

## Innovative collaboration to meet legal needs: NSW Legal Assistance Forum (NLAF) Prisoners Collaboration

### National Access to Justice and Pro Bono Conference, Brisbane 2010

**Richard Funston and Suzie Forell**

**Richard:**

I would like to acknowledge the traditional custodians past, present and future of this land we are having this conference on.

In this part of the workshop Suzie and I will speak about:

- What is the NSW Legal Assistance Forum / NLAF
- The various NLAF working groups
- More detail about the prisoners working group (and its sub-groups)
- Strategies of the prisoners working group had their genesis in the research conducted by the Law and Justice Foundation (Suzie Forell – one of the senior researchers and also on the NLAF prisoners working group - will speak about this research and findings) – and how this evidenced based approach led to the prisoners legal information portal
- What made it work – practical tips on productive partnerships
- Other innovative work happening through the NLAF prisoners working group and Corrective Services
- Other innovative CLE projects - working with new partners - happening in other Legal Aid Commissions around Australia

***What is the NSW Legal Assistance Forum?***

NLAF is an interagency forum that brings together key legal service providers across government, non government and private sectors of NSW.

Alan Kirkland (Legal Aid NSW CEO) is the Chair of NLAF. Judith Levitan is the NLAF Project Manager.

NLAF aims to facilitate access to justice for socially and economically disadvantaged people by:

- improving the ways in which services and programs are designed and delivered;
- promoting cooperative arrangements and collaboration between organisations within the community and justice sectors;
- promote dialogue and debate;

- promoting the development of innovative ways of servicing marginalised groups in the community, based on relevant research and identified gaps in existing legal services; and
- consult and respond to emerging issues, policy and law reform

Member organisations include Legal Aid NSW, Department of Justice and Attorney General NSW, Law Society, Bar Association, LawAccess, Aboriginal Legal Service, Community Legal Centres, the Public Interest Advocacy Centre, the Public Interest Law Clearing House and the Law and Justice Foundation.

In addition to the main forum there are a number of working groups that are involved in work on specific NLAf projects, including the Prisoners Working Group Strengths of model – broad membership base, head of agency involvement, working groups, flexible approach to addressing issues, commitment of members ..... Having both research and service providers as part of the group

### ***Current NLAf Working Groups***

- The NLAf working group examining issues of legal service provision in rural, regional and remote (RRR) NSW - was successful in an application for funding from the Commonwealth Attorney General's Department for the Law and Justice Foundation to conduct research on issues of lawyer availability, recruitment and retention in RRR areas of NSW. The research was completed and a report submitted in June 2010.
- NLAf established a domestic violence working group to examine improving coordination of legal services. NLAf convened a forum in October 2009 attended by representatives from state and federal government, service providers, courts and police. As a result of the forum, a number of mapping documents were produced that related to training, domestic violence committees in NSW, domestic violence services in NSW Local Courts, domestic violence legal services in NSW and Women's Domestic Violence Advocacy Services. These documents are available on the NLAf website.
- The NLAf prisoners working group focused on issues of information, education and training of prisoners; lawyer – inmate communication; and civil and family law needs of prisoners. I chair this working group.

### ***Prisoners Working Group***

- In October 2008, NLAf hosted a forum on the legal needs of prisoners. The Forum was facilitated by Dr Eileen Baldry, Associate Professor, School of Social Sciences and International Studies at the University of UNSW.
- The forum aimed to address the findings in the 2008 research report of the Law and Foundation of NSW on legal needs of prisoners. Suzie Forell will discuss this research and its findings shortly.
- The terms of reference of the Working Group are to: prioritise and, as appropriate, progress the strategies proposed by the NLAf Forum on the Legal Needs of Prisoners and to address other prison related issues referred by NLAf. In doing so, the Group is to consider special need prisoners.

- The members of the Prisoners working group include (as above with NLAFF plus Corrective Services NSW):
  - ALS
  - The NSW Bar Association
  - CLCs and PIAC
  - Corrective Services NSW
  - Staff of Legal Aid NSW including our PLS, plus our civil and family sols attached to the PLS, and our Director Civil Law, and our CLE coordinator
  - LawAccess
  - Law and Justice Foundation

Subgroups were established:

- Legal information training and education
- Access to family and civil law services for prisoners - The sub group mapped the provision of civil and family law services (from CLCs, Legal Aid NSW and ALS) to prisoners across NSW.
- Lawyer / inmate communication.

