



IMPACT REPORT

2014-15

JUSTICE CONNECT'S INAUGURAL IMPACT REPORT ASSESSES AND PRESENTS THE EVIDENCE AVAILABLE TO SHOW THE CHANGES MADE TO PEOPLE'S LIVES FROM THEIR ACCESS TO JUSTICE THROUGH PRO BONO SERVICES.

PREPARED BY EMMA PRITCHARD, EVALUATION CONSULTANT

Contents

About Justice Connect	3
1.1. What Justice Connect does	3
1.2. How Justice Connect does it	3
How Justice Connect understands and demonstrates impact	4
2.1. Access to justice	4
2.2. Impact – what is it?	4
2.3. Framing change – Theory of Change	6
2.4. Data collection and analysis	6
2.5. Limitations	7
Access to pro bono services	9
3.1. Services provided	10
3.2. Quality of services	10
Pro Bono Capacity and Commitment	12
4.1. Pro bono capacity	12
4.2. Pro bono commitment	12
Policy and Law Reform	14
5.1. Identify issues	15
5.2. Strengthen relationships with partners/sector and decision makers	15
5.3. Raising awareness	17
Access to justice – what are the impacts?	18
6.1. Assessing the evidence of impact – case stories	18
6.2. Types of impact for clients	18
6.2.1. Better legal outcomes	18
6.2.2. Better personal outcomes	19
6.2.3. Better experience of the legal system	19
6.2.4. Improved ability to make informed choices	19
6.3. Case stories – illustrative examples	19
Conclusion and Recommendations	24
References	25
Appendices	26
Appendix A	26
Appendix B	27

1. About Justice Connect

Justice Connect exists to help build a world that is just and fair – where systems are more accessible and accountable, rights are respected and advanced, and laws are fairer.

Justice Connect's unique contribution to this vision is to partner with pro bono lawyers to develop and strengthen pro bono capacity and strategically match this with unmet legal need.

1.1. What Justice Connect does

Justice Connect delivers access to justice by providing free legal help, using pro bono legal services, to people experiencing disadvantage and the community organisations that support them.

Justice Connect contributes to the quality of pro bono services through training and capacity building of pro bono lawyers, and to availability by building, supporting and engaging a strong commitment to lawyers' pro bono responsibility.

Justice Connect challenges and changes unjust and unfair laws and policies, using evidence from casework and the stories of clients to bring about reform. Where possible Justice Connect collaborates with law and policy makers.

1.2. How Justice Connect does it

Justice Connect has three program streams:

- » **Referral Services** comprises referrals of clients to member lawyers and the management of the pro bono programs of the Victoria Bar and the Law Institute of Victoria. This program also runs the Self Representation Service, which provides advice to people who are without legal representation in the Federal Court and Federal Circuit Courts in the ACT, New South Wales, Tasmania and Victoria.
- » **Legal Services** comprises a number of projects and pilots (including the Health Justice Partnership model of partnership between legal and health service provision) and three specialist outreach services: Homeless Law (for clients experiencing or at risk of homelessness), Seniors' Law (for older clients with a legal issue associated with ageing, including clients at risk of or experiencing elder abuse) and MOSAIC (for newly arrived migrants, asylum seekers and refugees).
- » **Not-for-profit Law**, a specialist legal service for not-for-profit community organisations, providing information, training, advice and pro bono referrals.

2. How Justice Connect understands and demonstrates impact

2.1. Access to justice

For Justice Connect, access to justice means access to timely, high quality and effective legal assistance, which allows a client to understand their legal position, make decisions based on this understanding and where possible, achieve an outcome which is fair and just in all the circumstances.

The NSW Law and Justice Foundation's Access to Justice and Legal Needs Project describes access to justice as "the ability of disadvantaged people to:

- » **obtain legal assistance**
- » **participate effectively in the legal system through access to courts, tribunals and alternative dispute resolution**
- » **obtain assistance from non-legal advocacy and support, and participate effectively in law reform processes.**¹

Justice Connect assists clients to access justice in each of these ways, though primarily via the first two.

2.2. Impact – what is it?

The term "impact" is used in this report to refer to the differences in people's lives and civil society that occur as a result of obtaining access to justice.

Social impact organisations are increasingly making efforts to report their impact and this document presents Justice Connect's inaugural annual impact reporting process and findings. It draws upon some of the "best practice" guides for social impact reporting² and adopts established principles from the field of impact evaluation to make the process as rigorous as possible. This means that in addition to presenting Justice Connect's stories of change, the quality of the data supporting those stories has been scrutinised and assessed. In this way, Justice Connect can share transparently and realistically about the impacts it has brought about. The key elements of Justice Connect's approach to impact reporting are shown in Figure 1.

FOOTNOTES

1. Schetzer, L, Mullins, J & Buonamano, R 2003, Access to justice & legal needs, a project to identify legal needs, pathways and barriers for disadvantaged people in NSW. Background paper. Law and Justice Foundation of NSW, Sydney, 2002, <http://www.lawfoundation.net.au/report/background>
2. E.g. United Way's "Seven Principles for Impact Reporting" <http://unitedway.com.au/2014/07/seven-principles-of-impact-reporting>; The Good Analyst's "Guidelines for how to measure and report social impact" <http://www.goodanalyst.com/resources-and-tools/impact-measurement-and-reporting/>



Figure 1: Key elements of Justice Connect's approach to measuring and reporting impact

2.3. Framing change – Theory of Change

Justice Connect has adopted the Theory of Change (ToC) approach to describe, monitor and measure the changes it aims to bring about.³ Each program has developed a ToC map that articulates its intended impact, the long-, medium- and short-term changes that are preconditions to that impact, along with the causal linkages between those changes. Each program also developed a monitoring and evaluation (M&E) framework to guide the regular and systematic collection of data to monitor and demonstrate progress towards achievement of key changes along the ToC causal pathway. The ToC approach thereby supports programs to track, describe, measure and better understand the changes they bring about.⁴

Each of Justice Connect's programs contribute to at least two of three outcomes that the organisation believes are essential for bringing about access to justice and in turn, impact for its clients: i) access to pro bono legal services; ii) pro bono capacity and commitment in the legal profession; iii) policy and law reform. Justice Connect's high level ToC is shown in Figure 2.

2.4. Data collection and analysis

This report is informed by data contained in the quarterly reports prepared by each program for FY14/15 (excepting the fourth quarter reports which were not yet final at the time this report was prepared). Data in the quarterly reports is collected specifically to monitor and test progress against the program's ToC, including at least two of the outcomes that contribute to access to justice (as shown in Figure 2).

