



# **An Evaluation of the Family Advocacy and Support Services Final Report**

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**Prepared by Inside Policy for the Australian  
Government Attorney-General's Department**

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## EXECUTIVE SUMMARY

This report documents the findings of the evaluation of the Family Advocacy and Support Services (FASS) and their implications for the future of the program.

### Evaluation approach

This evaluation focused on the outputs and short-term outcomes of the FASS. Assessment of medium- and long-term outcomes was outside of the scope of the evaluation as the FASS had not been operating for long enough at the time of evaluation for these outcomes to be present.

### Implications

The evaluation found the FASS was an effective and important program that fills a gap in legal and social service provision to family law clients with family violence matters.

FASS clients are likely to:

- be self-represented;
- be particularly vulnerable due to family violence;
- experience complex social issues compounding family violence, and
- present with other legal matters which cross over jurisdictions.

The evaluation found that the FASS had increased awareness of family violence by clients and stakeholders; increased support for, and help-seeking by, clients; and contributed to positive legal and social outcomes. For many clients, family violence has not been identified prior to engagement with the FASS, meaning that a trauma-informed intervention with a focus on risk assessment and safety planning was critical.

The evaluation identified core elements of the FASS that should be retained in future. Further, there is an opportunity to increase the FASS' effectiveness through some key service enhancements. However, the FASS cannot by itself address the holistic legal needs of its clients or the systemic factors impacting the experience of family law clients with family violence matters. Broader changes to improve the family law response to these clients would help to improve outcomes for vulnerable families.

Accordingly, the evaluation findings suggest that:

- The FASS should continue and retain core elements of the model.
- Key service enhancements would increase the effectiveness of the FASS.
- Systemic changes would improve outcomes for vulnerable families.

#### *The FASS should continue and retain core elements of the model*

The evaluation identified some core elements that are key to the FASS' effectiveness in achieving legal and social outcomes for clients. It is important that the FASS:

- Provide duty lawyer and social services to both victims and alleged perpetrators and at an early stage of a family law matter.
- Enable continuity of duty lawyer support across jurisdictions, particularly jurisdictions dealing with family law and family violence matters.

- Deliver interconnected legal and social supports in real time at the court.

It was found that these elements contributed to the likelihood of timely and satisfactory resolution of legal matters, helped reduce risk, and supported holistic legal outcomes.

Allowing for regional variations for different population groups, it is recommended that these program elements be retained and where possible, strengthened in future.

Another factor key to the FASS' effectiveness was awareness-raising about the program with judicial officers, registrars, courts in other jurisdictions and external agencies, particularly in the family violence sector. Such activities should continue to build awareness of the FASS, with a focus on improving client referral pathways.

### *Key service enhancements would increase the effectiveness of the FASS*

The evaluation found that FASS fills a gap in both legal and social service provision to family law clients with experience of family violence. There is an opportunity to improve provision of these supports to better meet the needs of this client group.

A clear message of this evaluation is that provision of legal advice to self-represented parties in the family law courts is beneficial to both parties, but that conflict of interest can negatively impact access to legal support. Providing additional resources to enable legal aid commissions to extend FASS duty service provision to regional areas, implement an additional duty service and/or fund panel lawyers to assist in situations of conflict would enhance the legal response to FASS clients.

Recognising that FASS provides a duty lawyer service that is not intended to substitute for a grant of aid, it would be valuable to further resource the "enhanced" FASS duty service to enable duty lawyers to assist vulnerable clients in the later stages of matters.

Placement of social support workers alongside duty lawyers in the family law courts was found to have clear benefits. While social support workers and clients valued the open-ended nature of the support provided by this role, this may be unsustainable if demand increases in future. Additional resourcing would strengthen the capacity of workers to provide casework support and ensure their roles are sustainable.

Lastly, the evaluation heard that providing support to both victims and alleged perpetrators of family violence helped redress the power imbalance between parties, reduce the impact of the court process on victims, and contribute to successful resolution of matters. Particular benefits were identified of having a standalone men's worker to provide "support without collusion" to men with a history of using violence.

It is suggested that FASS providers be resourced to provide both men's and women's workers and that both workers be present in court on duty days. Men's workers should have expertise in working within a men's behaviour change model.

### *Systemic changes would improve outcomes for vulnerable families*

The FASS evaluation identified systemic factors which negatively impact the effectiveness of the FASS. Changes to improve the family law response to clients with experience of family violence would help to reduce risk to victims and improve outcomes for vulnerable families.

These changes include:

- Improving information sharing pathways between family law courts and state and territory courts with jurisdiction over family violence matters.
- Improving family law court facilities to increase victim safety, reduce trauma and support effective resolution of matters, including video facilities to enable victims to give evidence remotely, safe rooms and mediation rooms.
- Providing support to family law courts to better engage with clients with experience of family violence, including judicial education on trauma-informed responses to family violence and supporting appropriate responses to issues particular to new and emerging communities.
- Extending the holistic model of the FASS to include legal and social support at court for client mental health and drug and alcohol issues.
- Increasing the provision of community supports to men who use violence, including family and relationship programs, parenting programs and perpetrator programs.

## Key findings

The evaluation sought to answer the following questions:

1. What is the impact of the FASS duty lawyer service on self-represented parties and the court?
2. What is the impact of connecting family law clients to social services on families, the courts, legal assistance providers, and other support providers?
3. To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?
4. To what extent does information sharing and management of clients between jurisdictions occur? What is the impact on clients?
5. What outcomes have been achieved for families in each location? What factors contributed to, or constrained, the outcomes achieved?

The key findings with respect to these questions are summarised below.

### *What is the impact of the FASS duty lawyer service on self-represented parties and the court?*

The FASS duty lawyer service provided self-represented parties with a greater range of legal supports than other duty lawyer services. This was due to the greater discretion of FASS duty lawyers, including with management of matters across jurisdictions, and resourcing of additional duty lawyer services to assist clients in cases of conflict of interest. Providing support to self-represented parties was felt to positively impact on preparedness and completeness of evidence and contribute to a significant reduction of court time spent on self-represented matters.

### *What is the impact of connecting family law clients to social services on families, the courts, legal assistance providers, and other support providers?*

Connecting family law clients to social services had positive impacts for families, the courts, legal aid commissions and other support services. The most significant impacts

for clients resulted from engagement with FASS social support workers at the court and receiving information about services and supports. Impacts included helping clients to identify experience of family violence, supporting victim safety at court and improving engagement of alleged perpetrators with the court. Connecting clients to social services also helped strengthen courts' responses to client safety, enhance duty lawyer support to vulnerable clients and improve the quality and timeliness of referrals to other support services.

*To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?*

The evaluation found strong integration of duty lawyer and social support services in all FASS jurisdictions. This positively impacted the extent to which family law clients were connected in real time to services to address their needs, particularly at court.

A common range of non-legal needs was identified across jurisdictions, with multiple factors often compounding experience of family violence. The type of non-legal supports delivered was also similar across the FASS sites. The key difference was in support provided to male clients by those with a standalone men's worker at court.

While clients were willing to engage with services at court, they were generally less likely to access support services following initial engagement with the FASS. The findings suggest declining access to both FASS and non-FASS services over time.

*To what extent does information sharing and management of clients between jurisdictions occur? What is the impact on clients?*

The evaluation found that information sharing and management of clients across jurisdictions regularly occurred through the FASS with client consent. The key jurisdictions in which FASS clients commonly had matters were the family law courts, children's courts and state and territory courts exercising jurisdiction over family violence matters.

There was some improvement in the quality of information sharing and client management across jurisdictions through the FASS, often due to the capacity of the FASS duty lawyers to work across jurisdictions. However, these practices were affected by relationships between courts in different jurisdictions, pre-existing family violence sector responses at the state level and information barriers within legal aid commissions.

Client management and information sharing across jurisdictions were felt to reduce the burden on clients to carry information between jurisdictions and improve the quality of information about experience of family violence presented in family law matters.

*What outcomes have been achieved for families in each location? What factors contributed to, or constrained, the outcomes achieved?*

The primary outcomes achieved for families through the FASS were increased understanding of the court process and preparedness for their legal matters, increased awareness of services and supports, and of strategies to keep themselves and their families safe. The findings indicate that the FASS fills a gap in both legal and social

service provision to family law court clients with family violence matters. In particular, the findings suggest that the FASS helped connect families to social supports they would not otherwise have accessed.

The key elements of the FASS which contributed to these outcomes included provision of joined-up legal and social support services at the court and at an early stage in a client's matter; providing duty lawyer support across jurisdictions and providing support to both victims and alleged perpetrators of family violence. Factors which contributed to the likelihood of FASS services achieving positive outcomes for clients included placement of the FASS within legal aid commissions; support of the courts for the FASS; suitability of court infrastructure; availability of appropriate social service partner organisations, and awareness of the FASS amongst all stakeholders.

## Methodology

A combination of qualitative and quantitative data collection methods was used to answer the evaluation questions.

Inside Policy spent a week undertaking data collection in each of nine FASS sites, one in each state and territory and two in NSW. Data was collected at each site through:

- Semi-structured interviews with FASS program managers, duty lawyers, support workers and other program staff, court personnel including judges and registrars, and key referral services.
- Court and service observations.
- Client surveys.
- Review of client intake and assessment forms.

Inside Policy also analysed quantitative data from legal aid commissions for each of the 23 locations at which the FASS was delivered.

## Introduction

In 2017, the Attorney-General's Department engaged Inside Policy to conduct an independent evaluation of the Family Advocacy and Support Services (FASS).

The evaluation focused on identifying outputs and short-term outcomes achieved by the FASS. Assessment of medium- and long-term outcomes was outside of the scope of the evaluation as the FASS had not been operating for long enough at the time of evaluation for these outcomes to be present.

## Purpose of this report

This report documents the findings of the FASS evaluation and their implications. It is intended that the report will help identify the outputs and short-term outcomes achieved by the FASS as well as opportunities for improvement in future.

## Structure of this report

The remainder of this report is structured accordingly:

Implications:	This section outlines the implications of the evaluation findings for the FASS.
Background:	This section overviews the FASS including its purpose and how the program is delivered.
Evaluation Methodology:	This section details the purpose of the evaluation, the FASS program logic, the methodology employed to conduct the evaluation and the data limitations.
Findings:	This section details the findings against the key evaluation questions.
Appendices:	Appendix A: Table of interviewees Appendix B: Jurisdictional data Appendix C: Jurisdictional profiles Appendix D: Court observation tool Appendix E: Interview guides Appendix F: Client survey

## Implications

This section sets out the implications for the future of the Family Advocacy Support Service (FASS) based on the findings of the evaluation.

