

TRUSTED HELP

The role of community workers as trusted intermediaries
who help people with legal problems



Part 1: Key findings and recommendations

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Toronto: February 2018

This is Part 1 of a two-part report. The Part 1 and Part 2 reports are the result of a research project commissioned by The Law Foundation of Ontario. Although the research was financially supported by The Law Foundation of Ontario, the authors are solely responsible for all content. This report is available on the Foundation's website at www.lawfoundation.on.ca.

We are grateful for the active engagement and candid input from the many people who shared their experiences, ideas, and expertise during interviews, focus groups, and surveys. This report is much richer because of their contribution.

About The Law Foundation of Ontario

Established by statute in 1974, The Law Foundation of Ontario is the sole foundation in Ontario with the mandate of improving access to justice. Through granting and collaboration, the Foundation invests in knowledge and services that help people understand the law and use it to improve their lives.

CONTENTS

- 1. Introduction**..... 4
- 2. Key findings**..... 4
 - 2.1 The trusted intermediary role 4
 - 2.2 Frontline workers in community organizations 5
 - 2.3 The legal community..... 5
 - 2.4 Supporting frontline workers 6
 - 2.5 Growing attention and shared responsibility 7
- 3. Moving forward**..... 8
 - 3.1 Touchstone for future action..... 8
 - 3.2 Keeping up the good work..... 8
 - 3.3 Directions for moving forward..... 9
 - 3.4 Recommendations 10
- 4. Conclusion** 13

1. INTRODUCTION

This is a report about the role of community workers who act as “trusted intermediaries” and help people with their legal problems. Part 1 contains a summary of key findings from independent research conducted over the past year for The Law Foundation of Ontario, a proposed touchstone for future action, directions for moving forward and recommendations. Please see Part 2 to learn about the research findings in greater detail.

In Part 2, you will find:

- Information, ideas and perspectives about:
 - How community workers in non-legal organizations assist people with legal problems, the importance of that role, and the challenges they face;
 - Training and other tools to support the trusted intermediary role;
 - How lawyers and paralegals work with community organizations;
- Three case studies to illustrate trusted intermediary experiences and relationships with legal service providers;
- Promising practices identified by research participants; and
- Information about the research project and methodology.

2. KEY FINDINGS

2.1 The trusted intermediary role

The trusted intermediary role is a key component of access to justice.

Many people, especially those who have low incomes or who are vulnerable, do not receive help with their legal problems or do not find their way to the legal service providers they need without intervention from a trusted intermediary in a community organization.

The value of the role is well documented.

Researchers and academics in Canada, the UK, Australia, and the US have documented the trusted intermediary approach to helping to address common legal needs. In our own interviews, focus groups, and surveys, we heard much about the value of community workers who play a trusted intermediary role when a client’s problems include a legal component. Key factors include the client’s comfort and trust, a holistic approach to helping clients resolve multiple aspects of their problems, and the opportunity for early intervention to prevent a legal problem from escalating. Frontline community workers are sometimes the only source of assistance. They can also complement the role of lawyers and paralegals who may become involved.

There is a “grey zone” between legal information and legal advice.

Community workers do a great deal to support people with legal problems, but they need clarity about the “grey zone” between legal information and legal advice. This is a critical gap in access to justice, and it has caused a chill among some community workers who are afraid to help for fear of falling on the wrong side of that grey zone. It is essential that workers understand the types of help they can provide and the limitations of their role. At the same time, they

should be empowered to do what they can do to effectively support people with legal needs. In many cases, the help clients receive from a community worker is the only help they will get for their legal problems.

2.2 Frontline workers in community organizations

Frontline workers provide vital service with inspiring commitment.

The frontline community workers we heard from contributed richness of experience and engagement, thoughtful perspectives, and keen insight. The responsibility that comes with their clients' trust is something they feel strongly and understand well. They are eager to participate in training and to have the benefit of other types of support for the trusted intermediary role. They have a strong sense of the importance of understanding and honouring their clients' experience. Many of them have had positive interactions with legal clinics and other legal practitioners. They are highly motivated to help their clients, even on matters that are not directly within their area of expertise or job description.

Frontline workers act in many ways to help people with legal problems.

In Ontario, many frontline workers in non-legal community organizations have helped clients with legal problems by identifying legal issues, providing legal information, making legal referrals, helping clients to complete legal forms, providing suggestions on next steps, and accompanying clients to legal meetings and hearings. Community workers can't give legal advice, but they can and do help people to better understand the law and navigate the legal system.

Frontline workers need support to act as trusted intermediaries.

