

COMMUNITY LEGAL CENTRES: Putting social inclusion into practice



LEFT TO RIGHT: 1. *Promoting human rights in the local community.* PHOTO: ILLAWARRA LEGAL CENTRE 2. *Community legal education session for young people with an intellectual disability on rights at work.* PHOTO: NORTHERN RIVERS CLC 3. *Children at Geraldton Resource Centre's Money Business Fun Day 2009.* PHOTO: GRC

For more than 30 years, community legal centres in Australia have worked to reduce legal disadvantage, increase the capacity of individuals and communities to understand their rights and obligations, and support their clients to have a greater say in the laws and policies that affect their lives.

In 2008 the Australian Government announced a *Social Inclusion* program to achieve many of the same aims. The program embodies the approach that community legal centres give to dealing with individuals and communities who are experiencing legal problems as a result of their disadvantage – the principles of self-empowerment, early engagement, community development, and stakeholder partnerships.

Community legal centres have an important role to play in improving social inclusion and are keen to engage with government to develop and enhance an agenda of social inclusion by building on experience derived from their frontline involvement with legal issues facing disadvantaged people.

This booklet examines how the practice and philosophy of community legal centres align with the Government's Social Inclusion Principles.

What are community legal centres?

Community legal centres (CLCs) are community-based not-for-profit organisations providing legal services to disadvantaged people and communities. CLCs have been a vital component of access to justice in Australia for over 30 years. Today there are more than 200 CLCs throughout the country – in metropolitan, suburban, regional, rural and remote areas.

Most CLCs are generalist centres that service a specific geographic region. Others are specialist organisations, servicing communities of interest (eg people with disabilities, young people or tenants), or areas of law (eg consumer credit or immigration).

CLC strategies include legal information, advice, and casework services to individuals, as well as community legal education, law reform, and community-capacity building projects.

In 2007–2008 CLCs provided more than 210,000 individual legal advices; over 140,000 information, support and referral services; and ongoing assistance in over 50,000 individual cases.* In addition, that year centres concluded at least 2600 community legal education projects, 1000 law reform or policy projects, and leveraged over \$23 million worth of free legal assistance through pro-bono support from private lawyers and others.

CLCs work to improve the legal knowledge and skills of their clients and communities so that fewer legal problems arise and, of those that do arise, more can be resolved earlier. This work includes:

- community legal education and law reform projects that are preventative in outcome, consultative, and strengthen communities from within
- plain-English self-help legal resources
- inclusive management and operational structures to enable community participation in the CLC
- collaboration and engagement in strategic partnerships with community leaders, community organisations, government agencies, the private sector (particularly private law firms), and other service providers.

Strategic Service

To help plan innovative preventative strategies within their limited resources and competing client priorities, CLCs have developed a *Strategic Service Delivery Model*. The model is:

- an evidence-based, proactive, community-involved process that an individual CLC can use to plan its work

- aimed at meeting the needs of clients with complex needs and/or multiple legal problems
- targets services to legal needs, is flexible and responsive to changes in need
- effective in working with disadvantaged communities

The Commonwealth Attorney-General's Department has endorsed a simplified version of this service delivery model.

Community Legal Centre Strategic Service Delivery Model

a

Research community's legal needs

- Identify disadvantaged groups with high legal needs in geographic or specialist area
- Monitor CLC's current client services
- Monitor data of other legal services
- Identify "gaps": where groups with high legal needs are not accessing legal services at expected rate or are facing systemic injustice

b

Plan service delivery

- Determine desired outcomes
- Use community development and consultative approaches
- Develop preventative, early intervention and capacity-building strategies
- Work collaboratively with other legal and/or community service providers

c

Deliver services through a range of activities, such as:

- Community legal education
- Law or policy reform
- Test case/ strategic litigation
- Develop accessible services to reach key groups eg outreaches, CALD /ATSI positions
- Partnerships and collaboration between CLC, other legal and welfare services, and government
- Legal information and resources in Plain English and appropriate languages
- Client services: Information, Referral, Advice, Casework
- Community strengthening projects eg leadership training, consumer participation groups

d

Evaluate service delivery against planned outcomes

* These figures significantly under-represent the total number of services provided by CLCs as they are taken from a database that records services provided by only 80% of the 200+ CLCs in Australia.

What is social inclusion?

The development of policies in Europe and the UK since the 1980s to promote social inclusion have strongly influenced Labor governments in Australia.

In February 2008, Deputy Prime Minister Julia Gillard defined social inclusion as requiring all people to be given the opportunity to

secure a job; access services; connect with others in life through family, friends, work, personal interests and local community; deal with personal crises such as ill health, bereavement or the loss of a job; and have their voice heard.

