



Final grant report: Pro bono legal assistance to recently arrived migrants – a pilot study

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| Grant recipient | Justice Connect NSW |
| Project manager | Liz Simpson |
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Description of the project

Describe the project in just enough detail so that anyone can understand it. What was the aim of the project, who was the intended audience and what strategies did you implement to achieve the aim?

Migrant Outreach Services: Advice, Information and Community Education (MOSAIC)¹ is a multi-faceted project that aims to improve access to justice for asylum seekers, refugees and recently arrived migrants by providing quality pro bono assistance in a client-centred practice.

The central component of the project is a free weekly outreach service that uses pro bono lawyers to provide legal advice, and in many cases ongoing assistance, to recently arrived migrants² with their civil law issues. The service is coordinated and supervised by the MOSAIC Manager/Principal Solicitor and is staffed by pro bono lawyers who have been specially trained to assist recently arrived migrants.

In 2013, the service was located at Metro Migrant Resource Centre (MMRC) in Marrickville,³ although the service was not restricted to people residing in the immediate area and most clients travelled to the service from other parts of Sydney. Justice Connect also collaborated with Refugee Advice and Casework Services (RACS), who provide immigration advice on a fortnightly basis at the service. In 2014, the service has been relocated to MMRC's Ashfield office.

¹ 'MOSAIC' stands for 'Migrant Outreach Services: Advice, Information and Community Education'. It was also chosen to reflect the diverse range of cultures, ethnicities, histories and religions of our clients, as mosaics have featured across the world since early civilisation. Also, as many of our clients speak little or no English, we wanted to choose a name that was short and memorable.

² For the purposes of MOSAIC, "recently arrived migrants" are defined as migrants from a Culturally and Linguistically Diverse (CALD) background who have lived in Australia for less than 10 years.

³ According to the Australian Bureau of Statistics, one in three people living in Marrickville was born overseas and 18% of people living in Marrickville arrived in Australia in the last five years.

MOSAIC also provides training to pro bono lawyers, caseworkers, community organisations and individuals, building their capacity to identify and resolve recently arrived migrants' legal issues. MOSAIC aims to improve our understanding of the legal needs of recently arrived migrants by identifying systemic problems that affect our clients and formulating innovative responses, including law reform and community education.

The project – what happened?

How did the project come about?

In early 2011, PILCH undertook a review of potential areas of legal need in New South Wales that might be addressed by pro bono services. This review, conducted by Polly Porteous, sought stakeholder views and considered available literature. The review recommended a number of areas for potential pro bono projects, one of which was the needs of recently arrived migrants. The high unmet legal needs of recently arrived migrants had also been identified by other groups, such as the NSW Legal Assistance Forum Working Group on Access to Justice for CALD communities⁴ and the Footscray Community Legal Centre in Victoria⁵.

Legal issues faced by recently arrived migrants and refugees commonly include credit and debt, insurance, tenancy, fines, motor vehicle accidents, loans, employment issues (including exploitation and unsafe work practices) and unfair contracts. The more hidden problems include discrimination based on race, ethnicity and religion, and domestic and family violence.

Some of the barriers faced by recently arrived migrants in accessing legal help include limited English, limited financial resources, lack of understanding of the Australian legal system, lack of access to interpreters, a fear of authority, and mental health issues.⁶ Failure to access legal assistance also has a flow-on effect: for example, the Law and Justice Foundation of NSW's Legal Australia Wide Survey⁷ in 2012 found that legal problems often had considerable adverse impacts on people's lives, including financial strain (29%), stress-related illnesses (21%), physical ill health (21%), relationship breakdown (10%) and having to move home (6%).

As a result of its research and consultations, Justice Connect concluded that one way of responding to recently arrived migrants' civil law problems may be with pro bono assistance. Justice Connect already had relevant experience working with asylum seekers and refugees, which meant it was uniquely placed to successfully undertake this project. In the preceding few years we had been responsible for a number of important projects that had harnessed pro bono services to assist refugees, including the Offshore Asylum Seeker Project⁸ and Natural Justice Project.⁹ In Victoria, we

⁴ NSW Legal Assistance Forum (NLAFF) Working Group on Access to Justice for Culturally and Linguistically Diverse (CALD) Communities, Final Report, http://www.nlaf.org.au/public_resource_details.php?resource_id=249 [accessed 19 March 2014].

⁵ Footscray Community Legal Centre, Prevention is better than cure: can education prevent refugees' legal problems?, 2011, http://www.footscrayclc.org.au/images/stories/docs/Prevention_is_Better_Than_Cure.pdf [accessed 19 March 2014].