The subgroup focussing on legal information training and education has worked together to develop the Prisoner Legal Information Portal – chaired by Suzie Forell . The members of this group included Law Access, the Coordinator of Legal Aid Community Legal Education, State Library Legal Information Access Centre, the head of Corrective Services library services and other key Corrective Services staff – all very relevant to the task at hand.

### **Suzie:**

The reason I am taking you back to the research before talking about the work of the Prisoners Working Group is that the research, and the evidence collected acted both as a catalyst for, and informed the direction and strategies of the NLAFF prisoners working groups. This link between evidence and action is a positive feature of this collaborative NLAFF partnership.

### ***The research***

*Taking Justice into Custody*<sup>1</sup> - an in-depth qualitative research report on the legal needs of prisoners in NSW - was released in July 2008. The study was part of a broader program of research being undertaken by the Foundation into the legal needs and access to justice issues facing disadvantaged people in NSW. It was immediately preceded by similar studies into the legal needs of homeless people and the needs of people with a mental illness, as well as a large scale telephone survey of legal need in six disadvantaged regions of NSW.

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<sup>1</sup> Grunseit, A, Forell, S & McCarron, E 2008, *Taking justice into custody: the legal needs of prisoners*, Law and Justice Foundation of NSW, Sydney. Available at <<http://www.lawfoundation.net.au/report/prisoners>>

I think this context is important to the eventual take up of strategies articulated in the prisoners report. The report was part of a stream of credible research evidence being provided to the legal sector by the Foundation, specifically to inform their policy and practice.

### ***The research findings***

In terms of findings, the first thing that the research highlighted was the *range* of legal problems prisoners have, beyond their criminal law issues. The report described the myriad of civil and family law issues that people face as they move through the incarceration process, including those issues that arise due to the incarceration itself. For instance, the often sudden removal of people from their daily lives on the outside can create immediate issues such as the placement of children, letting go of rental housing, managing changed financial affairs. This exposure of a broad range legal need had the important immediate impact of widening the view of services beyond criminal law issues facing prisoners.

The report also demonstrated the real difficulties inmates faced in addressing these issues. As the report acknowledged, there were already arrangements in place to provide inmates with access to criminal lawyers and to the courts. However, strategies to address prisoners' other civil and family law needs were far less developed.

The report described the existing systems and opportunities which were in place for prisoners to access legal information, advice and representation in prison: prison libraries, telephone advice services, visiting legal services and the important role of welfare officers and others in helping inmates to address particularly civil law issues.

However, the research also revealed how vulnerable available opportunities were to being compromised. In very broad terms, we found that access to legal assistance in prisons was compromised by a combination of four major groups of factors:

1. limited prisoner capacity (including high levels of cognitive impairment particularly at key points in the process such as reception into prison, low literacy, lack of trust in the law and histories of marginalisation from mainstream processes)
2. the systemic environment (limited access to telephones and face to face contact, lockdowns, constant movement of inmates from gaol to gaol, few welfare staff, a focus on criminal law issues and real practical difficulties for inmates and their lawyers to contact each other)
3. we noted the convoluted pathways to assistance (and the constant dependence of inmates on others to get anything done), and
4. we acknowledged prison culture (inmate reluctance to seek help from/through a custodial officer).

While I haven't time to go through all the findings now, they are outlined in *Taking justice into custody*.

With policy makers and practitioners in mind, we detailed in the research where – in the context of the system as it was – there was scope to improve access to legal assistance in jail.

Taking account of the system ‘as it was’ meant engaging with the practical realities of prison: taking account of those things that are just not going to change or change quickly. These include such things as the overwhelming priority given to security in prison – so no access to the internet and lockdowns as a reality - and the limited capacity of many inmates.

