



# LawRight

Access | Justice

## **Engaging effectively with clients experiencing or at risk of homelessness**

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# Acknowledgement of Country



# Road Map

- What is homelessness?
- Homelessness and the law
- Engagement skills for lawyers
- A multidisciplinary response to homelessness



# About LawRight

LawRight is an independent, not-for-profit community legal centre created by the private legal profession in 2001. Our Patron is the Chief Justice of Queensland, the Honourable Catherine Holmes.

LawRight improves the lives of vulnerable people by increasing access to justice through strategic partnerships with pro bono lawyers.

33,800 pro bono hours are donated annually by 30 member law firms, 93 member barristers and 126 volunteer lawyers and students. An additional 65 law students complete placements with us.

LawRight connects to clients at 21 different community, health and civic organisations. Our legal services increase access to housing, income and legal rights and improves health and well-being.



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# The Community and Health Justice Partnerships

LawRight has Community and Health Justice Partnerships with 15 frontline community agencies.

- 3<sup>rd</sup> Space
- Brisbane Youth Service
- Micah Projects
- Communify
- Roma House
- Zig Zag Young Women's Resources
- Footprints Inc.
- Multicultural Australia
- Encircle Homestay
- Salvation Army Supported Accommodation
- Mater Young Adults Health Centre
- Anglicare Homelessness Hub (Cairns)
- Douglas House (Cairns)
- Wuchoppren Health Service (Cairns)



# What is Homelessness?

- Homelessness' is broader than rough sleeping:
  - **Primary homelessness:** people with no conventional housing, such as sleeping in parks, cars, improvised dwellings or squatting;
  - **Secondary homelessness:** people with unstable or insecure accommodation, who might be couch-surfing, living in a hostel, or in crisis accommodation;
  - **Tertiary homelessness:** people whose housing does not meet minimum community standards, such as caravan parks, boarding houses, or overcrowded dwellings.



# Causes of Homelessness

- Homelessness is often a consequence of multiple complex and intersecting issues, including:
  - Family and domestic violence or family breakdown
  - Poverty and unemployment
  - Physical and mental health concerns
  - Rape, sexual assault or other violence
  - Traumatic life events
  - Addiction
  - Social isolation
  - Disability
  - Lack of access to affordable housing
  - Release from prison or other institution



# Consequences of Homelessness

- Issues which arise as a result of homelessness include:
  - Increased stress, anxiety and mental health concerns;
  - Poor nutrition and other physical health outcomes;
  - Social isolation and fewer community connections;
  - Exposure to assault, rape and other crimes against the person;
  - Significant barriers to employment or study;
  - Increased risk of chronic illness;
  - Increased risk of addiction;
  - Reduced life expectancy;
  - An array of civil and criminal legal problems





# Who becomes homeless?

- **Anyone** from any background can experience homelessness, but particular groups are significantly overrepresented, including:
  - First Nations people;
  - People with a refugee or asylum-seeker background;
  - LGBTI+ people;
  - Young people (aged 24 or younger);
  - Older people (aged 65 or older);
  - People who do not speak English as a primary language;
  - People living with a disability, mental illness or chronic health concern.



# Homelessness and the law

- Legal problems are not equally distributed throughout the community.
- In Queensland, 10% of the population experience 68% of the legal problems;
- Vulnerable and disadvantaged populations are more likely to experience multiple legal problems;
- A person's legal problems are inseparable from their experience of marginalisation.



# Homelessness and the law (cont)

- 85.4% of people experiencing homelessness have at least one legal problem each year and 50.5% experience 3+ legal problems each year.
- Specific types of legal problems tend to “cluster” together.
- Unresolved legal problems entrench social exclusion and disadvantage.
- Legal issues are both a cause and a consequence of homelessness.



# Legal issues arising from homelessness



Family law

Tenancy

Consumer debt

Consumer  
disputes with  
telcos and  
utilities providers

Victims of crime

Mental health

Domestic and  
family violence

Debts arising  
from fines and  
levies

Criminal

Social security

Guardianship and  
administration

Discrimination

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# Barriers to legal assistance

## Practical barriers

- Lack of time, money and other resources;
- Lack of fixed address to receive correspondence;
- Unstable access to mobile phones or email;
- Lack of access to legal assistance;
- Lack of reliable transport
- Capability and capacity issues arising from disability or mental illness;

## Personal barriers

- Limited awareness of rights;
- Fear or distrust of the legal system due to prior negative experiences;
- Perception that legal assistance is expensive;
- Reluctance to 'complicate' issue or antagonise other party;
- Resignation to tolerate rather than resolve an issue;
- Don't conceptualise the legal dimension of a problem.



