



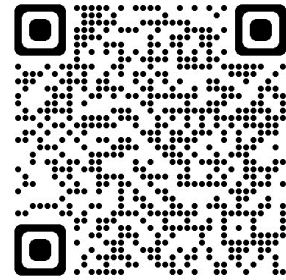
# *With You* Trauma-Informed Organisational Toolkit

From the legal assistance sector, for the sector



National Legal Aid

This QR code  
provides access  
to the toolkit  
and attachments  
online.



This toolkit was commissioned from La Trobe University and Maylea Consulting by With You, a Commonwealth Attorney-General's Department funded project led by NSW Legal Aid on behalf of a consortium of Legal Aid Commissions.

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# Introducing the *With You* Toolkit

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The *With You* Toolkit is an implementation-ready resource designed to promote the development of trauma-informed, rights-based organisations in the legal assistance sector. These include Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services, Community Legal Centres and Legal Aid Commissions. The toolkit serves as a comprehensive guide to inform in every aspect of service provision. This toolkit empowers organisations to develop services that promote safety, dignity, and empowerment for people who experience poor mental health, mental distress and/or suicidality.

At the heart of the *With You* Toolkit is the concept of trauma-informed practice, an approach that recognises the widespread impact of trauma and seeks to address its consequences. This toolkit provides guidance on implementing trauma-informed practices, ensuring that organisational policies, procedures, and interactions with clients are sensitive, responsive, and supportive. This toolkit will assist in the development of services that reduce barriers to access to justice and prevent further harm or traumatisation for clients.

The *With You* Toolkit also goes beyond a one-size-fits-all approach by emphasising the importance of a

rights-based framework. It recognises that people who experience poor mental health, mental distress and/or suicidality often face intersecting forms of marginalisation and discrimination. By adopting a rights-based approach, organisations can work towards not only addressing the immediate needs of clients, but also challenging systemic inequalities and promoting social justice.

From designing safe and welcoming spaces to designing outreach services and engaging in systemic reform, the *With You* Toolkit provides models, resources, checklists, and templates to facilitate the implementation of these approaches. It also addresses organisational considerations, ensuring that trauma-informed and rights-based practices become embedded within the fabric of the organisation.

Moreover, the *With You* Toolkit recognises the importance of collaboration and partnerships within the sector. It provides guidance on establishing effective collaborations with other service providers, community organisations, and government agencies to create a comprehensive and coordinated response to trauma. By leveraging collective expertise and resources, organisations can maximise their impact and promote a holistic approach to support clients.

# What is trauma- informed, rights-based practice?

Trauma-informed practice is when the lawyer or other professional 'puts the realities of the client's trauma experiences at the forefront in engaging with the client, and adjusts the practice approach informed by the individual client's trauma experience'.<sup>1</sup>

Rights-based legal practice promotes civil and human rights, including those rights articulated in international human rights law. The principles which underpin With You are detailed in Article 3 of the United Nations Convention on the Rights of Persons with Disabilities.

People experiencing distress, poor mental health and/or suicidality may identify their experiences in multiple ways, by using the social model of disability, for instance, or the medical model of mental illness, or other frameworks. With You supports the right of the individual to frame their experience in their preferred way.

*With You* embodies the three core principles of codesign:

1. Clients are partners from the outset.
2. Power differentials are acknowledged, explored, and addressed.
3. Client leadership and capacity are developed.<sup>2</sup>

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<sup>1</sup> Sarah Katz and Deeya Haldar, 'The Pedagogy of Trauma-Informed Lawyering' (2016) 22 Clinical Law Review 37.

<sup>2</sup> Cath Roper, Flick Grey and Emma Cadogan, 'Co-Production: Putting Principles into Practice in Mental Health Contexts' (2018) Melbourne: University of Melbourne.

# How to use this toolkit

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The legal assistance sector is diverse, with each jurisdiction and practice area presenting unique challenges and opportunities. This toolkit is designed to provide guidance for further investigation and development, rather than a set of instructions that will apply in all situations. The examples provided will need to be adapted to each context, but are based on easily transferable principles, accompanied, by clear examples.

Organisations in the legal assistance sector are encouraged to review the toolkit and identify areas of opportunity to further develop their own practice. Legal services are encouraged to connect with, and learn from, organisations that are existing best practice. Some examples can be implemented immediately, others will require planning and strategic investment over time.

# How this toolkit was developed

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This toolkit was developed to accompany and support the With You Training. National consultations included interviews and focus groups with 95 clients who had used legal services; 32 of their carers, family members, supporters and kin; and 306 professionals from over 50 organisations.

An international review was undertaken of scholarly and grey literature on trauma-informed lawyering and effective trauma-informed reflective supervision practices for lawyers.

National Legal Aid conducted a survey of existing best practice in legal aid commissions. The result was many examples of trauma-informed rights-based practice across the legal assistance sector, but also evidence that these practices are inconsistently applied across jurisdictions and even within organisations.

Examples have been included from all jurisdictions, although some state and territory governments have been quicker to see the value in investing in trauma-informed and rights-based approaches than others, and this is reflected in the examples included.

There are undoubtedly many more examples of excellent practice that were not identified through this process. This toolkit is a living document and newer versions will continue to reflect emerging and evolving best practice in the legal assistance sector.

# Organisational readiness

Understanding where your organisation is now is the first step on the journey towards a completely trauma-informed and rights-based legal service. In the context of Australian legal services, this entails understanding and adapting to Australia's unique historical and cultural contexts, especially the devastating impact of colonialism on Aboriginal and Torres Strait Islander communities. Leadership must foster a culture of empathy, where staff are educated on the principles of trauma-informed practice and are capable of recognising and responding to the effects of trauma.

Integration of a rights-based approach necessitates an understanding of both local and international human rights laws and obligations. Legal assistance services should display respect for clients' dignity and participation, ensuring that they are not only legally supported but also empowered.

Collaboration with other service providers is also essential to address the multifaceted nature of clients' needs effectively. Resources, both human and financial, should be allocated to support continuous staff training, supervision, and the development of policies that reflect the commitment to being trauma-informed and rights-based. The With You self-audit tool is a way to assess where your organisation is and identify areas for further development.

## 1.1

### The With You Self-Audit Tool for Rights-Based, Trauma-Informed Legal Services

The purpose of this self-audit tool is to assist legal services in evaluating and improving their current practices to ensure they are providing services that are both rights-based and trauma-informed. The tool offers a structured framework for organisations to critically assess various aspects of their operation, including their understanding of trauma, staff competency and supervision, client and carer involvement, integrated practices, collaboration and networking, as well as their policies, procedures, and resource allocation.

The goal is to create a safe, empowering, and respectful environment that acknowledges the impact of trauma on clients, respects their rights, and involves them and their carers, family, supporters and kin in decision-making processes. By addressing these elements, legal services can deliver more effective services that respect the dignity of clients, provide holistic support and contribute to more positive outcomes.

Regular use of this tool can help organisations identify areas of strength and areas that need improvement. It is not a one-time exercise, but rather a mechanism for continuous learning, development, and adjustment. The goal is to be able to show evidence in response to as many questions as possible, with action plans in place to



address any responses highlighted for development. These questions are designed as initial prompts to initiate conversations about trauma-informed and rights-based legal service delivery. Each question relates directly to a specific topic in the toolkit, so action plans can be developed using the examples and guidance provided.

### 1. Staff competency and supervision

- How does your organisation provide regular training to all staff members about the nature and impact of trauma?
- Do you have a supervision system that supports staff in managing the emotional impact of their work and embedding a trauma-informed approach?
- How does your organisation implement cultural supervision to respect and incorporate the diverse experiences of clients?

### 3. Client and carer access, involvement and leadership

- How does your organisation ensure the physical and emotional safety of clients and their carers, family, supporters and kin?
- What resources does your organisation provide to support accessibility for all clients?
- Does your organisation have clear practice guidelines to involve clients and their carers, family, supporters and kin in decision-making about service development, policies and organisational strategy?
- How does your organisation provide information and referrals to carers, family, supporters and kin when unable to involve them directly?

### 2. Integrated practices and partnerships

- How does your organisation provide regular training to all staff members about the nature and impact of trauma?
- Do you have a supervision system that supports staff in managing the emotional impact of their work and embedding a trauma-informed approach?
- How does your organisation implement cultural supervision to respect and incorporate the diverse experiences of clients?

### 4. Organisational and system change

- How does your organisation ensure that service delivery is flexible and responsive to client needs?
- Does your organisation have specific policies in place that reflect a commitment to a rights-based, trauma-informed approach?
- How does your organisation attract and allocate resources specifically for supporting a rights-based, trauma-informed approach?
- How does your organisation actively work to influence systemic changes that promote a rights-based, trauma-informed approach?

## 1.2

### Other self-audit tools and organisational readiness

Other self-audit tools, such as the Mental Health Coordinating Council's Trauma-informed Care and Practice Organisational Toolkit (TICPOT) or Southside Justice LGBTIQ+ Inclusive Practice Toolkit provide more in-depth tools for assessing your organisation's readiness to respond to specific client populations that are likely to have experienced trauma. The Alcohol and Drug Foundation's Power of Words practical guide and desktop flip book are designed to support professionals working with people who use alcohol and other drugs to reduce stigma and improve outcomes. The Trauma Informed Legal Advocacy (TILA), developed by the United States-based National Center on

Domestic Violence, Trauma and Mental Health, offers guidance on applying trauma-informed principles to working with survivors of domestic violence in the context of legal proceedings, while the US Substance Abuse and Mental Health Services Administration (SAMHSA) Practical Guide for Implementing a Trauma-Informed Approach is another comprehensive and straightforward guide that could be easily adapted to legal services.

These are just some examples of tools available to both assess and promote trauma-informed rights-based legal assistance services.

# Staff competency and supervision

This section highlights the importance of staff training, trauma-informed supervision, and cultural understanding in legal services, for both lawyers and other professionals. The section introduces the With You training programme, designed to equip staff with a comprehensive understanding of trauma-informed practice and a rights-based approach to legal practice. The section also highlights the role of trauma-informed reflexive practice and trauma-informed supervision in fostering an environment of continuous learning and introspection. Finally, the concept of communities of practice and the significance of cultural supervision are explored, emphasising the value of interdisciplinary learning, collaboration, and cultural sensitivity in delivering effective and compassionate legal services.

## 2.1

### Training

Training is crucial for embedding trauma-informed, rights-based practices in your legal assistance organisation because it provides a fundamental pathway to understanding, interpreting, and applying these principles effectively in day-to-day operations.