⁶ S. Forell and A. Gray, 'Outreach Legal Services to People with Complex Needs: What Works?' (2009) 12, Law and Justice Foundation of New South Wales, [16]-[24].

⁷ C. Coumarelos, D. Macourt, J. People, H. McDonald et al, 'Legal Australia-Wide Survey: Legal Needs in Australia' (2012), Law and Justice Foundation NSW.

⁸ The Offshore Asylum Seeker Project provided a one-stop shop for offshore asylum seekers needing advice and representation following a negative Independent Merits Review decision by the Department of Immigration. PILCH was one of four partner organisations that together coordinated the national response for pro bono assistance.

had several established programs that used pro bono lawyers to provide legal services to disadvantaged clients at outreach clinics. Thus, we felt we had the expertise and experience to undertake the project.

Briefly set out the project stages and what happened in each stage.

Design and set-up of the project (February–June 2013)

In February 2013, Justice Connect employed a senior lawyer as the Manager/Principal Solicitor of the project (0.6 EFT). In the application to the Law and Justice Foundation, Justice Connect had budgeted for administration (0.25 EFT) out of its own funds. However it quickly became apparent that more administrative support was required and Justice Connect employed an administrator (0.6 EFT) out of its own funds.

Justice Connect took a rigorous approach to the design of the project and at the beginning of 2013 undertook consultations with interested organisations including the Settlement Council of Australia, Settlement Services International (SSI), Metro Migrant Resource Centre (MMRC), Australian Red Cross, Legal Aid, other community legal centres and the Refugee Council of Australia. A number of these organisations were also invited to join an advisory committee to provide Justice Connect with strategic input and direction on the project.

These early discussions also sought to find a suitable location for the service. It was clear from our research that the MOSAIC service should be situated in an outreach location, in a space clients were already familiar with and comfortable attending.¹⁰ In May 2013, Metro Migrant Resource Centre agreed to partner with Justice Connect and host the service at its office in Marrickville. RACS also agreed to partner with Justice Connect to provide advice on humanitarian, protection and family reunion visas.

Early in 2013, Justice Connect held an information session for all our member law firms. Eight firms (Allens, Carroll & O’Dea, Gilbert + Tobin, Henry Davis York, HWL Ebsworth, Lander & Rogers, TressCox, and Wotton & Kearney) and 33 lawyers¹¹ agreed to participate in the project. In May 2013, Justice Connect delivered an intensive four-week program of induction training for the pro bono lawyers on topics including tenancy, social security, domestic violence, working with interpreters and refugees. Justice Connect staff and volunteers also sent over 650 emails and individually spoke to over 60 caseworkers, local service organisations, politicians, legal service providers and community legal centres in the lead-up to the service opening in July. Data from our information management system indicates that this strategy was effective. Approximately 74% of MOSAIC clients have been referred by settlement services and caseworker organisations that we spoke to during the set-up phase of the project.

Significant work was also done to create external training materials, internal and external procedures manuals, precedents and templates, and to train staff in the project’s information management systems. Justice Connect prepared all the necessary documentation for the project, including

⁹ Through the Natural Justice Project, PILCH assisted clients who had been issued with a Notice of Intention to Consider Cancellation of their visa under section 501 of the *Migration Act 1958* (Cth) and faced removal from Australia.

¹⁰ S. Forell and A. Gray, ‘Outreach Legal Services to People with Complex Needs: What Works?’ (2009) 12 Law and Justice Foundation of New South Wales.

¹¹ Justice Connect limited the number of lawyers who could participate in the project to a maximum of five per firm, to ensure that each lawyer would have sufficient experience attending the clinic.

Memorandums of Understanding with all of our partners, as well as secondment agreements with each of the pro bono lawyers to formalise each party's role and obligations.

Clinic operations (July–December 2013)

Since the service started in July 2013, MOSAIC has assisted 57 clients with a range of civil law problems. In addition to on-the-spot legal advice, the service has provided 33 clients with ongoing assistance. Ongoing assistance is provided to clients who satisfy our means test and additional criteria, including whether their matter has merits. RACS has also provided protection visa and family reunion advice as part of the service to 30 clients.

Over 80% of MOSAIC clients have been male and their average age has been 32 years.¹² Most of our clients have travelled to the service from other parts of New South Wales: only 4 clients have lived in the Local Government Area in which the service was located. Most clients lived in Parramatta LGA, Auburn LGA or Canterbury LGA. Four clients contacted the service from regional areas in NSW and we provided advice and assistance by telephone.

