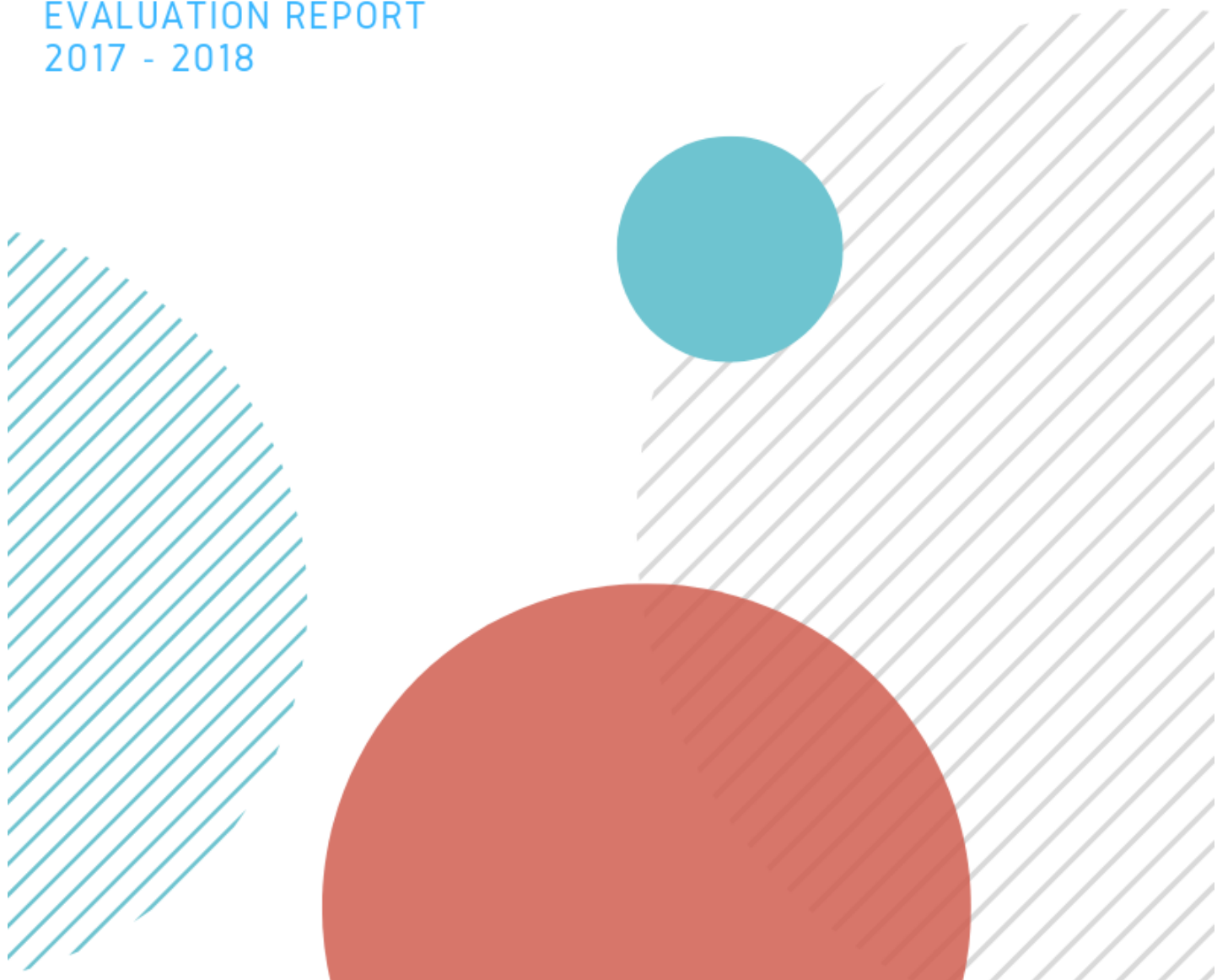


BARWON COMMUNITY LEGAL
SERVICE
AND
SEXUAL ASSAULT FAMILY
VIOLENCE CENTRE
PARTNERSHIP PROGRAM

EVALUATION REPORT
2017 - 2018



Evaluation was conducted by Amanda George in December 2018. The findings are as written by the evaluator however the report has been edited by BCLS for context.

All other elements of report authored by Louise Thorsen, Community Lawyer and Alexandria Jones, Community Legal Education and Development Worker, September 2019.

Barwon Community Legal Service would like to thank and acknowledge the time and support from Sexual Assault and Family Violence Centre, their staff and the clients who have engaged with our service as part of this project. Their participation has been key in making this project a success.

DISCLAIMER

Any legal information provided in this publication is provided as information only and is not provided as professional legal advice.

Barwon Community Legal acknowledges the Wadawurrung people of the Kulin Nation, the Traditional Custodians of the land on which we learn and work, as well as all Aboriginal and Torres Strait Islander People who are part of our Barwon region.

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Acronyms:

BCLS – Barwon Community Legal Service

SAFVC – Sexual Assault and Family Violence Service

FV – family violence

RCFV – Royal Commission into Family Violence (Victoria) 2016

Overview

EXECUTIVE SUMMARY

Barwon Community Legal Service (BCLS) is a not-for-profit community organisation that has operated in the Barwon region for over 30 years. BCLS provides free legal advice and referral, social work support, community legal education and law reform to people who live in the Geelong, Bellarine Peninsula, Surf Coast and Colac Otway regions.