The evaluation focused on the outputs and short-term outcomes achieved by the FASS. Within these parameters, the evaluation found the FASS to be an effective and important program which fills a gap in both legal and social service provision to family law clients with family violence matters.

Data collected through this evaluation indicates that FASS clients are likely to be self-represented; to be particularly vulnerable due to family violence; to experience a range of complex social issues which compound the impacts of family violence; and to present with other legal matters which cross over jurisdictions. Further, for many clients, family violence had not been identified prior to their engagement with the FASS, meaning that a trauma-informed intervention with a focus on risk assessment and safety planning in the family law area is critical.

The evaluation found that the FASS had served to increase awareness of family violence by clients and family law stakeholders; increase feelings of support and levels of help-seeking by family law clients with experience of family violence; and contribute to positive legal and social outcomes for these clients. These findings indicate that the FASS is a necessary intervention in the family law system, a conclusion that is supported by the strong positive response to the program from the majority of stakeholders consulted for this evaluation.

The evaluation identified some core elements of the FASS that should be retained in future. Further, there is an opportunity to build on the early success of FASS through implementing key service enhancements to increase its effectiveness. However, it should be noted that the FASS cannot by itself meet the holistic legal needs of its clients or address the systemic factors which impact the experience of family law clients with family violence matters. Broader changes to improve the family law response to these clients would help to improve outcomes for vulnerable families.

Accordingly, the evaluation findings suggest that:

- The FASS should continue and retain core elements of the model.
- Key service enhancements would increase the effectiveness of the FASS.
- Systemic changes would improve outcomes for vulnerable families.

### *The FASS should continue and retain core elements of the model*

The evaluation identified some core components of the FASS that are key to its effectiveness in achieving legal and social outcomes for family law clients with experience of family violence. It is important that FASS:

- Provide duty lawyer and social services to both victims and alleged perpetrators and at an early stage of a family law matter.
- Enable continuity of duty lawyer support across jurisdictions, particularly jurisdictions dealing with family law and family violence matters.
- Deliver interconnected legal and social supports in real time at the court.

It was found that these elements of the program contributed to the likelihood of timely and satisfactory resolution of client legal matters, helped reduce risk to families resulting from family violence, and supported achievement of holistic legal outcomes.

Allowing for regional variations to meet the needs of different population groups, it is recommended that these core program elements be retained and where possible, strengthened in future.

Another factor identified as key to the effectiveness of the FASS was awareness-raising about the program with judicial officers, registrars, key contacts in other court jurisdictions and external agencies, particularly in the family violence sector. Such activities should continue to build awareness of the role and operation of the FASS, with a particular focus on strengthening relationships with key external services to improve client referral pathways.

### *Key service enhancements would increase the effectiveness of the FASS*

The evaluation found that FASS fills a gap in both legal and social service provision to family law clients with experience of family violence. There is an opportunity to improve provision of both legal and social supports through the FASS to more effectively meet the needs of this client group.

A clear message of this evaluation is that provision of legal advice to self-represented parties in the family law courts is beneficial to both parties to a matter, but that conflict of interest negatively impacts family law clients' access to legal support. Providing additional resources to enable legal aid commissions to extend FASS duty service provision to regional areas, implement an additional duty service and/or fund panel lawyers to assist FASS clients in situations of conflict would enhance the legal response to family law clients with family violence matters.

Recognising that FASS provides a duty lawyer service that is not intended to substitute for a grant of aid, it would be valuable to further resource the "enhanced" FASS duty service to enable duty lawyers to assist vulnerable clients in the later stages of their matters.

Placement of social support workers alongside duty lawyers in the family law courts was an innovative element of FASS which was found to have clear benefits for families. While social support workers and clients valued the open-ended nature of the support that could be provided through this role, this may make the role unsustainable particularly if demand for FASS increases in future. Additional resourcing would strengthen the capacity of FASS social support workers to provide casework support to clients and ensure their roles remain sustainable.

Lastly, the evaluation heard that providing support to both victims and alleged perpetrators of family violence helped redress the power imbalance, or "level the playing field" between parties, reduce the impact of the court process on victims, and contribute to successful resolution of matters before the courts. Additionally, particular benefits were identified of having a standalone men's worker at court to provide "support without collusion" to men with a history of using violence.

It is suggested that FASS providers be resourced to provide both men's and women's workers and that both workers be present in court on duty days. Men's workers should have expertise in working with a men's behavioural change model.

### *Systemic changes would improve outcomes for vulnerable families*

The FASS evaluation identified a number of systemic factors which negatively impact the effectiveness of the FASS in supporting family law clients with family law matters. Implementing changes to improve the family law response to clients with experience of family violence would help to reduce risk to victims and improve outcomes for vulnerable families.

These changes include:

- Improving information sharing pathways between family law courts and state and territory courts with jurisdiction over family violence matters.
- Improving family law court facilities to increase victim safety, reduce trauma and support effective resolution of matters, including provision of video facilities to enable victims to give evidence remotely, safe rooms and mediation rooms.
- Providing support to family law courts to better engage with clients with experience of family violence, including judicial education on trauma-informed responses to family violence and supporting appropriate responses to issues particular to new and emerging communities.
- Extending the holistic model of the FASS to include legal and social support at court for client mental health and drug and alcohol issues.
- Increasing the provision of community supports to men who use violence, including family and relationship programs, parenting programs and perpetrator programs.

## Background

This section provides an overview of the FASS, including the context for the program, and details the program logic that was developed to guide the evaluation.

### The Family Advocacy and Support Services

Arising out of the *Third Action Plan* under the *National Plan to Reduce Violence against Women and their Children 2010-2022*, for families in the family law system who are experiencing family violence, the FASS aimed to:

- assess risk and prepare safety plans,
- deliver holistic services to victims and perpetrators of family violence,
- provide continuity of service between the State and Federal systems, and
- provide better support for peoples from Aboriginal and Torres Strait Islander communities and culturally and linguistically diverse communities.<sup>1</sup>

For this purpose, the Federal Government committed \$18.5 million over three years (2016-2019) to implement the FASS in family law court registries nationwide. Overall, legal aid commissions were funded to establish and implement the FASS in 23 service locations, comprising 16 family law courts (or local courts in the Northern Territory) and seven circuits.

In each of the 16 permanent registries the commissions established an integrated duty lawyer and family violence support service to help families navigate the family law courts where there are concerns of family violence. The roles of the duty lawyer and family violence support worker include:

- safety planning,
- pre-court support,
- legal advice,
- trauma-informed social support and referral services,
- bridging the information gap between Commonwealth family law, state domestic violence and state child protection jurisdictions, and
- referrals to specialist family violence, family support and other social services.<sup>2</sup>

It is important to note that the legal support provided to FASS clients was by duty lawyer services and was not intended to be ongoing legal support or representation. Further, the non-legal support was provided by way of delivery of specialist family violence support and referral to other support services (e.g. counselling, housing, employment, education, financial assistance).

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<sup>1</sup>Commonwealth of Australia (Department of Social Services). (2016) Third Action Plan 2016-2019 of the National Plan to Reduce Violence against Women and their Children 2010-2022.

<sup>2</sup> Based on the Project Agreement for Family Advocacy and Support Services, and discussions with the Attorney-General's Department and Legal Aid Commissions

## How each service was delivered

Most FASS services were based at family law court registries. However, services were also delivered at circuit courts in some locations, and at local courts in the Northern Territory. The FASS operations commenced in March 2017.<sup>3</sup>

Each location where the FASS was implemented leveraged off and expanded upon existing services and networks. All sites had employed additional FASS-specific duty lawyers, with many working in tandem with existing duty lawyer services. Some sites had employed a family violence support worker through the program – who was, in some jurisdictions, a qualified social worker – while others engaged with support workers from external organisations.

Most locations had an intake/referral officer or coordinator who was central to the operation of the service through triaging clients into the service. This was just one point of entry into the FASS. Many also had strong referral pathways already established, and funnelled clients into the service through court staff, outreach, and hotlines. Most FASS services also had a visual presence in the court building which helped to attract prospective clients.

The roles undertaken by the duty lawyer, support worker, and intake/referral officer varied across locations. In some locations, the duty lawyer was trained in risk assessment. In others, this role was undertaken by the support worker, and in some the intake/referral officer was trained in risk identification. Importantly, all FASS staff were sensitive to the needs of their clients and able to refer them to appropriate services.

A full list of FASS services by location and how each service was delivered in each location is contained at Appendix C.

## The intersection of family law and family violence: the need

According to an audit undertaken by National Legal Aid in 2014/15, 79 percent (or approximately 21,000) of legal aid grants in family law matters across Australia involved domestic violence as a factor.<sup>4</sup> Thus, the purpose of the FASS was to provide a holistic service that supports the legal and non-legal needs of this vulnerable cohort.

The FASS was designed to support the needs of both victims and alleged perpetrators whilst never condoning family violence. This approach allowed alleged perpetrators to be supported through legal proceedings, to understand orders made against them, and to be referred into behavioural change programs. This was particularly relevant to those with mental illness, intellectual disability and/or low literacy who may not be able to understand the court process and orders.

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<sup>3</sup> Victoria commenced operations on 1 May 2017.

<sup>4</sup> National Legal Aid. (2016). COAG Commitment Welcomed as New DV Figures Released. Study Reveals DV Endemic in Family Law Cases. [media release]. Available at: <<http://www.nationallegalaid.org/assets/NLA-media/NLA-DV-release-NATIONAL-18-April.pdf>> [accessed 6 July 2017].

For victims, the FASS was intended to enable their social and legal needs to be identified and addressed through referral to appropriate services, and to improve safety inside and outside of court through utilisation of safety plans.