Community workers are best able to help clients with legal problems when they have access to training, tools, organizational support, and connections within and outside their sectors. Some workers have had that kind of support, but many have not. Without it, workers may be uncomfortable in the role or decline to perform it. There has been good work in Ontario toward supporting the trusted intermediary role, but there is a need to build on promising practices, to share resources and create new ones, and to reach more people. With the right supports, community workers can do more in this pivotal role—and do it even better.

2.3 The legal community

Legal clinics and other legal practitioners have formed productive partnerships with trusted intermediaries in community organizations.

Many of Ontario's community legal clinics are role models in working with non-legal community organizations. We heard numerous examples of positive collaboration, innovative tools, and formal arrangements between community organizations and legal clinics that support the role of trusted intermediaries. Clinics are frequently involved in training community workers and in other efforts that jointly address the needs of low-income people in their communities. Clinics find ways to extend the reach of their services, recognizing that case-by-case service delivery is not sufficient to meet the needs they are seeing. We also heard inspiring stories about committed legal practitioners outside of the clinic system who have formed strong relationships with community organizations to meet the legal needs of clients.

Ontario has a strong network of community legal information providers.

In Ontario, public legal information is available on a wide range of topics, adapted for diverse users, and for a variety of purposes. Much of the information is available online and some bodies also produce print materials. Some frontline workers told us that they have easy access to reliable and helpful legal information and tools, but others said they have difficulty finding such resources.

Frontline workers often have difficulty finding legal professionals who can help them and their clients.

In our consultations, community workers expressed a desire to be able to access legal assistance when they need it. They need this help to be confident about the legal information and referrals they provide to their clients. They also wished to be able to bring in legal expertise to assist people in their communities in various ways. There are many lawyers and paralegals, outside the legal aid and community clinic system, who have a strong social justice orientation. They may face challenges that restrict their opportunities to support community workers in the trusted intermediary role or to help workers assist clients. Barriers could include the costs associated with private practice, limited capacity to offer pro bono services, and difficulties in making connections and matching legal expertise with the needs of a community organization and its clients.

2.4 Supporting frontline workers

Legal referrals need more attention.

The wide range of people who participated in our research viewed the role of frontline workers in making legal referrals as highly important. Workers need training, tools, lists, and databases for making good legal referrals, along with access to a larger pool of lawyers and paralegals who have experience in helping people with poverty law and common legal problems. Problems associated with legal referrals are heightened for Ontario's Francophone community. There are fewer French-speaking legal professionals and fewer resources available in French.

There is value in training frontline workers on the trusted intermediary role.

Trusted intermediaries value training that enhances comfort in the role and the capacity to perform it. They particularly value training that includes networking opportunities. It is hard to generalize about in-person versus online training, but we heard clearly that both methods are useful, both should be used thoughtfully, and sometimes they should be combined. Ongoing training is essential to ensure up-to-date knowledge and support for the role. Two-way learning is also helpful, where community workers learn more about legal matters and legal professionals learn more about the people those workers serve.

Connections, partnerships, and collaboration are key.

Many people highlighted formal and informal connections and partnerships within and across community, legal, health, and other sectors as key to helping clients with legal problems. Partnerships are important both for the training of trusted intermediaries and for program delivery. Community workers do best when they have links and regular access to legal service providers. Outreach and a range of good relationships, inside and outside sectors, promote effective service delivery and knowledge transfer.

2.5 Growing attention and shared responsibility

There is growing interest in the role.

There is a strong and growing interest in the role of community workers who serve as trusted intermediaries to help people with legal problems. This was evident in the strong participation and enthusiastic sharing of ideas throughout the focus groups, interviews, and surveys during this project, and in the animated discussion at stakeholder meetings where we presented our early findings. This bodes well for continuing to develop strategies and connections to strengthen the trusted intermediary role.

There is a shared responsibility for solutions.

Access to justice for people with legal problems, especially for those who are vulnerable, does not rest with any one group. Leaders in the legal, community, and social justice sectors need to be part of the discussion and the solutions. Frontline workers can be a great asset to the discussion. They have a breadth of experience and commitment and have developed relationships within their communities.

The Law Foundation of Ontario is uniquely placed to test and promote new approaches.

The Law Foundation of Ontario has done much to explore and support the nonprofit sector's role in access to justice, including the trusted intermediary role. There is a need to continue this support and test new approaches. There is also need to develop evaluation tools to identify and compare the outcomes of various approaches more effectively. Those tools would promote ongoing learning and serve to inform future investments in access to justice.

3. MOVING FORWARD

Our mandate was to conduct research about the role of community workers in helping clients with legal problems and to prepare a report setting out the research findings. In addition, in light of those findings, we offer our ideas for moving forward to develop and implement the next generation of strategies to support the trusted intermediary role.