(Speech to the Centre for Social Impact, Sydney, 28/02/2008)

In 2008 the Australian Government released a set of *Principles for Social Inclusion* in Australia to guide individuals, business and community organisations, and government on how to take a socially inclusive approach to their activities.

Socially inclusive legal service delivery

CLCs have long been at the forefront of socially-inclusive legal and related service delivery in Australia.

CLCs have an important role alongside government and other legal assistance providers in dealing with immediate legal crises. But CLCs do more than this. They work with both individual clients and communities to try and prevent legal problems arising in the first place.

The language of social inclusion may be relatively new in Australia, but the principles of self-empowerment, holistic service delivery, community development, and stakeholder partnerships have always been advocated by CLCs.

PRINCIPLE 1: Reducing disadvantage

Making sure people in need benefit from access to good health, education and other services**

Legal problems can have a devastating effect on people's lives. Legal issues relate to and impact on health, education, housing, welfare, policing and communities. Unresolved legal issues can reinforce and bring about social exclusion. Any society keen to tackle social exclusion must therefore ensure that disadvantaged people are given a "fair go" in the justice system so they are able to take up their rights to access other services.

CLCs lead the way in ensuring that disadvantaged people are given a fair go in the justice arena. CLCs are often the first port of call for anyone with a legal problem, and they can be the last hope for those rejected for assistance by private and government legal service providers.

CLCs target their more intensive legal services – casework, advocacy, court representation, community education, and law and policy interventions – to those experiencing or most at risk of social exclusion.

CASE STUDY

A holistic approach to helping disadvantaged clients

Geraldton Resource Centre is a generalist CLC servicing a large part of Western Australia. In 2006 Mary, an Indigenous woman with three children, came to the CLC seeking emergency food relief. The centre provided Mary with a hamper and food voucher but also discovered her background of exposure to family violence and financial abuse. Mary then spoke to other staff at the CLC with expertise in financial, housing and legal services.

Over the next year, staff from the CLC helped Mary and her children with:

- violence restraining orders
- refuge accommodation followed by long-term public housing
- seeking clothing and furniture from local charities
- Family Court orders relating to the children's care
- debt negotiation, budgeting, and financial literacy education, and
- criminal injuries compensation.

Three years on, Mary is now a confident mother with a settled and safe family. She is more financially secure, works part time, is studying, volunteers with a local charity, and is now keen to assist women facing similar problems. Mary has saved up to buy a car and to take her children on their first-ever holiday. Mary reflects on when she first attended the centre nearly three years earlier: "But I only wanted food..."

PRINCIPLE 2: Increasing social, civil and economic participation

Helping everyone get the skills and support they need so they can work and connect with community, even during hard times

When someone experiences a legal problem, their ability to participate in social, civil or economic life can be severely curtailed. This is even more so for disadvantaged people whose legal problems affect basic rights and services, such as the right to housing, employment, income support, and safety from violence.

CLCs therefore work with clients and communities to increase their knowledge of their legal and human rights. CLCs have always recognised that such education is crucial to decreasing the prevalence of legal problems, and increasing the participation of disadvantaged people in civil society.

Through their strong referral networks and partnerships, CLCs also put clients in touch with local support agencies. Sometimes it takes a crisis for people to discover that there are services available to support them.

** This and the following principles are from the Australian Government's Principles of Social Inclusion for Australia

CASE STUDY

Leadership course for people with intellectual disabilities

The Intellectual Disabilities Rights Service (IDRS) in Sydney runs a 'Rights Leadership' course for people with intellectual disability. The six-session course is run four times a year and is co-taught by two educators, one of whom has an intellectual disability. It informs participants about their legal, human and social rights and responsibilities.

Gerard, a young man with Down's Syndrome, attended the course in 2008. He had always wanted to be an actor. A documentary filmmaker was so impressed with Gerard she asked if he would make a film with her. The resulting *Be My Brother* won Best Film at the 2009 Tropfest Film Festival and Gerard won the award for Best Actor. Gerard is now pursuing a career in acting.

James was one of the first participants in the course. A client of IDRS for a few years, he was often in trouble with authorities and had spent time in gaol. After attending the leadership course, he became passionate about the rights of people with intellectual disabilities in the criminal justice system, and became active as a representative for them. In 2008 James won the NSW Justice Awards – Volunteer of the Year and is now employed as a part-time co-educator at IDRS.