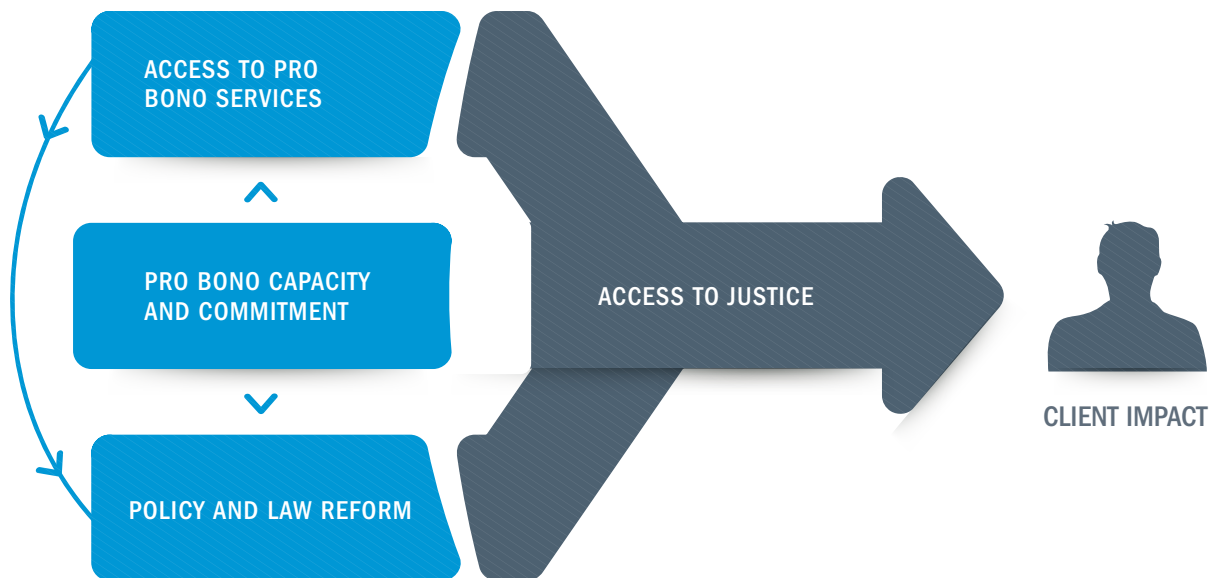


Figure 2: Justice Connect's high level Theory of Change

FOOTNOTES

3. Theory of Change is a method for planning and evaluating initiatives that has its roots in theory based approaches to program evaluation.
4. This approach is suitable for programs of all levels of maturity. Established programs that can demonstrate their contribution to change at all stages along the change pathway can tell a compelling story of their contribution to social impacts, while newer programs that can show they have brought about changes early in the change pathway can convincingly show they are progressing toward creating impact because they have created the necessary preconditions.

Program managers were consulted to obtain clear definitions of the metrics reported in the quarterly reports and then as far as possible quantitative data was totalled across all programs for each of the three outcomes. Program managers also reviewed a draft of this report to ensure accuracy of data and interpretation of quarterly reports and theory of change. Feedback was incorporated into the final report.

Each program documents case stories which provide examples of the impacts for clients of obtaining access to justice. A general inductive approach was taken to analysing the case stories, whereby each was read at least twice and then coded according to common themes that emerged from across the stories. Case studies were also rated on three dimensions of impact⁵ and given an overall impact rating.

2.5. Limitations

This report is informed by each program's quarterly report, theory of change, monitoring and evaluation framework and one meeting with the program managers to clarify content of the quarterly report. Thus, the findings are limited to what is contained in those documents.

- » **The case stories prepared by each team for the quarterly reports in Q14/15 have been used as a key source of data to demonstrate impact, however it must be noted that those case stories were not prepared specifically for that purpose. Case studies were written to illustrate various aspects of programs to a variety of stakeholders, including, but not exclusively impact. Thus, some**

stories tell an impact story better than others, not for want of impact necessarily but for difference in purpose, confounded by the absence of a template or guide for documenting case stories. It is possible that the case stories for this year under-describe actual impact.

- » **The data collected and reported in the quarterly reports shows that while some programs have robust monitoring and evaluation frameworks, others require revision and an improvement of indicators and corresponding data collected to better tell their story of impact.**
- » **Furthermore, additional data (e.g. raw data from surveys) which has not been obtained and analysed, may provide more information and insight and lead to higher ratings of data quality and further evidence of impact, but are beyond the scope of this report.**

5. Three dimensions of impact: 1. Extent to which changes/implications for the client were described. 2. Evidence that the program contributed to the change (contribution or attribution). 3. Evidence that the change would not have occurred without the program (additionality). See 6.1 for further details.



3. Access to pro bono services

Justice Connect aims to give people experiencing disadvantage, and the organisations who support them, access to timely, high quality pro bono legal services.

3.1. Services provided

During the first three quarters of FY14/15 Justice Connect received nearly 4000 enquiries and almost all were helped in some way: two thirds of enquiries were assisted by one of Justice Connect’s programs while 35% fell outside the eligibility criteria of the various programs and were referred to a legal service external to Justice Connect.⁶