In 2017, BCLS received funding to partner with the Sexual Assault and Family Violence Centre (SAFVC) to co-locate a BCLS family violence lawyer at SAFVC two days a week over a two year period. While BCLS has been providing FV assistance to SAFVC clients over many years, this specialised funding allowed for a dedicated family violence lawyer in-house, an opportunity which occurred in only one other site in Victoria.ⁱ

This new model of providing legal assistance in a therapeutic environment has been key in enabling BCLS to provide a broader and deeper level of legal assistance to survivors of FV in a familiar and safe place. By BCLS taking a FV lens to legal problems, clients reported that they felt less anxiety in seeking legal assistance and greater engagement in interactions with their lawyer. The model has also enabled a strong relationship to be forged between BCLS and SAFVC staff which has led to effective secondary consults and an increase in SAFVC staff's understanding of the law. Further benefits of this partnership will be discussed in more detail in later sections of this report.

The BCLS/SAFVC partnership has been an important way of addressing and reducing the trauma victim survivors can sometimes experience in accessing legal assistance and going through the court system. This model of providing legal assistance also addresses key recommendations from the Royal Commission into Family Violence which recognise the importance of linking legal assistance with specialist family violence services to increase greater outcomes for victims engaging with the legal system in response to family violenceⁱⁱ.

As established by client and caseworker perspectives throughout this project, it is crucial that the family violence lens informs the practice of the lawyer. This model of collaboration between legal and therapeutic assistance has enabled BCLS to take a significantly more holistic and sustainable approach in helping women and children escape family violence. In order to build on these partnerships and continue further positive legal outcomes and experiences for vulnerable women and children in the community, an extension of funding is necessary.

"I would have totally sunk financially without their help. In the past I got legal advice but they just told me what to do and couldn't do the follow up... I was just not in the space to do it myself, so I just got deeper and deeper in debt. It's given me a fresh start in life".

Feedback from client after obtaining legal assistance with a debt matter

KEY FINDINGS

The BCLS and SAFVC Partnership has led to:

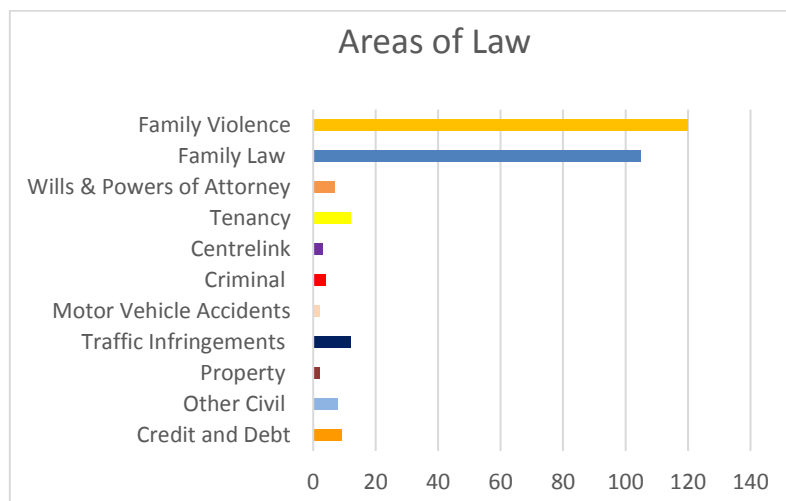
1. Enhanced capacity to provide legal assistance in therapeutic setting
2. Broader and deeper level of casework work undertaken by the BCLS/SAFVC lawyer
3. Positive Impacts on FV clients and FV workers
4. In depth and holistic casework
5. Trauma informed secondary consultations with FV workers
6. Streamlined referral pathway

Snapshot of data

Since the project commenced



Data from 1 July 2017 to 30 June 2019



Observations from SAFVC staff

“Training on Family Violence Intervention Orders provided by BCLS to SAFV Specialist Family Violence Case Managers and Specialist Family Violence Practitioners working at the Orange Door was extremely beneficial... it ensures practitioners provide clients with accurate information about their legal options, rights, resources and relevant legal processes when applying for FV Intervention Orders.”

SAFVC Manager – Access & Support

“A lot of my clients are financially pressured after being in or just leaving a violent relationship. Allowing women to access a free, effective and professional service that enables them to live a life free from abuse and ongoing perpetration. It is not a benefit- it is a necessity to keep women safe in our communities. To not allow women access to free legal advice is to help perpetuate the financial abuse women have already endured. The ability to offer BCLS service to women is comforting to them... it takes a lot of stress off them straight away knowing they can have equal professional advice to the perpetrator’s legal support. It enables them to know they can fight for their rights and their families’ rights to stay free from abuse. It is an empowering process for them which is important in their ongoing ability to heal from the trauma.”

Specialist Family Violence Case Manager

“We need BCLS to stay with us here at SAFV, it is imperative that we have this ongoing relationship and we all work in a collaborative wrap-around service... be able to easily consult and work together to ensure women are supported and empowered. Louise is easy to work with and has a genuine enthusiasm for helping women in domestic violence circumstances. I have had great feedback from my clients around this service and I know that without this service our clients would be set back to the detriment of their ongoing safety, even their lives.”

Specialist Family Violence Case Manager

RECOMMENDATIONS

Recommendation 1:

Seek increased funding for the lawyer position

BCLS agree with the recommendation due to the increasing demand, the need to ensure this project is sustainable into the future and the scope to provide a truly holistic service that meets the complete legal needs of every SAFVC client.

Recommendation 2:

Negotiate office space and equipment arrangements to enable casework to be done on-site at the SAFVC site

This has been largely resolved with the only challenge now being access to a phone and potential need for private space for client phone conversations as needed.

Recommendation 3:

Ensure debriefing and supervision of the onsite lawyer is structured regularly

This is occurring and will be further strengthened following the restructure of the BCLS legal management team.

Recommendation 4:

That the lawyer be given the risk assessment documentation of all clients referred (CRAF or MARRUM)

This would be helpful and something BCLS would like to explore with the SAFVC.