To date, much of the assistance provided has been helping clients to effectively navigate Australia's legal and bureaucratic systems. For example, at one appointment a MOSAIC lawyer advised a client about her social security entitlements. However, due to the client's lack of English and special vulnerability, the lawyer then also attended the Centrelink interview with the client and helped her to complete the application form. The ability of MOSAIC lawyers to offer a holistic approach is regarded as an important feature of the service by caseworkers, clients and lawyers (see evaluation below). Another ongoing priority has been building relationships within the asylum seeker and settlement support sector. In 2013, MOSAIC delivered tailored training to over 60 caseworkers, gave presentations at a number of interagency meetings, and delivered an introductory training session to a group of young people from refugee backgrounds. Justice Connect also hosted a number of events for caseworkers and support workers in 2013, including co-hosting a cross-agency caseworker meeting with RACS.

Throughout the project, Justice Connect has had regular communications with the participating lawyers, providing them with updates about the service, procedures and precedents, and has hosted regular meetings with the pro bono coordinators from the participating firms to discuss service operations and obtain informal feedback.

Now that the project has concluded, how did the implementation and/or the outcome differ from what was originally intended? Did anything surprise you? Were there any unintended outcomes?

When the scoping work for the MOSAIC project was undertaken in 2011/12, Justice Connect envisaged the project as a service for refugees and recently arrived migrants. The rationale behind this was that government and other forms of support for newly arrived migrants stopped or significantly declined after the first six months of a person arriving in Australia, leading to unmet legal and other needs. Since 2011, however, more asylum seekers have been released from detention and are living in the NSW community with extremely limited support. As a result, we broadened the

¹² Although it should be noted that the birthdate of clients has only been recorded in 74% of the cases on our information management system.

eligibility criteria to allow asylum seekers as well as migrants with permanent visas to access the service.

However, we still expected that most of our clients would be recently arrived migrants on permanent visas rather than asylum seekers. But to date most of our clients have been asylum seekers. As part of our ongoing evaluation of the project we are currently considering new ways of targeting refugees. Another unexpected outcome of the project was the significant role that caseworkers play in assisting clients to resolve their legal problems. Not only were most MOSAIC clients referred to the service by caseworkers, but we quickly realised that working closely with caseworkers could help lawyers to overcome some of the significant barriers we faced working with newly arrived migrants and asylum seekers, in particular issues around effective communication. Very often caseworkers had strong and well established relationships with their clients and so, provided clients gave permission for us to speak to their caseworkers, their caseworkers could act as intermediaries, for example reiterating a lawyer's advice or updating us about the client's circumstances.

Conversely, when we were originally designing the pilot we did not anticipate that there would be such an enormous demand from support workers for training. During our consultations, Justice Connect identified that caseworkers had a limited understanding of referral pathways and the role of lawyers and their professional obligations such as confidentiality. MOSAIC therefore shifted the focus of its external training in 2013 from refugees and communities to prioritise devising and conducting training for caseworkers and support workers. In turn this has meant that most of the referrals to the service have come from caseworkers and support workers, rather than individuals or community organisations calling Justice Connect directly.

Finally, although one of the long-term objectives of the project is to develop a greater understanding of the legal needs of asylum seekers and recently arrived migrants, we did not anticipate that we would be able to identify systemic issues (and begin to develop strategic responses to these issues) within the pilot phase of the project. However, as a result of our information management system and constant evaluation of the project, we have already noticed some clear trends and have begun advocacy work earlier than expected in the project.

Case study: A fine for \$200 for travelling on a train with a concession ticket without a concession pass has the potential to compound disadvantage and social isolation for new migrants. An Iranian man in this situation came to MOSAIC: he was unable to afford the cost of a full-price ticket but even less able to pay the fine. Unemployed, he received a small stipend from a settlement agency and was temporarily sleeping at a local church when he sought help from MOSAIC. MOSAIC lawyers suggested that he arrange a 'Work and development' order (allowing him to pay off the fine by doing voluntary work at a charitable organisation). He was concerned that because he was on a bridging visa with no work rights, he may not be able to undertake such an order. MOSAIC saw a number of clients in a similar predicament and is now working with the NSW State Debt Recovery Office to seek confirmation from the Department of Immigration that these clients can work off their fines (and, in the process, experience an opportunity to participate in meaningful work).

Evaluation

What questions did you ask to evaluate whether you had achieved your aim? What data did you gather to answer your questions? Did you achieve your aim? What did you find out?

Outreach civil law clinic

Data from Justice Connect's Information Management System

The starting point for evaluating the project was finding out how many recently arrived migrants had accessed the program. Through Justice Connects' electronic file management system, we were also able to collect data about referral sources, demographic information about clients including gender, nationality and language spoken, the areas of law covered, and the outcome of their contact with the program.