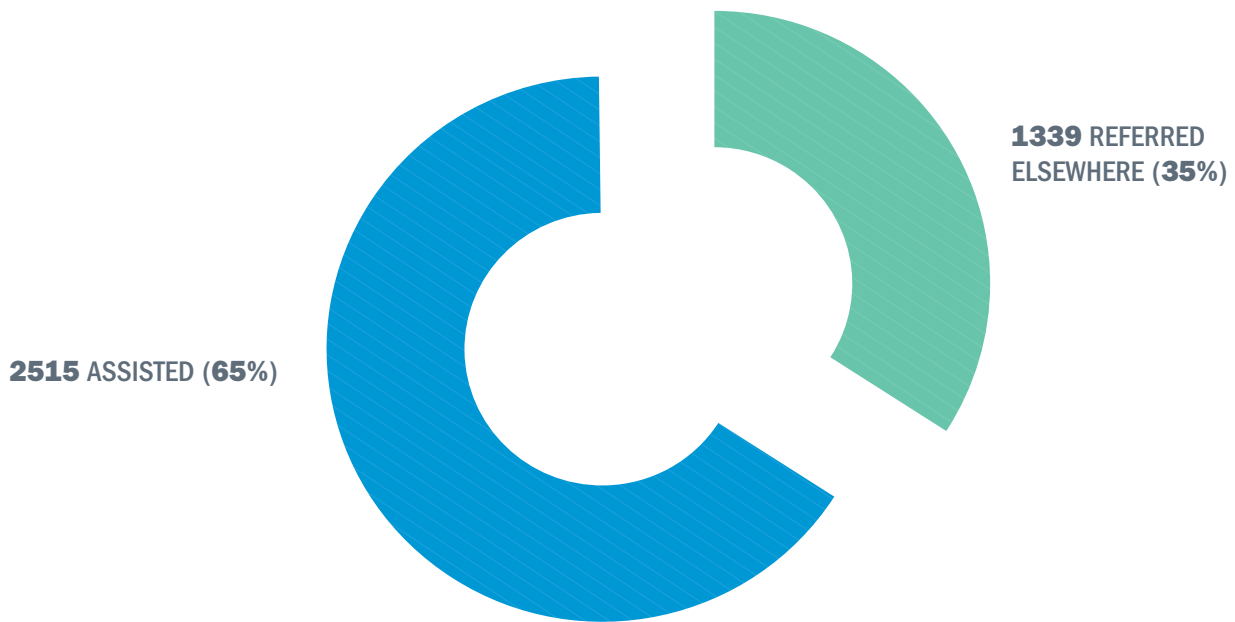


Figure 3: Enquiries received for FY14/15 and how they were addressed

FOOTNOTES

6. At present the number of enquiries that cannot be assisted in any way is not consistently recorded across all programs, thus it is not possible to accurately report a figure for “not assisted”. It is estimated however that no more than 5% of enquiries fall into this category. Referrals and MOSAIC documented the number of clients they could not assist and these comprised 0.5% and 7% of their enquiries respectively. Overall program managers estimate that up to 5% of enquiries cannot be helped (e.g. due to conflict or capacity issues, losing contact with the client, client withdraws, or very rarely there is simply nothing that can be offered for the circumstances).

Justice Connect programs provided four types of assistance: direct legal assistance, direct non-legal assistance, legal information and non-legal information/referral.⁷

i. Direct legal assistance was provided to 1454 clients (992 people and 462 not-for-profit organisations).

Direct legal assistance included:

- » **765 Legal advice (and information)**⁸
- » **292 Ongoing legal casework**
- » **397 Referrals to pro bono lawyers**

ii. Direct non-legal assistance was provided to 102 clients by the Homeless Law program. The Homeless Person’s Liaison Officer and the Women’s Homelessness Prevention Project Liaison Officer (social workers engaged by the program) assisted clients with issues including housing, mental and physical health, drug and alcohol issues and employment concerns.

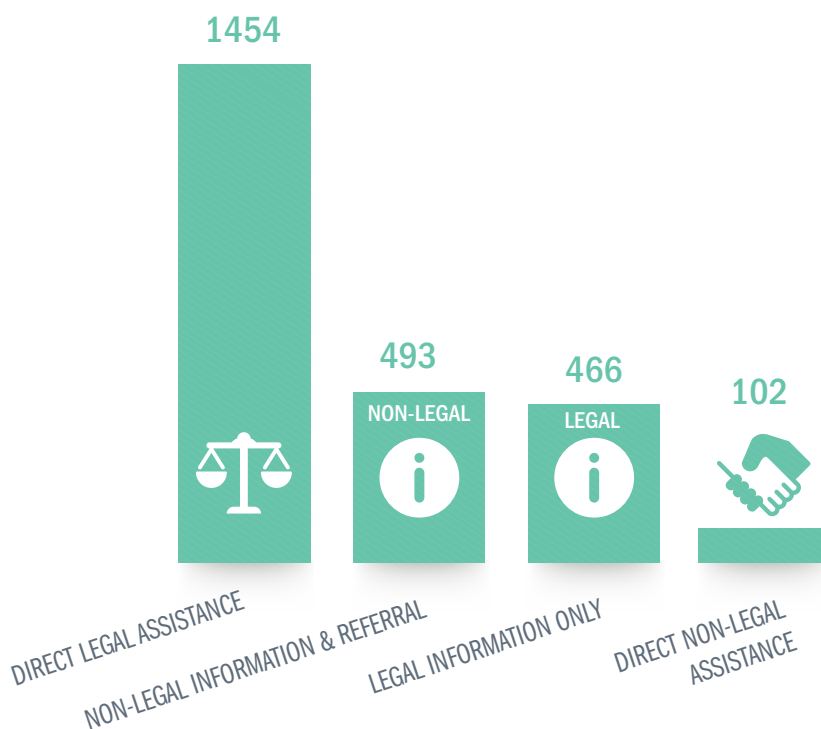
iii. Legal information was provided in four main ways:

- » **Training delivered to: 984 representatives from not-for-profit organisations; approximately 100 community workers, community lawyers and financial counsellors on fines and tenancy**
- » **Community legal education delivered to 265 new migrants**
- » **Distributing, or directing clients to, legal information resources.⁹ Most clients will be given legal information along with legal advice, while for some clients legal information alone will meet their needs. This was so for approximately 300 NFPs 94 SRS clients and 74 MOSAIC clients¹⁰**
- » **Online resources provided by Not-for-profit Law received 124,765 page views¹¹**

iv. Non-legal information or referral to an external non-legal community support service (e.g. financial counselling, mediation, and family violence support services) is offered in response to any enquiry as needed. Such assistance may be offered in addition to the three types of assistance described above, as part of a holistic response. Two programs keep records of this type of assistance and recorded providing non-legal information or referral to:

- » **420 Homeless Law clients**
- » **56 Self Representation clients**

(See Appendix A for details by program.)



FOOTNOTES

7. A client might receive both legal and non-legal assistance and also might be provided or referred to legal information (e.g. Justice Connect’s online resources) or non-legal information at any time.
8. By phone, appointment, clinic appointment, or face to face at court.
9. Includes both Justice Connect resources (e.g. fact sheets) and information produced by other organisations.
10. All programs provide legal information to clients but only these two programs separately count the number of clients receiving legal information without advice.
11. This figure is not used in calculating the total number of people provided with legal information (as the program has no way of knowing how many individuals or organisations this figure comprises) but is presented here to give an indication of potential reach. Visitors spent an average of 2:27 minutes on the NFP website and viewed an average of 2.8 pages, although longer times are not assumed to equate to greater impact.



FEEDBACK COLLECTED FROM 44 NOT-FOR-PROFIT ORGANISATIONS WHO RECEIVED DIRECT LEGAL ASSISTANCE (I.E. TELEPHONE ADVICE OR REFERRAL) SINCE NOVEMBER 2014 SHOWS THAT 98% FELT THE ASSISTANCE THEY RECEIVED WAS ABOVE AVERAGE OR BETTER. COMMENTS INCLUDED:

"I was impressed by the ability of those who dealt with the problem to follow so well the context of the problem, and to actually come up with additional important information to that which we had asked."

"Thoroughly timely and effective."

"Found the people I have dealt with very proactive, responsive and efficient. I have been impressed with the service."