Training offers the opportunity to foster a shared understanding and commitment among your staff. It can help to create a culture that is supportive and empowering, which is not only beneficial for your clients, but also for staff well-being. This culture helps to ensure the principles of trauma-informed, rights-based practice are consistently applied across all aspects of your organisation's operations.

#### **With You: Trauma-informed and rights-based training**

With You training represents an essential opportunity for your lawyers and other professionals in your organisation to significantly enhance their capacity to provide effective, compassionate, and appropriate legal assistance.

With You equips your workforce with a thorough understanding of trauma-informed practice. This means that they'll learn how to recognise the signs and symptoms of trauma, understand the widespread impact of trauma, and respond by fully integrating knowledge about trauma into practice. With You embeds a rights-based approach to legal practice. This framework is centred on the recognition of the inherent dignity and rights of all individuals, particularly those experiencing mental distress or poor

mental health. A rights-based approach promotes equality, accountability, and non-discrimination, which can significantly enhance the quality and effectiveness of legal services provided.

Furthermore, the codesign nature of With You means that the training has been shaped by people who receive and deliver legal assistance services. Therefore, the content of the training is directly relevant and applicable to the work of your lawyers and other professionals. Unlike other training, With You is tailored to address the real-world challenges they face and to meet the needs of the clients they serve.

With You training is free to Aboriginal and Torres Strait Islander legal services, family violence prevention legal services, community legal centres and legal aid commissions.

With You is the only nationally available codesigned training on working with people experiencing mental distress, poor mental health and/or suicidality for the legal assistance sector. However, there are many other training options specific to practice areas or aspects of legal practice, i.e. trauma-informed, rights-based interviewing. Lawyers also

need regular training and support to work with diverse client groups, including First Nations people and communities. Specialist training in working with specific groups will help lawyers provide tailored services. For example, the Intellectual Disability Rights Service provides training for lawyers to work better with people with intellectual disability.

## 2.2

### Trauma-informed supervision

The skill of reflection is key to effective trauma-informed legal practice. Legal education traditionally emphasises reason and rationality, and does not develop the skill of recognising the impact of the work on the lawyer, or the lawyer's impact on the client. However, there is extensive research to show that affect (including emotions) and cognition are intertwined, and a false separation impairs reasoning and decision-making in all spheres of life.

Your legal service can support lawyers and other professionals to embed trauma-informed practice by creating an environment that encourages continuous learning and reflection. This can entail regular team sessions to equip lawyers and other professionals with the knowledge and skills needed to understand the nuances of trauma and its impact on clients and vicariously on your workforce. The organisation can also facilitate peer mentoring and supervision schemes, where lawyers and other professionals can share experiences, discuss challenging cases, and gain insights from colleagues. Fostering open communication about trauma will help lawyers reflect on their own biases, assumptions and emotional responses.

Trauma-informed supervision examines the impact of repeated exposure to vicarious trauma on the lawyer and examines the lawyer's engagement with clients in distress. Reflective, trauma-informed supervision involves more than checking the accuracy of legal advice.

It can offer a wealth of benefits, both for professional development and personal wellbeing. One of the key wellbeing benefits is the role that trauma-informed supervision plays in managing stress and mitigating burnout. Additionally, trauma-informed supervision can assist in minimising the effects of vicarious trauma and secondary traumatic stress, contributing to a sustainable career in the legal assistance sector.

On the professional front, trauma-informed supervision can enhance emotional and communication skills, both of which are essential for effective trauma-informed legal practice. It can also encourage ethical practice by providing a space for reflection and discussion around ethical dilemmas and professional responsibilities. Furthermore, effective trauma-informed supervision could potentially contribute to worker retention. By fostering a supportive and nurturing work environment, it could enhance job satisfaction and commitment to the profession, which can lead to a decrease in turnover rates.

Other professionals, such as social workers, psychologists and peer workers, will already have well established approaches for trauma-informed supervision, which simply need to be resourced by organisations. Professionals from disciplines without traditions of trauma-informed supervision, such as administration staff, will require bespoke approaches. Lawyers can draw on lessons from the clinical legal trauma-informed supervision provided to new lawyers, extending this successful approach to provide support to more experienced practitioners and enhancing it with lessons from other disciplines.

There have been some attempts to implement reflective practices in the legal assistance sector. These have largely involved mental health or allied professionals providing group trauma-informed supervision to lawyers and have met with mixed results depending on the practice area, organisational culture and dynamics of the particular team. It appears that lawyers would most likely benefit from one-to-one supervision from experienced lawyers trained in best practice trauma-informed supervision, although group trauma-informed supervision models led by allied health professionals have also had some success. Legal services should build on what has worked in these other settings, trialling different approaches to find out what works best for their teams. Trauma-informed supervision must be tailored to particular practice areas and service cultures to be most successful.

## With You: Tips for establishing reflective supervision for lawyers

- 1. Self-reflection:** Supervision should provide a space for self-reflection, which can prevent errors, improve competence, mitigate the impacts of trauma exposure, and support critical reflection on the legal system.
- 2. Creating a safe space for emotional work:** Supervision should create a safe space for emotional work, including supporting lawyers to manage empathy and identification in the lawyering process and supporting lawyers to identify and deal with vicarious trauma. Lawyers should feel able to share their mistakes without embarrassment or fear of negative consequences.
- 3. Trauma-informed supervision:** Supervision should be trauma-informed, focusing on the lawyer's experience rather than apportioning blame.
- 4. Self-care:** Supervision should model or encourage self-care, which can range from prioritising fundamental needs to maintaining strong social bonds and building self-awareness.
- 5. Training and support for supervisors:** Supervisors should receive adequate training and support to fulfil their role, which may include mental health training, training in how to provide effective direction or feedback, and ongoing support such as regular team leader meetings.
- 6. Identifying burnout and vicarious trauma:** Supervisors should be trained and supported to identify the early signs of burnout and vicarious trauma and to develop strategies to address and respond to these issues.
- 7. Strong supervisory relationship:** The quality of the supervisor-supervisee relationship is crucial for effective supervision. This involves fostering a collaborative relationship and individualising supervision to the needs of the supervisee.
- 8. Required work practice:** Supervision should be compulsory and provided within protected time. It should be ongoing and not limited to the early stages of a career.
- 9. Frequency and length:** Supervision should be regular and consistent, with sessions lasting at least 60 minutes.

One example of reflexive practice is in the Sisters Inside **Guide to our model of service for new Sisters Inside workers**.

### Example of reflexive practice: Sisters Inside Weekly Inclusive Support Meetings

*Extract from: Sisters Inside, 'Inclusive Support: A Guide to Our Model of Service for New Sisters Inside Workers*

The backbone of Inclusive Support is a weekly meeting where workers get together and consult each other about what is going on. This is not a staff meeting, and it follows the weekly staff meeting. The Inclusive Support Meeting keeps workers up to date with whether individual women are inside prison, have been released or are facing court. It lets other workers know of likely upcoming issues, and also when women's lives are going well and they don't need as much support. But it does much more as well.

As well as being a practical, information sharing exercise, the Inclusive Support Meeting is an educational tool, a problem-solving opportunity and also a mechanism for debriefing workers. In discussing the weekly workload, staff share their different strategies. We talk about what has worked well, and what hasn't. Because the work we do is so diverse, and so unpredictable, what has worked in some situations and with some women, won't work with others. By chucking ideas and strategies around as a group, we draw on the strength of all our intelligences.

Other resources include the Victorian Government's **Family violence, sexual assault and child wellbeing best practice supervision**.

### 2.2.1

## Trauma-informed supervision

Supervision can also be undertaken between organisations, in communities of practice that exist across sectors. A community of practice is a group of people who share a common concern, a set of problems, or an interest in a topic, and who come together to fulfil both individual and group goals. In this context, it would be a group focused on understanding and applying trauma-informed and rights-based principles in their work.

Such a community could serve as a space for professionals from various legal services to come together to share knowledge and insights, learn from each other, discuss common challenges, and collaboratively develop solutions. By bringing together individuals from different organisations and different roles within those organisations, these communities can foster a culture of interdisciplinary learning and collaboration.

Members could share the latest research and resources, learn about new services and interventions, and develop more coordinated approaches to complex matters. This would not only benefit individual members in terms of enhancing their knowledge and skills but would also contribute to more consistent, effective practices across the sector.

Moreover, these communities could help to reduce the isolation often experienced by professionals in this field, particularly those in rural and remote settings, or collocated in external teams and organisations. Communities of practice can provide a supportive network where members can discuss their experiences, explore their struggles, and celebrate their successes. This could contribute to reducing vicarious trauma and promoting well-being among professionals in the sector.



## Example of community of practice: National Legal Aid Allied Professionals Committee

The National Legal Aid Allied Professionals Committee plays a key role in enhancing the effectiveness of allied professionals in legal aid commissions across Australia. This committee serves as a hub of collaboration, enabling members to access a supportive network of peers where they can freely share experiences, resources, and insights. This dynamic exchange of knowledge serves to enrich the collective understanding and expertise of allied professionals within the sector.

One of the committee's critical objectives is to establish an evidence base that can inform and improve practice. By gathering and disseminating information about what works and why, the committee supports the evolution of practices that are more effective, efficient, and responsive to the needs of clients.

The committee also acts as a platform to amplify the understanding of the role and value of allied professionals in legal aid commissions. By highlighting the diverse ways in which these professionals contribute to the delivery of legal services, the committee helps to garner recognition and respect for their work, enhancing their professional standing.

The committee also facilitates service collaboration and development by identifying and promoting opportunities for different legal aid commissions to work together. This collaborative approach not only fosters innovation and learning but also contributes to more efficient use of resources.

Finally, the committee provides practice leadership, support and advice to National Legal Aid, helping to ensure that the broader organisation is informed by the insights and experiences of allied professionals on the ground. This helps to ensure that the strategic decisions made by National Legal Aid are grounded in a deep understanding of practical realities. The committee's Terms of Reference are Attachment 1 of this toolkit.



### 2.3

## Cultural supervision

The With You consultation process identified the specific and varied needs of First Nations people and other culturally and linguistically diverse groups, and stakeholders noted that cultural supervision would be one way to address this and embed existing cultural safety training. In 2018 the Family Violence Prevention Legal Services (FVPLS) 'trauma champion' working group created a Clinical and Cultural Supervision Register, for use by FVPLSs across Australia, to track formal and informal mentoring and support, but the practice has not spread widely beyond this.