Between July and December, MOSAIC lawyers provided legal advice to 57 clients and ongoing assistance to 33 clients. These figures strongly suggest that recently arrived migrants require ongoing assistance in order to resolve their legal issues. Furthermore, we estimate that our lawyers have already provided over 300 hours of pro bono legal assistance. Anecdotally, many of the clients appear to be experiencing mental health issues, including anxiety, depression and post-traumatic stress disorders. This, combined with significant barriers to communication even when using an interpreter, can mean that otherwise straightforward tasks such as calling a client with an update or to obtain further instructions can be difficult and resource-intensive.

The most common legal problems about which clients sought advice were fines/infringements, consumer complaints/contracts, credit/debt (such as mobile phone debts), social security entitlements, tenancy, employment, insurance, torts and probate & wills.

In the first six months we have closed 10 MOSAIC files, achieving successful outcomes in 8 of those matters. Some of the outcomes achieved include getting clients' fines withdrawn, rental arrears reduced, mobile phone contracts renegotiated and debts waived. In one case, a MOSAIC lawyer successfully brought an adverse action complaint before the Fair Work Ombudsman

Case study: In November last year we got a telephone call from a caseworker in rural NSW who was concerned about a Sri Lankan client, A. A was working as a trolley collector at a supermarket. A had been told that he had to pay his foreman \$300 each week out of his wages. While A was unhappy with this arrangement he wanted to keep his job. A MOSAIC lawyer wrote a confidential letter to A's employer but unfortunately the letter got back to A's foreman and just before Christmas A was told not to come back to work. Our lawyer pursued the matter and represented A before the Fair Work Ombudsman. The matter was settled in our client's favour and he was repaid the money along with \$5 000 compensation. Most importantly, the employer gave him his job back.

Client survey

In measuring whether the service is culturally sensitive and ‘user friendly’, the best source of information is clearly the clients themselves. However, literature and discussions with other legal assistance providers suggested that it could be extremely difficult to obtain this feedback in a non-threatening and understandable way.¹³

Conscious of the challenges of obtaining feedback from culturally and linguistically diverse (CALD) clients, Justice Connect organised a clinical legal internship for three university students at our NSW office from September to December 2013 to research and develop a client feedback survey. The three students worked alongside the MOSAIC Manager/Principal Solicitor to devise and conduct ‘snapshot’ interviews with clients. In order to ensure the survey was consistent with best practice, the interns wrote a detailed briefing paper outlining the approaches that had previously been undertaken to obtaining feedback from CALD clients in the community sector. Based on this review, the students then devised a qualitative written survey and semi-structured interview, which they used to obtain feedback from MOSAIC clients.¹⁴

Measuring the quality and effectiveness of legal services is nebulous. For example, Dr Liz Curran cautions against the use of the term ‘client satisfaction’, as it fails to properly reflect the nature of a lawyer/client relationship; a client may be dissatisfied with a lawyer’s advice because the advice was negative, rather than wrong.¹⁵ It was therefore determined that the survey should focus on assessing whether MOSAIC provided ‘quality legal services’¹⁶ for recently arrived migrants. That is, did it offer professionalism, effective communication, accessibility, and a willingness to keep in touch and involve the client in decision making.

Questions 1 through 5 of the survey were designed to assess clients’ expectations and previous experience with lawyers, as well as their overall experience with MOSAIC. By asking how clients felt about their legal problems before and after they had seen a MOSAIC lawyer, these questions were intended to explore the effectiveness and quality of the service. Questions 7 through 11 asked specific questions about whether the client’s lawyer had been polite and respectful, had listened to the client and provided advice that was clear, professional and responsive. Finally, questions 6 and 14 of the survey asked participants whether they would tell their friends and family about their legal problems, and whether they would recommend MOSAIC, which we believed would be a good measure of clients’ overall satisfaction with the service. A copy of the client feedback survey is attached at Appendix A to this report.

¹³ Curran L., Dr, A Literature Review: examining the literature on how to measure the ‘successful outcomes’: quality, effectiveness and efficiency of Legal Assistance Services, February 2012, <http://www.ag.gov.au/LegalSystem/Legalaidprograms/Documents/Literature%20review%20of%20legal%20assistance%20by%20Dr%20Liz%20Curran.pdf> [accessed 20 June 2013], 17.

¹⁴ As the service had only been operating for four months when the interns conducted the survey and so the cohort of clients was still relatively small, it was agreed that it would be better to focus on a qualitative survey rather than attempting to produce a quantitative study. Note also Dr Curran’s reservations about the use of quantitative methods in the context of evaluating legal services: Dr L. Curran, ‘Legal Review: Not All in the Stats’, *Law Institute Journal*, July 2013, 39. See also L Curran and A Crockett ‘Legal Aid: Legal Assistance Services’ (2013) 38 *Alternative Law Journal* [42]-[44].