# Where do people go for advice?

- When experiencing a problem, most people don't immediately look for legal remedies.
- Instead, they seek help for the practical and immediate dimensions of the problem, and turn to: community workers, psychologists, counsellors, support workers, nurses, doctors, friends, community organisations, and other practical supports.



# Collaboration is key

- LawRight partners with community and health organisations because we know that:
  - This is where clients are;
  - These are the people clients trust; and
  - These organisations bring skills, experience and expertise.

But beyond this, we understand that the legal response is only one small part of our clients' recovery.

Partnerships with social, financial, health and psychological services provide a more holistic and comprehensive response.



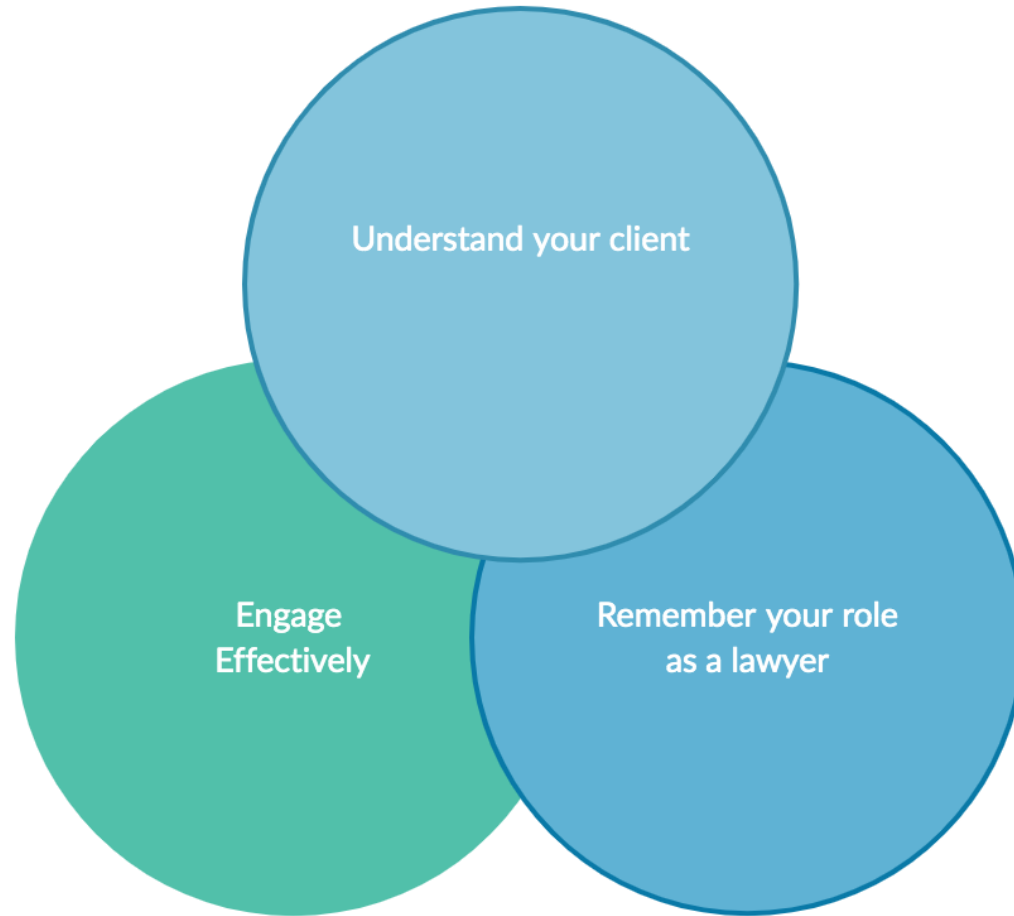
# Collaborate with caseworkers and other supports

- Get to know the partner agency and its clients/staff;
- Understand how the agency works (target demographics, services provided etc);
- Agencies can sometimes assist with transport, supporting clients during interviews, sending and receiving mail and other correspondence, printing and scanning, etc;
- Agencies may be referral point for non-legal need;
- Be accessible and work on the relationship.





