

# Community Legal Services

## Sharing Ideas for Overcoming Barriers to Access

Public Advisory Committee to the Legal Services Agency,  
June 2007

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### Introduction

The purpose of this document is to provide a mechanism for gathering ideas and practical examples of ways that community based legal services might minimise the barriers that some groups of people face in accessing legal services. It is clear that there are many examples of creative and innovative service delivery targeting marginalised groups, but sometimes it is difficult to find out about them. It is anticipated that the information gathered here will be developed into a loose-leaf format containing a casebank of ideas for overcoming barriers and examples of what works well on the ground. This resource could provide a useful way of sharing information between community legal services and will be especially useful for the newer law centres and services. It will also be of relevance to the many other community organisations involved in advice and advocacy provision.

Members of PAC have started the process by outlining some of the barriers experienced by specific communities of interest and possible solutions for overcoming those barriers. A few basic examples have been provided of how these solutions might work in practice but it is hoped that with input from community legal services, these can be built upon and developed into a comprehensive useful resource.

Discussions in the literature surrounding barriers to people seeking assistance have identified a set of general barriers that would apply to all of the groups that have been covered in this document. These general barriers include - not knowing where to access legal services, no money to afford advice or representation, fear of officialdom and the legal profession, intimidation by other parties, lack of trust, shyness and language difficulties. Most people experience multiple categories of barriers but the most common barrier for all communities of interest is people's lack of awareness that they have a legal problem and not knowing that they do have rights and entitlements.

It is clear that the common element of poverty across all of the barriers leads to a situation of social exclusion that effectively precludes access to justice for some people in our communities. In order to address this, innovative and ongoing solutions need to be developed. A good starting point is ensuring that community legal services are well linked into the community agencies and networks working with the various target groups. A whole of community approach to meeting the needs of the most marginalised people will help to build up a localised collective understanding of the barriers and possible solutions.

The tables below show some potential barriers and solutions. These will not apply across the board and consideration will need to be paid to individual needs and circumstances.

<b>Community - Maori</b>
<p><b>Barriers specific to community of interest</b></p> <ul style="list-style-type: none"> <li>• Language</li> <li>• Discrimination</li> <li>• Cost</li> <li>• Culture</li> <li>• Perception and understanding of legal services*</li> <li>• Transport and telephones</li> </ul>
<p><b>Some solutions to help overcome barriers</b></p>
Involve whanau in accessing services
Form partnerships with Runanga/Runaka to establish Marae based service
Provide culturally appropriate services and resources, including use of te reo, and Maori staff
Provide outreach clinics in marae and other community specific organisations
Support existing services provided by Maori providers
Provide transport support
Provide child friendly services and environment
Promotion through Maori specific media (Maori TV, Radio, maori.org websites)
Use learning styles, content and delivery that engages with young Maori
Develop collection of data to support law reform, influence social policy and assist the development of future strategies
Provide specific legal education programmes in schools to inform and raise the level of knowledge and understanding of Maori children and young people <i>before</i> they “enter” the justice system
Build meaningful strategic and working relationships with relevant Maori organisations, e.g. Te Puni Kokiri, Maori Women’s Welfare, Iwi, Trusts
Employ staff with demonstrated skills in engaging with Maori
Recognise the level of Maori need in development of budgets to address barriers
Develop strategies for consulting with Maori around needs of Maori
Provide texting services
Have knowledge of a readily accessible network of culturally appropriate services and resources to support Maori clients in dealings with legal services
Develop policy addressing specific needs of Maori for legal education, information and assistance.

### Examples of solutions in practice

- A specific Maori focused worker is employed who prioritises working with Maori clients within a kaupapa Maori practice framework. The worker is employed and supported by the community law centre but is overseen by and accountable to a steering group made up of Kaumatua from the local community.

## Community - Mental Health & Disabilities

### Barriers specific to community of interest

- Accessibility issues due to effects of medication
- Perception of legal services including that their experiences will be viewed as symptoms of their illness
- Discrimination
- Self perception due to societal attitudes and stigma
- Language – visual difficulties
- Language – hearing difficulties
- Transport
- Accessibility issues due to being in a period of unwellness

### Some solutions to help overcome barriers

Provide evening clinics to help combat morning effects of some medications

Allow additional time for face to face service delivery

Offer to write down key points of discussion for client to take away and suggest client gets a trusted person to read it with them later

Provide outreach clinics in consumer agencies and other community specific organisations

Provide transport support e.g. taxi chits, mobile bus

If client consents, link in support person, e.g. peer support or local consumer network to support engagement with service and accessibility to information and advice

Provide “consumer friendly” \* services and environment

Provide “disability friendly” \* services and environment

Ensure information is accessible.