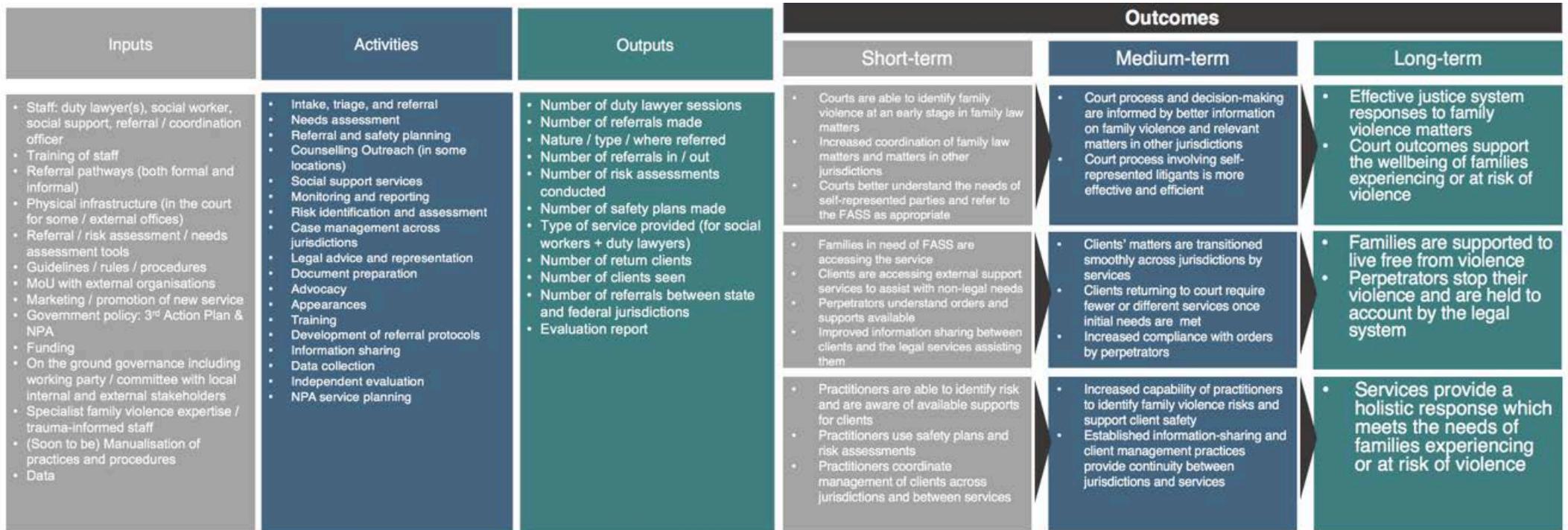
Overall, the FASS aimed to contribute to improved family law court processes and decisions.

### **The FASS program logic**

The FASS was designed to assist at the intersection of family law issues and experience of family violence by providing legal and social services to holistically address the client needs.

Following an analysis of key FASS documentation (including the original program agreement), interviews with Departmental program management staff and a workshop with the FASS Advisory Group, the following program logic was developed to guide the evaluation.

Figure 1. FASS program logic



This program logic provides an overall view of design and implementation of the FASS, and is not location specific. Therefore, there were some differences in activities and inputs across locations from what is specified in the table, as each FASS site leveraged off existing service systems and structures. However, all FASS sites delivered the same outputs aimed at achieving the same outcomes. The overall purpose of the FASS was to provide holistic support to victims and alleged perpetrators to reduce family violence. This purpose was reflected in each tranche of outcomes in the program logic.

## Underlying assumptions

There were a number of assumptions behind the program logic which were assumed for the purposes of the evaluation. These were:

- there is an equal focus on providing services to victims and alleged perpetrators,
- services to alleged perpetrators are provided with the safety of all family members at their core and services are offered in a way that does not condone or promote family violence,
- providing support helps families resolve their issues faster and in a more complete way,
- a useful entry point for identifying needs related to family violence is at the court (especially for 'early' intervention),
- duty lawyers are well placed to do risk identification,
- qualified support services/professionals in the family violence area are best placed to undertake risk assessment,
- referrals to other support services are an effective intervention,
- where social service provision is cohesive, clients receive the service they are referred to, and
- family law issues should not be addressed in isolation; there is a need to deal with the intersection of family violence and family law for resolution of all issues.

## Evaluation methodology

This section details the purpose of the FASS evaluation, the questions the evaluation sought to answer, the methods employed for the evaluation and limitations on the data.

### Purpose of the evaluation

The purpose of the evaluation of the FASS was to:

- assess the short-term outcomes achieved by the FASS within its original policy and program agreement parameters,
- assess the likelihood of achievement of the medium-term and longer-term impacts outlined in the program logic, and
- attempt to compare change in FASS client outcomes over time.

Outside of the scope of this evaluation was assessment of the appropriateness of the policy that led to the FASS or the achievement of medium- and long-term outcomes. The FASS was not operating for long enough at the time of data collection for these outcomes to be present.

In summary, the evaluation focused on the outputs and short-term outcomes reflected in the original policy and program agreement parameters, including:

1. Outputs achieved in the short-term including number of duty lawyer sessions, clients seen, risk assessments conducted, and safety plans made.
2. Short-term outcomes including changes in levels of awareness of FASS by clients and family law/family violence system stakeholders, and positive identification of clients' legal and non-legal needs.

Consideration of short-term outcomes was based on the understanding that FASS provides a duty lawyer service to clients, not ongoing legal support or representation, and that non-legal support was provided via direct delivery and referral to specialist family violence and other support services.

### Evaluation questions

To understand if the FASS has achieved its intended outcomes, the evaluation sought to answer the following questions:

1. What is the impact of FASS duty lawyer services on self-represented parties and the courts?
2. What is the impact of connecting family law clients to social services on families, the courts, legal assistance providers, and other support providers?
3. To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?
4. To what extent does information sharing and management of clients between jurisdictions occur? What is its impact on clients?
5. What outcomes have been achieved for families in each location? What factors contributed to, or constrained, the outcomes achieved?

## Evaluation methods

The FASS evaluation was designed as a qualitative, narrative-based examination which focused on the outputs and short-term outcomes of the implementation of the program up to 31 March 2018.

The evaluation did not seek to assess outcomes in every site at which the FASS has been operating. Rather, the evaluation examined a sample of nine “deep-dive” sites. These sites were chosen using the following criteria:

- operation of the FASS within a fixed court registry (rather than a circuit court),
- frequency of duty lists,
- level of remoteness,
- jurisdiction (to ensure all states and territories were represented),
- delivery model, and
- level of service maturity.

The sites selected were:

- New South Wales: Parramatta & Newcastle Family Law Court Registries
- Victoria: Melbourne Family Law Registry
- South Australia: Adelaide Family Law Courts Registry
- Northern Territory: Darwin Local Court
- Tasmania: Hobart Family Law Courts Registry
- Queensland: Townsville Family Law Courts Registry
- Western Australia: Family Law Court of Western Australia (Perth), and
- Australian Capital Territory: Canberra Family Law Court Registry.

For each of the nine deep-dive sites, the following evaluation activities were undertaken:

- client surveys (baseline established at the court, with follow up surveys over the phone at six weeks and three months),
- review of client intake and assessment forms,
- service and court observations, and
- semi-structured interviews with court personnel (including judges/magistrates and registry managers/registrar), FASS program managers, FASS staff (including duty lawyers, social support workers, and intake/referral officers) and key referral services.

Analysis was also conducted of aggregate quantitative data from all 23 service locations. The data was provided by each jurisdiction’s legal aid commission (and their social support partners, if employed to deliver the FASS).

## Client surveys

The evaluation aimed to conduct up to 45 client surveys across the nine deep-dive sites (up to five per site), with follow up surveys administered over the phone. This method was intended to understand client engagement with the FASS the impact of the service on clients over time. In total, 40 surveys were conducted at the baseline.

Initial surveys were conducted at the FASS offices or at the court during the site visit. Six-week and three-month follow-up surveys were conducted over the phone. Clients were provided with a supermarket gift card for each survey they completed.

<b>Profile of client survey participants:</b>	Response rate:	<ul style="list-style-type: none"><li>• Baseline = 40 clients</li><li>• 6 weeks = 16 clients</li><li>• 3 months = 7 clients</li></ul>
	Female:	28 clients
	Male:	12 clients
	Location:	Qld = 2; Vic = 4; NSW = 15; NT = 4; WA = 5; Tas = 8; ACT = 2; SA = nil.
	Aboriginal or Torres Strait Islander:	4 clients
	Culturally and Linguistically Diverse:	9 clients
<b>Survey length:</b>		5 to 10 mins
<b>Survey tool:</b>		Refer to Appendix F

## Review of client intake and assessment forms

The intake and assessment forms of consenting clients were reviewed to help assess:

- the extent to which the FASS connects clients to services that address their needs, and
- the outcomes achieved in each location and for FASS as a whole.

Once client consent was provided, the evaluators were given access to legal aid commission FASS client intake and assessment forms with sensitive information redacted. The information gathered from these forms included referral pathways in and out of the FASS, types of legal and social support provided, whether the client received a risk assessment or safety plan or had a cross-jurisdictional matter.

### Service and court observations

Between 5 February and 28 March 2018, members of the evaluation team spent a week in each of the nine deep-dive sites to gain a deeper understanding of the operation of the FASS.<sup>5</sup>

At each site, a service / court observation template was completed to understand:

- how the FASS was set up in the court and how it physically utilised the space,
- how FASS staff worked together in the court space and FASS offices,
- how FASS staff interacted with external personnel such as court and registry staff, security, and other stakeholders,
- how clients located, interacted with, and were admitted into the service, and
- how FASS clients participated in court proceedings.

The service/court observation tool is at Appendix D.

### Analysis of aggregate service delivery data

Analysis of legal aid commission and some social support service quantitative data was undertaken to assess:

- outputs delivered by the FASS in each service location, and
- any differences in outputs delivered across jurisdictions.

The evaluators were provided quantitative data by legal aid commissions on key elements of FASS service provision for each of the 23 locations at which the FASS was delivered (see Data limitations below).

### Semi-structured interviews

Semi-structured interviews were conducted with key FASS staff and stakeholders across the nine deep-dive sites. In total, 99 interviews were conducted involving 115 participants. Detail about the interviews is provided in the table below.

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<sup>5</sup> Three days in Adelaide, South Australia.

Table 1. Semi-structured interviews

	<i>Purpose</i>	<i>Participants</i>	<i>Number of participants</i>	<i>Interview length</i>
<b><i>FASS Program Managers</i></b>	To better understand how the FASS had been established and implemented at each deep-dive site, any site-specific differences, and to provide insight into the operation of the FASS.	Program managers who were responsible for the FASS. Some jurisdictions also elected managers of the FASS social support services.	15 managers	Approximately 45 minutes
<b><i>FASS staff</i></b>	To inform understanding of: <ul style="list-style-type: none"> <li>• how the FASS is operating at the specific site,</li> <li>• how FASS staff work together to address client legal and social needs,</li> <li>• if/how the FASS has improved information sharing processes, and</li> <li>• the perceived impact of the FASS on clients.</li> </ul>	FASS duty lawyers, FASS social support workers and intake & referral officers / coordinators.	22 duty lawyers 16 social support workers 6 intake & referral officers / coordinators	Approximately 45 minutes

<b><i>Court personnel</i></b>	<p>To inform understanding of:</p> <ul style="list-style-type: none"> <li>• if / how the FASS had impacted upon court processes, and</li> <li>• if / how the FASS had improved client court preparedness.</li> </ul>	<p>Judges and magistrates nominated by the legal aid commissions, registry managers, and registrars.</p>	<p>10 judges / magistrates 11 court staff (including registry managers and registrars)</p>	<p>Approximately 20 minutes</p>
<b><i>Non-FASS lawyers</i></b>	<p>To inform understanding of:</p> <ul style="list-style-type: none"> <li>• if / how the FASS had improved information sharing processes across jurisdictions, and</li> <li>• how the FASS worked within the broader legal system.</li> </ul>	<p>Lawyers external to the FASS, either employed by legal aid commissions or other practices.</p>	<p>18 people</p>	<p>Approximately 20 minutes</p>
<b><i>Key referral services</i></b>	<p>To inform understanding of:</p> <ul style="list-style-type: none"> <li>• how the FASS was connecting clients to social support services, and</li> <li>• how / what information was shared between the FASS and key referrals.</li> </ul>	<p>Key social support referral services, external to the FASS.</p>	<p>16 people</p>	<p>Approximately 20 minutes</p>

Interview tools for each of the interview cohorts can be found at Appendix E. For a breakdown of interviews per jurisdiction, see Appendix A.