Cultural supervision acknowledges and respects the unique cultures, histories, and experiences of these communities. For lawyers and other professionals working with First Nations people, this can mean recognising the impact of colonisation, understanding the importance of land and community ties, and respecting cultural practices and protocols. For other diverse communities, cultural supervision can help your workforce understand unique cultural nuances and norms, language considerations, and the social issues affecting these groups.

By understanding these contexts, your lawyers and other professionals can provide more culturally sensitive and effective legal advice. For instance, they can consider cultural factors in legal decision-making, or advocate for clients in a manner that acknowledges their cultural experiences and values.

Cultural supervision also aids in establishing stronger rapport and trust with clients from these communities. Clients are more likely to feel understood and respected when their cultural backgrounds are acknowledged. This can lead to improved communication and collaboration, which is critical for successful legal representation.

Furthermore, cultural supervision can help combat biases, stereotypes, and systemic issues that can impact First Nations people and other diverse communities. This can play a role in promoting fairness and equality in legal processes and outcomes.

Additionally, providing cultural supervision can improve your organisation's standing within these communities. It sends a strong message that your organisation values cultural diversity and is committed to serving these communities with respect and understanding.

Finally, cultural supervision supports your organisation's broader commitments to reconciliation and multiculturalism. By educating your workforce about the unique challenges and perspectives of First Nations and other culturally diverse communities, you can contribute to a more inclusive and culturally safe legal system.

# Integrated practices and partnerships

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This section details the benefits of collaboration and integration for your legal assistance organisation. It discusses the advantages of partnering and co-locating with other organisations to provide a more holistic, trauma-informed response to clients' needs. The section also introduces the concept of health justice partnerships and provides examples of successful partnerships and co-location initiatives.

This section also explores the concept of integrated practice, an approach that unifies different services to comprehensively meet an individual's or community's diverse needs. It highlights the importance of a client-centred focus that recognises and addresses the broad spectrum of challenges a client may be dealing with, beyond just the legal issue. The section also provides examples of successful integrated practice models and resources for implementing such practices.

## 3.1

### Partnerships and co-location

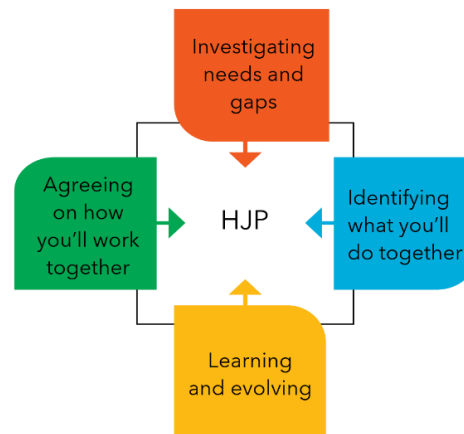
Partnering and co-locating with other organisations can significantly enhance the effectiveness and reach of a legal service. By being located in close physical or digital proximity, or working in partnership with organisations that address other aspects of social, health and economic issues, legal services can provide a more holistic, trauma-informed response to their clients' needs. This approach also increases access to legal services, as clients with histories of trauma may feel more at ease seeking help in familiar settings or may discover legal help that they would not have otherwise sought out. Moreover, a culture of collaboration can be cultivated, where organisations learn from each other, share knowledge, and work together to better serve their clients. Generalist legal assistance services can leverage expertise from specialist services or pro bono firms, and individual lawyers can benefit from secondments and fellowships.

However, it is crucial that successful co-location and partnership arrangements maintain clear communication, shared objectives and mutual respect, with strict measures in place to ensure client confidentiality and privacy in the shared space. Partnerships are most successful when made at multiple levels through an organisation, not just at the service delivery level.

## Example resource: Building Blocks for Health Justice Partnership Development

Building Blocks for Health Justice Partnership Development is a resource developed by Health Justice Australia to help organisations seeking to set up a health justice partnership based on strong foundations.

Legal assistance organisations and potential partners might find it beneficial to explore each of the fundamental components outlined in this resource. This resource can serve as a valuable guide in crafting and implementing a Health Justice Partnership (HJP) that addresses unique local conditions and needs.



Health justice partnerships embed legal assistance services, usually lawyers, in healthcare services and teams. They provide the kinds of integrated legal, health and welfare services that people who have experienced trauma or mental distress often need. Legal help can be seen as a kind of mental healthcare when provided in this way, as it targets underlying causes of mental distress. There are over 100 health justice partnerships across Australia.

There are many examples of health justice partnerships across Australia and internationally, with many resources available to support legal, health and other organisations set up robust partnerships.

## Example of health justice partnership: The Katherine Health Justice Partnership

Katherine Health Justice Partnership recognises that legal and health problems are often interconnected. The partnership aims to integrate legal help within healthcare services and teams. The main objectives of this partnership are:

- To train health workers to identify legal issues when talking to patients.
- To identify legal issues and refer patients to appropriate legal services.
- To directly provide legal assistance to people within the familiar healthcare setting, before legal problems escalate.

This approach is designed to improve the overall health and wellbeing of vulnerable individuals. In Katherine, the partnership involves the Wurli Wurlijang Health Service, Katherine Hospital, the Salvation Army, and a range of other social support services. They provide collaborative case management to support people who are homeless or at risk of homelessness, who suffer from chronic illness, and who frequently attend the Emergency Department of Katherine Hospital.

The partnership offers training for healthcare workers, free legal clinics in the community, casework, and social support.

Partnerships can also facilitate co-location and enable outreach legal services to ensure access to justice for people who might find accessing traditional legal services difficult. Co-counselling, where a legal service and legal firms acting pro bono work together to undertake public interest litigation, has also proven successful.

### **Example of co-location: WestJustice School Lawyer Program**

The **WestJustice School Lawyer Program** involves a lawyer being embedded in a school's wellbeing team, providing accessible, free, confidential, and trusted advice to students. The School Lawyer is employed by a legal service. The lawyer is not at the school full-time due to the importance of having legal supervision and support at the legal organisation.

The core activities of the School Lawyer Program include:

- One-on-one legal advice and legal case management to students.
- General and targeted legal education to students in school to respond to emerging issues.
- Warm referrals of students to other sources of legal and non-legal support.

The key objectives of a School Lawyer Program are to overcome the barriers students face in accessing legal services and to build a better understanding of legal rights, responsibilities, and the legal system in students and teachers. The ultimate impact of a School Lawyer Program is improved health and wellbeing for students and engagement at school. The areas of law covered and the way the program is delivered may vary depending on the needs of the students, the school, the legal organisation's expertise, and the level of funding available.

### **Example of partnership: Seniors Legal and Support Service**

The **Seniors Legal and Support Service (SLASS)** is a partnership between Caxton Legal Centre and Metro South Hospital and Health Service that aims to address the issue of elder abuse. By integrating legal, social, and health services, it provides a comprehensive approach to identifying, preventing, and addressing elder abuse.

Health professionals, including doctors, social workers and nurses, are trained to identify signs of elder abuse, which can often be subtle or overlooked. This can include physical signs of abuse, as well as indicators of emotional, financial, or other forms of abuse. Social workers are trained to provide specialist elder abuse support.

A specialist elder abuse lawyer visits the hospital to provide legal advice and representation to older patients who are experiencing abuse. The lawyer can help them understand their rights, navigate the legal system, and take necessary legal action to protect themselves.

The community social worker plays a vital role in providing continued support to patients after they are discharged from the hospital. This can include follow-up care, assistance with accessing resources and services, and ongoing emotional support.

The SLASS initiative represents a holistic and proactive approach to addressing elder abuse. By bringing together professionals from different fields and providing comprehensive support to older patients, it can help prevent and respond to elder abuse, protect the rights of older individuals, and improve their overall wellbeing.

Other resources include the **VicHealth Partnerships Analysis Tool**.

## 3.2

### Integrated Practice

Integrated practice, often called integrated service delivery, is an approach that unifies different services to comprehensively meet an individual's or community's diverse needs. In the context of a legal assistance organisation, this involves coordinating with various other services, such as mental health, social work, housing, and employment services. The goal is to address the interconnected issues clients face, ensuring they receive a holistic support network that addresses their legal, social, emotional and economic needs, ultimately providing a more seamless, supportive experience.

Embracing an integrated practice approach within your legal service can provide a multitude of advantages. The heart of this approach is a client-centred focus that recognises and addresses the broad spectrum of challenges a client may be dealing with, beyond just the legal issue. These challenges can encompass social, financial, health and mental health, all of which can be intricately interconnected with the legal situation.

A trauma-informed approach, when incorporated as an integral part of integrated practice, ensures that the legal service is sensitive to the trauma experiences of the client. This recognition can lead to more effective communication and trust-building, ultimately providing a safer environment for the client.

Simultaneously, the rights-based approach reaffirms the inherent human rights of every individual and guides the practice in delivering justice. This

approach promotes respect, fairness, dignity and autonomy, aligning with the ethical obligations of the legal profession.

The integrated practice model creates a more efficient system by reducing the need for multiple appointments and referrals. It encourages a preventive approach to discern and mitigate potential legal issues before they escalate, resulting in both cost savings and improved outcomes for clients.

Additionally, this practice promotes greater collaboration with professionals from other disciplines, such as social workers, healthcare providers, Aboriginal field officers, community liaison officers and financial advisors. This fosters a holistic and comprehensive solution for complex client problems, taking into account all aspects of their situation, including any trauma they may have experienced and their inherent rights.

Within the organisation, integrated practice cultivates an environment of innovation and ongoing learning. It prompts team members to think creatively and beyond traditional boundaries, fostering a culture of problem-solving and adaptability.

Finally, funding bodies are recognising the value of such a wrap-around approach. Organisations that demonstrate their ability to work in a cooperative, trauma-informed, rights-focused and client-centred way are more likely to receive financial support. Hence, adopting an integrated practice not only improves the quality of client service but also nurtures a more collaborative, innovative, and sustainable legal service.

### Example of integrated practice model: Eastern Community Legal Centre's ELSA and ROSE programs

The ELSA (Engaging and Living Safely and Autonomously) and ROSE (Rights of Seniors in the East) programs are integrated practice models that incorporate a trauma-informed rights-based approach to support older people experiencing elder abuse. The model includes a lawyer, an advocate and a financial counsellor, working together.