Recommendation 5:

Two volunteer paralegals be allocated to the project

BCLS is confident the project works well with one volunteer.

Recommendation 6:

Negotiate a calendar of CLE training with the SAFVC for SAFVC staff and other FV organizations

Occurring.

Recommendation 7:

Negotiate for the lawyer participating in non-legal PD available to SAFVC caseworkers

BCLS support this recommendation on an adds needs basis, and will take guidance from SAFVC leadership on what programs would be beneficial.

Recommendation 8:

Develop an infographic flow chart for clients of the possible outcomes and process of FVIOs

Complete.

Key Learnings

With the benefit from several years of experience developing this partnership BCLS has identified some key learnings from providing legal assistance in a co-located therapeutic setting:

IMPORTANCE OF RELATIONSHIPS AND TRUST

Developing relationships between the co-located lawyer and SAFVC caseworkers and counsellor advocates has led to increased trust. Prior to the co-location SAFVC workers were wary of lawyers. Their only experience had been second hand from clients and by observation in the emotionally charged atmosphere of Court. The co-located lawyer has been able to demystify legal procedures and processes during secondary consultations as well as deepening workers' understanding by offering information sessions on relevant legal topics chosen by the workers. This has been of significant benefit. Workers' ability to identify legal issues has improved and they now readily refer to the co-located lawyer. Clients who are supported are more likely to engage with legal services earlier and because legal issues are addressed in a timelier manner, we have seen an increase in positive outcomes for the victim.

EFFECTIVENESS OF CONTINUITY AND CO-LOCATION

Holistic service delivery for clients is possible because of the team approach that has developed between workers and the co-located lawyer. Workers are now able to manage client expectations more effectively because of the support provided by the co-located lawyer. Having the same lawyer in their office every week means that the lawyer and workers can check in with one another for quick questions and updates on client progress. Clients are more confident addressing their legal issues because emotional support is at hand when required.

FAMILY VIOLENCE CREATES COMPLEX AND INTERRELATED LEGAL ISSUES

Clients are in crisis when they first present to SAFVC. Securing victims' safety is the first priority but this can give rise to multiple legal issues, some of which are not readily apparent. Practitioners working in a trauma informed way can assist to identify these consequential matters and formulate a legal plan for resolving them. Intervention orders, tenancy and family law issues regularly overlap. A client faced with these might also be witness in the police prosecution of the perpetrator at the same time. Victims can feel overwhelmed without assistance. Because of the co-location, clients can now obtain early legal advice. This assists workers and clients to develop robust safety plans. It empowers clients to make better informed choices.

LEGAL ASSISTANCE VITAL FOR FV CLIENTS TO RECOVER

Trauma informed practice principles underpin the assistance provided to clients at the SAFVC by all workers including the co-located lawyer. This shared understanding involves co-operation to help restore clients' confidence. Once legal issues that seemed insurmountable are resolved clients can concentrate on their personal recovery.

PARTNERSHIP HAS DEMONSTRATED DEPTH OF LEGAL NEED

It is rare for victim survivors to present with a single legal issue. The Law and Justice Foundation of NSW recent study “Quantifying the legal and broader life impacts of domestic and family violence”ⁱⁱⁱ found that fifty percent of victim survivors experienced legal family, consumer and crime problems and thirty percent of victim survivors experienced government, housing, credit/debt, and human rights problems. Previously, supporting a client to obtain an Intervention Order was the limit of SAFVC capacity. Co-location has uncovered legal need comparable to Law and Justice Foundation study.

Evaluation

The following Evaluation Report was authored by Amanda George an independent evaluator. The Evaluation examined the BCLS SAFVC Partnership over a 12-month period during 2018.

BACKGROUND

Barwon Community Legal Service (BCLS) is a community organisation that has been established for over 30 years. For the last 9 years BCLS has delivered a family violence duty lawyer service at Geelong and Colac Magistrates' Courts and operated an integrated practice model in which its lawyers provide advice across a range of different areas at a number of community sites^{iv} including Minerva Community Services (now SAFVC).

In addition to its core Community Legal Service programme funding,^v BCLS now has three State Department of Justice funding agreements that have allowed them to enhance its family violence (FV) work through the expansion of duty lawyer work, employment of a specialist family violence social worker and to the colocation of a FV lawyer at SAFVC.

This additional funding has come from the Department of Justice Community Legal Centre Assistance Fund and Family Violence Duty Lawyer Fund. The stated goal of these two funding streams was to address service delivery gaps identified by the Royal Commission into Family Violence (RCFV) and to enhance the legal service's family violence work. A further aim is to reduce the trauma victims experience in accessing legal assistance and attending Court. It lays the basis for more holistic, positive and sustainable outcomes for women and their children escaping family violence.^{vi}

This initial two years of funding was extended until January 2020.

Prior to this funding, BCLS had been providing legal support to the FV clients of SAFVC for many years through the duty lawyer and generalist service but the new funding stream enabled co-location of a dedicated lawyer.

SAFVC merged with Barwon CASA in 2016. CASA is a partner organisation in the Barwon Multidisciplinary Centre (BMDC). The Royal Commission into Family Violence identified the importance of these 'service hubs' in providing links between legal assistance and specialist family violence services alongside the Police Sexual Offences and Child Investigation Team (SOCIT) and the Department of Human Services' Sexual Abuse Intervention Team (SAIT).

The BMDC was a precursor of the "service hub" concept referred to in the RCFV report. This is different to the "Orange Door" model which was set up after the RCFV. There are no links to legal assistance at the Orange Door as lawyers are specifically excluded at this stage^{vii}.

In July 2018, Minerva/Barwon CASA formally changed their name to The Sexual Assault and Family Violence Centre (SAFVC), in this evaluation the title SAFVC is used.