3.2. Quality of services

Client satisfaction is Justice Connect's main measure of the quality of the services provided. At a minimum, each program obtains feedback through the process of documenting client stories. These stories provide many examples of clients who reported feeling well assisted to understand their legal issues and their options and who felt they were treated well by their pro bono lawyer (see section 6.3 below).

Four of Justice Connect's programs also collect feedback about the quality of the service via surveys of clients after the closure of their matter or after receiving telephone advice. Examples of the types of feedback received are presented below from Homeless Law and NFP Law, which have the most established processes for collecting client feedback.

The Self Representation Service also has in place a comprehensive system to ensure all advice provided to clients is reviewed and checked for quality. Justice Connect lawyers are onsite during the appointments between SRS pro bono lawyers and clients, thereby available to provide supervision and guidance as needed. They also conduct a pre-appointment discussion and a post-appointment debrief with SRS pro bono lawyers about the advice provided and check the file note for correctness and completeness. As needed, Justice Connect lawyers follow up with the SRS pro bono lawyer to clarify and provide feedback, and will also contact the client to clarify/correct the advice if necessary. Finally, in all cases, the Justice Connect lawyer completes a "post appointment review form" and sends a letter to the client confirming the advice in writing.

Similarly, Homeless Law helps assure the quality of pro bono services through preparing detailed intake memoranda for pro bono lawyers (342 were prepared in the reporting period), regular phone-based support of pro bono lawyers, a detailed online resource Homeless Law in Practice and a comprehensive file review process. Once per year, the program reviews every open file and provides feedback to the relevant firms. In this way, the program checks that matters are progressing in a timely manner and taking appropriate approaches. Approximately 400 files were under review at the time this report was written.

Overall, there is good evidence of the volume of services provided to people and organisations who contact Justice Connect and sound evidence that many of those clients were satisfied with the quality of pro bono assistance they received. There are some challenges to reporting service delivery at an organisational level due to variability in the way programs define and count what they do, however there is work underway to develop a consistent overarching framework.



HOMELESS LAW CONDUCTS A SHORT PHONE SURVEY OF A RANDOM SAMPLE OF 25% OF THE FILES CLOSED IN THE PREVIOUS QUARTER.

For Q3, 90% of clients reported that their lawyer communicated well with them and 81% felt their lawyer helped them to better understand their legal issue. All clients rated the quality of service overall as 'good' or 'excellent'.

Client feedback on the venue where they had their initial appointment varied, with some clients reporting difficulty finding the location or feeling uncomfortable there. This feedback was used to inform improvements to clinics.

4. Pro Bono Capacity and Commitment

Justice Connect aims to increase the number and the skills of lawyers who have capacity to address the particular needs of people experiencing disadvantage, and the organisations who support them, and who are committed and available to provide pro bono services.

4.1. Pro bono capacity

All three program streams deliver training to legal professionals to enhance their capacity to provide high quality legal advice in the program areas in which Justice Connect specialises. In the first three quarters of FY14/15, 422 lawyers were trained across the programs. Most training events collected feedback from trainees. Average satisfaction scores ranged from 3.8 to 4.8 out of five.

4.2. Pro bono commitment

The main evidence of pro bono commitment is the number of lawyers and firms participating in the different programs. As of 31st March 2015 Justice Connect had 53 member law firms, who participated in programs as follows:

- » **Referrals has 53 member firms, 85 LIVLAS¹² firms and 1,111 Barristers across NSW and Victoria**
- » **Self Representation Service has 11 member firms and 71 lawyers participating in the program**
- » **MOSAIC has seven firms and 62 lawyers involved in the program**
- » **Homeless Law has eight member firms, each with a team made up of team leaders, supervising lawyers and file lawyers. These are estimated to involve a total of nearly 400 lawyers**
- » **Seniors Law and Not-for-profit Law refer to all Justice Connect member law firms (i.e. as per Referrals above)**

FOOTNOTES

6. Law Institute of Victoria Legal Assistance Service

"I love working for Justice Connect. I feel a huge sense of achievement when we get a great outcome for the client. I feel like I am giving back and have such a deeper understanding of homeless people and their underlying problems. Working for vulnerable clients makes me feel like I am contributing to a better society!"

Additionally, some programs collect feedback from lawyers about their pro bono experience via closure reports or surveys, which ask lawyers about their experience working on the matter (e.g. benefits, learnings) and whether they would recommend pro bono work to others.¹³ Though across the board completion rates are too low for the results to be considered representative of all participating lawyers, they nonetheless provide insight into the experiences of around one quarter of lawyers who were engaged in Justice Connect's pro bono programs in FY14/15.

Benefits reported by lawyers fall into three main categories: i) a sense of reward from assisting in a worthy cause, ii) skills/knowledge development and iii) involvement in interesting work.

Overall, there is good evidence across the programs of regular training being run that meets the needs of lawyers and helps them with the pro bono matters they take on and the volume of lawyers involved across the programs speaks well to commitment to pro bono. Over the last FY, programs have become more systematic and sophisticated in the ways in which they collect and utilise feedback from pro bono lawyers, which will allow a deeper understanding of and engagement with the motivations and level of commitment of pro bono lawyers in coming years.



FOOTNOTES

13. Homeless Law for example, conducts an Annual Pro Bono Lawyer Survey, which in 2014/15 was completed by 143 pro bono lawyers.



"I learnt more about the intricacies of administrative law within a migration law context – very interesting area. I also felt a sense of self-satisfaction from knowing I was making a difference to an individual's future and making a valuable contribution by assisting on a pro bono basis."

"This experience is rewarding and the benefits of assisting someone who truly values your help is something I highly encourage other lawyers in my firm to involve themselves."

"It not only gives you more experience in Court but also enhances your skills as a lawyer – whether that be improving your communication and interpersonal skills with clients who may have a limited grasp of the English language; drafting skills; advocacy skills or simply broadening your knowledge of a particular area of law."

5. Policy and Law Reform

Justice Connect aims to bring about change to laws and policies that cause or perpetuate disadvantage or which are unduly complex and burdensome.

All of Justice Connect's programs undertake policy and law reform work to different degrees, with a greater or lesser focus depending on the program. For some programs, most policy and law reform involves ongoing focus on specific campaign areas (e.g. Homeless Law) while for other programs advocacy work responds more to issues or opportunities as they arise. Justice Connect's main strategies for influencing law reform are summarised in Figure 4 below.