ELSA and ROSE offer a blend of legal and non-legal services that work in tandem to help individuals achieve their goals. Clients can have support to maintain relationships with their families if that is their primary goal, or choose to take legal action if they prefer. This integrated practice model ensures that by providing non-legal supports, legal outcomes can be reached, and vice versa. They empower older people to take legal action if they choose and provide them with the support, tools, and resilience to continue dealing with issues. The integrated practice model helps to boost the self-esteem of individuals, providing them with a sense of support, reducing feelings of isolation, and fostering hope. This sense of empowerment is often as highly valued by clients as the more tangible legal or other outcomes.

In terms of service planning, design, delivery, and evaluation, ELSA and ROSE embed partnership and community input. This promotes integrated practice at the service level and allows ELSA and ROSE to support broader initiatives and other work in the prevention of elder abuse.

Some resources have been produced to assist legal services to implement integrated practice. This includes the Victorian Federation of Community Legal Centre's Integrated Practice Toolkit. This is a practical guide that supports lawyers and other community and health professionals to navigate the risks related to legal professional privilege and mandatory reporting in the context of integrated service models. Eastern Community

Legal Centre have a model of integrated practice that provides further examples that can be easily adapted to other legal assistance settings, while South-East Monash Legal Service has undertaken research into integrated service models in community legal centre settings. These resources are particularly useful in ensuring role clarity between lawyers and other professionals.



# Client and carer access, involvement and leadership

This section unpacks the key aspects of client and carer access, involvement and leadership. The first part delves into the importance of establishing safe physical environments and details resources that ensure services are readily accessible for all clients. The focus is on reducing barriers to ensure that everyone, no matter their individual circumstances, can access the services they require.

Following this is an exploration of lived experience and the role of the peer workforce, with a stepped approach to integrating lived experience involvement. This includes resources for carers, families, supporters, and kin.

## 4.1

### Partnerships and co-location

A significant proportion of legal assistance services are now delivered remotely, or in a hybrid manner.

For in-person services, creating a safe physical space within your legal service can significantly enhance your clients' comfort and overall experience. This is particularly important for clients who have experienced trauma and who need to feel safe and comfortable to give good instructions and understand advice given. Safe physical spaces do not always require expensive remodelling, as simple and cost-effective changes can also contribute to improved safety and comfort.

#### With You: Tips for creating safe physical spaces

**Privacy:** Ensure there are private spaces available for confidential conversations. Soundproofing these rooms can help maintain privacy and make clients feel more secure when discussing sensitive matters.

**Layout:** The layout of your offices can contribute to a sense of safety and comfort. Avoid cramped spaces and ensure there is sufficient room for clients to move around. A spacious, open layout can make your office seem more calming.

**Lighting and colour:** Soft, natural light can create a calming atmosphere, while harsh lighting can feel sterile and uncomfortable. Similarly, warm, neutral colours on walls and furnishings can create a soothing environment, compared to stark white or overly bright colours.



**Accessibility:** Your offices should be accessible to everyone, including those with physical disabilities. This includes having ramps, lifts, wide doorways, and accessible restrooms. Clear signage can also assist in making clients feel at ease by helping them navigate the space easily.

**Comfortable furnishings:** Comfortable seating in waiting areas and consultation rooms can make clients feel more at ease. A clean and tidy environment also contributes to a sense of calm and order.

**Cultural considerations:** Depending on the cultural backgrounds of your clients, there might be certain considerations to bear in mind, such as the arrangement of furniture or the presence of certain culturally-sensitive decor.

**Quiet spaces:** If space permits, consider having quiet areas where clients can sit and relax before or after their appointments. This can help reduce anxiety and make clients feel more comfortable.

Remember, the goal is to create an environment where clients feel respected, comfortable, and safe. The physical space should reflect the empathetic and professional nature of the services your organisation provides. See the With You training for more examples on how to support emotional safety in client interactions.

## 4.2

### Resources to support accessibility for clients

Developing resources for clients to help lawyers provide trauma-informed, rights-based practice involves creating tools that are easily accessible and empower clients to understand and advocate for their rights. This could take the form of comprehensive guides that explain the legal process in clear, non-legal language, outlining what clients can expect at each stage. In the context of a trauma-informed approach, these resources should recognise the potential for legal processes to be triggering and offer strategies to help manage this. Additionally, resources can be designed to educate clients about their rights, emphasising their agency and the respect and fairness they deserve within the legal system. Digital platforms, such as a dedicated section on your organisation's website or a mobile app, can help ensure these resources are widely accessible. Videos, such as Fitzroy Legal Service's *When You See A Lawyer*, can be sent to clients to help them prepare for meetings. Importantly, these resources should be codesigned with clients, using their input and feedback to ensure the material is relevant, respectful and beneficial to their legal journey. Resources will need to be translated into community languages to ensure accessibility.

### **Example resource: Talking Trouble Aotearoa New Zealand**

Many witnesses or defendants may find the language used in justice contexts, such as court trials, Family Group Conferences, or police interviews, challenging to understand due to their age or difficulties with language or learning.

Speech-language therapists from Talking Trouble Aotearoa New Zealand (TTANZ) have filled court-appointed 'Communication Assistant' roles for both witnesses and defendants. This involves a collaborative and specialised assessment of the individual's speech, language, and communication skills, with a focus on how they are likely to manage the communication demands posed by a court context. The assessment explores what enables them to communicate as easily as possible, and a report detailing bespoke recommendations is sent to the court for consideration. This trauma-informed approach ensures that the person feels affirmed, has more control over their engagement in justice contexts and more agency over the outcome.

TTANZ is part of a working party chaired by a judge, exploring how best to develop these communication assistant roles in NZ courts. They are working on the development of NZ protocols, processes, codes of ethics, and conduct, and exploring how to develop a system of training and support for speech-language therapists undertaking this new challenging work.

Talking Trouble Communication Passport is attachment 2 of this toolkit.

### **Example resource: Blurred Borders**

Blurred Borders resources are a range of communication tools that were developed for legal and community service providers working with Aboriginal people in Western Australia and Northern Territory. They use visual art and storytelling to help explain legal concepts in a culturally accessible way. The resources include story cards, fact sheets and process maps, and cover legal issues relating to bail, criminal process, family violence, child protection, fines, tenancy and decision making. The resources are not just for legal professionals; they can be used by all front-line service providers and community leaders providing assistance in their communities.

# BLURRED BORDERS

## Legal communication tools

An award-winning set of best practice legal communication tools that use visual art, plain language and storytelling to support effective legal dialogue between frontline service providers and their Aboriginal clients in regional and remote locations.

“Indigenous people love the cards, they love the story telling process, and as an Indigenous person myself, I love them, and they are accepted by the local people.”

Community Liaison & Education Officer, West Kimberley, WA



### Triple bottom line benefits

- better legal outcomes for remote Aboriginal people,
- better support for frontline service providers, and
- tangible systemic benefits.

“I am glad that these cards are here. I could see it in that young boy’s eyes that he was understanding.”

Resident, Mulan Community, East Kimberley, WA



### High levels of Aboriginal engagement



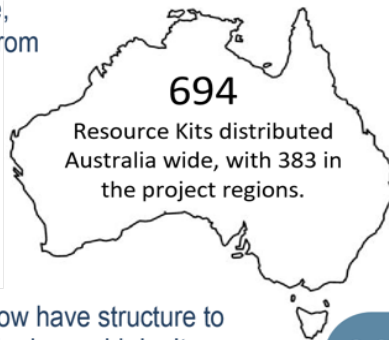
- ✓ fit for purpose
- ✓ culturally appropriate
- ✓ culturally accessible
- ✓ culturally safe



**93%** of people surveyed who used the resources found them useful.

“The Blurred Borders resources have made a massive difference, the response and engagement from the youths is overwhelming. It’s improved courts service delivery immensely.”

Children’s Court Registrar  
Darwin, NT



**78%** uptake for CLE  
**31%** for duty lawyer  
**26%** for legal advice  
in the project regions.

“It’s made a big difference. I now have structure to Community Legal Education topics and I don’t have to think about ways of presenting complex legal information, the story cards do the talking.”

Lawyer, regional, NT

### Suitable for wider target audiences including:

- CALD groups,
- young people,
- people with cognitive impairments, and
- other people with low levels of English literacy.



Online access available to all resources, with audio in Aboriginal language on some story cards.

<https://blurredborders.legalaid.wa.gov.au>

### Highly collaborative



### **Example resource: Legal Dictionary: Plain English**

The Legal Dictionary: Plain English is a resource provided by Aboriginal Resource and Development Services (ARDS) Aboriginal Corporation. This dictionary is a collaboration between ARDS, the Aboriginal Interpreter Service, and the North Australian Aboriginal Justice Agency. It contains over 300 legal terms, each explained in plain English, making it a valuable tool for lawyers, police, judges, and other legal staff when communicating with Indigenous people who do not speak English as their first language. The dictionary is designed to facilitate clear and meaningful discussions about complex legal topics. This dictionary is particularly useful for those working in the legal field who need to communicate effectively with Indigenous communities, and for Indigenous people themselves, who may find the plain English explanations helpful in understanding legal terminology.

The Uniting Communities Working Through Communication Barriers guide to supporting people within the criminal justice system is a resource for working with people with communication challenges. Many organisations have developed plain language explainers about legal processes, such as the Intellectual Disability Rights Service Your First Day at Court or Legal Aid South Australia's Young People and the Law Factsheets.

### 4.3

## Lived experience involvement and the peer workforce

Lived experience refers to the first-hand accounts and insights of individuals based on their personal experiences. It encompasses the knowledge obtained through living and understanding life from a particular perspective or within a particular context. For example, these people may have previously experienced legal issues, mental health challenges, or the impacts of trauma, and they use this personal experience to inform their work and enhance the services provided by your organisation.

Lived experience involvement in legal services is fundamentally trauma-informed and rights-based, as it empowers individuals who have often been marginalised or disempowered by the legal system. By placing clients in decision-making roles, it recognises and validates their lived experiences, including any past trauma, while concurrently fostering resilience and recovery. This paradigm shift ensures that the services provided are respectful, considerate and adapt to the impact of trauma. From a rights-based perspective, client leadership is an enactment of the principles of self-determination and participation, which are key human rights underpinning democratic societies. It respects and promotes the inherent dignity of every individual, encouraging equitable access to justice and contributing towards the creation of an inclusive and compassionate legal system in Australia.

In the context of your legal assistance organisation, when we talk about the lived experience workforce, we are referring to individuals who have personally experienced situations, challenges, or conditions similar to those faced by your clients. Depending on the nature of lived experience involvement, they may be past or current clients of your service. In some situations, such as where issues of confidentiality arise, it may be inappropriate to include current clients. Potential conflicts of interest may also preclude people from being involved in decisions about service provision that they may benefit from directly.