Rights Leadership course participant Gerard O'Dwyer receiving his award at Tropfest 2009. PHOTO: AAP IMAGE/TRACEY NEARMY

PRINCIPLE 3: A greater voice, combined with greater responsibility

Governments and other organisations giving people a say in what services they need and how they work, and people taking responsibility to make the best use of the opportunities available

Since their beginnings in the late 1970s, CLCs have aimed to give disadvantaged clients and communities a greater voice. This philosophy and approach underpins CLC operations. Many CLCs, for example, actively involve former clients and community groups in their management structures; consult with key communities when determining legal need and service design; and seek formal and informal feedback from clients when evaluating service delivery.

PRINCIPLE 4: Building on individual and community strengths

Making the most of people's strengths, including the strengths of Aboriginal and Torres Strait Islander peoples and people from other cultures

CLCs work with Aboriginal and Torres Strait Islander people and people from culturally and linguistically diverse backgrounds. CLCs operate from a strength-based approach whereby they attempt to resolve problems that make sense to the particular individual, taking into account their cultural and other backgrounds.

CASE STUDY

Reaching out to African refugees

In 2007 Footscray Community Legal Centre in Victoria established a specialist African service to respond to the difficulties experienced by newly-arrived refugees in adjusting to Australian laws. Footscray CLC runs a weekly advice clinic with on-site interpreters in African languages and collaborates with settlement agencies to provide culturally appropriate legal information to new arrivals. The centre's financial counsellor helps resolve problems with utility bills, credit card debt and loan repayments that commonly arise within refugee communities. The centre also has a pro-bono partnership with a private law firm to specialise in advice to African clients in relation to fines and infringement notices.

The CLC also runs community outreach programs to educate people about common legal issues so they don't get into trouble in the first place.

In 2009 the CLC received the Victorian Women's Trust's Essie Burbridge Community Award which recognises outstanding achievement in promoting understanding and combating racism.

PRINCIPLE 5: Building partnerships with key stakeholders

Governments, organisations and communities working together to get the best results for people in need

Each CLC is a product of a unique relationship between various levels of government (as funding bodies and fellow service providers), community organisations (often involved in management of the centre or service delivery partnerships), and the private sector (private lawyers volunteering their services, or law firms providing formal pro-bono assistance).

CLCs harness an extraordinary amount of voluntary and pro-bono support. In 2008 around 3,500 volunteers – private solicitors, other professionals, students and ordinary members of the community – contributed almost 350,000 hours to CLCs.

Formal partnerships between CLCs and law firms are also common, assisted by Public Interest Clearing Houses, the National Pro Bono Resource Centre and government schemes such as the Victorian Attorney-General's Community Law Partnerships.

At local and peak levels, CLCs have forged strong partnerships with legal aid commissions, Aboriginal and Torres Strait Islander legal services, law societies, bar associations, Indigenous family violence services, Family Relationship Centres and government court services.

PRINCIPLE 6: Developing tailored services

Services working together in new and flexible ways to meet each person's different needs. For some members of the Australian population experiencing, or at immediate risk of, significant exclusion, mainstream services may not be sufficient or appropriate to mitigate against exclusion

The CLC sector has developed a unique model over the past 30 years to meet the legal needs of Australia's most disadvantaged people. About half of all CLCs are generalist, servicing disadvantaged people in a particular geographic region, while the other half are specialist centres focusing on particular groups with special needs, for example young people, Aboriginal and Torres Strait Islander women, tenants, consumers, people with disabilities, social security recipients, and older people.

Specialist centres work closely with their client groups and design their services to cater specifically to their needs. Specialist centres also provide training and back-up expertise to generalist CLCs, other legal agencies and the community sector.

Generalist CLCs are often the first point of contact for extremely disadvantaged people, many of whom present with 'clusters' of social and legal problems, for example, in areas of tenancy, debt, and family abuse.

CLCs know that legal problems rarely occur in isolation. They focus on the client rather than the legal problem, and so try and assist the client to resolve as many of the problems as possible. Where the centre does not have the funding or in-house expertise to assist with specific problems, they work closely with other agencies.

CASE STUDY

Victorian Bushfire Legal Help

The bushfires of February 2009 brought the Australian community together in an unprecedented show of support for the thousands of people who lost family members and homes.

Community legal centres in the fire-struck regions, the Victorian Federation of CLCs and the Public Interest Law Clearing House worked with Victoria Legal Aid, Law Institute Victoria, Victoria Law Foundation and the Victorian Bar to create Bushfire Legal Help. BLH includes:

- a helpline providing legal advice on topics as diverse as deceased estates, employment rights, disputes about fire-damaged properties and insurance
- face-to-face legal help in the main fire-affected towns coordinated by a local lawyer, most commonly from a CLC
- casework taken up by lawyers from CLCs, Legal Aid and private firms.