Some of the more general suggestions made in the report were for:

- Increased civil and family law assistance to inmates, appropriate to their particular point in the incarceration process. So reception into prison is not the time to provide a lot of information about certain civil issues – as inmates’ personal capacity is very low at that point and their criminal issues are a major focus. It is better to wait until inmates are more settled and able to address longer term issues
- Clearer and more direct access to appropriate legal help, e.g. telephone advice, visiting civil law advice services: reducing the number of steps it takes to get legal information and assistance and providing opportunities for inmates to address their own issues
- Skilling and supporting those on the ‘pathways’ to provide appropriate help or referral (e.g. information for welfare or custodial staff)
- Providing legal help in user friendly formats (e.g. longer advice sessions, legal information in DVD format)
- Increasing awareness in the legal sector of prisoner routines and limitations inmates face in accessing their services (e.g. awareness of lockdown times, the fact that inmates are on time-limited calls).

### ***Strategies which have been implemented***

Since the report was published there has in fact been a range of strategies implemented. Some commenced during the research (and in some cases in response to the fact of the research) and were initiatives of Legal Aid with support from Corrective Services NSW.

- Employment of civil and family lawyers within the Prisoners Legal Service
- The *Back on Track* series of short films to provide information to prisoners on legal issues relevant to them, such as the court process, fines, housing and the care and custody of children.

However, there have been several new initiatives which have been either driven by or facilitated by the NLAf prisoners working groups. What I will talk about now is the main strategy of the “information, education and training subgroup of the prisoners working group which I chaired. This project is the placement of a **Legal information portal** on the inmate intranet being rolled out in NSW gaols.

After this, Richard will describe projects of the other two subgroups – which pick up a number of the issues raised above.

### *The Prisoners Legal information Portal*

One of the issues identified in the research was the need to get accurate, plain language information to inmates about a range of legal issues, in an environment where:

- it is difficult for inmates to access lawyers directly
- pathways to legal help have been unclear and convoluted
- legal information is limited
- inmates are spread around a very large geographic area
- and where those inmates most ready to address outstanding civil issues in particular, are mainly placed in rural correctional centres which are even more isolated from legal help.

Originally we were looking at developing legal information on a CD Rom, but as it happened, Corrective Services NSW were already rolling out an inmate intranet - largely for education purposes, and were looking for content for the intranet. So there was an opportunity to help meet several objectives by developing an intranet based legal resource for inmates.

The portal will not only be a source for legal information in gaol but will be used within the gaol's adult education courses, including a unit of study about how to use and navigate the internet. The site can also be used to provide practical training in completing forms and other such skills.

The site will also be put on the Corrective Services staff intranet – so that custodial and welfare staff have the same information as inmates.

In developing the portal, the aim was not to create new information but to bring publically available, relevant legal information to the inmates. We were able to do this quite efficiently due to the representation on the working group of Law Access, Legal Aid Community Education, and LIAC. I should add that the involvement and enthusiasm of Corrective Services staff on the working group was also vital.

The choice of topics for the site was informed by:

- the research
- statistics from about LawAccess about the types of legal problems that inmates actually call them about
- information from Corrective Services libraries about inmate inquiries about legal issues/ legal resources.
- Focus groups that the working group conducted with inmates.

In the focus groups we also received feedback from inmates about the proposed structure of the site – which helped to design what you see now [below].

This is the home page of the Prisoners Legal Information Portal. Information about how to get help in prison is on the left hand bar. It includes information about the visiting advice services, as well as telephone services and legal information resources in prison available through the prison libraries.

[Please Note: the ‘NLAF NSW Legal Assistance Forum’ title is part of the PowerPoint slide, NOT the portal itself.]