¹⁵ Dr L. Curran, n 14 above, 24.

¹⁶ A. Trude and J. Gibbs, ‘Review of Quality Issues in Legal Advice: Measuring and Costing Quality Asylum Work’, *Lawyers Defending Human Rights, Refugee and Migrant Justice* (2010, City University: London). See also Dr Curran, also C. Goldie, ‘PILCH Homeless Person’s Legal Clinic: Evaluation Report’ (2003, Gilbert + Tobin Centre of Public Law, Sydney) 32.

Under close supervision from Justice Connect, the interns interviewed six clients over a three-week period in November. Five of the interviews were conducted face to face with clients immediately after their appointment with a MOSAIC lawyer ('post-advice clients'), using a telephone interpreter.¹⁷ In addition to these face-to-face interviews, the interns also tried to contact clients who had already had ongoing assistance in a matter that had now been resolved ('post-service clients'). Of the four post-service clients whom the interns contacted, only one agreed to be interviewed. Interestingly, his matter had not been resolved favourably. However, he still indicated his overall satisfaction with his experience of the service.

Overall the feedback from the survey was extremely positive, with the respondents indicating that they found their lawyers clear, thorough, respectful, polite and helpful. All of the respondents said that their lawyers had given them clear and thorough explanations of the law and their options for resolving the issue. Four out of six of the clients said that if they had not seen MOSAIC, they would not have done anything about their legal problem. One respondent said, 'I am glad and happy to see this organisation that can help people who can't otherwise afford such help.'

Another client's response, however, indicates that MOSAIC needs to be particularly mindful of the cross-cultural context in which it operates. The MOSAIC lawyer had offered to write a letter to the State Debt Recovery Office explaining that the client, who had received a fine, was new to Australia and unfamiliar with its rules and legal system. The client responded by stating that 'I don't want to send this letter if it will destroy my reputation and dignity'; he would prefer to pay the fine than be excused from it on grounds that were 'not true'. When asked to evaluate the politeness and helpfulness of the MOSAIC staff and his lawyer, the client initially stated that MOSAIC staff were 'polite'. However, upon reflection he decided that the lawyer's advice was insulting. The participant stated: 'The lawyer suggested that perhaps I had in fact made a mistake and was guilty because I didn't understand the language ...and he was implying that I was guilty ...so I felt unhappy about this.' Notwithstanding these reservations, however, this client still said that he would recommend the service to friends and family. Indeed only one client said that he would not recommend the service. This particular client indicated his overall satisfaction with the service, but explained that he did not want to tell his friends or family about his legal problems.

While the results of the client survey clearly suggests that clients found the service to be responsive to their legal needs, there were weaknesses with this approach to obtaining feedback. Firstly, none of the surveyed clients was female (although this was consistent with the fact that the vast majority of clients to date have been male). Also, as noted above, the survey was only conducted with a small number of clients. Furthermore, some changes were made both to the survey and to the interview method during the three-week period. For example, the telephone interviews with the post-service client was less structured than initially intended, as the interviewer found that she was only obtaining short 'yes/no' answers using a more formal approach; by switching to a more conversational style, she was able to obtain more information about the client's experience with the service. Finally, it is

¹⁷ Initially, Justice Connect staff tried to give clients advance notice of the feedback interviews when booking client appointments. However, both clients and caseworkers indicated that this was confusing for clients and so we discontinued this practice. As a result, clients were asked at the end of their appointment by their lawyers whether they wanted to stay, and only five clients agreed to participate. As we did not consistently record the reason for clients' refusals, it is difficult to know exactly why clients refused to participate. Anecdotally, one client refused because of family commitments, while another expressed dissatisfaction with his lawyer and so refused to participate in the interview.

highly likely that the results are positively skewed because clients who were happy with the service are more likely to agree to spend more time at the service responding to a survey.

Caseworker survey

We also conducted a short telephone survey of five caseworkers from the Asylum Seekers Centre, the Red Cross and SSI, all of whom had referred clients to our service. We asked the caseworkers if their clients were happy with the service and whether MOSAIC had helped their clients to resolve their legal issues.

The feedback from this survey was overwhelmingly positive: all of the caseworkers said their clients had been happy with the service. One caseworker observed that ‘everything was fantastic; you provided everything that [my client] needed.’ All of the caseworkers indicated that they would recommend the service to other clients and co-workers; indeed, three caseworkers said they had already done so.

Two of the caseworkers also had suggestions about things MOSAIC could do differently. One said that some clients were unsure whether their MOSAIC lawyer was providing a single advice session or ongoing legal assistance, and that it would be helpful if, with the authority of the client, MOSAIC could contact the caseworker after the initial session to clarify the next steps. Another caseworker observed that there was a lot of discussion of confidentiality and privacy at the beginning of the appointment, and that her client had wanted to get on with the substance of his matter. She noted that her client had commented on this but also observed that we might be required to discuss confidentiality or that it may be important for some clients to know.