3.1 Touchstone for future action

We propose a touchstone to guide, inspire, and ground what happens next in supporting the role of community workers in the trusted intermediary role. By “touchstone”, we mean essential, fundamental elements that would indicate success.

- The role of community workers in helping people with legal problems is recognized as essential for access to justice.
- Community workers have the training and tools they need and are confident in the trusted intermediary role.
- Legal professionals recognize that helping people with legal problems is a shared responsibility and not theirs alone.

3.2 Keeping up the good work

Much has already been done, by and for frontline workers serving as trusted intermediaries, to improve access to justice for people with legal problems. This good work should continue, evolve and be more widely available. We recognize that “keeping up the good work” will require concerted attention, strategies, and resources. In some cases, it will mean spreading the word about good practices so that they continue and so that they can be made available to more people. However, facilitating sharing and take-up by workers who are challenged by limited resources and urgent frontline priorities will not be simple.

We hope that the following approaches will continue to be employed, developed, and shared more broadly:

3.2.1 Frontline workers and community organizations

- Building trusted relationships with clients;
- Helping clients in a holistic way, recognizing that legal issues are often one component of a client’s problems;
- Working in partnership with community legal clinics to help low-income clients;
- Using intake tools that help to identify legal issues;
- Participating in community hubs; and
- Enabling workers to attend training on legal issues.

3.2.2 The legal community

- Offering reliable legal information and resources through websites, pamphlets, courses, and webinars;

- Supporting a legal aid and clinic system that includes a range of measures to bridge the access to justice gap;
- Formal and informal connections between community legal clinics and other legal practitioners and non-legal community organizations;
- Participation by lawyers and paralegals in access to justice initiatives to help make legal services more affordable and accessible; and
- Joint projects with non-legal sectors.

3.2.3 Providers of training for trusted intermediaries

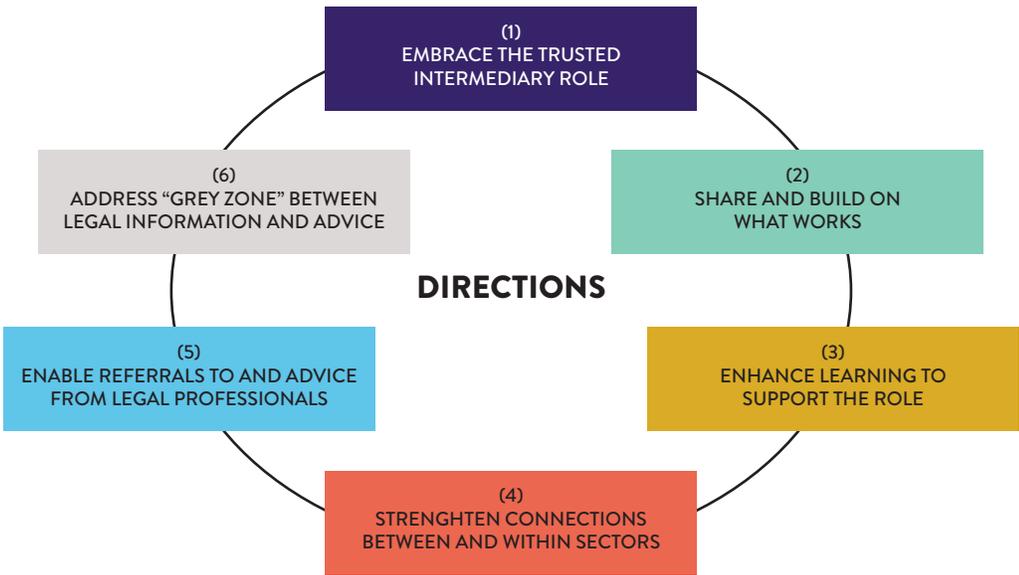
- Engaging trusted intermediaries to identify training needs;
- Training on how to detect legal problems, how to find reliable legal information, and other skills;
- Training for substantive knowledge in key areas of law;
- Training on the difference between legal information and legal advice;
- A range of training for specific communities and contexts;
- Training that reflects the lived experience of clients and frontline workers; and
- Training using adult education techniques.

3.2.4 The Law Foundation of Ontario

- Supporting the nonprofit access to justice sector and finding innovative ways to “move the yardstick” regarding the trusted intermediary role.

3.3 Directions for moving forward

Our recommendations aim to breathe life into the proposed touchstone. Each recommendation is designed to further one or more of the six directions shown in the diagram below.



Note about “the legal sector”: Successful implementation will require collaboration and partnerships. References to the legal sector in the recommendations below include legal practitioners and organizations such as the Law Society of Ontario, Legal Aid Ontario, the Association of Community Legal Clinics of Ontario, law schools, The Law Foundation of Ontario, legal associations, the Advocates’ Society, and pro bono and access to justice organizations.