The placement of a family violence lawyer in-house in a family violence service, occurs in only one other site in Victoria.^{viii}

EVALUATION METHODOLOGY

At the commencement of the project, BCLS developed a project plan, which was approved by both organizations.^{ix} This evaluation seeks to determine whether the outcomes, impact and goals in that plan have been achieved.

Key Evaluation Questions were established by the evaluator to examine the progress of the project plan, determine whether the intended results were achieved and what could be learnt from the nine months of project delivery. Project evaluation was a funding requirement and will also be used to guide the project into its second year of funding.

The evaluation draws on qualitative information obtained by semi-structured interviews with clients, FV caseworkers, external stakeholders, the legal team and other BCLS staff. Ten clients of the BCLS/SAFVCBCLS/SAFVC project agreed to interviews over the telephone. All interviewees were advised their input was voluntary and confidential, and for the purpose of the evaluation and service improvement. Identifying features were removed.

Over the period of the project 49 women were seen by the BCLS/SAFVCBCLS/SAFVC in-house lawyer. All women who were clients of the legal service over the project period were asked if they were happy to speak confidentially to the evaluator and the best means for her to contact them. Twenty-two clients agreed in writing and the evaluator contacted them all and interviewed 10 who responded. The interviews took between 15 to 50 minutes.

The questions asked of clients related to their experience of seeing the BCLS lawyer within a family violence service, compared to a legal service, legal aid, or a private lawyer.

Four FV caseworkers were sent a list of questions to consider and then interviewed over the telephone about the impact of having a FV lawyer in-house, both on them and their clients.

Quantitative data was obtained from BCLS in relation to client and appointment numbers, and casework as well as the type of secondary consultations with SAFVC caseworkers. Information was also obtained on the community legal education delivered or organised by the BCLS/SAFVC lawyer.

Quotes from staff, clients and stakeholders are used throughout this evaluation when relevant to the question being addressed. All quotations are in italics and the role of the interviewee is noted where it is not obvious.

The Key Evaluation Questions asked:

KEQ 1. Has the placement of a Barwon CLS family violence lawyer at SAFVC Family Violence Services enhanced the legal service's holistic response to SAFVC's FV clients and caseworkers?

KEQ 2. What is the feedback from FV clients and internal stakeholders of having an in-house FV service lawyer?

KEQ 3. Have more SAFVC clients received family violence assistance through BCLS?

KEQ 4. Has there been an increase in the number and value of secondary consultations?

KEQ 5. Have protocols and internal systems been set up to facilitate the partnership?

EVALUATION FINDINGS

KEY FINDING:

ENHANCED CAPACITY TO PROVIDE LEGAL ASSISTANCE IN THERAPEUTIC SETTING

KEQ 1. Has the placement of a Barwon CLS family violence lawyer at SAFVC Family Violence Services enhanced the legal service's holistic response to SAFVC's FV clients and caseworkers?

What legal assistance was previously offered to SAFVC FV clients and caseworkers?

SAFVC family violence clients were often referred to BCLS for assistance with FV Intervention Orders and legal matters that were related to family violence, such as family law, debt and fines. The clients may have had appointments made for them by SAFVC or the client may have made the appointment themselves. Mostly this legal support occurred at the BCLS Belmont office or at Geelong Magistrates' Court. BCLS is essentially a generalist advice and referral service with specialist advice on family and criminal law being delivered by volunteers at night clinics. There is limited ongoing casework undertaken and therefore there are a lot of referrals out to legal aid and private lawyers.

Where there were appointments at the BCLS Belmont office for SAFVC clients, SAFVC caseworkers were rarely able to attend. As a consequence, without this support, clients frequently did not follow up appointments until there was more of a crisis.

Aside from the legal support delivered by BCLS, SAFVC clients could have one-off appointments through telephone or Skype with Women's Legal Service (Melbourne). On occasion, it would take 3 weeks to get an appointment, which was often too long. Clients were often conflicted out from Victorian Legal Aid (VLA) so VLA direct representation was rarely used, although there were a number of private lawyers that accepted legal aid referrals. One caseworker reported, in relation to private lawyer representation, 'they only looked at the issues presented...so if a woman was getting a property settlement and there were outstanding fines, the private lawyer wouldn't deal with these, or look at the financial difficulties she was having, they don't look at the other consequences of FV'.

SAFVC caseworkers would often seek secondary consultations with BCLS lawyers in relation to clients, however this was often difficult to achieve as there were a number of different lawyers working with SAFVC clients, which limited any relationship developing between caseworker and lawyer. Often the caseworkers were part-time or out of the office and matching schedules with lawyer availability was

difficult. SAFVC workers also had difficulty getting secondary consultations straight away in relation to their BCLS clients. 'Although we got a Rolls Royce service from the principal at Barwon, there was often a lot of phone tag'.

What is now offered to SAFVC FV clients and caseworkers?

The funding for the current project provides for a dedicated 15 hours of BCLS FV lawyer time to SAFVC clients. It was envisaged that this would be two days on site at SAFVC. The hours cover direct client contact and follow up work, as well as face-to-face and phone secondary consultations with caseworkers.

At the end of 2017 renovations were completed at the Barwon Multidisciplinary Centre (MDC) and the BCLS FV lawyer was given a desk in the open plan office to use one day a week. Client appointments took place in the MDC interview rooms. Because of the difficulties of doing casework in an open plan office and off-site, the lawyer's second day is spent seeing clients or doing follow up work at the legal service's Belmont office. Generally, appointments are available within one week and are made directly with the BCLS/SAFVC lawyer by phone or email, bypassing the usual waiting list and appointment protocol of having to go through BCLS reception/intake. This eliminates the need for clients need re-tell their story.