Provide information in larger print size

Ensure information is able to be downloadable for visual difficulties

Provide sign language interpreters

Ensure physical access to premises

Provide warm welcoming reception area including personnel, sufficient seating and water available

Ensure staff are trained to be aware of the needs of people with a disability

Provide legal service training and support for workers in consumer and disability agencies

Employ people with experience of mental illness in the service

Following disclosure of experience of mental illness, undertake “future proofing” regarding the clients instructions to provide for what is to happen if they were to become unwell during a legal proceeding

Never make assumptions that there is a mental health problem, diagnosis of mental illness is a specialist area

Have knowledge of a readily accessible network of disability and mental health services and resources to support clients in dealings with legal services

Have a copy of the Law Society’s list of lawyers who specialise in mental health representation available. (This list is the one provided on psychiatric wards)

### Examples of solutions in practice

- A dedicated staff member attended the local consumer mental health network meeting once a month and delivered a talk on an area of law that had been decided by the group at the previous meeting. This would be followed by an hour of individual appointments. The legal literacy of this group and their access to the legal system was greatly enhanced over the 3-year period this programme was in place.

## Community - Pacific

### Barriers specific to community of interest

- Culture
- Cultural perception of legal services including that police, lawyers etc are authority figures and not to be challenged
- Transport
- Discrimination
- Cost
- Language

### Some solutions to help overcome barriers

Provide language specific workers or interpreters at all stages of the matter

Acknowledge the standing of members in community e.g. Ministers, community nurses, family leaders and community leaders as language specific workers or interpreters

Where possible information should be provided in person, face to face with a follow up in writing, preferably while client is present

Identify and welcome trusted contact person to discussion with Pacific person and favour face to face interaction over written or telephone communication and be aware that information will later be discussed and clarified with trusted person

Welcome calls or further appointments to clarify information already provided

Recognise any family, community, church connections for a Pacific young person

Be aware of any potential avoidance of conflict/confrontation e.g. by older or younger Pacific client and encourage client to act with the support of others

Have knowledge of readily accessible network of culturally appropriate services and resources to support Pacific clients in dealings with legal services

Provide legal education and multi media displays around rights and responsibilities at appropriate venues e.g. school, church, youth and community venues

Allow various financial arrangements including but not limited to instalment orders through employer or benefit, to cover legal costs

Clarify transport clients will be using for appointments and arrange appointments accordingly

Provide outreach clinics within trusted community settings including Church offices

### Examples of solutions in practice

- Advocated for assignment of culturally specific lawyer and encouraged trusted support person in the form of a Samoan Minister to attend solicitor interviews. Accepted client's authorisation for Minister to liaise with solicitor to clarify matters for client.
- Encouraged trusted person in the form of a Sunday school teacher to act as support for young Pacific person. Encouraged to attend meetings with the young person and clarify queries for the young person, liaise with parents and arrange support letters.
- Lawyer organised for client to be able to make automatic payments towards legal costs through wife's wages and the following week through husband's wages.

## Community - Youth

### Barriers specific to community of interest

- Discrimination
- Perception of legal services \*
- Conflicting cultures (NZ youth culture including distrust of adult authority vs. parents cultural and traditional values)
- Cost - lack of economic independence
- Lack of independence including privacy (to make phone calls, visit office etc)
- Lack of knowledge about whether issue is a legal problem and where to go for help.
- Fear of disclosure

### Some solutions to help overcome barriers

Provide "youth-friendly" \* services and environment, including providing convenient opening hours/appointment times considering school hours etc

Provide outreach clinics in youth specific community organisations

Provide telephone services

Use technology to provide services e.g. internet, texting

Provide transport support

Inform and raise the level of knowledge and understanding of all young people before they enter the justice system

Have young people at the face of the service

Explain confidentiality principles

### Examples of solutions in practice

- Provided question/answer sites re legal information on Internet and using text messages.

## Community - Migrant and Refugee

### Barriers specific to community of interest

- Language
- Culture (Ethnic and Religious)
- Literacy
- Discrimination
- Perception of legal services
- Cultural perceptions including distrust of authority in homeland

### Some solutions to help overcome barriers

Provide language specific workers or interpreters

Provide culturally and language appropriate services and resources

Provide outreach clinics in community specific organisations

Provide transport support

Provide lists of ethnic lawyers in local area to all law centres

Provide cultural training for workers in service organisations

Employ staff with an appreciation of cultural difference in Community Law Centres

Have knowledge of a readily accessible network of migrant and refugee services and resources to support clients in dealings with legal services

### **Examples of solutions in practice**

- Provided language specific TV programmes/text and Internet sites.
- Co-located the new Migrant and Refugee Services Co-ordinator at the Community Law Centre using a hot desk situation and sharing facilities and resources.