## Ethical considerations

Prior to conducting the site visits, ethics approval was sought and obtained from a Human Rights Ethics Committee for the client survey and review of client intake and assessment forms.

To ensure that evaluation activities were conducted consistent with the conditions of ethics approval, the following measures were implemented:

- Clients were provided with a 'participant advocate' to provide support and to ensure they understood the consent process. Information to inform consent was presented verbally and on an information sheet. This information included background to the evaluation, its purpose and scope, and how the information they provided would be used.
- Client consent was obtained verbally and in writing prior to review of their intake and assessment form and participation in the survey. Consent was affirmed verbally before each follow-up survey.
- Clients were advised that participating (or not) in the evaluation would not affect their access to the FASS. Clients were also continually advised of their right to cease participation in the evaluation at any time.
- Cessation of the survey if there was risk of disclosure of sensitive legal matters or client was becoming distressed or overwhelmed.
- Referral of clients to counselling and other support services if requested or required.
- Secure storage of client details and de-identified survey responses.

For the follow-up surveys over the phone, the following measures were taken:

- Calls were made from a withheld number.
- Messages were not left on client's phones.
- Clients were asked to confirm their name.
- Clients were asked if they were in a safe place to speak.
- A time was made to call back if the client could not talk at the time.

## Data limitations

The following limitations affected the data collected to inform the evaluation.

### *Limited participation in client surveys for some jurisdictions and over time*

The evaluation aimed to interview up to five clients from each of the nine deep-dive sites, or about 45 in total. Despite best efforts, no surveys were conducted in Adelaide and only two were conducted in Townsville and Canberra. While 40 clients were surveyed, the majority of respondents were from Tasmania (8) and NSW (15). While the client survey component of the methodology was not intended to be representative of the FASS client population, limited survey participation in some locations limits the diversity of client experience reflected in this report.

Further, client participation in the surveys declined over time, with 16 clients participating in the six-week survey and seven in the three-month survey. It is worth noting that this evaluation is the first time this type of longitudinal survey has been conducted with this client group, so it was not possible to estimate likely response rate to the follow-up surveys. However, it was anticipated that client responses would decline over time, particularly given the nature of the client population. It is also likely that measures adopted to protect client privacy and confidentiality affected the follow-up survey response rate. When calling to conduct the phone surveys, the evaluators used a private number and did not leave a message if a client did not answer.

The low number of clients who participated in all three surveys limits the accuracy of time series data presented in this report.

### *Limited participation in key referral service interviews*

At each of the nine deep-dive sites, FASS staff were asked to provide the contact details of up to five key referral services to be interviewed for the evaluation. Some jurisdictions were limited in the referral contacts they could provide due to:

- the lack of a specific contact in the referred organisation,
- the perception that key referral organisations had a lack of awareness of referrals coming through from the FASS specifically,
- limited number of referral services in the geographic area, and
- that the FASS was still in the early stages of establishing networks within the social support ecosystem.

Where referral contacts were supplied, there was difficulty in establishing contact with many of the service providers. Many providers did not reply to requests for interview or were unavailable. Of the supplied contacts, each were contacted twice for an interview. While a maximum of 45 key referral services set for key referral interviews, only 16 people were interviewed from this cohort.

### *Limitations affecting legal aid commission data*

The evaluation sought to obtain FASS service delivery data for the following measures.

- Number of clients assisted.
- Number of duty lawyer services.
- Number of referrals in/out of program.
- Number of referrals to support services.
- Number of risk assessments conducted.
- Number of safety plans made.
- Number of return clients (to duty lawyer or social support services).
- Number of cross-jurisdictional matters dealt with.
- Number of transfers within Commission.
- Number of referrals to another service for assistance with matters in state/territory jurisdictions.

As standard practice, FASS service delivery data was collected by all legal aid commissions as per the FASS Project Agreement for these measures:

- Number of duty lawyer services delivered.
- Number of non-legal support services delivered.

The evaluators worked with legal aid commissions to support collection and collation of quantitative data against all of the above measures. However, the following measures were not able to be determined due to limitations and gaps in source data:

- Number of referrals in/out of program.
- Number of return clients (to duty lawyer or social support services).
- Number of cross-jurisdictional matters dealt with.
- Number of transfers within Commission.
- Number of referrals to another service for assistance with matters in state/territory jurisdictions.

In addition, the following limitations apply to quantitative data presented in this report.

- Number of FASS clients: may include data on both FASS and non-FASS duty lawyer clients as not all sites provided this data separately. Includes combined data on number of FASS duty lawyer clients and support service clients where sites provided this data separately.
- Number of FASS duty lawyer services: includes data on non-FASS duty lawyer services for all jurisdictions except Tasmania which provided separate data on FASS duty lawyer services.
- Number of referrals to support services: may be affected by different data collection methodology used by different sites.
- Number of risk assessments: only includes risk assessments undertaken by FASS support services.
- Number of safety plans: only includes safety plans developed by FASS support services.
- All service provision: it is likely the data on total service provision was impacted by additional sites coming online during the period analysed. For example,

Victoria commenced service provision in the second quarter of 2017-2018, while Western Australia commenced service provision across five regional sites in the third quarter of 2017-18.

## Terminology

This report uses the following terminology:

- Aboriginal and Torres Strait Islander, unless the term Indigenous is used in reference to a specific role or program.
- Conflict of interest, in reference to potential breach of a duty lawyer's fiduciary duties, precluding them from providing legal assistance in a matter. Conflict of interest does not apply to provision of social support services.
- Duty days, in reference to days on which a duty list is running at the court.
- Family Advocacy and Support Services (FASS), except in relation to the service funded through the FASS program in the Darwin Local Court which is called the Respondent Early Intervention Legal Service (REALS).
- Family law courts, in reference to courts exercising jurisdiction under the Federal Family Law Act 1975 and the Family Court Act (WA) 1997.
- Family violence, unless another term is used in reference to a specific role or program.
- Parental responsibility and living arrangements, refers to living arrangements and responsibility for decision making about children.
- Protection orders, in reference to orders to protect victims of family violence granted by state and territory courts with jurisdiction under family violence legislation. Children may be included on protection orders. This is distinct from child protection orders which refers to orders to protect children granted by children's courts.
- Self-represented clients, including clients who chose to represent themselves in court; and those who did not have but sought legal representation.
- State and territory courts with jurisdiction under family violence legislation. These include Magistrates Courts, Local Courts and Domestic Violence Courts depending on the jurisdiction.
- Victims and perpetrators, which refers to people who have experienced or used family violence respectively. The FASS was designed to deliver holistic services to both victims and perpetrators of family violence. It is an inclusive program which supports all genders and recognises the diverse make up of families in Australia.

## Findings

### What is the impact of the FASS duty lawyer service on self-represented parties and the courts?

This question explores the impact of FASS duty lawyer service provision on self-represented parties in the family law courts (and local courts in the Northern Territory), and on the courts themselves.

#### Key findings:

The evaluation found that the FASS duty lawyer service provided self-represented parties with a greater range of legal supports than other duty lawyer services. This was due to the greater discretion that could be exercised by FASS duty lawyers, including with management of matters across jurisdictions, and resourcing of additional duty lawyer services to assist clients in cases of conflict of interest. Provision of support to self-represented parties was felt to have a positive impact on preparedness and completeness of evidence and to contribute to a significant reduction of court time spent on self-represented matters.

To answer the question “What is the impact of the FASS duty lawyer service on self-represented parties and the courts?”, the evaluation examined qualitative data from interviews with FASS staff and court personnel, and qualitative and quantitative data from the FASS client survey, against the following measures:

- **Nature of legal matters of self-represented parties.**
- **Nature of support provided by duty lawyers to self-represented parties.**
- **Level of preparation and completeness of evidence for self-represented matters.**
- **Level of court time spent on self-represented matters.**
- **Self-assessed outcomes of the duty lawyer support provided.**

The findings against these measures are discussed below.

#### *Nature of legal matters of self-represented parties*

The evaluation found that the vast majority of family law matters for which the FASS duty lawyers provided support were matters involving parenting and children. One jurisdiction estimated that such matters made up 85 percent of matters involving FASS duty lawyers.

These matters commonly included:

- Arrangements to spend time with children.
- Applications concerning who a child should live with.
- Care and protection issues where children were subject to child protection orders.
- Changes to parenting arrangements for children subject to protection orders.

- Applications for children to be added to the family law watch list to stop their removal from Australia.

The duty service provided through the FASS was described by some FASS staff members as an “enhanced” duty service – in the words of one interviewee, it is “more than a duty service, less than a grant of aid.” This meant that FASS duty lawyers had the discretion to assist with matters in which a client’s legal needs were impacted by family violence, but which were not generally eligible for duty lawyer assistance (or a grant of Legal Aid). For example, some jurisdictions were able to provide support for divorce and property settlement through the FASS duty service where family violence was a factor and the client was vulnerable. It was identified that even in those jurisdictions with a pre-existing duty lawyer service, FASS “filled a gap” in terms of the nature of matters for which assistance could be provided; resulting in an increased range of matters for which families could be provided for support in the family law courts.

Outside of matters in the family law courts, the most common legal matters of self-represented parties related to protection order matters in state and territory courts. The evaluation found a difference across jurisdictions as to whether FASS duty lawyer clients already had a protection order in place when they engaged with the FASS. For example, it was identified that in Townsville most clients had engaged with the local court and domestic violence resource service prior to engaging with the FASS. However, in Melbourne it was noted that the majority of family law court matters did not run concurrently with applications for protection orders and a tendency observed for perpetrators to “wait out” protection orders before commencing family law proceedings.