If a SAFVC client is receiving assistance for an Intervention Order court matter, the BCLS/SAFVC lawyer will appear for them at court where possible so that there is consistency and continuity of care for the client. This eliminates another need for the client to have to re-tell their story. It is noted that the Royal Commission recognised that the retelling of stories of violence by women accessing service system support for family violence can be re-traumatizing and affect recovery.^x

The variety of casework undertaken for SAFVC clients extends from intervention orders to fines, (especially driving fines now that there is a FV special circumstances fine scheme), divorce, Wills, change of name, parenting and property matters, debt and tenancy. The breadth of legal issues resolved has been described as *'helping tidy up people's legal issues to help them move on from FV'*. There is some flexibility in what legal support is available, relative to other clients of BCLS. This is discussed in some detail later, however one example being a recently arrived CALD FV client the BCLS/SAFVC lawyer assisted in an uncontested divorce. Because the divorce was uncontested, the court would not provide an interpreter. The client was also linked with Barwon Child Youth and Family Services. One of their workers spoke the client's language and agreed to accompany the client to the hearing. This collaboration created a much better and more empowering outcome for the woman because she was able to understand and participate in, rather than just be passive at, legal proceedings that were enormously significant to her in finalising a relationship where she and her children experienced violence.

For SAFVC caseworkers, having a lawyer on site one day a week, creates the opportunity for formal and informal secondary consultations that are quick and easy to arrange. FV caseworkers indicated that often they often to speak with the lawyer to get an idea of what the lawyer will need, creating an easier path for women and an easier process for the lawyer.

This relationship building between the caseworkers and lawyer was seen as producing many of the best outcomes of the project. Caseworkers described how it was easier to have secondary consultations about clients, because of the ongoing relationship they developed with the lawyer and the fact that they saw and shared an office with her at least once a week. Being able to have secondary consultations so promptly enabled them to clear things up for clients more quickly as well. The issue of secondary consultations is discussed later.

KEY FINDING:

BROADER AND DEEPER LEVEL OF CASEWORK WORK UNDERTAKEN BY THE BCLS/SAFVC LAWYER

Community legal services always have casework guidelines of what legal problems they will and won't assist with, and what level of assistance can be undertaken for clients. The BCLS/SAFVC lawyer, however, has greater discretion in what work to do to meet their funded aim of providing an '*in depth, holistic service*'. The lawyer is able to decide which consequential and outstanding legal issues to pursue where she identifies a '*particular need or disadvantage*' so that FV clients can '*truly move on in their lives*'. This has meant that SAFVC FV clients seen by the BCLS/SAFVC lawyer are receiving legal support and assistance beyond what would be available to FV clients under BCLS casework guidelines.

A great number of the legal matters that clients had may have been identified as being low priority from a safety/crisis perspective, however they enabled clients to recover from and re-establish themselves and their family after FV. This was particularly so for what is known as "sexually transmitted debt" (where one person in a relationship becomes responsible for their partner's financial debts usually after being convinced or misled into taking on debt in their own name, sharing the responsibility, or taking on more risk than they knew about) and other issues that gave them piece of mind when resolved. Often, these are matters that community legal centres may refer out because of their casework guidelines. These matters however can have particular significance for FV survivors moving on.

I would have totally sunk financially without their help. In the past I got legal advice but they just told me what to do and couldn't do the follow up. And I am just not in the space to do it myself, so I just got deeper and deeper in debt. It's given me a fresh start in life.

We had a family farm but I had to escape with no money. I couldn't afford a will, but I needed one to protect my kids. It really eased my mind.

The fines were so big that I was going to lose my license, my car, I would have been caught driving unlicensed which would have been a disaster for me and the kids... getting that sorted has been a huge relief. And they weren't even my fines!

All clients interviewed reiterated that it was much easier dealing with lawyers to whom they didn't have to explain in detail the FV or the impact of FV on them, when they were getting assistance on matters arising from but not directly about the FV. They mentioned not having feelings of shame or embarrassment in the interactions with the lawyer. This was an experience many of them had gone through previously when seeking legal assistance. The benefit of knowing the lawyer had a FV lens and worked in a safe FV space is discussed in the next section.

KEY FINDING:

IMPACT ON FV CLIENTS AND FV WORKERS

KEQ 2. What is the feedback from FV clients and internal stakeholders of having an in-house FV service lawyer?

The feedback from the majority of service users and internal stakeholders has been overwhelmingly positive. All caseworkers and clients described the many advantages and therapeutic impact for clients of getting assistance from a lawyer who has, what is described as, a family violence lens.

Client Perspective

Service users described a legal service at SAFVC that was safe, non-judgmental, responsive, patient and clear in the communication of what the legal service could and could not provide. When questioned further on this, clients said that it was the fact that they didn't have to 'explain' themselves - that the complexity of family violence was understood by the lawyer, made a huge difference.

Most of the clients referred from SAFVC have their first appointment at the SAFVC premises. All of the clients interviewed had their first appointment at SAFVC and reported that this made them feel much less anxious about seeing a lawyer, because the site was already familiar to them and was a safe space. It felt safe because it is a dedicated space for victim/survivors. One client described it as a more '*therapeutic environment*' than the BCLS office. It felt like a '*healing space*'. '*Everyone is there for the same reason and you feel respected, not self-conscious or having to explain yourself*'. These observations neatly align with the description given in the RCFV of a FV service environment that is sensitive to trauma and aids recovery by being '*personal, holistic, creative, open and therapeutic*'.^{xi}

The difference in the location of the legal appointment was a matter a number of women discussed at length. The SAFVC space was described as '*having soft lighting, a space for kids to play, they made you feel nurtured and safe... offered you a cup of tea*'. One client felt very nervous about going to the Barwon CLS office because she was afraid of bumping into perpetrators. She felt unsafe walking there and up the stairs as there were so few people around. '*The glass box at reception might be good for security but doesn't make you feel very good or connected.*'

The other significant response from clients was being confident they were seeing a lawyer who would have a family violence lens, someone they did not have to 'explain' themselves to. All of the clients said this was very important and a source of great relief. It enabled them to deal with the issue they were coming for more comfortably because they felt safe with the lawyer.