The expertise of CLCs – their contacts in local communities and their experience in training volunteers, coordinating rosters, developing plain-English resources and working with people in crises – proved invaluable in shaping BLH. Victorian CLCs drew on the community response experience of CLCs in other parts of Australia affected by natural disasters such as floods and cyclones.



A bushfire burns in the Bunyip State Forest near the township of Tonimbuk, February 2009.

PHOTO: AAP IMAGE/ANDREW BROWNBILL

PRINCIPLE 7: Giving a high priority to early intervention and prevention

Heading off problems by understanding the root causes and intervening early

Among all the legal service providers in Australia, CLCs place the greatest focus on employing early intervention strategies to prevent problems arising. It is widely accepted that the value of CLCs' preventative work is far more than the immediate costs saved by government and community service providers.***

Preventative strategies used by CLCs include community education that assists individuals to identify legal problems early and, where possible, use their own skills to resolve those problems before they escalate or become intractable.

Through their casework and input from their communities, CLCs are quickly able to identify a policy, law or practice that unfairly impacts on disadvantaged people. CLCs discuss the issue with policy makers and offer possible solutions. If governments then change the relevant policy, law or practice, CLCs return to the front line to educate affected groups about the change. This shows the holistic nature of the CLC service delivery model.

CASE STUDY

Educating young people about their rights and responsibilities

The Youth Legal Service in Western Australia has a comprehensive community legal education program which aims to educate young people and youth workers about avoiding legal problems. In 2006–07 the CLC conducted 82 community legal education workshops covering:

- a law education program provided to adolescents and their parents or guardians. The program examines offending behaviour, encourages the young person to take responsibility for their behaviour, explores the consequences of future offending, and provides information about legal rights and responsibilities
- planning and budgeting – a practical workshop using an interactive quiz to determine how well each person knows their finances, before guiding participants through the development of a financial plan for savings and living expenses. The workshop considers spending leaks (eg take-away food, gambling), budget busters (how to reduce costs), impulse buying, pre-existing debts and life events
- young people and public space – a workshop exploring the laws and regulations governing behaviour in public space. The workshop uses quizzes and role-playing to identify the powers of various agencies with the aim of increasing awareness of the consequences of certain behaviours.



Marrickville LC uses a message on their wall to reach young people. PHOTO: MARRICKVILLE LEGAL CENTRE

PRINCIPLE 8: Building joined-up services and whole of government(s) solutions

Getting different parts and different levels of government to work together in new and flexible ways to get better outcomes and services for people in need

In the legal assistance sector, CLCs are at the forefront in planning and delivering holistic and flexible services.

Some CLCs offer a range of services eg tenancy advice, domestic violence support services, and financial counselling, using funding from different government agencies. This diversified model and funding have fostered within the CLC sector an expertise in working with different levels of government to provide a cohesive service to disadvantaged people.

All CLCs build up strong relationships and referral protocols with key welfare and government agencies at a local level. This is crucial to ensuring that disadvantaged people are not sent on the 'referral roundabout' with the risk they stop seeking resolutions of their problems.



Kimberley CLS's Indigenous Tenancy Worker at their Wyndham Women's Expo. PHOTO: KIMBERLEY CLS

*** *The Economic Value of Community Legal Centres*, Institute for Sustainable Futures, University of Technology Sydney, Feb 2006

CASE STUDY

CLCs intervene in the Northern Territory Intervention

The 2007 Federal Government intervention into Indigenous communities in the Northern Territory included an income management regime quarantining half the social security payments to Aboriginal people living in specific communities, for food and other essentials. Welfare payments were linked to children's school attendance.

CLCs were concerned that Aboriginal people might not understand their rights or responsibilities under these new laws, and that lawyers and community workers may also need expert assistance.

Welfare Rights CLCs approached the Federal Attorney-General's Department for funding to gather information about what was happening on the ground and what was needed to provide ongoing social security advice and information. This successful scoping project was followed by funding for a Welfare Rights Outreach Project including four welfare rights solicitors (all experienced CLC workers) based in Indigenous legal services in Alice Springs and Darwin. In addition to advice and casework, these solicitors provide education on social security issues to Indigenous communities and community and government workers.

While working with relevant government departments and communities to ensure Indigenous people in the NT have information about their legal rights, CLCs have also called on the Australian Government to more broadly observe the human rights of Indigenous people under the intervention. Concerns about Australia's compliance with human rights conventions were outlined in recent reports to the United Nations compiled by the National Association of CLCs, the Human Rights Legal Resource Centre and Kingsford Legal Centre.