Importantly, it was commonly identified that for many families, contact with the FASS was the first time that family violence issues had been identified. The implications of this for FASS service provision are discussed in relation to the question “To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?”

Regardless of whether FASS duty lawyer clients already had protection orders in place, all jurisdictions highlighted the crossover between family law and family violence matters for self-represented parties. The children’s court was the other jurisdiction in which FASS duty lawyer clients commonly had matters, frequently in relation to child protection issues. In some areas, vulnerable families were more likely to have matters crossing over between the children’s and family violence jurisdictions than with family law courts. In relation to Aboriginal community engagement with the FASS on circuit in regional Western Australia, FASS staff observed that Aboriginal families historically had greater engagement with the children’s court than the family law court jurisdiction. They noted that over 90 percent of child protection matters in WA involve family violence, and over half of the children in the WA child protection system are Aboriginal.

Other legal matters for which self-represented parties received assistance from FASS duty lawyers varied depending on the jurisdiction. For example, clients of the REALS in Darwin often had criminal matters such as aggravated assault alongside matters relating to protection orders. A key role of the REALS lawyer was to identify whether

the family violence matter should travel with the criminal matter. If appropriate, the family violence matter would be kept separate from the criminal matter to ensure it received appropriate attention and was resolved in an expedient manner. FASS staff in Adelaide and Melbourne identified a number of clients with migration matters, primarily due to spousal visa issues resulting from family violence.

The implications of the intersection of legal matters across these jurisdictions are discussed in relation to the question “To what extent does information-sharing and management of clients across jurisdictions occur?”

### *Nature of support provided by duty lawyers to self-represented parties*

The evaluation found similar types of support provided by the FASS duty lawyers in different jurisdictions. These included:

- Legal advice concerning issues such as the merits of a case; how a matter was likely to be dealt with by the court; how to respond to a matter; how to frame submissions; what evidence was likely to be required, and how to behave in court.
- Document preparation, particularly preparation of urgent documents such as recovery applications, interim orders and family law watch list applications; as well as advice to clients on document preparation.
- Court appearances, generally limited to initial appearances, first return dates, procedural applications and some urgent interim hearings involving risk to children.
- Negotiation of consent matters. This was highlighted as a large part of the FASS duty lawyer’s role, with duty lawyers in one jurisdiction estimating this took up to 90 percent of their time.
- Assistance with grant applications for clients eligible for Legal Aid.
- Other representation depending on the jurisdiction. For example, FASS duty lawyers in some jurisdictions represented clients in family dispute resolution and case assessment conferences.

The evaluation found that FASS duty lawyer support was typically provided:

- At the discretion of the duty lawyer based on urgency, risk, the capability and vulnerability of the client as well as the capacity of the service on the day.
- Early in a client’s matter.
- To both victims and alleged perpetrators of family violence (in all jurisdictions except Darwin, where the REALS was established to assist respondents to protection order applications).
- As a matter of priority for urgent matters where a client was extremely vulnerable due to risk to themselves and/or children. In jurisdictions without a full-time duty service such as Townsville, it was noted that a client’s matter had to be urgent to receive FASS support on a non-duty day.
- As a point in time service rather than as ongoing legal support, although clients could return to the FASS on multiple occasions. In the words of one duty

lawyer, “in reality (FASS clients) are repeat clients, but their specific legal issue will be resolved by the end of the day.”

In relation to these points, the evaluation identified two kinds of self-represented parties. The first was those clients who chose to represent themselves in family law proceedings. These clients were likely to receive support from the FASS duty lawyer, such as advice on court appearances and document preparation.

The second was clients who did not have legal representation when they engaged with the FASS but were seeking such representation. Some of these clients may have later gained representation by a private solicitor. Some would be successful in an application for a grant of Legal Aid, while others would be ineligible for aid due to the Legal Aid guidelines for family law assistance.

Of clients seeking legal representation, those who were ineligible for Legal Aid, and those who were eligible for aid but had urgent matters which needed attention prior to aid being granted, were more likely to be vulnerable due to experience of family violence. These clients were likely to receive a greater level of support from the FASS duty lawyers - one duty lawyer said that for such clients they would “do as much as they can within the (duty service) guidelines.” It was highlighted that the FASS duty lawyers spent a significant amount of time providing support to vulnerable clients. One FASS duty lawyer observed that dealing with an urgent matter involving risk to children could take the better part of a day.

Evaluation participants’ views differed as to whether self-represented parties assisted by the FASS were primarily those who were eligible for Legal Aid, or not. Some FASS sites identified that a key part of their role was to identify clients eligible for aid and support them to submit a grant application, while others said they mainly provided support to clients who were not eligible for Legal Aid. Notably, several FASS duty lawyers noted that they played a key role in advocating for a grant of aid within their Commission for a particularly vulnerable client.

As noted previously, it was identified that even in jurisdictions with a pre-existing duty lawyer service, FASS “fills a gap” in terms of the nature of matters for which assistance could be provided. A common theme across jurisdictions was the crucial role of the FASS in resourcing support for clients who would otherwise be “conflicted out” of legal advice. The impact of conflict of interest on provision of legal advice to clients in the family law jurisdiction was a key theme raised through this evaluation. It was interesting to note the extent to which conflict of interest impacted upon FASS duty lawyer service provision across jurisdictions and the different practices adopted by legal aid commissions to address this. For example, a number of Commissions had used FASS funding to resource an additional FASS duty lawyer service to provide a “back-up” service in cases of conflict of interest. However, not all Commissions had a policy requiring full conflict checks to be conducted for duty services, which included the FASS, meaning that the impact of conflict of interest on duty service provision was not as great in those areas.

Other ways in which FASS funding had been used to augment the support available to self-represented parties were in establishment of the REALS in Darwin and FASS

in Katherine by the Northern Territory Legal Aid Commission (NTLAC) to provide support to parties with family violence matters in the local courts. FASS funding had been used by legal aid commissions in Tasmania, SA and WA to resource duty lawyer services in the family law court circuits in Burnie, Mt Gambier and regional Western Australia respectively. These models are discussed further in relation to the question “To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?”

The support provided by the FASS duty lawyers to self-represented parties in the family law courts (and local courts in the Northern Territory) was regarded by evaluation participants as highly valuable in helping to meet the legal needs of vulnerable families in these jurisdictions. However, it was emphasised by several interviewees that even an “enhanced” duty service was not a substitute for ongoing legal aid for family law matters. As one FASS staff member explained, the FASS filled a gap at a particular point in a client’s “journey” but without ongoing assistance the most vulnerable families would not be supported in the longer term, and it was “important to understand where the FASS sits in terms of the holistic legal needs of people experiencing or using family violence.”

#### *Level of preparation and completeness of evidence for self-represented matters*

Evaluation participants reported that the FASS had had some positive impact on the level of preparation and completeness of evidence of self-represented parties.

FASS staff interviewed identified that it was important for the outcome of a matter for the client’s case to be presented to the court “in the best possible light” at the first instance. It was noted that at their first court appearance, many self-represented parties did not have the required paperwork and were not prepared to represent themselves in court. At minimum, the FASS duty lawyer would provide them with advice on the information that was required by the court and how to present this information to the judicial officer. This was highlighted as particularly important for victims of family violence who would need to collect and present evidence of the violence they had experienced to the court but were often unaware of how to do so. In the words of one FASS duty lawyer, they were able to advise victims on how to “pull apart a story of coercion and control to present the information in the way the court wants to hear it.” On the other hand, in some matters, the FASS duty lawyer would prepare the client’s documents and evidence and appear in court on their behalf.

The importance of FASS duty lawyer support in preparation of court documents including applications, affidavits and Notice of Risk was also noted. FASS and non-FASS duty lawyers and registrars noted that the assistance that the FASS duty lawyers provided with completing forms saved inconvenience to courts and clients and helped with the progress of matters. This was particularly important for urgent applications for victims of family violence and their children. The evaluation heard that the specialist nature of the FASS meant that the FASS duty lawyers were equipped to ask the right questions to determine if family violence was present in order to assist with such applications. For example, in Melbourne it was noted that the court received numerous

airport watch list applications every day, all of which were referred to the FASS as they are able to assist with the quality of the paperwork required.

Several judges interviewed felt that the FASS had been beneficial in supporting self-represented parties. A judge in one jurisdiction said that when they knew that a party had been assisted by the FASS duty lawyer, they could see that this support had been “critical” in the quality of submissions; in another, a judge mentioned that they could think of several occasions on which assistance from the FASS duty lawyer had helped to “put a matter on a better track.” Some judges identified that when they could see that a self-represented party needed advice, they knew that they could stand the matter down and refer them to the FASS or to another duty lawyer.

However, some responses to this question from judicial officers and the court related to the support provided by Legal Aid duty lawyers generally, rather than FASS duty lawyers specifically. Further, several judges said that they did not always know when a party had been assisted by the FASS. Lastly, the impact of the FASS on the preparation and completeness of evidence for self-represented matters did not appear to be as great in jurisdictions that had had a relatively well-resourced duty service prior to the FASS.

#### *Level of court time spent on self-represented matters*

It was unanimously felt by evaluation participants that the FASS had contributed to a significant reduction in the amount of court time spent on self-represented matters. Judges across jurisdictions noted that time was extremely limited on duty days due to the high number of parties on duty lists. A high proportion of duty clients in the family law jurisdiction were self-represented, meaning that they were typically underprepared, unlikely to have documents correctly prepared and submitted, and likely to need more time to tell their story in court. Judges highlighted that much of their time was spent explaining information and court procedures to self-represented clients and that matters would frequently need to be adjourned to enable these clients to seek legal advice, which increased the time taken to resolve matters.

In the words of one judge interviewed for the evaluation, it was “incalculable” how much court time was saved by having duty lawyer assistance available to self-represented clients in the family law courts. Judges observed that they did not need to explain as much to self-represented parties who had received duty assistance and so could move through the duty list faster. In Newcastle, the judge noted that when they could see a party was self-represented they could stand the matter down and refer them to the FASS or the Early Intervention Unit (EIU) duty lawyer, rather than having to adjourn the matter or have it heard undefended. In Canberra, the judge said they had a “level of confidence” knowing that they could refer both parties to a matter to the FASS duty lawyers and that both would receive assistance.