The FV lens meant clients felt that they were 'understood' both in relation to the impact FV had on them and on their experience of engagement with 'systems' and authority. This was raised by more than half of the women in the context that they were often unreliable for appointments because they got easily confused, felt overwhelmed with information and often had difficulty making decisions.

I can't say enough how fabulous they were...they were very patient...I'm not the best at getting back to people but they kept me informed...it's been amazing...I have been excluded from other services over the years over this, but this one has been different.

I get nervous, confused and scatty when dealing with all this stuff. Often I can't understand stuff, but they are always very patient with me.

The women clients generally described feeling empowered and experiencing much less anxiety resolving legal issues with the support of the FV lawyer. One client however was highly dissatisfied. This was her second interaction with BCLS and it is possible that her first interaction (with the FV duty lawyer programme) which was negative, compounded her dissatisfaction with the BCLS /SAFVC lawyer. At first when she attended the BCLS/SAFVC appointment she was told that they could assist her and this *'was a huge relief. She really understood family violence, I didn't have to justify my life'*. But then a few days later she was told the BCLS/SAFVCBCLS/SAFVC lawyer could not assist her further. The client sought the help of her SAFVC caseworker to advocate for her because she was afraid to advocate or herself. One follow up appointment was made however the client described how she went from feeling an enormous relief at the first appointment *'I felt I could just hand it over to the lawyer'* and then felt deflated and rejected...*'I was tired of rollercoasters in the marriage and it just devastated me to go through this again'*.

Caseworker perspective

Family violence caseworkers all reported that the fact that the first appointments for clients are on site at SAFVC was very significant for women in enabling them to better engage with the lawyer. *'It changes the power dynamic for clients seeing the lawyer here. It makes them feel safer and we are with them....either actually or in their minds'*. There have been occasions when the caseworker joins the appointment at the end of the session to facilitate handover from the lawyer to the caseworker, where the caseworker *'[is] clear what the lawyer is doing, the client and lawyer knows this and it makes it a more wrap around experience for the client'*. Caseworkers described being able to informally observe their clients after appointments to get a sense of whether they may need support immediately, or later follow up.

Many of the clients of SAFVC are 'not well connected' with the community and services so it can be difficult to initiate support because they have complex needs. Having the lawyer in-house in conjunction with the FV caseworkers, community nurse, DHHS and financial counsellors, often 'stops the run around for women' accessing support for complex and overlapping needs.

On occasion when the lawyer is seeing the clients alone, issues have come up where some immediate support is needed. One caseworker said *'we have been able to just jump in then and provide the support, so that the client's support needs are better met and their emotional responses in the appointment don't take over or get in the way of being able to process the information they are getting from the lawyer'*. Caseworkers noted that being able to observe their client's relationship with the lawyer has meant that on a number of occasions they have not had to attend court with their client as they are confident that the client will be well supported by the lawyer and that their client feels that too.

The most significant feature of the in-house lawyer for SAFVC caseworkers has been that the lawyer has a FV lens. *'I have taken women to lawyers who lack the values and training around FV and it's a particular problem for them to really 'get' the dynamics of FV especially around economic abuse.'*

KEY FINDING:

INCREASE IN SAFVC CLIENTS RECEIVING LEGAL ASSISTANCE

KEQ 3. Have more SAFVC clients received family violence assistance through BCLS?

Prior to this project starting, BCLS did not track how many referrals were made to BCLS from SAFVC.

The BCLS/SAFVC lawyer started seeing clients in December 2017. At any one time, there are approximately 10 active files. Many of the files are complex and require more legal work time and client contact than is usually the case at BCLS. This is in line with the purpose of this particular funding – to address the interrelated legal issues that arise from family violence, and provide this within a family violence service in a therapeutic framework.

At the time of writing this evaluation report, the lawyer had seen 98 clients referred from SAFVC. These 98 clients have had numerous appointments resulting in over 146 different legal issues being addressed. The lawyer has seen- 28 clients for family law, 2 for tenancy, 2 for Centrelink issues, 11 for traffic matters and infringements, 5 for debts, 8 for property issues, 4 for divorces, 3 for car accidents, 1 for Wills and various other administrative issues^{xii}.

The lawyer has reported that she is at capacity with the number of clients that she has ensuring there is time available for follow up work.

It would assist service evaluation, development and funding applications if there were a statistical system that more easily captured and made retrievable relevant information. The new CLASS system recording statistics for the CLC sector is improving its reporting capabilities and will make this task easier in the future. Note: this data is no tracked and reported.

KEY FINDING:

TRAUMA INFORMED SECONDARY CONSULTATIONS WITH FV WORKERS

KEQ 4: Has there been an increase in the number and value of secondary consultations¹ with SAFVC Clients?

The main advantage for us is the secondary consults and the fact we know what is happening with clients which reduces a lot of misunderstandings about where things are at and informs how we work with women.

The BCLS/SAFVC lawyer reported that she has four or five face-to-face secondary consultations on the day that she is located at SAFVC. These are usually not formal appointments, but occur naturally because of the open plan office space with SAFVC caseworkers. These consultations are also sought and provided by other services that are within the building including community nurses and financial counsellors. Likewise the lawyer is able to have secondary consults about her clients with caseworkers.

Over the period December 2017–July 2018 there have been 89 secondary consultations. Most have been face to face at SAFVC when the lawyer is onsite, the remainder over the telephone when the lawyer works at the BCLS office.

