

# INTEGRATED PRACTICE FRAMEWORK (SUMMARY)

## 1. The Framework

The purpose of the Integrated Practice Framework is to guide how ECLC delivers legal and related services and programs using an Integrated Practice approach. The framework is designed to provide consistency and ensure best practice across all of the Centre's Integrated Practice services and programs.

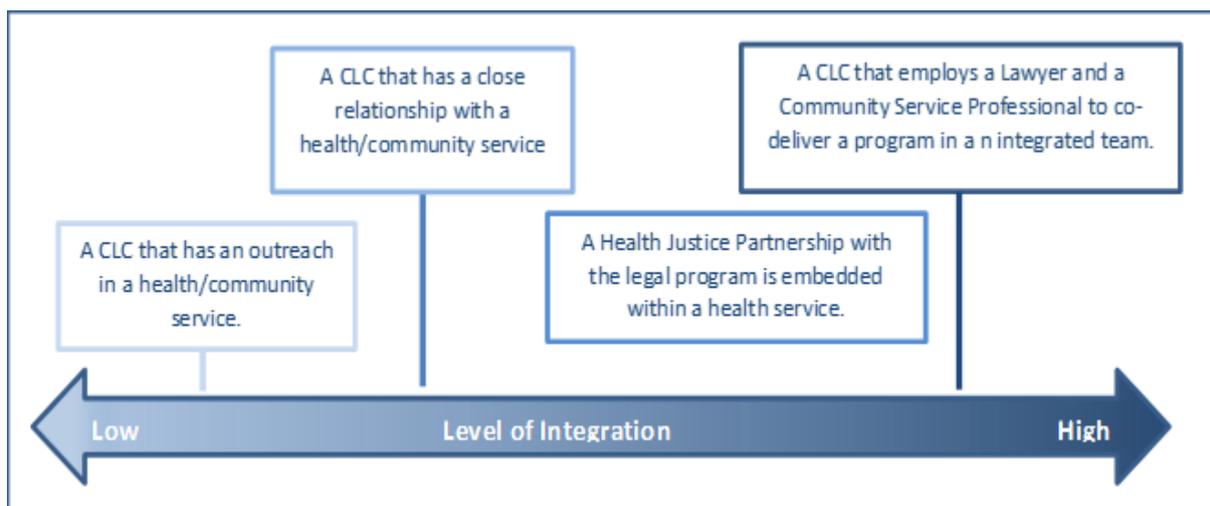
Furthermore it seeks to inform and provide practical guidance to all staff working across the Centre and provide assurance to all staff from all disciplines that their professional and ethical obligations are understood and respected. Most importantly however it ensures that ECLC has a framework to better address the intersecting legal and social support needs of community members.

### Introduction to Integrated Practice

Integrated Practice from a community legal centre (CLC) perspective involves the integration of community lawyers and other community service professionals working together to address the needs of community members. 'Integration' can take different forms including co-location, multidisciplinary/interdisciplinary teams or partnerships with community services.

The level of integration, that is the extent to which the community lawyer and the community service professional are working together, often varies through different models.

Furthermore the needs of the community and the purpose of the service or program should guide the extent to which the community lawyer and the community service professional work together. This is particularly relevant where the community service professional is employed by another service, such as in the context of a Health Justice Partnership.



## 2. ECLC and Integrated Practice

Integrated Practice is aligned with ECLC's values and seeks to enhance the legal services that are already being offered to ECLC's priority communities through ECLC's Generalist Practice.

It places the client at the centre of service design by recognising the individual needs of community members and the different responses they require. This often depends on whether the individual recognises that they have a legal problem, their capacity to engage with the justice system and the type of legal problem that they face.

### **Principles of Integrated Practice**

Through its design, implementation and support of Integrated Practice services and programs, ECLC hopes to achieve:

- **Accessibility** – increasing the opportunity for people to be informed and empowered to exercise their rights and options through legal information, advice and assistance.
- **Quality** – improving the standard of service that the legal assistance sector is able to offer community members experiencing complex issues
- **Collaboration** – working together and with others to enhance the legal, health and social outcomes for people experiencing complex issues
- **Capacity building** – increasing the ability for professionals, organisations and sectors to respond to the intertwined legal, health and social needs of people experiencing complex issues
- **Innovation** – exploring and implementing new ideas and strategies for delivering services and programs that seek to address the increasingly complex issues affecting the community

### **Legal Practice Framework and Integrated Practice**

ECLC is committed to Integrated Practice and the opportunities for enhancing the Centre's ability to respond to the needs of people accessing the service by integrating the skills and knowledge of community lawyers, community service professionals, intake workers and volunteers.