Both judges and lawyers across jurisdictions observed the positive effects of duty lawyer assistance on the quality of self-represented parties’ engagement with their matter and with the court, which was felt to further reduce the amount of court time required to resolve matters. The value of the work of FASS duty lawyers in supporting parties to reach consent was particularly noted in this regard. It was highlighted by one

of the FASS staff that having a duty lawyer discuss options with a respondent in a family law matter meant they were more likely to “come in (to court) with a consent mentality rather than a fight” and that having duty lawyers liaise with both parties to agree on a process for resolving their matter meant they were more likely to avoid litigation. It was frequently noted that timing was particularly important in family law matters due to the negative impacts on children of delays in agreeing matters such as parental responsibility and living arrangements. Therefore, the perceived impact of duty lawyer assistance in helping to resolve matters sooner was felt to be especially beneficial in the family law jurisdiction. This was also raised in relation to the REALS in the local court in Darwin, where several interviewees noted that having respondents assisted by the duty lawyer meant that matters were less likely to be contested and more likely to resolve sooner, which was good for victims of family violence and their children.

However as noted previously, some responses to this question from judicial officers and the courts related to the support provided by Legal Aid duty lawyers generally, rather than the FASS duty lawyers specifically, with several judges stating that they did not always know when a party had been assisted by the FASS.

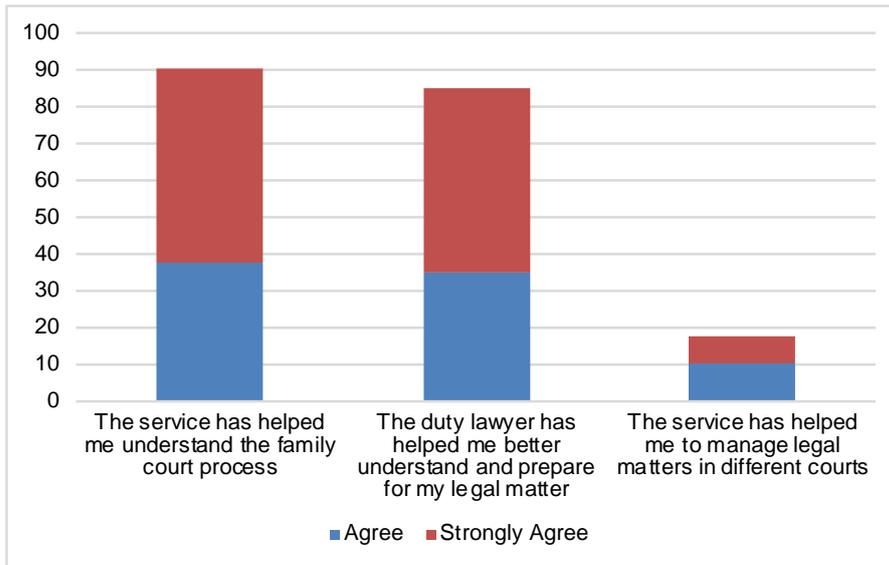
Registry staff across jurisdictions were also universally positive about the impact of duty lawyer assistance on the level of time spent on self-represented matters. They identified that a significant amount of time is spent with self-represented clients explaining court processes and supporting them to complete paperwork. One interviewee said that they would previously have spent over half an hour with self-represented clients who they could now “confidently” refer to the FASS. Another noted that since establishment of the FASS, they would see clients only once rather than on repeated occasions, as they were taking advice from the duty lawyer.

### *Self-assessed outcomes of the duty lawyer support provided*

Analysis of quantitative data from responses to the first client survey conducted during the deep-dive site visits (n = 40) indicates that:

- 100 percent of clients surveyed saw a duty lawyer.
- 90 percent agreed that the duty lawyer helped them understand the court process - 53 percent of these strongly agreed.
- 87 percent agreed that the duty lawyer helped them prepare for their legal matter – 51 percent strongly agreed.
- 18 percent agreed that the duty lawyer helped them with matters in different courts – 8 percent strongly agreed.

Figure 2. Self-assessed outcomes of duty lawyer support <sup>6</sup>



Qualitative data included the following responses from survey participants about the duty lawyer and duty lawyer support:

- “They are supportive and helpful.”
- “It was very helpful. They told me what I need to know and what I need to do in future.”
- “It is a very good service for people who don’t have money, who really need help.”
- “It gave us peace of mind. It was a huge relief knowing our rights and what we can and can’t do.”
- “(The court process) is a very difficult thing to navigate so I don’t think I could do it by myself.”
- “I wouldn’t know what to do otherwise.”

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<sup>6</sup> For the first statement, 8 percent of clients provided a neutral response and 3 percent responded that the question was not applicable. For the second statement, 8 percent provided a neutral response, 3 percent disagreed, and 3 percent responded that the question was not applicable. For the third statement, 83 percent responded that the question was not applicable. The high rate of ‘not applicable’ responses to the third statement is due to the fact that most clients surveyed did not identify that they had a matter on foot in another court, in addition to their family law matter.

## What is the impact of connecting family law clients to social services on families, the courts, legal aid commissions, and other support services?

This question considers the impact of connecting family law clients to social services on families, the courts, legal aid commissions and other support services.

### Key findings:

The evaluation found positive impacts of connecting family law clients to social services on families, the courts, legal aid commissions and other support services. The most significant impacts for clients resulted from engagement with FASS social support workers at the court and provision of information about services and supports. Impacts included helping clients to identify experience of family violence, supporting client safety at court and improving engagement of alleged perpetrators with the court. Connecting clients to social services also helped strengthen courts' responses to client safety, enhance duty lawyer support to vulnerable family law clients and improve the quality and timeliness of referrals to other support services.

To answer the question, "What is the impact of connecting family law clients to social services on families, the courts, legal aid commissions and other support services?", the evaluation examined qualitative data from interviews with FASS staff, court personnel, legal aid commission lawyers and key services to which clients were referred by the FASS, as well as data from the FASS client survey, against the following measures:

- **Nature of impact of social services on clients.**
- **Nature of impact of services on courts.**
- **Nature of impact of services on legal aid commissions.**
- **Nature of impact of services on other support services to which clients are referred.**

The findings against these measures are discussed below.

### *Nature of impact of social services on clients*

The evaluation found positive impacts on engagement with social services for families accessing the FASS, particularly during the court process.

A common theme of interviews with FASS staff was that providing social support for victims of family violence during family law proceedings helped reduce their anxiety, enabled them to calm down, and to prepare themselves emotionally for court. In the words of one FASS support worker, they were able to "put (clients) back together and hold them in that crucible while they're (at court)".

It was identified by FASS social support workers that for some victims of family violence, the family law process was an "extension" of the abuse they had experienced. In these situations, support workers were able to help to alleviate the impact of the legal process on the victim by asking, in the words of one support worker, "how can we get your voice in this process?"

As previously noted, for many families, contact with the FASS was the first time it was identified that family violence had taken place. For many victims of family violence, engagement with the FASS social support worker was critical to help them understand that what they were experiencing was family violence, to validate this experience, to connect them with appropriate services and supports, and to assist with risk assessment and safety planning both at court and post court.

Specific examples that were provided of ways in which the FASS social support workers assisted with victim safety included managing and coordinating safety plans; conducting risk assessments; liaising with security and domestic violence court assistance services around access and escorts to safe rooms; organising taxi transport home from court; and arranging emergency accommodation when a victim's confidential address was disclosed by an alleged perpetrator's lawyer in open court.

Interviewees also highlighted the positive impact of providing social support to alleged perpetrators of family violence, particularly in those jurisdictions with dedicated FASS men's workers. It was felt that providing support to alleged perpetrators in both the family law courts and local courts also had benefits for victims of family violence. FASS and REALS staff identified that men with a history of using violence tended to feel that the legal system was biased against them and that having someone at court who could provide "support without collusion" was important to calm them down and put them in a "fit state" to engage in negotiations. It was also felt that it may reduce the likelihood of violence following court proceedings if, as one worker said, "they come in here heightened and go out de-escalated".

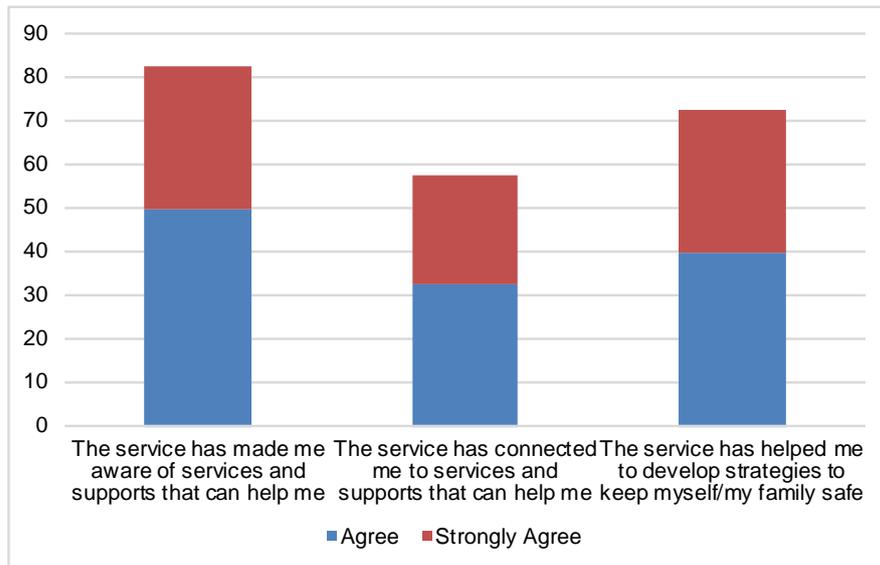
A common theme raised through the evaluation was the importance of having the FASS workers onsite at court to provide real-time connection and engagement with appropriate supports. The interconnectedness of legal and social needs in the family law jurisdiction was frequently noted in this evaluation, particularly in relation to vulnerable clients with complex social issues (this is discussed further later in the report). Therefore, it was noted that providing social support in the court setting increased the capacity of victims of family violence in particular to focus on their legal matters. In the words of one FASS social support worker, "if they're not worrying about what to eat or feed the kids they can make more informed decisions." It was also identified that the FASS social support workers helped clients to realise the significance of addressing their social issues for the prospects of resolving their legal matter; for example, having stable accommodation in order to gain access to, or custody of, children. These issues are discussed further in relation to the question "To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?"

Analysis of quantitative data from responses to the first client survey conducted during the deep-dive site visits (n = 40) indicates that:

- 83 percent of clients were made aware of services and supports that could help them.
- 58 percent were connected to services and supports that could help them.
- 73 percent were helped with strategies to keep themselves and/or their family safe.

- The most common referral was to counselling (37 percent).

