to use the legal health check to increase the effectiveness of outreach legal clinics
MOSAIC, Justice Connect (NSW)	Requested copy of the legal health check, may be adapted for use in civil law clinic for refugees
Knowmore	Community engagement team requested feedback to adapt the legal health check for the purposes of the Royal Commission into Institutional Child Sexual Abuse
Advocacy-Health Alliance Network, Justice Connect (Vic)	Requested permission to use legal health check resources as examples in guide for Advocacy-Health Alliances and feedback on draft guide.
Barwon Community Legal Centre (Vic)	Requested copy of the legal health check resources. Considering using legal health check or adapting resources for their practice.
North Australian Aboriginal Justice Agency (NT)	Requested a copy of the legal health check. Considering creating a legal health check and would like something to start from.
Partners in Recovery (North Brisbane) (Qld)	QPILCH participated in Under 1 Roof Triage Project with PiR and proposed systematic legal health check training for mental health workers.
Individual (Victorian solicitor, PhD student at ANU)	Expressed an interest in adopting and adapting legal health check for rural and regional legal services projects
Queensland Alliance	Expressed an interest in the legal health check and subsequent meeting with QPILCH.
Community Advocacy and Legal Centre (Canada)	Visited QPILCH and discussed legal health check and training resources. Tweeted and linked to resources on PLE exchange.

Appendix 3 – Relevant submissions to the Productivity Commission 2014 inquiry

Organisation/s	Submission No	Page reference	Categories			
			Cited QPILCH legal health check with approval	Cited own/ other legal health check practice	General interest or support for legal health checks	Raised concerns about use of legal health checks
Attorney-General's Department	137	3, 9, 18-19	✓		✓	
	DR300	2			✓	
Australian Child Rights Taskforce	DR285	18, 33	✓		✓	
Centre for Advocacy, Support and Education for Refugees	DR241	2			✓	✓
Centre for Rural Regional Law and Justice and National Rural Law and Justice Alliance / School of Law, Deakin University	20	2				✓
	DR236	3			✓	✓
Clayton Utz, Ashurst and Allens	DR224	4	✓	✓	✓	
Community Legal Centres Association (WA) Inc	DR214	19-21			✓	✓
Consumer Action Law Centre and Consumer Credit Legal Centre NSW	DR202	2, 7			✓	
Dr Elizabeth Curran	DR179	6-9		✓	✓	
Hunter Community Legal Centre	26	16-17	✓	✓		
Indigenous Legal Needs Project	105	10-11	✓		✓	
Intellectual Disability Rights Service	DR261	1-3			✓	
Justice Connect	104	4-6		✓	✓	
	DR290	12-15		✓	✓	
La Trobe University School of Law and Advocacy Rights Centre Ltd	DR184	1-2		✓	✓	
Law and Justice Foundation of NSW	DR231	4-5	✓	✓	✓	
Law Council of Australia	96	76		✓ [For businesses]		
	DR266	15-16			✓	✓

Organisation/s	Submission No	Page reference	Categories			
			Cited QPILCH legal health check with approval	Cited own/ other legal health check practice	General interest or support for legal health checks	Raised concerns about use of legal health checks
Law Institute of Victoria	DR221	3			✓	
Law Society of South Australia	DR219	4				✓
Legal Aid NSW	68	66-67	✓	✓	✓	
	DR189	6-7	✓	✓	✓	
Legal Services Commission of South Australia	93	19		✓ [Cite Flood LHC in Queensland]	✓	
NACLC	91	28	[Cite use of LHC in HPLCs (nationally?)]		✓	
Office of the Public Advocate (Victoria)	DR311	2-3			✓	✓
Women's Legal Service Tasmania	DR262	3		✓	✓	

All of the submissions referenced above are available at: <http://www.pc.gov.au/inquiries/completed/access-justice/submissions>.

Appendix 4 –List of stakeholders contacted for feedback about the Legal Health Check resources

Below is a list of the stakeholders contacted for feedback about the new Legal Health Check resources.

We are aware that the Queensland Council of Social Service (QCOSS) and the Law and Justice Foundation of New South Wales circulated the resources to their members and contact lists for feedback.

No	Organisation
	<i>QPILCH Outreach legal clinics partner community agencies</i>
1.	Anglicare Homelessness Services, Women and Families
2.	Micah Projects (Brisbane Homelessness Service Collaborative)
3.	Brisbane Youth Service
4.	Kyabra Community Association
5.	New Farm Neighbourhood Centre
6.	Pindari Men's Hostel
7.	Pindari Women's Hostel
8.	Roma House
9.	West End Community House
10.	139 Club
11.	Multicultural Development Association
12.	Salvation Army (Brisbane North)
13.	Young Parents Program
14.	Red Cross (Brisbane North)
15.	Footprints
16.	Open Minds
	<i>People and organisations who expressed an interest in the QPILCH Legal Health Check</i>
17.	See list in appendix 2 (except Community Advocacy and Legal Centre (Canada))
	<i>QPILCH Outreach legal clinics partner law firms</i>
18.	Allens Linklaters
19.	Ashurst Australia
20.	Clayton Utz
21.	Corrs Chambers Westgarth
22.	DLA Piper
23.	HWL Ebsworth
24.	Herbert Smith Freehills
25.	King and Wood Mallesons
26.	McCullough Robertson
27.	Minter Ellison
28.	MurphySchmidt
	<i>Other people/organisations</i>
29.	Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd

No	Organisation
30.	Queensland Association of Independent Legal Services (QAILS)
31.	Queensland Council of Social Service (QCOSS)
32.	Legal Aid Queensland
33.	Queensland Department of Justice and Attorney-General
34.	Homeless Persons Legal Service, Public Interest Advocacy Centre
35.	Law and Justice Foundation of New South Wales
36.	National Legal Aid CLE Working Group (contacted by Legal Aid Queensland for QPILCH)
37.	Supported Accommodation Providers Association Inc
38.	HART 4000 Homelessness Assessment and Referral Team
39.	Chisholm Women's Refuge
40.	Centacare
41.	Beaumont Care
42.	Brisbane City Council
43.	Brisbane Murri Elders Community Justice Group
44.	Ipswich Community Justice Group
45.	Richlands Community Justice Group
46.	Logan Indigenous Community Justice Group
47.	Cleveland Community Justice Group

Appendix 5 – Meetings and presentations in the course of this Project

Date	Meeting/ presentation
27 November 2014	Initial meeting with Legal Aid NSW and subsequent correspondence and meetings
	Meeting with Homeless Persons Legal Service, Public Interest Advocacy Centre
	Meeting with Law and Justice Foundation of NSW
18 December 2014	Presentation to QCOSS 'Home for Good' Homelessness Campaign Team
7 January 2015	Teleconference with Sector Development Manager, Federation of Community Legal Centres (Victoria) Inc
	Meeting with Queensland Department of Housing and Public Works
13 January 2015	Meeting with lawyers from Justice Connect
	Meeting with Inner Melbourne Community Legal
	Initial meeting with Victoria Legal Aid and subsequent correspondence
14 January 2015	Meeting with Sector Development Manager, Federation of Community Legal Centres (Victoria) Inc
	Meeting with Community Development and Community Legal Education Working Group, Federation of Community Legal Centres (Victoria) Inc
	Meeting with Footscray Community Legal Centre Inc
	Meeting with Fitzroy Legal Service Inc
15 January 2015	Meeting with Youthlaw
20 January 2015	Meeting with Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd
2 February 2015	Training for staff at Wuchopperen Health Service (Cairns) (20 attendees)
3 February	Training for Homelessness Assessment and Referral Service staff, Anglicare Cairns (6 attendees)
11 February 2015	Teleconference with Community Development and Community Legal Education Working Group, Federation of Community Legal Centres (Victoria) Inc
19 February 2015	Presentation at QPILCH CLC Training Day (15 attendees)
11 March 2015	Training for caseworkers at Footprints (15 attendees)
17 March 2015	Presentation to Federation of Community Legal Centres (Victoria) Inc CPD Day (80 attendees)
18 March 2015	Presentation at Brisbane Youth Service staff meeting (8 attendees)
20 March 2015	Presentation at annual HPLC Caseworker Training (plenary session and elective) (31 attendees in plenary)
25 March 2015	QCOSS/Legal Aid Queensland training day – "Legal Help – who needs it? Connecting clients to the right services" (25 attendees)
1 April 2015	Training for caseworkers at Kyabra Community Association (30 attendees)
17 April 2015	Skype conference with Halton Community Legal Service (Canada)
23 April 2015	Presentation to National Legal Aid CLE Working Group
24 April 2015	Meeting with Acting Community Legal Education Manager, Legal Aid Tasmania
29 April 2015	Presentation to Red Cross (Townsville) and QPILCH Townsville office (10 attendees)
4 May 2015	Training for staff and volunteers at West End Community House
13 May 2015	Training for staff at Open Minds

Date	Meeting/ presentation
20 May 2015	Presentation to CLCNSW Quarterlies (web conference) (30 attendees)
25 May 2015	Presentation at QAILS conference (12 attendees)
2 June 2015	Presentation to NTCOSS Pre-Conference Sector Forum (community legal sector) (15 attendees)
3 June 2015	Meeting with Greater Metro South Brisbane Medicare Local
4 June 2015	Training for caseworkers at Anglicare Homelessness Services, Women and Families (20 attendees)
19 June 2015	Short showcase presentation at National Access to Justice and Pro Bono Conference (Sydney)

Please note, attendee numbers are estimates only.

The table does not include a number of other connections or enquiries about the Legal Health Check, including email contact with other community legal centres, enquiries from community agencies in Queensland and correspondence with legal research bodies.