There are many benefits to including people with a lived experience of using services in the design, development, implementation, delivery and evaluation of those services. Lived experience involvement and peer workforces can also add value beyond the direct service environment, with broader organisational and systemic benefits. In the legal assistance sector, this means people with lived experience of using legal services themselves, and their carers, family, supporters and kin.

## Benefits of lived experience involvement and a peer workforce

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### Empathy and Rapid Rapport

People with lived experience understand the challenges and complexities that others in similar situations may be facing. This level of understanding can help to build trust and rapport with clients, as they may feel more comfortable dealing with someone who has walked a similar path.

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### Improved Service Delivery

A peer workforce can provide valuable insights that help to improve the quality of services. These individuals can provide feedback on what works and what doesn't, helping to identify gaps in service delivery and suggesting practical improvements.

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### Empowerment

Involving people with lived experience in your organisation can help to empower them by providing them with opportunities to contribute and make a difference. This can be an important part of their recovery or healing process, and can also help to reduce stigma and discrimination.

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### Policy Influence

Those with lived experience can offer unique perspectives that can inform policy development and advocacy efforts. Their firsthand knowledge of the issues can help to ensure that policies are more responsive to the actual needs of the people your organisation serves.

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### Community Connection

A peer workforce can help to strengthen connections with the community you serve. They can act as bridge-builders, improving communication and fostering better understanding between your organisation and the community.

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### Cultural Safety

If your organisation serves a diverse community, having a peer workforce that reflects that diversity can help to ensure that your services are culturally safe and sensitive to the needs of different groups.

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In many sectors adjacent to the legal assistance sector, such as the mental health system, lived experience involvement in service delivery is quickly becoming an essential element of quality service delivery. The benefits that flow from lived experience involvement are yet to be widely realised in the legal assistance sector, and there is only a very small peer workforce. Many legal assistance sector employees do have

lived experience that is relevant to their professional roles, but they are not widely supported to bring those lived experience perspectives into their work.

Organisations should employ a strategic, stepped approach to increasing lived experience involvement, with small-scale initiatives laying the groundwork for more ambitious projects and programs that support organisational cultural change.



### ***Where do we start? Lived experience advisory groups***

All lived experience involvement should start with ensuring safety and support for all involved. This means that lived experience involvement should start small-scale and achievable, such as with a lived experience advisory group. Lived experience advisory group members must be remunerated for their time. The National Mental Health Commission Paid Participation Policy is a useful guide for assessing remuneration.

#### **Example of lived experience advisory group: Victoria Legal Aid's Speaking from Experience**

A consumer advisory group ensures that consumer perspectives are central to our services which support people subject to compulsory mental health treatment.

The consumer advisory group, Speaking from Experience, is made up of twelve consumers. While all members of the group have lived experience of the mental health system, their experiences have been diverse, and some members have utilised our services themselves. The group draws strength from the multiple perspectives offered and their experience guides Victoria Legal Aid's two different but complementary services, the Mental Health and Disability Law team and Independent Mental Health Advocacy.

Speaking from Experience has monthly meetings in which services, quality improvement and responsiveness are openly and honestly discussed. The group's views and advice help shape and inform our approach and decisions.

Working within a human rights framework the group:

- develops priorities for service improvements and plans to strengthen and support consumer leadership and engagement in partnership with the senior consumer consultants
- provides a strong and influential voice on policies, submissions and service design
- provides leadership into the development of staff training and education.

Over time, Speaking from Experience and members from the group have also been increasingly involved in specific codesign projects, where they have had more of a decision-making role, moving beyond their primary advisory function.

The Terms of Reference for this group are attachment 3 in this toolkit.

Other examples of advisory groups include Inner Melbourne Community Legal's Consumer Advisory Group and the Public Interest Advocacy Centre's Homeless Person's Legal Service group StreetCare. StreetCare advises the NSW Government, academics, and housing and homelessness sector organisations through forums, including the Department of Communities and Justice's Rough Sleeping Taskforce and the End Street Sleeping Collaboration. Your Story's Advisory Group supports service delivery and includes professionals with expertise in disability as well as lived experience experts, reflecting a range of disabilities, interests, diversities, and intersections to provide robust, balanced, and comprehensive advice.

These advisory groups not only provide valuable insights but also serve as experts in various fields. Their importance is reflected in organisational processes, including advice, and additional activities to which they contribute, such as providing staff training, speaking at community legal education events, and participating in awareness-raising campaigns.

### Peer workers and consumer consultants

A **consumer or client consultant** is usually a person who has used a service or a similar service and is now employed or engaged by that service or a related organisation to provide advice and feedback based on their personal experience. Their role is usually advisory and may involve responsibilities such as contributing to service design, policy development, and quality improvement efforts. Consumer consultants bring a unique perspective and their input can help ensure that legal services are client-focused and responsive to the needs of clients. This input might include how to make legal outreach more effective, or how to make documentation accessible.

On the other hand, a **peer worker** is a professional who shares a similar experience with the clients they are serving. They are employed in roles that leverage their lived experience to provide support, encouragement, and understanding to others who are going through similar situations. In these roles, peer workers often provide emotional and social support, assist clients in navigating services, and contribute to a culture of empathy and understanding within the organisation. A peer worker might provide moral support in court, or work alongside other professionals to provide a holistic service.

While both roles utilise lived experience, the difference lies in how that experience is applied. A peer worker directly supports clients, while a consumer consultant uses their experience to advise and improve the service. It is also possible for one person to fulfill both roles, depending on the needs of the organisation and the individual's skills and experiences. In any case, role clarity is essential to success.

Other **professionals with lived experience**, such as lawyers with experience of mental distress or the justice system, can also add substantial value to service delivery, often building rapport and better understanding client need. It is important to note the distinction between these people and the professions of consumer consultant and peer worker, which have their own training and professional discipline. Mixed roles are possible but require substantial work to ensure role clarity and prevent professional confusion.

There are very few examples of lived experience workforce roles in the legal assistance sector. These include Victoria Legal Aid's Senior Consumer Consultant and Consumer and Lived Experience Consultant roles, and Legal Aid NSW's Lived Experience Project Officer. Community Legal Western Australia have also embarked on a Lived Experience



Project with the intention of embedding lived experience voices in policy and service system design. Two example position descriptions are included in attachments 4 and 5.

### **Codesign and coproduction**

Codesign can be instrumental in ensuring that the services you provide are truly responsive to the needs of your clients. By involving clients and other stakeholders in the design process, you can tap into their unique insights and experiences, leading to solutions that are more aligned with their needs and realities. Codesign fosters a sense of ownership and engagement among those involved, resulting in services that are more effective, accessible, and relevant. It can also lead to innovative approaches and ideas that might not emerge from a more traditional, top-down design process. Ultimately, codesign can strengthen your organisation's connection with the community it serves, improve

client satisfaction, and enhance the overall impact of your work.

However, codesign can be challenging as it requires a shift in traditional power dynamics, encouraging professionals and service users to share or relinquish decision-making power. This can be a complex process requiring substantial time and resources, as well as the ability to manage diverse stakeholders with different perspectives and expectations. Additionally, the practical aspects of bringing together these stakeholders and facilitating discussions to ensure all voices are heard and incorporated into a cohesive design can be quite difficult. Despite these challenges, the benefits of codesign in creating services that are truly responsive to user needs make it a worthwhile endeavour.

### **Example of codesigned project: With You Consultation and Design**

The *With You* consultation and design phase was conducted by a team with people with lived experience of using legal services included as full members of the project team. Of the ten team members, seven used their lived experience of using mental health services or lived experience as a family member or supporter in the project. Eight team members also had experience delivering legal services and/or legal training. All team members participated in all stages of the project, from inception, design, implementation and deliverable design and drafting. A First Nations Cultural Consultant provided advice to the team.

The consultation and design methodology was based on the three core principles of codesign, as articulated by Roper, Grey and Cadogan:

1. Clients are partners from the outset
2. Power differentials are acknowledged, explored, and addressed
3. Clients' leadership and capacity are developed

The team then consulted with over 500 clients, professionals, other stakeholders, family, carers, supporters and kin, to collaboratively develop the training and this toolkit. The next phases of the project delivery and evaluation will also be codesigned.

Although *With You* is the first codesigned national legal assistance sector project, there are other examples of codesign and coproduction across the sector.

For example, Fitzroy Legal Services have supported a range of lived experience initiatives and are developing a framework to embed a lived experience focus across the policy and practice of the organisation. Fitzroy Legal Services have a sound foundation to build on for this work, with experience with projects such as Women Transforming Justice, which included a Women's Leadership Group comprising women with lived experience of the criminal legal system, and the Lawyers Empowering People Project that worked with people with a lived experience of cognitive disability and the legal system to co-design how to enable people feel safe and empowered, make their own decisions and participate more in their legal cases. Fitzroy Legal Service also provide an auspice to Voices for Change group run by and for people with brain injury who want to improve the legal and corrections system. These are different to advisory groups because the groups exercise control over decisions and are not limited to giving advice to decision-makers.

Building on other codesign work, Victoria Legal Aid is undertaking a full scale codesign process of its Mental Health and Disability Law team, including lived experience and professional stakeholders from across the mental health sector.

See Daya's Participation Ladder: A consumer/survivor lens for an easy introduction to codesign principles.

## Client Leadership

Shifting towards a model of client leadership in your legal service in Australia represents an evolutionary step beyond client involvement or codesign. Client leadership positions the individuals who access your services not merely as beneficiaries or collaborators, but as drivers of your organisation's decisions, strategies, and operations. This approach recognises and values the unique insights and perspectives derived from their lived experiences. By empowering clients with leadership responsibilities, your organisation can develop more tailored, effective, and empowering legal solutions. Client leadership also serves as a catalyst for systemic change by amplifying the voices that are often unheard in the legal system, helping to make it more equitable, just, and responsive to the needs of all its users.

There are few examples of client leadership in the legal assistance sector, but some can be found in some health and welfare organisations, where the terms 'consumer' or 'patient' are commonly used. For example, the Growing Consumer Leadership Audit Tool guides organisations to ask questions to prompt reflection and strategic development of consumer leadership. Although designed for mental health organisations, it is easily applied to legal assistance sector organisations.