Figure 3. Impact of services and supports on clients <sup>7</sup>



Qualitative data included the following responses from survey participants about engagement with social services:

- “There are (services) that I hadn’t heard of before seeing (support worker). Often people are in a state of crisis and they’re not able to do the best research themselves, they’re only concerned with their immediate problem.”
- “She (support worker) encouraged me to (follow up counselling) because she knows that I can but she let me know that she is there if I need it.”
- “He (support worker) is a good support if I need someone to talk to.”
- “Mainly we discussed how to help me heal... this is helping with my recovery.”
- “I think the service will be helpful to women like myself who are struggling with family violence”.

#### *Nature of impact of services on courts*

The evaluation heard that the FASS social services had had a range of positive impacts on the courts. Judicial officers interviewed said that they generally did not know when a client was supported by a FASS social support worker; however, they could see that when a client’s social issues were managed, it improved their capacity to engage with the court process and their legal matter. One judge said that they felt they would see evidence of clients and cases becoming more challenging if the FASS support workers weren’t there. Further, the judge interviewed in Melbourne commented on the positive impact of having a dedicated men’s worker in court, saying that this “immediately changes the tone of the (court) room.”

<sup>7</sup> For the first statement, 10 percent of clients provided a neutral response, 3 percent disagreed, and 5 percent responded that the question was not applicable. For the second statement, 18 percent provided a neutral response, 5 percent disagreed, 3 per cent strongly disagreed and 18 percent responded that the question was not applicable. For the third statement, 10 percent provided a neutral response, 2.5 percent disagreed, and 15 percent responded that the question was not applicable.

As previously noted, FASS social services played an important role within the court in relation to victim safety. A common theme identified by FASS staff and court personnel was the priority of safety planning and response in family law courts given the prevalence of family violence issues within the jurisdiction. It was highlighted that the FASS complemented and strengthened existing court safety provisions, with FASS staff working closely with security and women's domestic violence court assistance schemes to manage and coordinate victim safety plans. In some cases, the FASS served to fill a gap in the court's safety response. For example, several interviewees noted that security were generally aware of safety plans for clients already "in the system" but that the FASS support workers played an important role in safety planning for those who were new to the court. It was also noted that one jurisdiction had not had a safe room prior to implementation of the FASS.

Examples were provided of occasions in which the FASS social support worker had assisted the court to provide a more appropriate response to family violence victims or alleged perpetrators, including:

- A FASS support worker advocating for a traumatised client to give evidence via video from the safe room.
- A judge's associate asking the FASS men's worker to be present in court when a judgement was handed down to help manage the alleged perpetrator's response.
- A court registry worker referring a victim who was unwilling to see a lawyer to the FASS support worker.
- A FASS support worker intervening when security guards wanted to evict a client with mental health issues.
- Family consultants seeking specialist family violence advice from FASS support workers.

Supports provided by the FASS social support workers at court are discussed further in relation to the question "To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?"

A theme of this evaluation was the need to enhance the capacity of family law courts to provide a trauma-informed response to victims of family violence. This was raised in several jurisdictions in relation to the judiciary in particular. Examples were provided of responses to victims that did not indicate an understanding of the impacts of trauma resulting from family violence. While it was felt that having FASS social support workers in court had helped to address this, several interviewees raised the need for more judicial education in this area.

#### *Nature of impact of services on legal aid commissions*

The most significant impact of the FASS on legal aid commissions identified through the evaluation was the increase in capacity to assist families who would otherwise be "conflicted out" of accessing a duty lawyer service through enhancement of the existing family law court duty service.

In relation to FASS services specifically, interviewees identified that being able to refer clients to the FASS social support worker had increased the ability of FASS duty lawyers to ensure clients received appropriate assistance with their social issues. It was highlighted that duty lawyers had limited time to engage with clients and that it was not their role to provide social support but that there was a clear need for such support for vulnerable clients, particularly those with multiple and complex needs. Prior to the FASS, identifying appropriate referral pathways by lawyers took time away from assisting clients with their legal needs, and such referrals tended to be made infrequently. Connecting clients to social support in real time at the court meant that duty lawyers were better able to focus on clients' legal needs. Further, it meant that clients had greater capacity to engage with the duty lawyer about their legal matters with their social needs addressed.

Several FASS social support workers also identified that integrating legal and social supports served to remind lawyers that a client's legal matters do not exist in isolation to the other issues in their lives. It was felt that this helped increase lawyers' sensitivity to such issues and raise awareness of the need for a trauma-informed response to victims of family violence in the family law context. These issues are discussed further in relation to the question "To what extent do integrated duty lawyer and social supports connect family law clients to services that address their needs?"

#### *Nature of impact of services on other support services to which clients are referred*

As noted in the Limitations section of this report, there was limited engagement by key referral services with this evaluation. However, the evaluation identified some positive impacts of the FASS social support services on other services to which clients were referred. A key impact identified by interviewees was improvement in the interface between support services and the courts. It was noted that prior to the FASS, families that were not connected to services when they first engaged with the family law system were likely to "fall through the cracks" and not receive the support that they needed. Having support workers within the FASS meant that more vulnerable clients were able to be engaged with support at an earlier stage in their family law matter. In addition, it was felt that FASS support workers' knowledge of referral pathways and relationships with external services contributed to their ability to make appropriate referrals, as they could help manage clients' expectations of what support they could receive.

Several support service interviewees noted the specific benefits of FASS workers making "warm" referrals. This meant that clients could engage more effectively with their service knowing that key information had already been communicated (with clients' consent) and reduced the need for them to retell their story.

It was also identified that engagement with the FASS had helped to improve relationships between services, legal aid commissions and the courts, and to enhance their understanding of court processes. This enabled them to provide more informed support to clients going through court and to reassure them that there was a service that could support them during the court process.

However, some external support workers interviewed were not well informed about the FASS, its role or the process of referring clients to the FASS. Further, in some

jurisdictions there was a lack of clarity about the role of the FASS in the family violence service system, some concern about overlap with other services, and a need expressed for stronger engagement between the FASS and the broader service sector.

## To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?

This question explores the extent to which integrated duty lawyer and social support services connect family law clients to services that address their needs.

### Key findings:

The evaluation found strong integration of duty lawyer and social support services in all jurisdictions in which the FASS was delivered. This positively impacted the extent to which family law clients were connected in real time to services to address their needs, particularly at court.

A common range of non-legal needs was identified across jurisdictions, with multiple factors often compounding clients' experience of family violence. The type of non-legal supports delivered was also similar across the FASS sites. The key difference was in the nature of support provided to male clients by those jurisdictions with a standalone men's worker at court.

While clients were willing to engage with services at court, they were generally less likely to access support services following initial engagement with the FASS. The findings suggest declining access to both FASS and non-FASS services over time.

To answer the question "To what extent do integrated duty lawyer and social support services connect family law clients to services that address their needs?", the evaluation considered information about the integration of legal and social services for each site at which the FASS was delivered, with particular consideration of the nine "deep-dive" sites visited for the evaluation. This included data from the court observation tool completed at each site. Other data considered for this question included data from interviews with FASS staff, FASS client survey data, and data from review of FASS client intake and assessment forms. This data is presented against the following measures:

- **The nature and type of non-legal needs of family law clients.**
- **The nature and type of social supports provided.**
- **The nature of integration of duty lawyer and social support services, including internal referrals to FASS.**
- **Level of clients' propensity to seek out legal and other support services following accessing FASS.**
- **Clients' assessment of accessibility of referral and relevance to need.**
- **The nature and type of non-legal needs of family law clients.**

The findings against these measures are discussed below.

### *Nature and type of non-legal needs of family law clients*

Analysis of qualitative data from interviews with FASS staff identified similar non-legal needs for FASS clients across jurisdictions. These included:

- Housing, for both victims and alleged perpetrators of family violence.
- Safety planning.
- Counselling, particularly in relation to family violence and relationship issues.
- Financial counselling.
- Material aid, such as assistance with food and bills.
- Childcare.
- Drug and alcohol issues.
- Mental health issues.
- Gambling.
- Centrelink.
- Support with parenting, particularly for young parents and grandparents.
- New and emerging community issues, such as dowry and forced marriage.
- Migration issues resulting from family violence, particularly in relation to spousal visas and international student visas.

While the need for assistance with accessing supports such as housing was present across all jurisdictions, there was some variance in the presentation of other issues. For example, gambling was highlighted as a particular problem in Hobart, while migration and new and emerging community issues were raised as specific issues in Melbourne and Adelaide.

FASS staff across jurisdictions noted the severity and prevalence of drug and alcohol and mental health issues in particular amongst the FASS client population. As one FASS staff member observed, “there is almost never a family law matter where the only issue is family violence. There are almost always allegations of drug and alcohol abuse or mental health issues... usually a cocktail of problems”.

Drug and alcohol issues were highlighted as significant contributors to family violence, with alcohol and the drug ice identified as particularly problematic in several jurisdictions. It was also noted that drug and alcohol issues and mental health issues often intersect with a client’s legal matter. For example, a family law court may order a client to undergo drug testing or have a mental health assessment in order to gain access to a child.

For these reasons, several interviewees felt that the integrated service model of the FASS should be extended to include legal and social support for drug and alcohol and mental health issues for clients with family law and family violence matters, similar to the Health-Justice Partnership model.<sup>8</sup> Further, it was identified that family law courts would benefit from support to appropriately respond to issues specific to new and emerging communities such as dowry and forced marriage.

These findings were broadly supported by the findings of the review of FASS client intake and assessment forms. Thirty-six of the 40 clients surveyed during the evaluation site visits consented to have their forms reviewed. Of these, 25 provided

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<sup>8</sup> Loddon Campaspe Community Legal Centre (n.d.), Health-Justice Partnership empowers regional Victorians [online article]. Available at: <http://lccclc.org.au/2015/06/health-justice-partnership/> [accessed 16 July 2018]

enough information to assess clients' non-legal needs. The majority of forms reviewed identified multiple social needs. Safety, (including child safety and housing security) and mental health (including stress, anxiety, and trauma) were identified in 13 forms. Both of these issues together were identified in six forms. The third most articulated need on nine forms was financial issues (including debt, Centrelink issues, and limited income), followed by housing (including homelessness or need for housing assistance) on six forms, drug and/or alcohol issues on three forms, and physical health issues on one form.

### *The nature and type of social supports provided*

Based on qualitative data from interviews with FASS staff, there was similarity in the social supports provided by FASS support workers across jurisdictions. These were primarily support on the day of court, and provision of information and referrals regarding support services.

Support on the day of court commonly involved meeting with the client before and/or after their meeting with the duty lawyer to discuss the client's social issues and help them prepare for their matter to be heard in court. In some jurisdictions the support worker also sat with the client in meetings with the duty lawyer to provide support and minimise the need for them to retell their story.