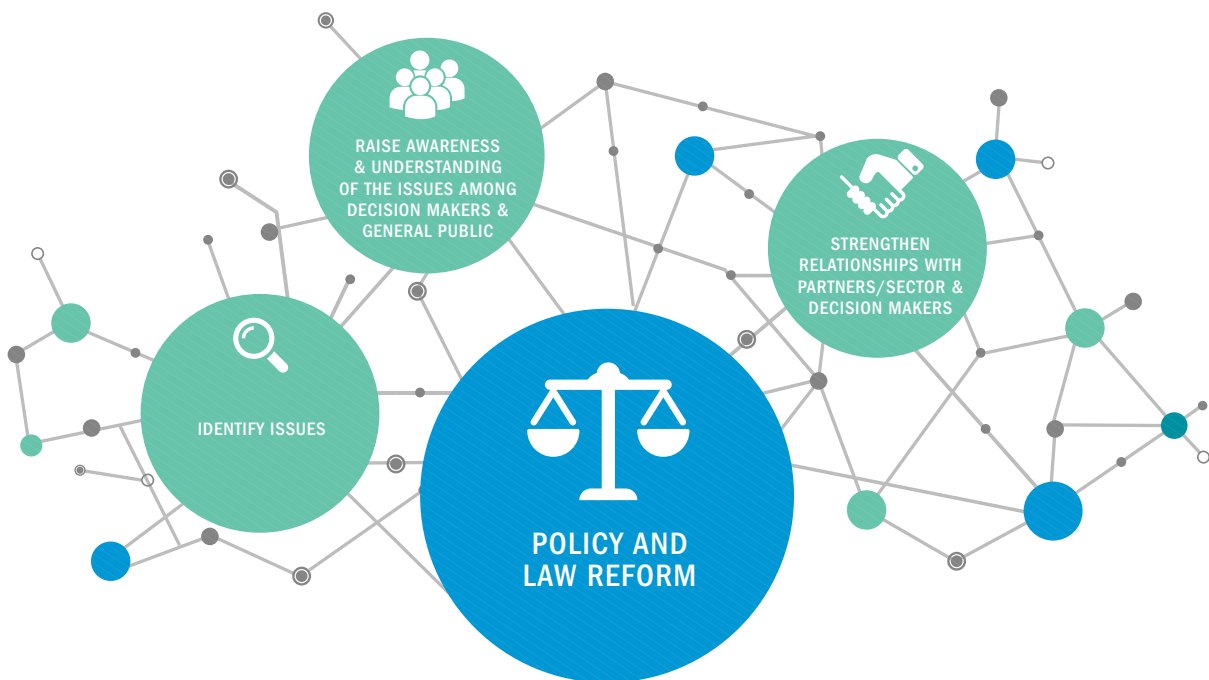


Figure 4: Justice Connect's main strategies for policy and law reform

5.1. Identify issues

All programs have processes in place to identify trends and systemic legal issues emerging from the enquiries they receive and from their casework, and each program reflects and reports each quarter on the question “What have we learnt that may inform policy work?” Information is used to produce materials on the impact of unjust laws and procedures, which are used to raise awareness of the issues and influence decision makers to make positive changes. For example, MOSAIC identified and took action on five systemic legal issues in FY14/15. Examples include:

- » **MOSAIC reviewed the legislation relevant to clients on Bridging Visas who have elected to go to court dealt with penalty notices and discussed the issue with various departments such as the NSW Attorney General, State Debt Recovery Office and NSW Police. This investigation made it clear that there is little scope to advocate for changes to the relevant legislation and policy. As a result MOSAIC have drafted an information sheet, with RACS,¹⁴ aimed at caseworkers and clients to warn asylum seekers to seek legal advice before electing to go to court to deal with a fine.**
- » **Following the Bring Your Bills event MOSAIC conducted interviews with BYB clients and tracked the outcomes of their mobile phone disputes to identify common themes for new migrants in respect of mobile phone contracts. This research highlighted a number of issues including a lack of awareness of consumer rights and responsibilities, high incidence of entering into unaffordable contracts, language barriers for**

clients when entering contracts, exposure to inappropriate or unconscionable sales practices and mixed dispute resolution responses in the telecommunications industry. The Bring Your Bills research report makes a number of recommendations for industry and law reform to address these systemic problems.

5.2. Strengthen relationships with partners/sector and decision makers

Justice Connect believes that the most effective way of achieving change is by collaborating with partners and others in the sector. Programs report a range of ways in which they work with key partners in the sector to work towards policy and law reform. For example, NFP Law contributed at nine NFP sector events (e.g. forums, roundtables, conferences) and is represented on three expert legal panels and committees,¹⁵ providing opportunities to exchange ideas and build momentum for campaigns to improve laws and regulations affecting the NFP sector. Homeless Law had 51 meetings with partners (including participating in working groups, convening advisory groups, etc.) and collaborated on four joint projects with partners for the year. Referrals were involved in more than ten working groups, committees or collaborative projects for the year, while Seniors Law partners with Seniors Rights Victoria throughout the year and has partnered with at least two other agencies on a joint project.

Both NFP Law and Homeless Law report number of meetings and consultations with government agencies and decision makers in their quarterly reports and recorded nine and 26 such meetings for the year.

FOOTNOTES

14. Refugee Advice and Casework Service
15. ACNC Professional users group, LIV Committee on Charity/NFP Law, NSW Government’s Expert Advice Exchange panel



5.3. Raising awareness

Programs use evidence from casework to raise awareness of systemic issues and to inform the development or review of laws, policies or practices (including through submissions, reports, letters, social media, mainstream media and speaking opportunities). Below are some examples for FY14/15.

Not-for-profit Law made seven law reform and policy submissions, including comments on the Victorian Government's Service Agreement (funding agreement for all NFPs funded by key Victorian Government departments, and replicated in the Government's Common Funding Agreement affecting all NFPs receiving funding across Victorian Government departments and agencies) and drafting of proposed amendments to Agreement (with pro bono support). While many of these amendments were not accepted by Government, NFP Law's work was important to the sector's negotiation with Government through the Service Agreement Working Group, which led to some significant concessions by the relevant Departments in the final version of the Agreement proposed for Ministerial endorsement.

Seniors Law prepared a submission to the Royal Commission into Family Violence. In this process, Seniors Law met other stakeholders who are preparing submissions (cohealth's working group, emergency staff at Western Health, LIV and Seniors Rights Victoria) to discuss respective submissions with the aim of encouraging a consistent message of elder abuse as a type of family violence and best practice for preventing, intervening and supporting older people experiencing elder abuse.

Seniors Law also reported that many of the changes recommended by Seniors Law and Seniors Rights Victoria were incorporated into the Powers of Attorney Bill 2014 and that Greens member of Parliament Sue Pennicuik referred to the position of

Seniors Law and the Seniors Rights Victoria submission in her speech supporting the Bill on 19 August 2014. The Bill was subsequently passed and comes into effect on 1 September 2015.