**Slide 1:**

**NLAF** NSW LEGAL ASSISTANCE FORUM

Legal Aid Website   Legislation   Sentencing Tables   Legal Words   Forms   Search

**LegalHelp** IN PRISON   Legal Info Portal  
CORRECTIVE SERVICES NSW

Legal Visits In Prison   Search:  **Go**

> Legal Aid / Prisoners Legal Services  
 > Aboriginal Legal Service  
 > Community Legal Centres  
 > Your Own Lawyer

Legal Help by Phone

Law Libraries

Contact Us

**Finding information on**

- Police & Courts**
  - > Arrest and Bail
  - > Going to Court
  - > Defending yourself
  - > Sentencing & Parole
  - > And more...
- Family Law**
  - > Access to kids
  - > Care & protection of children
  - > Separation & Divorce
  - > Property division
  - > And more...
- Money Matters**
  - > Child Support
  - > Debt & Bankruptcy
  - > Fines and the SDR0
  - > Victims compensation levy
  - > And more...
- Legal Systems**
  - > Australia legal system
  - > How courts work
  - > Legal words
  - > You & your lawyer
  - > And more...
- Wills & Guardianship**
  - > Funerals
  - > Guardianship
  - > Wills & inheritance
  - > And more...
- Visas, Deportation & Transfers**
  - > Interstate & International transfer
  - > Visa cancellation & deportation
  - > And more...
- Driving & Traffic**
  - > Drink & drug driving
  - > Drive whilst disqualified
  - > Driver licences & the points system
  - > And more...
- Violence & the Law**
  - > AVOs
  - > Domestic violence
  - > Sexual assault
  - > Victims compensation
  - > And more...
- Other Legal Problems**
  - > Alcohol & other drugs
  - > Employment & criminal records
  - > Housing
  - > Social security & Centrelink
  - > And more...

Following is a screen shot of the Prisoners Legal Service page.

## Slide 2:

The screenshot shows the Legal Info Portal website. At the top, there is a navigation bar with links for 'Legal Aid Website', 'Legislation', 'Sentencing Tables', 'Legal Words', 'Forms', and 'Search'. Below this is the 'LegalHelp' logo and the 'Legal Info Portal' header. The main content area is titled 'Legal Aid / Prisoners Legal Services' and describes the Prisoners Legal Service (PLS) as a specialist service of Legal Aid NSW. It lists various services provided, such as legal advice, applications for legal aid, and representation at hearings. A sidebar on the left contains navigation links for 'Legal Visits In Prison', 'Legal Aid / Prisoners Legal Services', 'Legal Help by Phone', 'Law Libraries', and 'Contact Us'.

The bar across the top of the homepage has links to the Legal Aid NSW website, State and Commonwealth legislation, sentencing tables, a glossary of legal words and a search function.

## Slide 3:

The screenshot shows the 'Legal Words' page on the Legal Info Portal. The page features a navigation bar at the top with links for 'Legal Aid Website', 'Legislation', 'Sentencing Tables', 'Legal Words', 'Forms', and 'Search'. The main content area is titled 'Legal Words' and provides definitions for various legal terms. A sidebar on the left contains navigation links for 'Legal Visits In Prison', 'Legal Aid / Prisoners Legal Services', 'Legal Help by Phone', 'Law Libraries', and 'Contact Us'. The definitions listed include terms like 'accused', 'adjourn', 'administrator', 'affected family member', 'affected person', 'affidavit', 'affirm', 'allegation', 'appeal', and 'applicant'.

Inmates are particularly interested in sentencing tables, to get a sense of what sentence they may get or how their sentence compares to others in similar circumstances. Note

that all names have been removed from the sentencing tables as well as the details of all sex offences.

Slide 4:

The screenshot shows the NLAF website home page. The main section is titled "Finding information on" and contains a grid of legal categories. Each category has an icon and a list of related topics:

- Police & Courts:** Arrest and Bail, Going to Court, Defending yourself, Sentencing & Parole, And more...
- Family Law:** Access to kids, Care & protection of children, Separation & Divorce, Property division, And more...
- Money Matters:** Child Support, Debt & Bankruptcy, Fines and the SDRO, Victims compensation levy, And more...
- Legal Systems:** Australia legal system, How courts work, Legal words, You & your lawyer, And more...
- Wills & Guardianship:** Funerals, Guardianship, Wills & inheritance, And more...
- Visas, Deportation & Transfers:** Interstate & International transfer, Visa cancellation & deportation, And more...
- Driving & Traffic:** Drink & drug driving, Drive whilst disqualified, Driver licences & the points system, And more...
- Violence & the Law:** AVOs, Domestic violence, Sexual assault, Victims compensation, And more...
- Other Legal Problems:** Alcohol & other drugs, Employment & criminal records, Housing, Social security & Centrelink, And more...