ECLC acknowledges that different professionals often have their own professional rules of conduct and code of ethics, often making them accountable to their profession and not just to their employer. As a community legal centre it is essential that services and programs are designed and delivered in a way that protects the integrity of the Legal Practice Framework. For this reason, the Integrated Practice services and programs sit within the Centre's legal policies and guidelines, including legislation, government and professional indemnity insurance requirements.

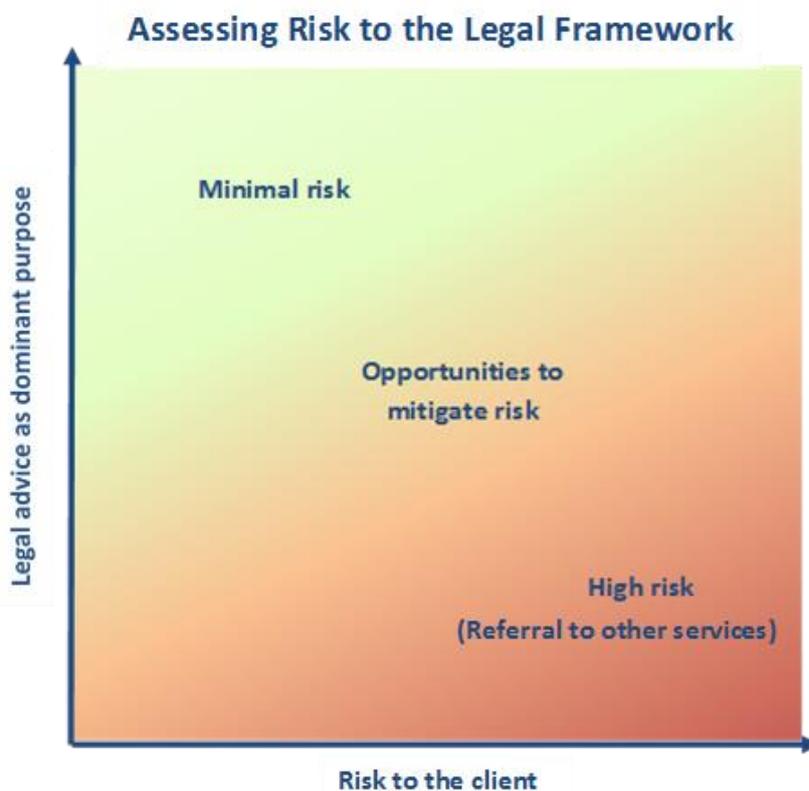
However, the manner in which traditional legal services are delivered needs to be actively challenged in order to enhance the opportunity for community lawyers and community service professionals to work together, to ensure access to justice for community members. Likewise, the integration of the knowledge, expertise and experience of Aboriginal and Torres Strait Islander peoples is essential in delivering culturally safe and accessible services and programs.

In practice this means that where there is conflict between the legal policies and guidelines and different professional ethical obligations, the professional and ethical obligations of the Centre and its staff need to be balanced with the choice, safety and needs of the client.

### 3. Professional and Ethical Obligations

#### **Balancing Professional and Ethical Obligations**

Although the professional and ethical obligations of community lawyers and community service professionals are different and may conflict, ECLC is committed to finding solutions that place the client and their needs at the centre of service delivery whilst protecting the integrity of the legal framework. This means that the ‘risk to the client’ (ie. risk to access, safety and the rights of a client and/or their children) is carefully balanced against the ‘risk to the legal framework’ (ie. risk to the professional rules and obligations of lawyers and the Centre).



Furthermore, the ‘risk to other clients’ accessing the services and programs also need to be considered. That is, does the service being provided to one client jeopardise the integrity of the legal framework of the program in a manner that could affect other clients (ie. contradict the program’s policies and guidelines).

### 4. Integrated Practice Guidelines

#### **Integrating Practice**

Integrating practice and respecting the professional and ethical obligations of different disciplines as well as the personal values that people identify through their roles can be challenging. By applying a multidisciplinary approach to the implementation and support of Integrated Practice services and programs, ECLC seeks to combine the expertise and experience of different professionals to inform service delivery.

This involves a culture of practice which brings together different professionals to inform all decisions regarding:

- program development
- program plans, policies and guidelines, and
- service delivery.

It especially involves a collaborative approach to service delivery, where the multidisciplinary team comes together to co-ordinate the 'case management' of clients and to ensure that the intertwined legal, health and social needs of a client and their children are considered.

It is however important to acknowledge the limitations that the Legal Practice Framework poses in regards to Integrated Practice and the risk that this may pose to the safety of clients and/or their children. This could include:

- clients having less need to access other services because ECLC is responding to their intertwined legal, health and social needs, increasing the responsibility for ECLC in regards to their safety and the safety of their children
- instances where ECLC needs to cease service due to a conflict of interest arising or due to an unforeseen finalisation of legal needs that can abruptly leave the client without access to their main support network.