In December 2014, the Supreme Court of Victoria handed down a landmark decision on housing and human rights in Homeless Law's matter *Burgess & Anor v Director of Housing & Anor* [2014] VSC 648. The Charter-based advocacy of Homeless Law is referred to in detail in the judgment. Homeless Law subsequently hosted a panel event on the impact of the Burgess decision, which was attended by over 100 representatives from the housing, homelessness, government and legal sectors.

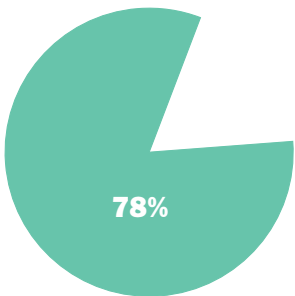
Demonstrating the effectiveness of policy and law reform work is especially challenging. Until such time as there has been a policy "win" it can be very difficult to know if and how much an organisation's activities are contributing to any movements toward change and even after a sought after change is achieved, demonstrating contribution by a particular organisation can be difficult. In the instance of Seniors Law being specifically mentioned in Parliament however, and with the Bill incorporating many of the changes recommended by the program, a contribution can confidently be claimed.

Homeless Law has developed a draft Advocacy Impact Framework to consider the impact of Homeless Law's strategic policy work. On an annual basis, Homeless Law will consider its results against the stated campaign objectives and make an assessment of impact and influence using a 'submission impact template' that uses methodology adopted by the Australian Law Reform Commission to assess whether a submission was substantially or partially implemented or not implemented at all in the two year period following publication. This is a promising and exciting step in a challenging area of evaluation.

6. Access to justice – what are the impacts?



4.5
= AVERAGE IMPACT RATING
OUT OF 6



OF CASE STORIES
PRESENTED GOOD EVIDENCE
THAT IMPORTANT CHANGES
OCCURRED FOR CLIENTS AS
A RESULT OF THE PROGRAM,
THAT WOULD NOT HAVE
OTHERWISE OCCURRED AT
ALL, OR AS MUCH

The main way Justice Connect documents the impacts of its programs on clients is via case stories. This section presents the analysis of case stories prepared for the first three quarters of FY14/15 across five programs.¹⁶

6.1. Assessing the evidence of impact – case stories

Quarterly reports for the first three quarters contained 46 case stories. These were reviewed, analysed for emerging themes, and rated for the quality of the evidence of impact provided. Quality ratings were obtained by assessing each case story on three dimensions – amount of change, contribution/attribution and additionality (see Appendix B for details of assessment and scoring system). Case stories that provided the most compelling examples of program impact received a rating of six and the least compelling were rated zero.

6.2. Types of impact for clients

Analysis of case stories found that four main types of impact were described by clients as a result of them obtaining access to justice. In order of most to least reported impact:

- i. Better legal outcome
- ii. Better personal outcomes
- iii. Better experience of the legal system
- iv. Improved ability to make informed choices

6.2.1. Better legal outcomes

More than one third of the case stories included reports from clients that the pro bono assistance they received had resulted in them obtaining a better legal outcome. A range of legal outcomes were obtained, including fines being waived, avoiding bankruptcy orders, avoiding time in prison, avoiding eviction and intervention orders being dismissed.

FOOTNOTES

16. Seniors Law did not report any case stories during FY14/15.

6.2.2. Better personal outcomes

Nearly one third of client stories described the personal or organisational effects for clients who obtained access to justice. The most common result was that the disruption to clients' lives was removed and they were able to move forward and experience greater stability. This had positive impacts on people's ability to address their health issues, including mental health and AOD.

6.2.3. Better experience of the legal system

Almost one third of case stories were examples where clients reported an improved experience with the legal system through the pro bono assistance they received. Clients noted that they felt supported, listened to and respected, and/or less stressed about their legal issues. Clients were able to access legal advice in settings in which they were comfortable and could obtain the ancillary supports they needed.

6.2.4. Improved ability to make informed choices

Nearly one quarter of case stories described that clients felt access to pro bono assistance had given them a better understanding of their legal issues and their options, and thereby clarified their overall situation and enabled them to make an informed choice about how to proceed.

6.3. Case stories – illustrative examples

One case story has been selected from each program as an example of a story with a high impact rating and to provide further insight to the four main types of impact experienced by Justice Connect clients from obtaining access to justice.

Among the case stories documented during FY14/15 are numerous examples of instances where the programs of Justice Connect have made meaningful changes to the lives of clients that would not have otherwise occurred. Those documented well provide rich pictures of the vast array of circumstances, legal issues and impacts experienced by clients.



“Without the assistance of a pro bono lawyer I would either have had no representation or would now be in considerable debt. I would have quite possibly gone to prison and had a much greater time off the road without a licence. These things would have greatly affected employment prospects and had an even greater impact on my mental health.”

(REFERRAL SERVICE CLIENT)

‘When I received the bankruptcy notice I felt pretty angry and confused. But this appointment has really helped clarify where I stand and what I need to do next. You have really helped relieve my stress. I’m going to attempt to negotiate a payment plan in writing now. It’s scary to think about what would have happened without this appointment’.

(SELF REPRESENTATION SERVICE CLIENT)

Case stories – illustrative examples (cont.)

Pro bono legal referral for organisation that provides assistance to individuals who have been affected by the compulsive drinking of a family member or friend.

Al-Anon Family Groups Victorian Southern Area Inc hosts over 100 support groups (including five for teenagers), operates a telephone helpline and distributes information about alcoholism recovery throughout the community.

In 2014 the volunteer committee of Al-Anon Family Groups approached Not-for-profit Law seeking pro bono support to identify their options relating to a new lease proposed by their landlord. The proposed lease document was similar to the existing lease, however it contained additional provisions which Al-Anon Family Groups had some concerns about. Prior to signing this new lease, the committee of management sought legal advice on the interpretation of these new clauses.

Not-for-profit Law facilitated a referral to DLA Piper's property team. DLA Piper assisted Al-Anon Family Groups by reviewing the lease, providing advice on the new provisions, negotiating with the landlord and arranging the execution and exchange of the finalised lease. This support allowed Al-Anon Family Groups to remain in their current facility, and provided the volunteer committee of management the confidence to understand the implications of the lease prior to signing on behalf of the organisation.

Christine Harrison of Al-Anon Family Groups was very grateful for the pro bono assistance, noting that the organisation was "very glad that we had a lawyer to hold our hand through the long delays", and that they "would have been in a complete panic trying to deal with it on our own".

Helping Bring Your Bills clients with unaffordable contracts.

Mahmoud* is a Persian asylum seeker who arrived in Australia with his wife in 2012. They are proud new parents of a one-year old baby, although it is difficult to make ends meet as they are not allowed to work in Australia.