The variety of legal issues that come up on these secondary consults is very wide and not always in areas that community legal centres necessarily give advice on, let alone individual generalist lawyers having expertise in these areas.

The legal issues that questions have arisen on are: family law, parenting and property, divorce, mediations, relocation, lawyer complaints, historical crime reporting, institutional abuse, witness subpoenas, child protection, tenancy, debt, fines and infringements, Wills and Estates, birth certificates and passports, assisting reading documents, cross border issues, police protocols, NDIS,

driving offences, retirement village contracts, complaints against lawyers, court video links from prison, firearms, VCAT, immigration detention and contracts. These secondary consultations increase the legal knowledge of caseworkers and also help them to manage client's expectations of what the lawyer can do.

For SAFVC workers, having the lawyer on-site one day a week was highly valued. Because of the developing working relationship they feel comfortable asking questions. Many questions could be answered straight away, which reduced the anxiety many clients felt. However, if the BCLS/SAFVC lawyer could not answer all these questions immediately, due to the formal partnership with SAFVC, all BCLS lawyers are more accessible to SAFVC caseworkers.

I know what the client has been told, can understand letters that the lawyer may have written them, and we have a consistent and clear message.

Women in trauma sometimes don't absorb information well, so I am able to reiterate what they have been told.

KEY FINDING: STREAMLINED REFERRAL PATHWAY

KEQ 5: Have protocols and internal systems been set up to facilitate the partnership?

There is no Memorandum of Understanding between the agencies. There are informal agreements that are in place that have allowed the services to organically work out how to collaborate on the project. This has worked effectively so far, however, SAFVC see male clients and the legal service funding has been specifically to work with female clients. This is an area that may need formal agreement.

The partnership between BCLS and SAFVC has made the access and referral pathway easier for clients contacting BCLS when they identify that they have been referred by SAFVC. There was some confusion among the other local FV services as they thought that the same response and process was in place for all FV clients, not just referrals from SAFVC. This was largely due to misinformation given by workers at SAFVC to other services.

One of the shortcomings of the office at SAFVC is that the space the lawyer telephones clients in is not private and phone calls can be overheard. This can compromise lawyer client confidentiality. The lawyer has her own designated desk space. It does allow and encourage secondary consultations with others, due to the open plan office facilities. Client interview rooms are private however. The space could have better office facilities and electronic connection with the legal service systems to permit the lawyer to do more casework at the MDC and not have to carry as much equipment and documentation between the BCLS office and SAFVC.

Information Sharing

Women at SAFVC sign consent forms for the sharing of information with the lawyer. SAFVC do a FV risk assessment but this is not shared with the lawyer. Although there appears to be an oral information sharing before appointments between the SAFVC caseworkers and the lawyer, it would be beneficial if the lawyer was supplied with a copy of the risk assessment.

Most clients interviewed described how it was helpful not having to go into the detail of their FV to the lawyer, so given that a common risk assessment is in existence, this would be beneficial for the lawyer to see in relation to the client's risk status, thus avoiding the client being burdened with re-telling the story that may not be directly relevant to the legal matter but useful background information. The value of appropriate consensual information sharing (outside of any legislative scheme) was recognised by the FVRC.^{xiii}

Trauma and Debriefing Counselling

The immersion of a lawyer in family violence work risks potentially exposing them to experiencing trauma and burnout. This risk is well recognised in family violence and sexual assault services. At SAFVC, caseworkers have monthly one-on-one supervision and group supervision as part of their staff wellbeing. BCLS has a much less formal approach to regular supervision which may not meet the risks associated with the BCLS/SAFVC lawyer. As FV supervision and debriefing is a specialist area it may be that the lawyer would benefit from participating in this regularly at or through SAFVC.

CLE and Professional Development

There have been four CLE sessions with SAFVC workers to date. Another is planned for late 2018. These have included Legal Health Checks, FVIO applications, the court experience and Mediation in Family law. Some of these have been delivered in collaboration with other services including Victoria Legal Aid and the Family Relationships Centre.

These CLE sessions have been identified by the lawyer and caseworkers as a positive way to develop relationships between the workers of each organisation. FV workers and lawyers have all said it would be useful if there were a calendar of events booked in each year to ensure there is consistency and certainty. These CLE training events could also be opened up to the wider FV sector to assist community capacity building. FV workers also indicated that it would be useful for the lawyer to attend some of their PD trainings, which address issues relevant to anyone working in the FV sector. They believed that having the lawyer participate in this non-legal training would enhance their joint working relationship and would assist the lawyer in managing the impact that FV work can have on individual workers.

CONCLUSION

The placement of a FV lens lawyer into a FV service is a new strategy in Victoria. There is only one other organisation that does this. This project is an example of many of the best practices recognised by the RCFV to enable women and their children to recover from the short and long term impacts of FV.

The evaluation shows the project has met its objectives. It delivered an in-house legal service within a family violence service, which greatly benefited both the SAFVC FV clients and the SAFVC caseworkers. BCLS provided legal advice, support and casework to clients of SAFVC. The legal casework was often of a different nature and to a deeper level than would normally be done at a CLC. The lawyer at two days is at capacity.

SAFVC caseworkers were enthusiastic in their take up of the possibility of in-house secondary consultations. These consultations were identified as instrumental in strengthening the relationship between the project partners on the ground. The CLE provided was well received and also seen to strengthen the relationship between caseworkers and the lawyer.

Crucial to the success of the project from the perspective of clients and caseworkers has been the family violence lens that informs the practice of the lawyer.

The vast majority of feedback from clients, caseworkers and stakeholders on the central purpose of the project, which was to provide a better and more holistic legal service to women who are clients of SAFVC, was extremely positive.