## Community - Rural

### Barriers specific to community of interest

- Accessibility due to a lack of transport or no local services available
- Technological access

### Some solutions to help overcome barriers

Provide outreach clinics and telephone services/0800 numbers/texting services

Provide transport support

### Examples of solutions in practice

- Advertised in MAF rural bulletin – info about community legal services and how to access them.
- Developed outreach clinics that visited rural towns across the region on a monthly/fortnightly basis supported by an 0800 number. This has been accompanied by ongoing paralegal training for community organisations in those areas and ensuring that they have access to up to date legal information and resources.

## Community - Older People

### Barriers specific to community of interest

- Physical access
- Social barriers e.g. may have less assertiveness/confidence and may be reluctant to seek help
- Visual and hearing difficulties
- Technological access
- Transport
- Cost
- Perception of legal services\*
- Poor recall of spoken word
- Uninformed about community legal services

### Some solutions to help overcome barriers

Provide larger print resources

Ensure physical access to premises including street level well signed building

Provide telephone services/0800 numbers/texting services

Ensure service close to other community facilities, bus stops and parking close by

Provide warm welcoming reception area including personnel, sufficient seating and water available

Ensure environment has good acoustics particularly when providing verbal information

Provide special rates for super annuitants

Promote the service widely through older peoples networks with clear information about costs and how to access help

Offer to write down key points of discussion for client to take away.

### Examples of solutions in practice

- Older volunteer from CAB or Age Concern Council available at the service to support an older person and ensure the legal information given has been noted and understood by the client.
- Promoted community legal services in each issue of the Age Concern national newspaper, *Positive Living*, and on community radio. Sought speaking engagements with larger groups of older people, such as 60s Up, Over 60s, Townswomen's Guild, and Country Women's Institute and got onto the agenda of Age Concern's AGMs and other members meetings.

## Community - Single Parents

### Barriers specific to community of interest

- Cost
- Childcare requirements
- Physical access
- Lack of supportive family/community
- Fear of disclosure

### Some solutions to help overcome barriers

Provide outreach clinics and where required home visits

Provide education and information through playgroups/school/kindergarten including schools for teenage parents

Provide "child friendly" \* services and environment which may include child care facilities

Provide varied opening hours/appointment times

Ensure that service information is available at local WINZ/Plunket/ Barnadoes offices

Explain confidentiality principles

### Examples of solutions in practice

## Community - Beneficiaries

### Barriers specific to community of interest

- Cost
- Feeling of powerlessness e.g. Work and Income NZ control over their lives
- Transport and telephone access
- Fear of disclosure

### Some solutions to help overcome barriers

Provide outreach clinics in community specific agencies

Provide transport support

Encourage greater cooperation between community legal services and beneficiary advocacy services

Deliver public education campaigns about entitlements

Provide for Benefit Review Committee hearings away from WINZ offices e.g. at Community Law Centres

Ensure that service information is available at the local WINZ office

Explain confidentiality principles

Provide texting services

### Examples of solutions in practice

## Community - Gay/Lesbian, Bisexual and Transgendered

### Barriers specific to community of interest

- Discrimination including fear of disclosure/discrimination and lack of control of information

### Some solutions to help overcome barriers

Provide "gay friendly" \* services and environment

Explain confidentiality principles

Have knowledge of readily accessible network of gay/lesbian and transgender service providers and resources to support clients in dealings with legal services.

Ensure service has a list of gay friendly\* lawyers.

### Examples of solutions in practice

- Promoted services in local gay media and made links with local gay friendly lawyers for client referral.

## Community - Women

### Barriers specific to community of interest

- Lack of economic independence (such as ability to make decisions regarding spending of family or personal money)
- Family and childcare responsibilities
- Lack of privacy (to make phone calls, visit offices etc)
- Transport
- Fear of disclosure and repercussions

### Some solutions to help overcome barriers

Encourage links with social service agencies

Provide child friendly \* services and environment, this may include child care facilities

Provide advice around legal aid entitlements

Provide 0800 numbers and texting services

Explain confidentiality principles

Have knowledge of a readily accessible network of social services and resources to support women clients in dealing with legal services e.g. family violence services

Provide transport support

Provide varied opening hours/appointment times

### Examples of solutions in practice

#### Notes to Table:

- “Perception of legal services”\*-relates to perceiving the legal culture as being intimidating and confusing, not believing that seeking advice will help and confusion around legal aid and affordability of services.
- “Friendly”\* relates to ensuring the environment is welcoming and respectful to clients from this community, for example posters, art and objects that are associated with the community, referrals and resources appropriate to this community, and clear non-discriminatory policies and practices regarding this community.