In 2014 Mahmoud signed up for a 2 year iPhone contract. At the store, a sales representative explained the contract to Mahmoud and told him he had \$700 credit per month. Though he did not receive any explanation of the call rates, Mahmoud was not afraid of exceeding the plan because of the large amount of credit that he received as part of the sales offer.

After a couple of months, Mahmoud began receiving large phone bills for more than \$300 per month and his phone was disconnected. He contacted the company provider and explained he was unable to pay these large bills. The provider offered a payment plan to meet the debt but would not reconnect the service. Because he was unemployed and had to support his young family, Mahmoud found himself in a very difficult situation. Without any source of income, he resorted to loaning his iPhone handset in order to meet living expenses.

By the time Mahmoud came to the BYB event, his phone had been disconnected and he had received a bill for more than \$2000. MOSAIC lawyers on the day rang the telecommunications company and explained Mahmoud's personal circumstances. The pro bono lawyer subsequently sent a letter explaining Mahmoud's situation, in response to which the entire debt was written off and the matter withdrawn from credit collection.

Pro bono lawyers pursue coronial inquest on behalf of grieving mother.

Freddy Williamson died of asphyxiation while an inpatient at the Secure Extended Unit of Austin Health (Austin) in March 2008. His body was found in another patient's room. Freddy was 53 years of age.


Diagnosed with schizophrenia at 18, Freddy had been living at the Austin since 1987. His body was discovered when he could not be located for his regular weekend outing with his parents. Victoria Police determined that there were no suspicious circumstances surrounding his death. Because of the state in which Freddy's body was discovered and their treatment by the police, the Williamsons sought a coronial inquest. Upon their request, Justice Connect's Referral Service initially referred the matter to Russell Kennedy who undertook some critical work preparing the matter for inquest, and then to Corrs Chambers Westgarth and barristers Mary Anne Hartley SC, Viola Nadj and Sarah Thomas. The Coroner examined whether Freddy's death arose from suicide, accident or homicide. The Coroner also inquired into the adequacy of care provided by the Austin, the initial police response and the subsequent investigation.

The Coroner found that Freddy died as a result of asphyxia. His injuries were not self-inflicted but were sustained at the hands of an unknown person. The Coroner found further that the police investigation was inadequate; they did not conduct a thorough forensic investigation or secure the scene of Freddy's death. Sadly, Freddy's father passed away on 24 December 2011, before the Coroner's findings were handed down in August 2014. Freddy's mother continued to instruct the pro bono lawyers. She was very grateful for the assistance the family received from the pro bono lawyers, over four years, saying "I don't know what we would have done without them." She said that the pro bono lawyers kept the family "constantly informed and supported all the way through the legal process."

Woman assisted to continue her fight against dubious legal service bill.

Samantha was at a loss when she found herself caught up in bankruptcy proceedings. She was in the process of fighting a bill from a lawyer who she had discovered was not actually a barrister as he had purported. She was left feeling completely isolated, and with a deep sense of injustice, after been told over and over again that no one would assist her, as the law did not recognise this fraud as a valid reason to resist payment.

Samantha had been fighting the matter alone until the Federal Court sent her to the Self Representation Service for assistance with her bankruptcy proceeding. With the assistance of the Service's lawyers she was able to file affidavits and comply with Court orders. She was incredibly relieved when this resulted in an extended adjournment of the bankruptcy proceeding while she continued to fight the bill.



Woman assisted to stay in social housing through human rights based negotiation.

Sorelle contacted Homeless Law to advise that her landlord, a community housing provider, had recently obtained a possession order from VCAT, and would soon be purchasing a warrant for her removal from the premises. Sorelle's landlord had taken legal action as they were concerned about the condition of the premises, and in particular, the accumulation and cluttering of personal items at the property which had become an issue for several neighbours. Sorelle had previously told her landlord that the accumulation of personal items was a symptom of her mental illness and that she was continuing to see medical professionals to assist with this, but the landlord had told her they had no choice but to end the tenancy.

With no other family supports or long-term accommodation options, Sorelle advised Homeless Law she was very fearful of losing her housing as the instability of homelessness would significantly exacerbate her mental health issues. Homeless Law assisted Sorelle by entering negotiations with her landlord, including with reference to the landlord's obligations under s 38 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic), not to purchase a warrant to remove her from the property, and to explore other options that might help to resolve the issues. These negotiations culminated in a structured and detailed agreement being entered into between Sorelle and her landlord, the terms of which allow Sorelle to remain in the premises provided that she continues to engage with relevant support services, and to continue making efforts to address the landlord's concerns in relation to the premises.

Sorelle has kept her housing and this stability has allowed her to continue engaging with relevant support workers.



7. Conclusion and Recommendations

Justice Connect has adopted sound approaches to documenting the work it does and the impacts that work has on those it serves. While there is room for some improvements, it is important to acknowledge two things.

Firstly, Justice Connect is the only organisation in the community legal sector in Australia that is systematically attempting to understand, demonstrate and publicly share the impact of its access to justice work.

Secondly, even with some limitations to the data collected, the available pool of evidence provides a compelling story of an organisation that is providing access to justice for many clients, and both directly and indirectly creating significant impacts in their lives.

This first exercise in impact reporting has provided a rich learning opportunity and numerous insights that will enable Justice Connect to strengthen its impacts and the reporting thereof, in the upcoming years. To this end the following recommendations are made:

- i A common framework should be developed that provides clear definitions of the numerous ways enquiries may be responded to. This will improve consistency in data recording and reporting and the insights it may provide to trends and operational effectiveness.
- ii An organisation-wide approach to collecting both quantitative and qualitative feedback from clients should be developed. A set of standard/core questions should be used to collect client feedback across all programs. Multiple data collection methods should be devised to ensure feedback mechanisms suit different types of clients and capture both positive and negative client experiences.
- iii Recognising that collecting feedback from pro bono lawyers has been an ongoing challenge, it is recommended that Justice Connect continue to investigate and trial various methods for collecting this valuable input. It is further recommended that Justice Connect consult with member firms to understand their preferences and insights for obtaining lawyer feedback.
- iv There is scope for programs to strengthen communication about their policy and law reform work (and possibly strengthen the work itself) via a clear strategy and reporting quarterly performance against that strategy. Reporting should provide a clear link between activities and a theory of change for policy and law reform work so their merit can be assessed.
- v The process for documenting case stories should be reviewed and strengthened. It is recommended that the case story template be reviewed and revised to include sub-headings/prompts and greater guidance to ensure that each story captures the following elements: client's situation, client's legal issue(s), assistance provided, legal outcome(s), and impacts of pro bono assistance.
- vi The full collection of case stories should be analysed each year using the Most Significant Change method to select one significant story per program for inclusion in the annual impact report. This approach will provide story selection informed by the values and changes most important to each program.¹⁷

FOOTNOTES

17. The MSC process involves a series of discussions and votes to choose "the most significant" story from among many. The approach surfaces people's values about what they think is important (e.g. one story might be chosen as "the most significant" because it was about changing a discriminatory law that affected many people, while another might be chosen as most significant because of the lifelong changes it meant for one family). MSC could be a useful exercise for the organisation to understand how well aligned staff values are with program objectives as described in the organisation's strategy and each program's theory of change.