Appendices

Overview of Priority client groups:

Period: 01/07/2017 - 30/06/2019
 Funding Category: DJCS - CLC FV Fund – SAFVC

Centre Name	Total Clients	Gender				Children & Young People Aged 24 or Under		Age (For Comparative Purposes)			Older Persons	People Experiencing Financial Disadvantage	Income Level			
		M	F	Other Gender	Unknown	0-17	18-24	25-34	35-49	50-64	65 & Over		Nil Income	Low	Medium	High
Barwon Community Legal Service	118	2	115	1	0	0	10	29	58	15	1	100	22	46	34	2
Total For	118	2	115	1	0	0	10	29	58	15	1	100	22	46	34	2

Family Living With Dependent Children Living At Home		Disability and/or Mental Illness	Indigenous Australians	People Who Are Culturally or Linguistically Diverse		People Experiencing Family Violence		Outer Regional & Remote Clients	Homelessness Indicator	
Married/Defacto	All Excl 'Married/Defacto'			Yes, Interpreter/Translator Required	Main Language Spoken At Home Not English	Family Law	Civil or Criminal Law			
13		58	11	4	4	6	70	67	1	7
13		58	11	4	4	6	70	67	1	7

Overview of legal problem types:

Start Date: 01/07/2017
 End Date: 30/06/2019
 Funding Category: DJCS - CLC FV Fund -
 SAFVC
 Barwon Community Legal
 Centre: Service

Report Data Filters

Funding Category: DJCS - CLC FV Fund -
 SAFVC

Problem Types	Court/Tribunal	Information	Legal Advice	Legal Task	Other Representation	Referral	Grand Total
Adoption	0	0	0	0	0	1	1
Change name or birth records	0	0	2	0	3	0	5
Child contacts or contact orders	0	0	22	0	8	0	30
Child protection application/orders	0	0	1	0	0	0	1
Child support other	0	0	2	0	0	0	2
Counselling	0	0	1	0	0	0	1
Credit and debt Other	0	0	1	0	0	0	1
Credit and debt owed by client	0	0	1	0	5	1	7
Credit and debt owed to client	0	0	0	0	1	0	1
Deception and related offences	0	0	1	0	0	0	1
Divorce	0	0	10	0	4	0	14
Employment unfair dismissal	0	0	1	0	0	0	1
Family Law Other	0	1	10	1	4	0	16
Family or domestic violence	0	0	25	0	12	0	37
Family or domestic violence order	4	0	55	3	20	1	83

Problem Types	Court/Tribunal	Information	Legal Advice	Legal Task	Other Representation	Referral	Grand Total
Govt pensions/benefits allowances-recovery overpaymnt	0	0	0	0	2	0	2
Govt/admin complaints/issues relating to govt Other	0	0	0	0	1	0	1
Health	0	0	1	0	0	0	1
Injuries assaults	0	0	0	0	1	0	1
Legal services/getting legal help	0	0	1	0	0	0	1
Motor vehicle accident	0	0	0	0	2	0	2
Other civil	0	0	3	0	0	0	3
Other civil legal system or process	0	0	2	0	0	0	2
Other civil property disputes	0	0	0	0	2	0	2
Other criminal law problem type	0	0	1	0	0	0	1
Parenting plan	0	0	3	0	0	0	3
Power of Attorney / AMDMD	0	0	1	0	0	0	1
Property de facto	0	0	6	0	1	0	7
Property in marriage	0	0	14	0	0	0	14
Property other	0	0	2	0	1	0	3
Road traffic and motor vehicle regulatory offences	0	0	5	0	7	0	12
Separation	0	0	3	0	2	0	5
Specific issues	0	0	0	0	1	0	1
Taking child overseas	0	0	2	0	0	0	2
Tenancy bond	0	0	1	0	1	0	2
Tenancy ending tenancy	0	0	0	0	1	0	1
Tenancy notice	0	0	0	0	2	0	2
Tenancy Other	0	0	3	0	1	0	4
Tenancy rent	0	0	0	0	3	0	3

Problem Types	Court/Tribunal	Information	Legal Advice	Legal Task	Other Representation	Referral	Grand Total
Victim compensation	0	0	1	0	0	0	1
Will	0	0	2	0	2	0	4
Wills/probate guardianship/trusteeship	0	0	2	0	0	0	2
Grand Total	4	1	185	4	87	3	284

References

- i InTouch - this is a specialist centre for CALD women offering a range of services in the family violence space. The lawyers provide a range of services including FV and family law advice and casework.
- ii RCFV Recommendation 60 recognises that a specialist and therapeutic approach is needed, p. 158; and that capturing and targeting groups that are more susceptible to FV is imperative, p. 59.
- iii Coumarelos, Christine. “Quantifying the legal and broader life impacts of domestic and family violence”
Law and Justice Foundation of New South Wales Justice issues Paper 32 June 2019 ISSN 1834-7266
- iv Corio, Norlane, Family Relationship Centre, Western Heights College, Deakin University
- v A large proportion of the legal services’ generalist funding deals with family violence issues.
- vi The enhanced duty lawyer and social work funding has been extended to 2020.
- vii Legal Services are no longer excluded from Barwon Orange Door. BCLS now provides a lawyer outreach service there weekly. This service commenced in July 2019. The experience of the in house lawyer on the SAFVC project has been drawn on to develop this new outreach.
- viii InTouch - this is a specialist centre for CALD women offering a range of services in the family violence space. The lawyers provide a range of services including FV and family law advice and casework.
- ix Appendix 1
- x RCFV 21, 260, 868,843, 1116
- xi RCFV Vol IV p.74
- xii As at July 2019 we have seen 118 clients with approx. 42 types of legal problems. For a detailed breakdown of matter types please refer to Appendices in this report.
- xiii RCFV Vol 1 p.135