It is therefore integral that integrating practice within ECLC enhances the work of the Centre rather than replacing the need for clients and their children to be connected with other essential services.

### **Client Directed Services**

Integrated services and programs place the client at the centre of service design by recognising the individual needs of community members and the different responses they require to ensure that the client's needs and safety are prioritised. For this to be possible it is essential for services and programs to be flexible in their implementation and to seek solutions that are informed by an individual's unique circumstances. Wherever possible the program's policies and guidelines should empower clients to make choices about:

- the model of service provided to them;
- how the model of service may affect their rights; and
- how they would like to manage the potential risk to their rights.

This requires clients to be clearly informed of their rights, the model of service provided to them and how the model may affect their rights. The client also needs to be clearly informed of the benefits of receiving support from a community service professional. It is of utmost importance that this happens at the beginning of service delivery, but it is also important that it happens throughout the service being provided to them. This should occur at any point where there is a potential risk to their safety and/or their rights, or where there is an opportunity for them to make a choice about how they would like to manage a potential risk to their safety and/or their rights.

It is important to ensure that there is consistency throughout the program's policies and guidelines so that the choices provided to one client do not inadvertently affect the rights and choices of other clients.

## **Managing Client Information**

In its provision of Integrated Practice services and programs, ECLC will seek to ensure that the rights of a client to a relationship of trust, to privacy and confidentiality is protected and respected. Wherever possible the Integrated Practice services and programs will be designed, implemented and supported to manage client information in a manner that protects client legal privilege and confidentiality.

Where a service or a program may pose a risk to the rights of client in regards to their information, the client should be clearly informed at the commencement of the service or program and throughout the service or program wherever the risk arises. The client wherever possible should be provided with the opportunity to direct service delivery by providing informed consent about the way their information is managed and their rights are protected and respected. Informed consent requires the client to demonstrate an understanding of the risks, benefits and alternatives to service delivery.

### 5. Escalation Process

#### **Risk to the Legal Practice Framework**

This Integrated Practice Framework informs the policies and guidelines that guide integrated programs and to protect the integrity of the Legal Practice Framework. Where there are questions or concerns around the implementation of the policies and guidelines and their application to practice, the escalation process should be actioned.

At all stages throughout an escalation process clients should be included in conversations that empower them to make informed choices around their rights, their safety and the safety of their children. This is especially important when the choices of the client may conflict with the decisions of the Centre.

#### **Risk to the Client**

As part of service delivery, clients should be included in transparent and ongoing conversations around safety concerns and provided with opportunities to make choices around how they would like to manage the risk.

Important elements that need to be considered at this stage are:

- Level of risk assessed
- Effectiveness of risk management strategies
- Protective factors present
- Other services involved and potential referrals to other services
- Rights and choices of the client
- Empowerment principles

Where there are safety concerns that cannot be resolved within the team, the escalation process should be actioned.



## **Client Legal Privilege**

### **Points to remember when speaking to clients about integrated practice programs**

- The program involves a community lawyer working alongside a community service professional to support you with your legal needs in responding to (family violence/elder abuse/drug and alcohol).
- Whilst primarily a legal program, there are enormous benefits to having a community service professional involved. (Outline the benefits including: expertise in safety planning and trauma support, link you in with other support services as you work through your legal options and the legal process.)
- While we believe strongly in this integrated approach and have seen great benefits for clients, you also need to be aware that there are challenges in this approach which are not present in a regular lawyer-client relationship.
- When you see a lawyer, your communications with your lawyer are protected by client legal privilege. Client legal privilege is your right to stop your communications with your lawyer from being called into evidence in court. Communications are protected when they are made for the dominant purpose of legal advice or in the course of litigation.
- Possible risk that client legal privilege will not cover all of your communications within this integrated program, as your communications are not just with a lawyer, but with the community service professional alongside the lawyer. This risk is present because the security of privilege in our program has never been challenged or tested in a court.
- We have addressed this risk by structuring the program so that when you communicate with the family violence advocate/client advocate/community service professional, it is still clear that the dominant purpose of such communication is legal advice.
- The Community lawyer must always act on your instructions – that is, they cannot take any action unless you tell them to. A family violence advocate has different professional obligations including the priority of the safety of children. So if the family violence advocate has concerns about the children's safety and that protective steps are not being taken, they will discuss this with their manager and whether they are obliged to act. In such circumstances, you will be kept informed at all stages throughout this process and you will have the opportunity to respond to these concerns directly.
- It is your choice whether you want to proceed in this integrated program with a family violence advocate working alongside a lawyer, or whether you would prefer to see one of the community lawyers from the generalist practice.