# Effective practice



# Connect with your client

- Be human! Introduce yourself, have a conversation, be genuine, dress appropriately
- Be where your clients are – be flexible if possible
- Leave time for the client to tell their story – not all people experiencing homelessness have the same experience
- Understand that your client's experience doesn't define them
- Reflect the language that the client is using in relation to their experience



# Understand your client's strengths

- Recognise and respect the client's skills, capabilities and lived experiences
- As appropriate, involve community workers and other supports
- Understand the client's strengths and expertise about their own lives and the systems which impact them



# Engage effectively

Build rapport and trust – people experiencing homelessness often have negative experiences with lawyers and the justice system.

Provide information about the client, lawyer relationship, including how confidentiality applies and how it will be managed with caseworkers involved.

You may also need to reiterate your professional obligations, particularly around confidentiality and your responsibility to only act on the client's instructions.



## Engage effectively (cont)

- Don't make assumptions about client's level of literacy, capacity or legal sophistication.
- Look out for legal issues - some clients' legal issues may only become apparent during the meeting.
- Ask and assist the client identify and prioritise issues.
- Consider using the Legal Health Check.
- Write things down (but be mindful of literacy issues)



## Engage effectively (cont)

- Clients experiencing or at risk of homelessness often have unpredictable lives so make a plan for how to stay in touch: consider which options will work best for the client.
- Ask the client about their preferred method of communication – get creative!
- Can they access it regularly? Is it safe? (DV considerations)



## Engage effectively (cont)

- If sending material, provide self-addressed envelopes & clear instructions for returning documents (eg signed Client Authorities)
- Let the client know you might be calling on a 'private number', and provide time frames about when to expect your calls
- Expectation management – particularly with regard to timeframes and potential outcomes



# Remember your role as a lawyer

- A client's situation doesn't impact the quality of legal services provided, or change your professional responsibilities and obligations
- Prepare for and manage ongoing interactions as you would other clients
- Be clear about your role and how you can help
- Don't make assumptions about the outcome that the client is seeking





# Remember your role as a lawyer (cont)

- Explain tasks that must be done and who is responsible for doing them
- Always explain what happens next and what to expect
- Make appropriate referrals (legal and non-legal) in a timely manner



# **Collaborate with caseworkers and other supports (if external from organisation)**

- Get to know the agency and its clients/service users
- Identify the legal need of client base
- Understand how the agency works (assessment frameworks, constraints etc)
- Speak to client about support receiving from casework agency



# Benefits of interdisciplinary collaboration

- Lawyers do not have all of the answers!
- Collaboration includes:
  - drafting letters of support
  - assisting clients to gather documents
  - ensuring emotional safety for clients
  - take discrete steps if appropriate – they have a relationship with the client

Speak to the support worker about what assistance they may be able to provide - they may be able to advocate if you aren't able to.



# Considerations when working with caseworkers

- Only take instructions from the client
- Consider Legal Professional Privilege
- Consider the client consent when engaging with the caseworker
- Be mindful of capacity of support organisations



# A multidisciplinary response to homelessness

**What is Financial Counselling:** Financial counsellors are qualified professionals who provide information, advice and advocacy to people in financial difficulty.

- Services are non-judgmental, free, independent and confidential.
- Financial counsellors are based in community organisations throughout Australia, from large charities to smaller community centres, as well as local government agencies.



# A multidisciplinary response to homelessness

- A financial counsellor's perspective on homelessness: the types of issues that we see, what we assist with, how we can help
- Working collaboratively with lawyers and other professionals
- Outcomes from multidisciplinary collaboration



# Jackie – a case study

- *Jackie is almost 70 and after years of employment as an articulate professional she should be relaxing in the home she and her late husband built 40 years ago.*
- *Jackie's son, who lives with her on and off, has a long term substance addiction. Jackie spent all her savings, superannuation and home equity trying to support her son.*
- *We met Jackie at an inner-city community service where our lawyers are embedded with front-line staff. By this time, Jackie had lost her home and was facing eviction from a tenancy. As well as bank-rolling the addiction, she was paying off several debts, each averaging \$17,000, and not making rental payments.*

***"I can't tell you how much it means to me for the help you are giving me. For the first time in many years I don't feel completely alone."***



**Thank you!**



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