### Audit tool: Growing Consumer (Client) Leadership

Does your organisation:

- Have a 'can-do' attitude in relation to the consumer workforce's agenda and honesty about any limits to what is achievable.
- Delegate real authority to consumers to drive areas of work.
- Audit organisational readiness for consumer leadership and provide training/orientation to staff in relation to consumer leadership.
- Facilitate the creation of structures that will embed consumer leadership within the organisation.
- Support consumer leadership by creating spaces for consumer workers to identify their workforce needs and to connect with peers, recognising people's support needs will be individual.
- Understand and promote knowledge of two major streams of designated 'lived experience' roles of 'peer support' (direct service provision) and 'consumer leadership' (systemic activity).
- Advocate for resourcing and growth in the range/variety of consumer leadership roles e.g., peer support workers, consumer consultants, managers, project workers, researchers, educators, consumer participation officers, consumers in governance positions.
- Develop processes for seeking the views of a diverse range of service users and resource this as a leadership activity.
- Ensure there are mechanisms to enable services users to set the agenda and priorities for work.
- Ensure there is support for consumer leadership 'at the top'.
- Promote the role of consumers in governance.
- Engage in a process of envisioning what consumer leadership could or should be within the organisation.

#### 4.4

### Resources for carers, families, supporters and kin

There is an urgent need to develop resources for carers, families, supporters and kin of people involved in the legal system to assist them in navigating the legal system. Lawyers are not well positioned to do this, either because clients do not consent; the potential of

tainting witnesses; issues relating to legal professional privilege or at times, concerns about family dynamics. Lawyers are also client-focused and may be time poor.

Despite these barriers, carers, families, supporters and kin often provide essential support to clients, from practical supports such as accommodation and transport; to an understanding of the client's preferences; personal, legal and medical history and management of their mental

health. Where clients require support to make decisions, excluding people who can provide this support can limit the client's right to make decisions.

Where clients do not consent to lawyers speaking with carers, families, supporters and kin, there is often no explanation of a lawyer's professional obligations provided to carers, creating unnecessary additional distress.

This does not mean that carers, families, supporters and kin must always be involved in a client's legal proceeding, but that their involvement must be balanced

with other rights and responsibilities.

Despite all states and territories having implemented carer recognition legislation or policies, there are very few resources available in the legal assistance sector for carers. The Legal Matters website on the Commonwealth's Carer Gateway provides a brief overview of the legal rights of carers, but there is little else available. Legal services and carer, family, support and kin peak bodies must fill this gap by developing resources that support carers, families, supporters and kin so that they can better support clients and themselves.

### **Example resource for carers, family, supporters and kin: Draft letter on sharing information about clients**

Dear [Other Person's Name],

Thank you for contacting us about [Client's Name].

We understand you are seeking more information about [Client's Name]. We know you are concerned about them and want to be able to help. We understand the importance of being well-informed when navigating stressful legal matters that can bring uncertainty for the client and those who care and support them.

Confidentiality is important as it prevents information from being shared with other people without express informed consent. Some information may be shared with you with [Client's Name]'s consent. I will regularly discuss with [Client's Name] to confirm what information can be shared with others, including yourself. If [Client's Name] wishes to share any information with you, they may do so voluntarily.

We appreciate your interest and concern for [Client's Name]. It is our duty to protect their rights and maintain the confidentiality of their case. There are a range of reasons why lawyers are prevented from sharing information. To provide you with further details on why these limitations exist, we've provided an information sheet that we hope is helpful.

Please do not hesitate to contact our office if you have any further questions or require clarification. We appreciate your understanding and cooperation.

## Understanding Consent and Confidentiality: A Guide for Support People, Carers, Family and Kin

### Background

Legal professionals want to provide accurate information while respecting the legal principles governing our practice and working in our clients' legal interests. This guide includes information on consent, confidentiality, legal professional privilege and the concept of 'tainting witnesses'. Legal professionals have certain professional obligations. This means that we must be careful about communicating with people other than our clients.

### Consent and Capacity

Consent is key to the sharing of information about people. Lawyers have an ethical and legal obligation to maintain confidentiality and protect our client's interests. Without the explicit consent of our client, lawyers cannot disclose any information relating to their case unless required by law or a court order. This ensures that clients can trust their lawyers to keep their information confidential.

If a client does not have the mental capacity to consent to share information, lawyers cannot legally share that information with you or others. Capacity means that a person can understand, remember, use or weigh and communicate information about a decision. If a person cannot do these things about sharing information with you, they cannot consent for a lawyer to share information with you. This can be very challenging when there are health or disability issues that may arise.

Our client can also withdraw consent. This means that if they consent to share information at one time, they can change their minds and ask us not to share information.

### Legal Professional Privilege

'Legal professional privilege' is a fundamental principle of the Australian legal system. It protects the confidentiality of communications between a lawyer and their client from being disclosed without the client's consent. This means that courts cannot order the lawyer or client to say what they have discussed.

This protection does not extend to communications between lawyers and the client's family members, or any other carers, supporters, or third-party individuals. Because of this, lawyers must be extremely careful about their communication with people other than the client.

Legal professional privilege is designed to promote open and frank communication between a client and their lawyer. This means that clients can seek and receive legal advice without fear that their confidential information will be used against them.

Legal professional privilege covers written and verbal communications, including emails, letters, notes, and conversations. It covers information the client provides to the lawyer and advice given by the lawyer.

This legal professional privilege can only be 'waived' by the client (which means the client gives permission to the lawyer to speak to certain people). The lawyer cannot disclose privileged information without the client's consent, except in limited circumstances required by law.

### **What is Tainting Witnesses**

The legal concept of 'Tainting witnesses' is also very important. This is any act or behaviour that could potentially influence or interfere with the information provided by a witness. This includes any action that may lead the witness to change or alter their testimony or to provide false or misleading information.

Tainting witnesses is unethical and can have serious legal consequences. Family members, carers, support persons and others may be called as witnesses, which means that lawyers must be very careful in any communications they have with family members, carers and others.

Unfortunately, this means it may not be appropriate for a lawyer to share information with you if it is possible you could be a witness in these, or any other, legal matters involving our client. The decision to share information with you needs to be weighed up against these risks.

We understand that these practices around confidentiality and communication can be frustrating. As legal professionals, we must comply with the law. It is our duty to protect their rights and maintain the confidentiality of their case.

### **Further Resources**

We appreciate your interest and concern about our client. You may find the Australian Government Carer Gateway has useful resources. You can access it at [www.carergateway.gov.au](http://www.carergateway.gov.au).

Lawyers or legal services may also wish to provide a referral to the carer, family supporter or kin to relevant support organisations, such as state and territory mental health carer organisations.



## Community legal education for carers, family, supporters and kin

Your legal assistance organisation can play an important role in providing community legal education to the carers, family members, supporters and kin of your clients. This form of education can have transformative effects, empowering these individuals with the knowledge they need to provide even stronger support.

A significant component of the education can centre around the legal rights of both the individual they are supporting and their own rights as supporters. Understanding these rights can be a fundamental tool, enabling them to advocate more effectively for their loved one in various legal contexts.

Further, the complexity of the legal system can often be a barrier for those trying to navigate it. By demystifying this system through education, you can make it more accessible and less intimidating. This can involve explaining various aspects of the law, from family law to mental health law, based on the needs of the clients they support. It also includes sharing knowledge on how to interpret legal documents which can often seem confusing but are crucial in legal proceedings.

Additionally, offering training on self-advocacy can prove invaluable. Advocacy skills, such as preparing for legal meetings and effective communication with legal professionals, are useful not just for the individual they support, but can also empower them in their personal interactions with the law.

The goal is to ensure these individuals have the tools, resources and understanding to navigate the legal system confidently and to better support their loved ones, your clients.

## Examples from the mental health sector

In the mental health sector, some advances have been made in supporting carer, family, supporter and kin. The Commonwealth Mental health statement of rights and responsibilities 2012 includes a statement of rights and responsibilities of carers and support persons, which could be adapted to provide a framework for legal assistance services. The most advanced model the Victorian Government committing to establish eight Family and Carer-led Centres across the state. While this model will not be directly transferrable to the legal assistance sector, it highlights the gold standard being achieved in other sectors and shows the potential for legal services to partner with carer, family, supporter and kin organisations and support services.

## Example of carer, family, supporter and kin support: Victoria's Mental Health Family and Carer-led Centres

Victoria's Family and Carer-led Centres will provide support for family, carers and supporters of people with mental health challenges. The Centres were a recommendation by the Royal Commission into Victoria's Mental Health System.

The Centres will provide a warm and welcoming space for families, carers and supporters. They will provide information, support and access to funding. The Centres will be codesigned by families, carers, supporters and kin, in partnership with Tandem, Victoria's peak body for families, carers and supporters. The Centres will be led by staff who have lived experience supporting someone with mental health challenges.

The Centres will:

- Each have a physical location and an online presence
- Provide information about supports and services available in each region
- Connect families, carers and supporters with the right support as available
- Offer after-hours access in some form
- Provide families, carers, friends, and supporters with access to funds to help with immediate practical needs
- Support older carers with transition planning
- Help families and carers to navigate the Mental Health and Wellbeing system and other supports
- Support volunteer-based family and carer peer support groups in each region



# Organisational and system change

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Many of the barriers to ensuring clients receive a trauma-informed, rights-based interaction with the justice system are not able to be addressed by additional, innovative practice models, but will require changes to existing services and practice. Organisational policy and broader system reform is also required.

This section details suggestions for improving existing services by providing concrete examples of flexible, responsive, respectful and helpful service delivery. This is followed by a policy document audit tool, a discussion on attracting and allocating resources, and examples of system reform activities.

## 5.1

### Flexible, responsive, respectful and helpful service delivery

Promoting flexible and responsive service delivery in your legal service is crucial for implementing trauma-informed and rights-based practices.

Legal services that are not flexible and responsive can have significant negative impacts on clients with a history of trauma, including re-traumatisation. This can occur when rigid procedures or a lack of understanding inadvertently trigger past traumas, causing distress and potentially leading to a re-experiencing of traumatic events. Clients may also feel misunderstood or not heard, which can lead to a breakdown in the lawyer-client relationship. This could result in clients disengaging from the legal process. Where clients feel unsafe or uncomfortable, they may be reluctant to fully disclose necessary information, which can hinder the legal process and potentially result in less favourable outcomes for the client.

For example, business-as-usual in a legal

service might involve a standardised intake process for all clients, regardless of their individual circumstances. This could involve a set list of questions dictated by funding agreements, asked in a specific order, with little room for deviation based on the client's responses or emotional state.