8. References

Charity Finance Group, (2012) Principles of good impact reporting for charities and social enterprises, http://www.cfg.org.uk/resources/~media/Files/Resources/CFDG%20Publications/SME330%20CFDG%20Impact%20Report_v6.pdf

Davies, R. & Dart, J. (2005) The 'Most Significant Change' Technique: A guide to its use

InterAction, Impact evaluation guidance note and webinar series, <http://www.interaction.org/impact-evaluation-notes>

Schetzer, L., Mullins, J. & Buonamano, R. (2003) Access to justice & legal needs, a project to identify legal needs, pathways and barriers for disadvantaged people in NSW. Background paper. Law and Justice Foundation of NSW, Sydney, 2002, <http://www.lawfoundation.net.au/report/background>

The Good Analyst, Guidelines for how to measure and report social impact, <http://www.goodanalyst.com/resources-and-tools/impact-measurement-and-reporting/>

United Way, Seven Principles for Impact Reporting, <http://unitedway.com.au/2014/07/seven-principles-of-impact-reporting>

9. Appendices

Appendix A

		Legal Services			NFP	Referrals		Total
		HL1	MOSAIC	SENIORS	NFP	REFER-RALS	SRS	
	ENQUIRIES ¹	995	209	205	822	1330	365	3926
Direct legal assistance	Legal advice and Information	81 ²	104 ³	55	339 ⁴	-	186 ⁵	765
	Ongoing legal casework	292 ⁶	-	-	-	-	-	292
	Referral to PB lawyers	-	- ⁷	-	123	271	3	397
Legal information only	Provision of non-tailored legal information, including verbally & via resources produced by Justice Connect and/or other sources	-	74 ⁸	-	298 ⁹	-	94 ¹⁰	466
Non-legal information/referral	Information and referral to other support services for assistance with non-legal issues including housing, family violence, mental health, financial counselling.	420 ¹¹	17 ¹²	-	-	-	56	493
Direct non-legal assistance	Extensive support to targeted clients for non-legal issues, provided by social workers employed by Justice Connect	102 ¹³	-	-	-	-	-	102
External legal referral	Referral to a legal service outside of Justice Connect (E.g. LIV, Regulator, Mediation, CLC, Law Access, etc.)	- ¹⁴	-	121 ¹⁵	62 ¹⁶	1052	104	1339
Training, legal education and information resources ¹⁷	Training and Community legal education		100 ¹⁸	265 ¹⁹	984 ²⁰	-	-	1349
	On-line resources		-	-	124,765	-	-	124,765
	Training for PB lawyers	113	67	71	30	N/A	65	346
Not assisted		-	14 ²¹	-	-	7 ²²	-	-

Appendix B

Quarterly reports for the first three quarters contained 46 case stories. These were reviewed, analysed for emerging themes, and rated for the quality of the evidence of impact provided. Quality ratings were obtained by asking three questions for each case story, and giving each answer a score:

- » **How much change was described? (None = 0, Some = 1, Many = 2).**
- » **Is there evidence that the program contributed to the impact? (None = 0, Some evidence of contribution = 1, Evidence that change is wholly attributable to the program = 2).**
- » **Is there evidence of additionality? (None/Unclear = 0, Some/Change would have been unlikely without the program = 1, Strong/The result would not have been achieved without the program = 2).**

Case stories that provided the most compelling examples of program impact received a rating of six and the least compelling were rated zero.

FOOTNOTES FOR P.26

1. Enquiries = number of calls to the service
2. Telephone advice; some of these involved multiple phone calls but are counted once. HL now has a general policy to keep telephone advices to a single call. A further 63 also received advice but went on to casework so are counted in that category.
3. Combination of telephone advice and face to face advice at outreach clinic
4. Telephone advice; single call back.
5. This refers to the total number of face to face appointments provided by the SRS (with phone and Skype conferencing options offered to those who cannot attend in person). Clients may receive multiple appointments throughout the duration of their matter.
6. Includes negotiation and representation in courts or tribunals. Of these clients, 63 first received legal information and advice before being booked into a Homeless Law clinic for ongoing casework.
7. PB referrals are made to MOSAIC pro bono law firms for complex matters, however the current system does not capture which advices proceed to a pro bono referral so no figure can be provided.
8. Estimate based on breakdown of enquiries in subsequent quarter.
9. The current system does not record the number of enquiries given legal information only. This figure is an estimate based on observations of NFP Law staff.
10. This figure likely underestimates the number of enquiries that received information only as for a period some staff were only recording when Justice Connect resources were shared with clients.
11. Provided by the Homeless Persons' Liaison Officer (HPLO), the Women's Homelessness Prevention Project Liaison Officer, the Legal Administrator or PLTs under the supervision of the Legal Administrator.
12. Estimate based on breakdown of enquiries in subsequent quarter.
13. Includes assisting clients to access courts, tribunals and other legal services that can assist clients with family or criminal law issues which are outside Homeless Law's scope of assistance.
14. Homeless Law makes external legal referrals but under the present system these are counted with "Non-legal information/referral" so the number of referrals to other legal services is not known.
15. This includes a small number (unknown) of clients who withdrew.
16. The current system does not record this information, but the NFP Law manager estimates 5-10% of inquiries are referred elsewhere. This figure is calculated using an estimate of 7.5%.
17. These activities do not stem from enquiries so are counted separately, but are included here to provide a full picture of the work undertaken.
18. Training for community lawyers, community workers and financial counsellors.
19. Number of attendees at community legal education sessions
20. Number of NFP representatives who attended training, comprising seven Seminar Series with 207 participants, five webinars with 175 participants, and 26 Customised and In-House training with 602 participants.
21. Estimate based on breakdown of enquiries in subsequent quarter; Lost contact with client or client withdrew after initial inquiry.
22. Unsuccessful PB referral due to conflict or capacity issues; referred to Law Institute Victoria Find a Lawyer Legal Referral Service.

Melbourne Office
PO Box 16013
Melbourne VIC 8007
DX 128 Melbourne

Tel + 61 3 8636 4400
Fax +61 3 8636 4455

Sydney Office
PO Box 436
Darlinghurst NSW 1300

Tel +61 2 8599 2100
Fax +61 2 8599 2105

ABN 54 206 789 276
justiceconnect.org.au