Not only was the caseworker survey useful in evaluating whether we had established a client-centred service, but it also provided a good gauge of the relationships we have begun to build with caseworkers. However, given the very small sample size, it is important to treat this data as a ‘snapshot’ rather than as necessarily being representative of caseworkers’ perceptions of the service.

Lawyer training

This part of the evaluation sought to explore whether, as a result of the service, there were more pro bono lawyers skilled in assisting recently arrived migrants with their legal problems and, more specifically, what improvements there had been to lawyers’ abilities to respond to this group’s legal problems.

The lawyers’ training program was assessed using three different methods. First, attendance sheets were used to record the number of lawyers who attended. According to these records, in the first six months, twenty-two lawyers and six pro bono coordinators completed the four-week training program.

Second, lawyers were surveyed at the end of the induction program and asked whether they felt more confident in their ability to respond sensitively to the needs of recently arrived migrants. In response to a question about whether the training had increased their ability to assist recently arrived migrants, over 90% of lawyers rated their understanding of MOSAIC clients as a 4 or 5 as a result of the training (with 1 being no understanding and 5 being a very good understanding). Similarly, in response to a question about whether they were more confident in their ability to help MOSAIC

clients after the training, 52% of lawyers responded that they rated themselves a 3, while 48% rated themselves a 4 (1 being not very confident and 5 being very confident). However, a number of lawyers suggested additional topics that they felt should have been included in the induction training, such as cross-cultural communication and the role of caseworkers.

Third, we administered pop quizzes before and after presentations. On average, 57.4% of the lawyers answered these questions correctly before the training sessions, whereas 92% answered correctly after.

Finally, as part of an online survey conducted with pro bono lawyers at the end of the pilot, the lawyers were asked to reflect on the induction training. Of the ten lawyers who responded to the survey, the responses varied widely, with an average of 3.8 (with 1 being not very confident and 5 being confident) as to whether the induction training had adequately prepared them for dealing with MOSAIC clients' legal problems. The main gap identified in the training related to fines, but two lawyers also suggested more training in using interpreters, and one suggested that there should be more training about how to work with bureaucratic agencies.

Caseworker and community training

Caseworker training was provided in order to 'help the helper', building caseworkers' capacity to assist their clients to identify legal problems and obtain appropriate legal assistance. During the year, we delivered three 2-hour workshops to 13 Uniting Care Burnside caseworkers, 30 Red Cross caseworkers and 20 SSI caseworkers. Justice Connect also gave presentations about MOSAIC at Amnesty International, the Humanitarian Settlement Services Local Area Coordination, the Asylum Seeker Interagency meeting and a MMRC youth outreach group.

During the pilot, we recorded the number of MOSAIC training sessions, the number of attendees and the organisations represented at each session. Feedback was also sought from participants at the end of each session. Overall the responses to the feedback forms indicated that the training improved caseworkers' awareness of their clients' legal issues and of the legal assistance available. The feedback forms were also useful in assessing the percentage of attendees who still felt unsure about these matters and what could be done to improve the workshop in the future. For example, in response to a question about whether, as a result of our training, caseworkers felt clearer about when a client had a legal problem, over 70% of the Uniting Care caseworkers rated themselves a 4 or higher. In response to a question as to whether, as a result of the training, they now felt confident referring their clients to appropriate legal assistance, 80% rated themselves a 4 or higher. Similarly, when asked whether they were more confident identifying legal problems, over 85% of Red Cross caseworkers responded that they rated themselves a 4 or 5 after the training. Asked about their confidence in referring clients to legal service providers as a result of the training, 70% rated themselves a 4 or 5.¹⁸

We also sought to contact caseworkers two months after the training to follow up. There was no response to the first follow-up email, however, and so this approach was discontinued.

¹⁸ The SSI caseworker training was evaluated using the SSI Professional Development Evaluation Form rather than our feedback form but overall the feedback from SSI caseworkers was also positive.

Finally, through our electronic file management system, we monitored the number of referrals from organisations that had attended caseworker training as we believed this would be another useful way to check whether the training had succeeded. While we have only received one referral from Uniting Care Burnside since July last year, we have received 19 referrals from the Red Cross and 8 referrals from SSI.¹⁹ Of the 19 referrals made by Red Cross, 13 were made after our training in August 2013.