In contrast, a flexible and responsive service delivery model that promotes trauma-informed and rights-based practice might involve a more personalised intake process. This could mean allowing clients to share their story in their own way and at their own pace, rather than adhering strictly to a predetermined set of questions. It might also involve providing clients with information about their rights at the outset, ensuring they understand the legal process, and regularly checking in with them about their comfort level throughout the interaction.

### **Example of shift in service delivery: End-to-end trauma-informed communication**

End-to-end trauma-informed communication is a vital component of an integrated, trauma-informed practice. It involves ensuring every communication touchpoint with a client, right from the initial contact to the conclusion of their case, is handled with empathy, respect, and a deep understanding of the potential impacts of trauma.

For instance, an initial email acknowledging a client's request for an appointment could include words of appreciation for reaching out, recognising the courage it might have taken for the client to make that step. It should also assure them that their matter will be taken seriously and treated with utmost confidentiality and care. Additionally, it is critical to manage their expectations realistically, such as by clearly stating expected response times or outlining the next steps in the process.

Legal services that commonly need to 'break bad news', for example inviting a father to a family dispute resolution mediation, or intake and referral officers who must advise people subject to compulsory treatment orders at hospital to wait for a duty lawyer to visit them, should ensure that scripts are as trauma-informed in their language as possible.

It is essential to ensure the client feels heard, understood, and respected throughout their journey with your organisation. A trauma-informed approach to communication can significantly influence a client's experience with your services and their willingness to engage and follow through with the legal process. It may also reduce the number of times they contact the service in distress. It can also support their overall healing process and empower them to play an active role in their case.

Some shifts in service delivery will be more profound, requiring a complete reform of how services are provided. The North Australian Aboriginal Family Legal Service is one such example.

### **Example of flexible and responsive service: North Australian Aboriginal Family Legal Service (NAAFLS)**

The North Australian Aboriginal Family Legal Service (NAAFLS) offers a holistic approach to supporting their clients, providing both legal and non-legal services to address various client needs. They understand that legal concerns often come with ancillary challenges, such as housing, mental health, or substance abuse issues. Consequently, they employ case/client support workers who go above and beyond traditional legal support. These support workers provide critical court assistance, secure transport, and even advocate for housing or other services. They also refer clients to counselling, mental health services, and alcohol and other drug services, acknowledging that these issues often intersect with their clients' legal problems.

NAAFLS operates from three offices in Darwin, Katherine and Nhulunbuy, but their work spans over 50 communities in the Top End, East Arnhem and Big Rivers regions. By setting up a schedule of community visits throughout the year, they bring their services to the people who need them the most. This is a crucial aspect of their approach as it recognises that the communities they serve often face accessibility issues. During these visits, NAAFLS teams stay in communities for two to three days, providing consistent, on-the-ground services, which helps to build trust with community members.

One of the most remarkable aspects of NAAFLS' approach is their commitment to long-term community engagement, an approach that counteracts a common issue in the Northern Territory, namely the high churn of professional services. By maintaining a stable presence, NAAFLS counters the baseline distrust that can occur with constant changes in service provision. They foster a sense of consistency and reliability that reassures clients and fosters positive, productive relationships.

Further, NAAFLS have developed unique client management practices that reframe disengagement, acknowledging that some clients may need different forms of support or engagement strategies. By adjusting their approach to fit the individual needs of their clients, NAAFLS goes the extra mile in ensuring all clients feel supported, heard, and understood, furthering their mission to provide holistic, trauma-informed legal services.

The NAAFLS example will not be applicable to all legal services or contexts. Flexible and respectful service delivery also occurs in each individual interaction that lawyers and other professionals have with each client. The following examples, from the With You consultations, illustrate the ways in which these interactions can be more flexible, responsive, respectful and helpful.

## Examples of *respectful, trauma-informed lawyering* from the *With You* consultations

According to clients we spoke to as part of the *With You* consultations, the following factors could help build trust and support decision-making when working with lawyers:

NOT HELPFUL / RESPECTFUL OF CLIENTS	HELPFUL, RESPECTFUL
Processes that indicate that the lawyer's time is more valuable than the client's	Respecting each person's time, without rushing. If you only have a short time available to speak with someone, be open about this from the outset. Slow things down when people want to slow down
Having very long or short meetings, expecting people to share their whole story or make difficult legal decisions in one session	Building trust with the client by building a relationship. For one-off meetings, making sure you can take breaks, reschedule or follow-up with your service if necessary. Even small moments of connection establish a trusting relationship that can save time later
Expecting people to understand what it means to have a lawyer, or what to expect from legal processes	Checking in with the person about what they might want more information on. Being open to explaining service eligibility, expectations, lawyer-client relationships and information-sharing in detail
Using legal jargon when talking to someone, and not explaining legal concepts	Checking in with the client about their understanding of what is going on, whether they would like more information
Being rude, dismissive or judgmental, e.g., telling people to 'get over' things or 'tone down' how they share information	Being respectful, and led by each client. Understand that legal processes can be stressful and re-traumatising
Speaking only to someone's support person instead of them	Checking in with the client about how they would like you to speak with their support person. Remember they are your client, and you are working with them
Automatically believing 'official' things that are written or said about clients, and treating these things as fact, e.g., medical records and diagnoses	Being on your client's side, believing and respecting their experiences and identity
Cutting someone off or dismissing information that is not strictly about the legal matter	Letting people tell their stories, and share what they think is relevant
Making promises you can't keep, whether about services or court processes	Keeping promises, and being honest and transparent with your client to support them in making decisions

## Examples of *flexible and respectful service delivery* from the With You consultations

According to clients we spoke to as part of the *With You* consultations, the following factors could make services feel flexible, appropriate and responsive, when implemented by organisations and legal professionals: implemented by organisations and legal professionals:

NOT FLEXIBLE / RESPONSIVE TO CLIENTS	FLEXIBLE, RESPONSIVE
Formal, stuffy environment, with intimidating barriers between clients and staff	Informal environment, welcoming to clients
Having a call-back only phone system, or very limited hours of the service being available on the phone	Having professionals available to take calls and answer the phones. If this is not possible, there is a delay in returning calls, or expected wait times, make this clear on public materials about the service, answering machine messages and individual communications. Even automated messages can be trauma-informed.
Not explaining service eligibility criteria to someone until they have shared their whole story	Discussing service eligibility on initial phone calls, and explaining what information will be used for so clients can make informed decisions about what information to share
Not allowing clients to bring or work with support people	Understanding the importance of support people, and supporting clients to make informed choices about the potential consequences of having support people in legal meetings or at court
Refusing people services or automatically closing their case if they miss appointments	Understanding that people can have a range of reasons for missing appointments, offering to check in or reschedule
Making cold referrals to services that are inappropriate or do not have capacity to work with people	Making warm referrals, checking in with services about eligibility and waitlists. Having referrals handy for national helplines where local services are unavailable or overwhelmed

NOT FLEXIBLE / RESPONSIVE TO CLIENTS	FLEXIBLE, RESPONSIVE
Online only communications, primarily through email and online meetings	Discussing how people can access your service with each client, in the understanding that not everyone has a computer or smartphone. Talking about and respecting each person's communication preferences, and providing referrals to services that provide the person's preference mode of engagement
Expecting people to print out documents	Being flexible about how people can sign and engage with paperwork. If you require documents to be printed and signed, offering to print them out and provide them to clients or to send them directly to service providers, e.g. a doctor that you need a support letter from
Making promises you can't keep, whether about services or court processes	Physically accessible, and accessibility information is provided to clients and available on public information about the service

## 5.2

### Trauma-informed, rights-based organisational policies and procedures

A trauma-informed, rights-based organisation requires organisational policies and procedures that reflect this approach. Strategic and operational plans should embed a trauma-informed, rights-based approach as a fundamental organisational principle which should be reflected in written policies and procedures. This policy document audit tool can be used to assess organisational policies and areas for further development.

#### Audit tool: Policy documents

**Purpose:** Does the policy clearly define its intent and purpose, particularly in relation to trauma-informed, rights-based practice? Does it make clear who it applies to?

**Definitions:** Are key concepts, such as trauma, trauma-informed care, and human rights, clearly and accurately defined?

**Principles:** Does the policy outline principles aligned with trauma-informed and rights-based practices, such as safety, trustworthiness, choice, collaboration, and empowerment?

**Procedures:** Are there clear procedures laid out in the policy that adhere to trauma-informed, rights-based principles? For example, procedures for obtaining informed consent, maintaining confidentiality, or



managing disclosures of trauma.

**Roles and Responsibilities:** Does the policy clearly state who is responsible for ensuring its implementation and adherence to its principles? Is there accountability?

**Education and Training:** Does the policy indicate the need for regular training on trauma-informed care and rights-based practices for all client-facing employees?

**Support for Employees:** Does the policy indicate how the organisation will support staff in implementing trauma-informed and rights-based practices, such as through training, supervision, or other support structures?

**Client Involvement:** Does the policy involve clients in decision-making processes and respect their autonomy?

**Review and Improvement:** Does the policy specify a regular review process, including opportunities for feedback and improvement?  
To quantify the assessment, a scoring system can be used. Each policy can be rated against these criteria on a scale, for example, from 1 (not at all present) to 5 (fully implemented). This can provide a clear overview of areas where your organisation is performing well and where there are opportunities for improvement.

### 5.3

## Attracting and allocating resources

Shifting to a trauma-informed, rights-based approach is not inherently more resource intensive, and may have overall cost savings as clients receive more targeted and better quality services which can reduce service reuse. Clients

who have their underlying needs met may be less likely to require legal, health and welfare services in the future. However, any journey of organisational transformation requires an investment of resources, both human and financial. Despite the scarcity of resourcing in the legal assistance sector, the many examples shown in this toolkit and identified in the With You consultations show that organisations, governments and philanthropic organisations are increasingly prepared to invest.

The *With You* project itself is a leading example of this approach. The With You training is provided free to all legal assistance sector organisations and requires only the investment of staff time to complete the training. In some cases, such as Victoria Legal Aid's Independent Family Advocacy and Support, trauma-informed rights-based services have been shown to provide a positive return on investment, saving governments money. In other examples, such as partnerships with health and welfare services, they increase the quality of service provided without requiring substantial financial investment. However, more substantial organisational change will require additional resources.

In some settings and contexts, such as work with older persons, mental health and disability, trauma-informed and rights-based approaches including integrated practice and client involvement are becoming normalised and expected by funders. In others, such as the provision of criminal legal services, this shift is yet to occur. Legal services can leverage areas where governments and other funders are prepared to invest in trauma-informed and rights-based approaches, and creatively deploy resources into areas where they are not.