The main section of the home pages contains categories of legal information: police and courts, family law, money matters, visas deportation and transfers to name a few. These are all categories of legal issues of particular concern to inmates. Under each category are a list of issues and information sources.

Slide 5:

The screenshot shows the "Money Matters" section of the NLAF website. The page lists various legal topics under the heading "Money Matters":

- Bankruptcy:** Bankruptcy (Law Handbook), The good, the bad & the ugly – advantages and disadvantages of bankruptcy
- Child Support:** Child support, Family Tax Benefits and your child care levels, Organising child support and care arrangements for your children
- Debt:** Debt (Law Handbook pdf)
- Fines:** Do you have unpaid fines?
- Social Security:** Crisis payment, How to appeal against a Centrelink decision, Newstart allowance, What to do if you have a social security debt?, Your social security rights
- Victims Compensation Levy:** Victims Compensation Levy
- Your Monthly Account Statement:** Your Monthly Account Statement (Sample)
- Forms & Templates:** To have your fines put on hold by SDRO, want to get of a lease...

At the bottom of the page, there is a note: "It is a good idea to get advice from a lawyer about completing forms. If you want to get a copy of a form, contact your welfare officer."

Taking account of varying literacy capacity among inmates we aimed to include simple pamphlet style info, as well as higher level material such as the law handbook and legislation, for those inmates who have a real interest and capacity to pursue legal issues.

**Slide 6:**



For those with very limited literacy we are looking to include streamed versions of Legal Aid's *Back on track* DVDs on the portal.

The site will need to be maintained to ensure that the information on the site remains current. A Prisoners Legal Information Team established under NLA Forum will support Corrective Services NSW in maintaining this site in the longer term. This ongoing commitment of the agencies involved is crucial to the sustainability of projects such as this.

**Richard:**

This project is an excellent example of the innovative, creative and effective initiatives that can result from interagency cooperation and collaboration .... but also:

- Getting IT Staff of Corrective Services NSW on board
- Commissioner Ron Woodham supported this initiative and committed funding to the Project. Legal Aid NSW also committed funds
- A united, single focussed approach with the governance structure of NLA Forum and the prisoners working group in the background
- Luck but helps if there are good partnership principals working

### ***Best practice partnerships:***

I will be drawing heavily from Robyn Gray's evaluation partnership work with Legal Aid NSW and specific CLC. Using insights gained from reviews of current Legal Aid partnerships, Robyn offers some practical tips on productive partnering.

The "Right" Partners: Effective partnership is all about effective relationships. Before making a commitment, partners need to discuss frankly whether and if so, how, they *together* can achieve something worthwhile in a program that they could not achieve separately - or could not achieve as effectively alone.

Agreed Roles and Goals: Sounds so obvious. But unless you and your partner Agency have agreed on who is doing what and when, to achieve the partnership goals, the partnership will lack direction and cohesion.

Formal Foundation: After the initial frank discussions, it is helpful to document the basics of the mutual agreement. A typical Memorandum of Understanding reinforces that the program will be delivered in partnership.

Funding: Each agency needs adequate funding to achieve the aims. Don't agree to be involved until you are clear on how much money will be provided for the program and what you are expected to achieve with it. If it's not enough, say so.

The Right People: You need "Team Players", flexible and open to change and people who enjoy trying new ways of doing things.

Stakeholders on Board: Engage with the Stakeholders and get them on board. It helps to have a Steering Committee or Consultative Group with real influence.

Before commencing service delivery, plan: Don't yield to the temptation/pressure to get runs on the board before the foundation stones are firmly in place or the building will ultimately collapse.

Check that your own house is in order: Internal housekeeping before start up pays dividends later

Joint Promotion: Before you start program delivery, conduct some joint promotion:

### ***Other innovative work happening through the NLAf prisoners working group and Corrective Services NSW***

The following projects initiated by Corrective Services have significantly progressed with guidance and assistance from these working groups .... lots of pilot opportunities.