Overall evaluation of the pilot project

In addition to seeking feedback about specific aspects of the project, Justice Connect also sought to use the project to explore whether pro bono legal services could be used to effectively meet the legal needs of recently arrived migrants, whether pro bono lawyers were engaged by the project, and what improvements could be made to the existing model.

At the end of the pilot, Justice Connect conducted a survey of the pro bono lawyers to obtain their overall feedback about the project. Additionally, the data collected about the types of matters dealt with, the level of assistance provided and the outcomes, as well as the results of the client and caseworker interviews, formed the basis of our assessment of the current model of MOSAIC. One way to measure the lawyers' satisfaction with the project was to monitor the number of lawyers who participated in the project. At the outset of the pilot, 33 lawyers from eight firms expressed an interest in the project. The participating firms were Carroll & O'Dea, Henry Davis York, Allens, HWL Ebsworth, TressCox, Lander & Rogers, Gilbert & Tobin and Wotton & Kearney. Since the inception of the project the number of participating lawyers has dropped to nineteen. Reasons for attrition include failure to complete induction training (5 lawyers), maternity leave (3), secondment (3), leaving the firm (2) and extended sick leave (1).

In December 2013, the pro bono lawyers were asked to complete an online survey. The survey was sent to 18 lawyers who had participating in the project. Only 6 lawyers responded in December, so we extended the deadline until the end of January 2014 and received a total of 10 responses. Most of the lawyers who participated in the project had 1 to 3 years of post-qualification experience as a lawyer and worked in a range of different practice areas including health, workplace relations and safety, commercial transactions, planning and environment, building and construction, personal injury and commercial litigation. Seven out of the ten lawyers who responded to the survey had not previously been involved in a similar project and did not speak any language other than English.²⁰ When asked why they had been motivated to participate, all of the lawyers indicated that they wanted to assist vulnerable clients and believed that MOSAIC clients 'otherwise are not able to access legal services'. One lawyer also noted that it was an 'opportunity to assist others and learn'.

When asked whether they had a positive experience overall, the response varied; most lawyers rated their experience as either a 3 or a 5 (on a scale from 1 to 5, with 5 being the most positive).²¹

¹⁹ However, we have only been able to add a number of NSW based organisations to our electronic file management system late last year and as a result we have not been able to capture entirely accurate information about referral sources. As a result, it is possible that the number of referrals from each of these organisations is actually higher.

²⁰ Of the three respondents who indicated that they spoke a second language, only one lawyer said he would be confident communicating in that language at the clinic.

²¹ Only 8 lawyers responded to this question: 3 ranked their experience as a 5, 1 ranked their experience as a 4, 3 ranked their overall experience as a 3 and 1 ranked their experience as a 2. While most lawyers appeared to be relatively happy with their experience, the person who ranked their experience as a 2 expressed frustration about problems with timetabling and communication and noted that all of her clients had failed to attend their appointments.

However, most of the lawyers also noted that providing advice to MOSAIC clients was challenging. The main challenges reported were difficulties communicating and contacting clients. As one lawyer said, the biggest challenge was ‘dealing with clients whose matters become complex because of their inability to communicate in English and who are at times uncontactable’. Two lawyers expressed frustration about changes to the timetable and the fact that clients often did not arrive on time (or at all) for their scheduled appointments.

When asked what skills they had gained as a result of participating in the project, the lawyers indicated that they had gained skills in client interview, client management, problem solving, providing legal advice, negotiation, writing and drafting, time management, file management and using interpreters. One lawyer also noted that the clinic had taught her to ‘listen to people more carefully’ and another lawyer said that the clinic had given her ‘knowledge of areas of law I do not normally practice in and awareness of issues surrounding access to justice’.

Conclusion and recommendations

What is your conclusion?

The number of clients who accessed the MOSAIC clinic was relatively high for a new legal service. In part this is a reflection of the work that was done in the set-up phase of the project, consulting settlement workers and other stakeholders. However, we believe this number also reflects the strong demand for a specialist outreach service that focuses on providing advice and assistance to recently arrived migrants.

Furthermore, it is clear that MOSAIC clients need more support than one-off advice in order to successfully resolve their civil law issues. Issues such as lack of English, low levels of literacy, mental health issues and lack of familiarity with the Australian legal and bureaucratic systems mean that one-off advice was simply not sufficient – instead, clients needed MOSAIC lawyers to act as their lawyers and advocates, negotiating rent arrears, fines, debts and employment disputes.

In light of the significant barriers that MOSAIC clients face when accessing legal services, another important feature of the service is its broad eligibility criteria, which means that MOSAIC lawyers will provide legal advice on civil law issues provided a client is an asylum seeker, recently arrived migrant or refugee. This has also enabled us to quickly build more comprehensive data about the common legal problems faced by our clients. We have already begun to develop strategic responses using advocacy, media and education to respond to these systemic issues.