### **Example of government investment: Commonwealth Attorney-General's Elder Abuse Service Trials**

In 2018, the Australian Government's launched the Protecting the Rights of Older Australians Program, allocating \$18.3 million over a four-year term, including funding for legal services in all Australian jurisdictions. The aim of this investment was to enhance the safeguarding of older Australians' rights and to counter elder abuse. Service designs included specialist elder abuse units, health-justice partnerships and case management and mediation services.

A 2023 independent evaluation of the service trials found that clients valued the opportunity to speak with knowledgeable and supportive individuals who validated their experiences of elder abuse in a trauma-informed way. Such interactions made them aware of their potential options, particularly legal ones, to address elder abuse, while empowering them to take action to uphold their rights if they decided to do so. Moreover, clients greatly appreciated the practical support offered through non-legal casework. They were not only offered remedies but were also actively pursuing avenues to maintain their rights through legal restitution.

Support for partnerships and integrated practice is growing faster than support for client involvement. There are some examples of support for client involvement, such as the Victorian Government Department of Health, which has recently initiated the first codesigned legal service development process that puts clients at the centre of decision-making about service design.

### **Example of government investment: Codesign of Mental Health Tribunal Representation**

In 2021, the Royal Commission into Victoria's Mental Health System recommended an increase in legal representation at the Victorian Mental Health Tribunal. The Victorian Government Department of Health announced increased funding in 2022, with the stipulation that the increased service delivery be codesigned. This process includes the Mental Health Legal Centre, Victorian Aboriginal Legal Service and Victoria Legal Aid, and involves bringing mental health consumers, carers, families, supporters and kin, lawyers, advocates, mental health clinicians and other stakeholders together in a rigorous codesign process over a series of workshops. This process aims to embed award winning principles for consumer-centred lawyering, which were also developed via a codesign process under contract from the Victorian Government.

## System reform activities

Legal assistance services have a critical understanding and invaluable data regarding the systemic issues facing communities experiencing marginalisation.

### Benefits of system reform

Engaging in system reform activities can have several tangible benefits for your legal assistance organisation. Systemic work can enhance your organisation's reputation and credibility. By taking a leading role in system reform, you can demonstrate your commitment to social justice and legal innovation. This can make your organisation more attractive to potential clients, collaborators, and funders.

When clients see that their experiences, particularly those that have been difficult or traumatic, are taken seriously by your organisation and used as a basis for advocating for systemic changes, it can be deeply empowering. Acknowledging the systemic barriers and injustices they have faced validates their experiences and shifts the narrative from trauma being somehow attributable to individual failures. It signals to them that they are not alone in their struggle, and that these are shared issues that need collective action. Participation in system reform can add meaning to client's negative experiences, while giving a sense that they are working to prevent others from experiencing trauma.

System reform can lead to changes that make it easier for your organisation to achieve its mission. For example, advocacy for policy or legislative change can result in more streamlined procedures, better resource allocation or enhanced access to justice for your clients, which in turn can make your services more effective.

Participation in system reform activities can provide opportunities for capacity building within your organisation. It exposes your team to broader debates, allows for networking with other professionals and thought leaders in the field, and can foster a culture of continual learning and improvement. Staff who are supported and resourced to participate in systemic reform work can find meaning in this work that reduces their susceptibility to burnout. This increased profile can make your organisation more attractive to potential employees who are passionate about making a difference. This can assist in recruitment and retention of high-quality staff.

System reform can have a greater cumulative impact than advocacy for individual clients, for example, if a legal system or departmental policy is operating in a discriminatory manner.

System reform work can also open avenues for new partnerships and collaborations. Working alongside other organisations towards common goals can lead to sharing of resources, knowledge, and best practices. It can also lead to collaborations on funding applications, shared training initiatives and joint service delivery models.

### What does system reform include?

Systemic change does not necessitate every lawyer or other profession's direct involvement in activities such as submission writing. Instead, it is about cultivating an environment where information, emerging trends and

insights about the legal system's impact on clients can be shared from those at the frontline to those in influential and decision-making positions.

Systemic reform is essential to creating sustainable changes that address the root causes of the legal challenges that clients face. Lawyers can engage in a variety of system reform activities that extend beyond traditional legal work and can facilitate this change. Different types of system reform include:

**Strategic Legal Advocacy** is a key element of system reform, where lawyers take on cases with a broader aim of influencing the interpretation and application of laws. By strategically selecting and arguing cases, they can spotlight systemic issues and inspire legal changes that benefit broader populations.

**Legislative Advocacy** allows lawyers to shape the laws themselves. They can draft legislation, propose amendments, or advocate for the passage of laws that address systemic issues. Their understanding of the practical operation of laws on their clients, including providing case studies with client consent, is invaluable in improving the legal system.

**Policy Advocacy** provides lawyers the opportunity to change the policies and practices of institutions that have a significant impact on clients. They can lobby, engage in policy debates, or collaborate with other organisations or their peak bodies to drive these changes. For example, lobbying for an expansion of eligibility for hardship policies in debt recovery can have a wide ripple effect.

**Community Legal Education** can help spread awareness and understanding of legal rights and systemic issues in the broader community. Lawyers can provide

workshops, develop resources, or give presentations to inform and empower the public in response to emerging trends in their legal practice.

**Collaborations and Partnerships** enable lawyers to join forces with professionals from other sectors, community groups, other legal organisations and forums such as interagency working groups, Court User Groups or Regional Justice Partnerships. Together, they can present a united front against systemic issues, sharing knowledge, resources, and influence.

**Supporting Client Self-Advocacy** is a powerful way of driving system reform. Lawyers can empower their clients to advocate for their own rights and needs, providing them with the necessary knowledge and skills. This not only aids the individual clients but also helps to create a society more aware of, and able to stand up against, systemic issues. For example, lawyers can refer clients who are interested in sharing their story to advocacy organisations or relevant Royal Commissions; provide platforms for them to speak to legal conferences; tell their stories in policy submissions.

**Training and Mentorship** are crucial to sustaining system reform efforts. By sharing their knowledge and skills with less experienced lawyers, the advocates for systemic reform can cultivate a new generation of lawyers ready to continue the fight against systemic issues. All these activities, combined, can bring about long-lasting, impactful change that goes beyond helping individual clients to transforming the system itself.

**Research and Publication** activities help to build the evidence base that supports systemic reform. Lawyers can engage in original research, contribute to scholarly literature, or publish reports that highlight systemic issues and propose solutions.

### Example systemic change campaign: Raise the Age

The Raise the Age campaign is an initiative advocating for the age of criminal responsibility to be increased from 10 to at least 14 years old. Legal assistance sector peak bodies, organisations such as National Aboriginal and Torres Strait Islander Legal Services and the Human Rights Law Centre, and health and advocacy organisations are key drivers of the campaign.

The campaign is driven by the belief that children perform better when they are nurtured, supported, and allowed to participate in normal childhood activities, such as going to school and playing with friends. They argue that incarcerating children, particularly those as young as ten, does not make communities safer but instead sets many on a path to further offending and involvement in the adult criminal justice system.

The campaign highlights the fact that in one year almost 600 children aged between ten and thirteen were incarcerated in Australia, with thousands more going through the criminal legal system. It points out that Aboriginal and Torres Strait Islander children are disproportionately affected and argues that Australia is significantly out of step with international standards.

Raise the Age advocates for a change in laws by the federal, state, and territory governments, urging them to give children the help they need to heal, grow, and thrive, rather than imprisoning them. The campaign also promotes the use of alternatives to prison that are already in place across Australia, such as prevention, early intervention, and diversionary programs and services, which help set at-risk young people on a brighter path.

On 1 November 2023, the ACT Legislative Assembly passed legislation to raise the minimum age of criminal responsibility to 14 from mid-2025, the first Australian jurisdiction to do so.

## Supporting clients in system reform

Not all systemic change takes the form of public campaigns. Increasingly, legal services are supporting clients in system reform activities. knowmore is a salient example of this kind of work, supporting the work of the Royal Commission into Institutional Responses to Child Sexual Abuse. Other examples include Your Story Disability Legal Support which supported people to share their stories

with the Commonwealth Disability Royal Commission, and Your Story, which supported people to tell their stories to the Royal Commission into Victoria's Mental Health System. Despite shared values and approaches, these examples represent vast differences in scope, with Your Story working intensively with 34 people, while knowmore has grown into a national organisation that supports over 15,000 clients per year.

### Example systemic change support: knowmore

knowmore was initially established in 2013 with the primary mission of aiding people who were providing information to the Royal Commission into Institutional Responses to Child Sexual Abuse. This work served to support survivors of institutional child sexual abuse and to highlight the systemic failures with a view to including lived experience voices in systemic reform. knowmore's commitment to justice, survivor support, and institutional accountability helped shine a light on widespread abuse and create a space for survivors' voices to be heard.

knowmore supports survivors in navigating the National Redress Scheme, an initiative designed to provide acknowledgement and support to people who experienced institutional child sexual abuse. knowmore also provides critical support to the Stolen Generations survivors regarding the Territories Stolen Generations Redress Scheme, assisting with legal advice and financial counselling.

knowmore can now provide legal advice and support for people who experienced child sexual abuse in non-institutional settings. In addition to legal assistance, knowmore maintains a dedicated team comprising specialist social workers and counsellors. This multidisciplinary approach ensures that the psychological and emotional needs of survivors are addressed alongside their legal challenges. Their financial counselling service further augments this support by providing advice to survivors about their rights and options, advice for instance about receiving and safeguarding their National Redress Scheme payments.

knowmore provides a salient example of how legal services can participate in systemic reform initiatives while providing direct services to those in need of legal assistance.





# A trauma-informed, rights-based legal assistance sector

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The high prevalence and complexity of trauma is undisputed amongst clients of the legal assistance sector.

Recognising and responding to trauma experiences is critical to addressing any legal and related need, given that the legal assistance sector serves Australians facing complex disadvantage. It is also essential to a healthy, sustainable workforce in the sector.

For sustainable, client-centric, evidence-based service delivery, the legal

assistance sector must embed trauma-informed, rights-based practice.

This Toolkit is a living document, and newer editions will reflect evolving approaches throughout Australia.

Dissemination of trauma-informed, rights-based practice can maximise the impact of the legal assistance sector across all practice areas, bringing clear economic and community-wide benefits to Australians who need it the most. It will ensure that services are effective, safe and preserve dignity.



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