### **Webcam Project**

Corrective Services invited representatives from the Law Society of New South Wales, New South Wales Bar Association, LANSW, ALS and Justice Agencies Conferencing Support (JACS), to participate in a pilot for private practitioners to use a webcam to access their clients housed in participating NSW correctional centres.

### **Offender/ Legal Practitioners scheduled telephone contact**

In July 2010, a pilot commenced enabling legal representatives to schedule times to call their clients in custody using an online booking system. Once approved to access the system, practitioners log into a live webpage and schedule block bookings. Once scheduled, an automatically generated email is sent to a generic email address access by staff in the participating correctional centres as a notification. Practitioners can then monitor the bookings progression via the webpage.

Participating in the pilot are three sites within CSNSW, 12 Legal Aid offices and all the ALS offices.

### **Proposed webpage on the CSNSW' internet site for legal practitioners**

A legal practitioners webpage is being produced which will allow legal practitioner to view correctional centre visiting time, key contact numbers and real time lockdown notifications, prior to leaving their office. The webpage will be available on the CSNSW Internet Site and will be used as a tool to help minimize the impact of lockdowns on practitioners travelling to the correctional centres to see their clients – start date Feb 11.

### **Proposal to replace the “Duty Solicitors Book” in Correctional Centres**

It is proposed that inmates will be able to use the CTS (Controlled Telephone System) to place their name on a list which will be automatically sent through to the legal service they require, enabling resources to be deployed more effectively.

The proposed system will allow the offender to navigate through an Interactive Voice Recording (IVR) to have their details sent to a nominated agency so the agency can allocate the resources that are needed in that particular centre. Initial contact could then be made via scheduled telephone bookings so full details of the matter can be obtained.

### ***Other innovative CLE projects - working with new partners - happening in other Legal Aid Commissions around Australia***

Here are two examples of how **Victoria Legal Aid** is using innovative CLE to reach recent arrivals and older people. CLE engaging hard to reach communities in Victoria - Kristen Hilton will have copies for distribution.

### **CLE sessions for refugee communities in rural Victoria**

We offered four sessions in Shepparton to 300 people from the Sudanese, Congolese, Afghanistan and Iraqi communities. The sessions were accessible, targeted and

tailored to local needs. The sessions covered consumer rights, debt problems, driving law, social security, discrimination and immigration. Six interpreters provide information in Dinka, Swahili, Sudanese-Arabic, Arabic, Dari and French. We presented sessions in partnership with relevant local services or state-wide services. The sessions were recorded in podcast format.

We used a community development approach, working collaboratively and carefully to develop and deliver appropriate sessions. This involved many VLA staff, seven Shepparton-based community services and education organisations as well as five community leaders.

The local media coverage of the sessions drew the communities' attention to the project and the legal issues faced by the refugee communities.

Labour intensive but now many more people know/ share where to go for information and help,

### **'Do not knock' legal play and presentation for older people**

CLE program produced a short legal play to illustrate the dangers of signing up to deals offered by door-to-door sales people. The topic was chosen because:

- it is a current issue that affects many groups within the community, particularly older people and CALD communities living in public housing estates
- financial hardship is a priority area for VLA
- the play supports a wider campaign underway in Victoria.

The play is an early intervention, prevention strategy designed to stop people from entering into contracts that are not in their financial interests.

The play was followed by a short interactive presentation by a lawyer - ongoing work with CLCs and seniors sector.

ABC Radio National came along on the day to record the performance and interview participants for the Law Report program. We used trained actors and this increased the impact of the performance. We also filmed the play for possible use in other CLE strategies. This was the first time VLA has developed a legal play.

Another fabulous example of innovative collaboration is the **Legal Service Commission of South Australia's – Expect Respect** (see Christopher Boundy, manager access services – copies and newsclip). It's a drama based legal education initiative promoting safe and respectful relationships among young people by raising awareness of sexual offences with a particular focus on the issue of consent.

Grant \$ from the Office for the Status of Women, workshops in schools and alternate learning environments – using peer educators and forum theatre, ... support from key agencies working with disadvantaged youth – to date over 700 young people have participated in the workshops.