3.4 Recommendations

We have set out the following recommendations to move forward in a meaningful and tangible way. Our research shows that many community and legal organizations are well positioned to take action and we encourage them to participate in activities and dialogue to advance these recommendations. Strategies to support their participation will need to take into account the demands on organizations who are already stretched for time and resources.

1. Increase access to training and support for trusted intermediaries:

- Acknowledge the trusted intermediary role of frontline workers in community organizations;
- Set aside time in regular training sessions to support the role; and
- Help trusted intermediaries with information about and access to “how to” resources that could help them assist clients with legal problems.

Lead: Community sectors

With: Public legal education providers

Directions: 1, 2, 3

2. Employ learning approaches that:

- Make use of online delivery;
- Incorporate networking opportunities;
- Can be developed by smaller organizations;
- Employ practical learning and information tools that people can trust and use on a regular basis;
- Respond to specific needs of communities and sectors;
- Include ongoing learning to “stay on top of what you know”;
- Promote two-way learning between frontline workers and the lawyers with whom they interact; and
- Reach frontline workers who have not yet been well supported in the role.

Lead: Public legal educators and trainers

With: Community sectors, legal sector, The Law Foundation of Ontario

Directions: 2, 3, 4, 5, 6

3. Create training programs, tools, and strategies that will assist frontline workers to:

- Make legal referrals for their clients (including lists of lawyers and paralegals, searchable by main practice areas, location, types of services offered, and whether services are offered on a scaled, targeted, or unbundled basis); and
- Navigate the “grey zone” between legal information and legal advice.

Lead: Legal sector

With: Community sectors, The Law Foundation of Ontario

Directions: 3, 4, 5, 6

4. Explore the possibilities of what trusted intermediaries can and should do:

- Consider, on a practical and principled basis, how far frontline community workers can go as trusted intermediaries;
- Provide guidance for frontline workers on how to assist clients when referrals are simply not feasible because legal advice is unavailable or unaffordable, or because the client is reluctant to see a lawyer or paralegal; and
- Examine the scope of what trusted intermediaries can do in specific roles, such as filling out forms, and test models to ascertain how effectively they can carry out these functions.

Lead: Leaders within the legal and community sectors

With: Community sectors, The Law Foundation of Ontario

Directions: 2, 3, 4, 6

5. Convene roundtables involving legal sector leaders to:

- Foster recognition of the trusted intermediary role as a key component of access to justice;
- Consider ways to support and expand the involvement of committed lawyers and paralegals in providing help in their areas of expertise, including real-time help for trusted intermediaries and their clients;
- Assess the impact of practices, legal delivery structures, and rules to discover how they may foster or hamper the trusted intermediary role;
- Identify training and other strategies to promote the delivery of legal services in ways that facilitate the work of trusted intermediaries in community organizations; and
- Discuss how to approach the “grey zone” between legal information and legal advice in the context of enhancing access to justice.

Lead: Legal sector leaders

With: Law Society of Ontario, legal associations, legal clinics, community sectors, The Law Foundation of Ontario

Directions: 1, 2, 3, 4, 5, 6

6. Find ways to support the vital role community legal clinics play in training and working in partnership with trusted intermediaries in community organizations.

Lead: Legal clinics, Association of Community Legal Clinics of Ontario

With: Community sectors, Legal Aid Ontario, Law Society of Ontario, The Law Foundation of Ontario

Directions: 2, 3, 4, 5

7. Continue the leadership role of The Law Foundation of Ontario:

- Invest in projects that:
 - Promote connections, collaboration, and partnerships between legal and non-legal organizations and across community organizations;
 - Test the viability of models that expand what frontline community workers can do within the “grey zone,” with resources and tools, to help people with legal problems;
 - Build on innovations in online learning and refresher training, explore ways to share resources, and broaden connections to the legal sector and legal referrals; and
 - Explore and test the development and use of core curricula and collective training to reach a wider pool of trusted intermediaries, including frontline workers in small or isolated communities;
- Building on the research, findings, and recommendations in this report, generate dialogue to articulate a vision for the “next generation” of strategies to support the trusted intermediary role of frontline community workers.

Lead: The Law Foundation of Ontario

With: Community and legal sectors

Directions: 1, 2, 3, 4, 5, 6

4. CONCLUSION

Our research has demonstrated that community workers provide essential trusted help to people with legal problems. They cannot give legal advice, but with support, they can do more in this role and do it even better. We hope that the findings and ideas for moving forward set out in this report will help to ensure that this vital component of access to justice will continue to evolve and flourish.



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