- the on-the-ground experience of individual CLCs with disadvantaged people and communities
- national and state CLC conferences and network meetings, that bring together CLCs to discuss their experiences, identify trends and develop innovative service delivery approaches.

PRINCIPLE 10: Using locational approaches

Working in places where there is a lot of disadvantage, to get to people most in need and to understand how different problems are connected

There are almost 100 generalist CLCs throughout Australia. The vast majority of these generalist services are physically located in disadvantaged communities and, to the extent that their resources allow them, cover wide geographic regions of disadvantage.

Many generalist CLCs owe their existence to local communities identifying the need for legal services in their area and developing a community response. The type of services offered by generalist centres is also a product of local and regional needs.

Because of their location within disadvantaged communities, some CLCs engage in innovative community development projects that are designed to improve the self-esteem and skills of people within a disadvantaged region and create gateways to the use of legal services. The outcome is a more resilient, assertive and knowledgeable community.



Caroline Smart and Philip Linsdell from CARP Productions, performing Fred's Fair Play (a play to educate young people about the principles contained in the Victorian Charter of Human Rights) at the Lilydale Indigenous and Healing Expo in October 2008. PHOTO: EASTERN CLC, VIC

PRINCIPLE 9: Using evidence and integrated data to inform policy

Finding out what programs and services work well and understanding why, so you can share good ideas, keep making improvements and put your effort into the things that work

The CLC sector increasingly draws on, and contributes to, research that can improve community legal services. This includes

- empirical studies, such as those conducted by the UK Government and the NSW Law and Justice Foundation relating to people's legal needs and their experience in accessing legal services
- a wide range of national, state and individual CLC research projects

CASE STUDY

Katherine Galahs footy team in the Northern Territory

In the Katherine region many young women are caught in a cycle of violence and intergenerational disadvantage.

The Katherine Women's Information and Legal Service tried to find ways to reach these women. The CLC secured a grant to develop a Katherine women's AFL team, with the goal of educating young women about being stronger within themselves and choosing healthier lifestyles.

The Katherine Galahs team was formed in 2005, with young women (15 and older) learning about the team through fliers, emails, the local high school and word of mouth. The CLC workers formed strong relationships with the young women, and had many opportunities to talk to them individually or as a group about legal and non-legal issues going on in their lives.

Although the team has since folded, there is still a great deal of pride amongst those who were involved – a sense of achievement in these young women living in an extremely disadvantaged community with limited social or community engagement opportunities.

Some barriers to CLCs and effective social inclusion

Although many CLCs are already working effectively within a socially inclusive framework, there are barriers for many CLCs in adopting the principles of social inclusion or community development. These include:

- Many CLCs are too poorly funded to adequately meet existing legal advice demands and do not have the time to research and design innovative service delivery strategies. An estimated sixteen percent of eligible people are turned away from CLCs because of resource constraints.****
- A holistic service requires funding from a variety of government programs, but each government funding body has different accountability requirements which create a large, often unremunerated, administrative burden on CLCs.
- CLC staff, volunteers and management committee members need to learn what social inclusion means for them and how it might improve their practice.
- Improving practice will require the development and provision of learning and development opportunities for CLC staff and volunteers in social inclusion skills such as evidence-based strategic planning, working with clients in distress, engaging with excluded people and communities, preventative community legal education, policy/law reform, and outcomes-based reporting.

An action plan for improving social inclusion

The National Association of Community Legal Centres is developing a National Community Legal Centre Social Inclusion Action Plan. Depending on available resources, the plan will:

- educate CLC staff and volunteers about social inclusion and continue to assess CLC work against social inclusion principles
- seek increased resources from governments so that all CLCs receive sufficient funding to adopt the Strategic Service Delivery Model and better meet the needs of disadvantaged people
- create a national CLC social inclusion capacity-building program.

For more information about CLCs and social inclusion, contact the National Association of Community Legal Centres www.naclc.org.au or naclc@clc.net.au

PRINCIPLE 11: Planning for sustainability

Doing things that will help people and communities deal better with problems in the future, as well as solving the problems they face now

Improving the capacity of individuals and communities to deal better with future legal problems is a key goal of CLCs. The sustainability of the CLC sector is itself crucial to the fulfilment of this goal. The national and peak CLC bodies work together with governments and other legal agencies to improve the capacity of CLCs through:

- improved learning and development opportunities for CLC staff and volunteers
- governance training
- advice and assistance in organisational development
- improved information technology initiatives
- the development and maintenance of quality management frameworks.

**** ACOSS Submission to Productivity Commission, *Study into the Contribution of the Not for Profit Sector*, June 2009, p 19