Another important rationale for developing a migrant-specific service was to provide a culturally safe space for clients. From MOSAIC’s inception we envisaged a ‘culturally safe space’ as an environment created by the provision of advice, training and advocacy, where lawyers were mindful of cultural norms. Working with people whose first language is not English, and working through interpreters, may result in miscommunication and make it more difficult to establish relationships of trust and confidence. Creating a safe space ensures that clients are given the opportunity to understand what is often complex legal advice.

As noted above, the feedback from both clients and caseworkers strongly suggests that MOSAIC has created a client-centred practice that is culturally sensitive and safe. However, there are limits to this

evaluation, as clients may not be willing to speak up if they feel unsafe and we appreciate that there is always room for improvement. In the long term, we hope to employ community leaders in the project as Community Liaison Officers (see below), so that CALD communities are involved not only as passive beneficiaries of legal advice, but can also participate in the implementation and development of the project.

What are your recommendations for improvements both for the intended audience of your project, and for the strategy you used to achieve your aim? What would you do differently next time?

To date, the focus of MOSAIC's stakeholder engagement has been establishing strong relationships with caseworkers. While this remains an ongoing priority, the next step is to improve our direct engagement with refugee communities and assist more women. One way that this could be achieved is by using community leaders as Community Liaison Officers to provide feedback and support to MOSAIC staff and lawyers. This thinking is heavily influenced by the initiatives of Footscray Community Legal Centre and Queensland Indigenous Violence Legal Services, who use community liaison workers to advise legal staff on appropriate cultural protocols and to facilitate relationships between solicitors and clients.

However, the engagement of community liaison workers is not without its challenges. Unlike the Queensland and Victorian services, MOSAIC's clients do not come from a single cultural or ethnic group. Even if a prevalent client group could be identified, should community liaison workers be drawn from this group, or from a community that is currently underrepresented? At the time of writing this report, we are still exploring the best way to use community leaders in the project and address the gender balance.

Finally, we are aware that many of our clients are likely to be experiencing a 'cluster' of legal problems. Very often it is only after we have successfully resolved the client's first legal problem (or at least agreed to provide ongoing assistance) that the client has asked for additional assistance with other civil law issues. Other outreach legal services such as Homeless Law in Victoria use a 'Legal Health Check' as a way of proactively and systemically identifying clients' multiple issues earlier on.

We are exploring adapting a legal health check as part of the service.

Case Study

An Iranian man was referred to the clinic by his caseworker for assistance in changing his mobile phone plan due to a phone bill he could not afford to pay. His MOSAIC lawyer was successful in arranging to have the outstanding debt waived and moving the client onto a plan he could afford.

Having developed a relationship of trust with his lawyer, the client subsequently asked his lawyer for assistance with an unpaid electricity bill as well as a tenancy dispute.

APPENDIX A: CLIENT FEEDBACK SURVEY

Migrant Outreach Services – Advice, Information and Community Education (MOSAIC)

Dear Client,

This is a survey for us to find out about your experience with your lawyer today. We are asking you these questions so we can make our service better for other clients.

Don't be worried if you say anything negative – we want to know what happened so we can improve the service. Nothing you say here will affect whether you get help in the future from MOSAIC.

Also, nobody will be told that you filled out this form. It is completely private, but your answers may be used in case studies or reports.

You don't have to answer any questions if you don't want to. You can leave whenever.

If you are happy to go ahead can you tick the box:

There are two of us because one of us is going to ask questions. The other one will write down the answers and help you fill out the survey. We are not lawyers and can't give you legal advice.

1. Have you seen a lawyer in Australia before today?

Yes

No

2. If yes, who did you speak to and was it about the same problem?

Yes

No

3. How did you feel about your legal problem before coming to see your lawyer today?

4. How do you feel now?

5. If you hadn't seen a lawyer today at MOSAIC what would you have done about your legal problem?

6. Do you feel comfortable telling your friends and family that you were getting legal advice?

Yes

No

7. Were the MOSAIC staff and your lawyer polite and helpful?

Yes

No

8. Did the lawyer that you saw today explain things clearly and in a way you understood?

Yes

No

9. Did you know what was going to happen next after speaking to your lawyer?

Yes

No

10. Do you feel that the lawyer's advice will help you fix your legal problem?

Yes

No

11. Did your lawyer listen to you?

Yes

No

12. Did your lawyer respect you?

Yes

No

13. Do you feel that your lawyer cared about you and not just your legal problem?

Yes

No

14. Would you refer a friend or family member to MOSAIC or your lawyer?

Yes

No

15. Do you wish anything went differently with your lawyer? If so, what?

Yes

No