Several interviewees noted the important role of the FASS support worker in supporting their engagement with the duty lawyer, even when they were not present in meetings. It was observed that the support worker frequently acted as a "go-between" who was able to "translate" legal information provided to the client and convey client information to the lawyer in order to reduce stress to the client. As one worker stated, "if the client feels like the lawyer has the full picture it's much easier to engage because (the client is) not having to explain all the time". This was particularly the case for engagement with victims of family violence.

Support at court also involved the support worker "walking with" the client from one section of the court to another, particularly in the larger courts, and sitting with the client when their matter was heard in court. The ability to accompany clients into court was identified by both FASS staff and judicial officers as a particularly important element of the support worker role, both for family violence victims and alleged perpetrators.

It was evident that much consideration had gone into establishment of the FASS social support worker role in relation to the client profile within each jurisdiction. For example, NSW Legal Aid Commission (LANSW) partnered with the Women's Domestic Violence Court Assistance Program (WDVCAP) which had a number of specialist Aboriginal and Torres Strait Islander and Multicultural workers, reflecting the client population in FASS delivery sites in NSW. The Aboriginal worker in Newcastle described the importance of her role in enhancing cultural safety in the court environment. She identified that Aboriginal women felt safer engaging with the court if an Aboriginal worker is present, and that she was able to provide support with family law matters informed by an understanding of trauma resulting from removal of Aboriginal children.

As previously noted, FASS social support workers played an important role in supporting and enhancing the safety of victims in the family law courts. In all

jurisdictions except Darwin (in which the REALS only assisted respondents), support workers engaged closely with security and women's domestic violence court assistance schemes to manage and coordinate safety plans, particularly for clients who were not known to the court. Key duties of support workers included introducing clients to security, escorting clients to and from safe rooms and ensuring clients left the court safely.

Information about external government and non-government support services and referrals to these services were provided by FASS support workers to both victims and alleged perpetrators. Information was provided when a client was "not in the right headspace" for a referral to be made, either due to their level of stress or the need to focus on their matter in court.

Most, though not all, FASS social support workers made "warm" referrals of clients to services. It was felt by those workers that this made "the world of difference" to a client's willingness to "open up" to the service to which they were being referred and reduced the need for them to retell their story to that service. While it was not always appropriate or necessary to make a warm referral, support workers felt that doing so increased the likelihood of the client taking up the referral and accessing the service.

Female clients were most commonly referred to:

- women's refuges,
- family violence support services,
- counselling,
- victim support services,
- housing and homelessness services,
- child support programs, and
- dedicated Aboriginal and Torres Strait Islander or cultural and linguistically diverse support services.

Male clients were most commonly referred to:

- counselling,
- men's behaviour change programs,
- drug and alcohol programs, and
- parenting support programs.

These findings are supported by the findings of review of FASS client intake and assessment forms. Thirty-six of the 40 clients surveyed during the evaluation site visits consented to have their forms reviewed. Of these, 16 had social supports documented on their forms. Review of these forms indicated that the main social services provided were referrals, many to family violence support services, which were documented on ten forms. This was closely followed by screening for welfare issues which was identified on nine forms. Risk assessment and safety planning were documented on six and five forms respectively. Provision of pre-court information and in-court support (including information on the court process) were documented on five forms. Advocacy, parenting support, counselling, and financial support were also identified, though on a limited number of forms.

In addition to information and referrals, some FASS sites were able to provide limited material support to clients such as food parcels or taxi vouchers. These supports were either funded through the FASS or through other program resources.

A key element of the FASS social support was the open-ended nature of the support that could be provided to clients. This could extend beyond the period of a client's engagement with the FASS duty lawyer, which was felt by those interviewed to be appropriate as a client's family law matter could take some years to resolve.

While FASS social support workers noted that theirs was not a casework role, most said that they would undertake follow-up work with clients that was similar to casework. This included liaising with clients and advocating with key referral services to increase the likelihood that clients would take up referrals and access the necessary supports, especially those clients who had experienced family violence. FASS social support workers who were qualified social workers and had a background in the family violence sector were identified by other FASS staff as particularly effective and valuable.

Survey data from particularly those clients who had received intensive assistance from a FASS social support worker indicates that it was very helpful to them (this is discussed below). However, some FASS staff raised concerns about the sustainability of providing such intensive support through the FASS support service role and the risk of worker burn-out, particularly if demand for the FASS increases in future.

One difference between jurisdictions in the nature of social support provided was employment of a full-time social worker by the Legal Aid ACT (LAACT). Interviewees in that jurisdiction felt that having a social worker on staff enabled the FASS to provide more intensive support to clients and to duty lawyers, which was felt to be particularly valuable.

Another key difference between jurisdictions was that some had a standalone FASS men's worker on site at court. As noted previously, interviewees from these jurisdictions felt that this role was very important to engage men with a history of using violence who felt the legal system was biased against them, to provide them with "support without collusion" and put them in a "fit state" to engage in negotiations. Interviewees felt it was particularly beneficial for this worker to be present at the court on a full-time basis as men would be less likely to engage with a support worker over the phone. Further, the visible presence of a male worker was thought to be valuable in itself in changing the perception of male clients using violence that the system was hostile towards them.

Some stakeholders in jurisdictions without a standalone men's worker identified that this role would be a valuable addition to the FASS in their area. It was thought that men would be more likely to engage with a male worker and that while generalist FASS support workers assisted both men and women, they were generally perceived as "women's workers".

Providing "support without collusion" to alleged perpetrators of family violence was identified as a key element of the men's worker's role, consistent with good practice in

men's behaviour change.<sup>9</sup> While FASS is not a behavioural change intervention as such, several stakeholders noted that it is vital that FASS men's workers do not reinforce attitudes and behaviours that condone violence against women when engaging with alleged perpetrators of family violence. This is an important factor for consideration of this role within the FASS.

### *The nature of integration of duty lawyer and social support services, including internal referrals to FASS*

This section provides a description of the integration of FASS duty lawyer and social support services for each site at which FASS is delivered, with more information provided about the nine sites visited as part of the evaluation site visits. Additional data for the site visits is drawn from interviews with FASS staff and the court observation tool completed by the evaluators at each of these sites.

This section does not intend to analyse the effectiveness of the FASS in different jurisdiction. Its purpose is to provide a brief description of FASS implementation in each of the deep-dive sites with a focus on the nature of integration of duty lawyer and social support services at each location.

A full summary of the service model established in each FASS jurisdiction is at Appendix C.

### **Australian Capital Territory**

FASS in the ACT was based in the Canberra Family Law Courts registry. It built upon the pre-existing Legal Aid duty lawyer service in that court by employing three additional duty lawyers and an in-house social worker.

At the time of the evaluation, the FASS did not have a dedicated space in the court building. The FASS duty lawyers and the FASS social worker were based at the LAACT office, located approximately 100 metres from the Family Courts, and about 400 metres to the Magistrates Court, as limited office space at the court was already occupied by the non FASS duty lawyer. Duty lawyers assisted both FASS and non-FASS clients.

On arrival at the court, clients seeking FASS assistance were interviewed by the duty lawyer for the purposes of an assessment about eligibility for FASS.

When meeting with a FASS client, the duty lawyer would ask if they would like to be referred to the social worker. If so, the duty lawyer would refer directly to the social worker who would follow up to arrange an appointment with the client. The social worker was also able to attend court if requested by the duty lawyer and to accompany clients with protection order matters to the local court.

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<sup>9</sup> MensLine Australia (n.d.), Avoiding collusion [online article]. Available at: <https://www.changingforgood.org.au/resource/avoiding-collusion/> [accessed 1 August 2018]

## Queensland

In Queensland the FASS had been implemented in Brisbane, Cairns, and Townsville in the respective Family Law Court registries.

In Brisbane the FASS built upon the pre-existing Legal Aid Queensland (LAQ) duty lawyer service in partnership with Caxton Legal Centre Inc. An additional lawyer and social support worker were retained by each service, and the lawyers and intake officers providing duty lawyer services were trained in the FASS service model and were able to assist as required.

In Cairns, the FASS was delivered in partnership between LAQ, North Queensland Women's Legal Service (NQWLS), and Cairns Community Legal Centre. Social support was provided by Cairns Domestic Violence Service.

In Townsville, the FASS was delivered in partnership between LAQ, NQWLS and Townsville Community Legal Service (TCLS). Social support services were provided by the North Queensland Domestic Violence Resource Centre.

FASS operated in the Cairns and Townsville family law courts on duty list days only. Services were provided on other days at the respective agencies' offices.

## Townsville

LAQ provided both a family law duty lawyer service and FASS duty lawyer service at the Townsville court. There was one dedicated FASS Legal Aid duty lawyer; the other LAQ duty lawyers had received FASS training and were also able to assist FASS clients where required.

NQWLS and TCLS were resourced by Legal Aid to provide FASS duty lawyer services when LAQ identified a conflict of interest. In situations of conflict, female clients were referred to NQWLS and male clients to TCLS.

There were four formal referral pathways into FASS: through Family Law Court Registry staff, NQDVRS, NQWLS and TCLS. However, in practice any organisation could refer clients directly to FASS.

The FASS intake officer was the first point of contact for clients. The same intake form was used by both the family law duty lawyer service and the FASS. Based on the information provided on the intake form, the intake officer would assess whether the client was eligible for FASS and undertake a conflict check.

NQDVRS had established a physical presence at court on duty days due to the FASS partnership. The duty lawyer would refer a client to NQDVRS by providing a snapshot of their legal matter and a brief assessment of the support they felt the client needed. NQDVRS would then meet with the client in an available room at the court.

## Northern Territory

The FASS in the Northern Territory was established in the Katherine Local Court and Darwin Local Court to provide services to applicants and respondents respectively in family violence protection order matters.

The Katherine Women's Information and Legal Service (KWILS) was contracted to deliver the FASS in Katherine. KWILS provided duty lawyer services and support services to women experiencing family violence. Under the FASS, KWILS employed a duty lawyer and a support worker. KWILS services were available at the court or at the KWILS office.

The NTLAC established the Respondents Early Assistance Legal Service (REALS) in the Darwin local court. REALS employed a duty lawyer, part time administrative officer and a part time social support worker from CatholicCare. The duty lawyer and support worker were available at the court and at outreach clinics at CatholicCare Northern Territory.

### **Darwin**

The REALS' office was located at court adjacent to the court rooms. On duty days, the duty lawyer and support worker would circulate around the court to identify potential clients. When the duty lawyer was in court or with a client, the support worker would approach potential clients and refer them to the duty lawyer.

When a potential client was identified, they would undergo a conflict check to see if NTLAC was representing the other party. If no conflict was identified, REALS would assist the client at court or refer the client to the REALS outreach clinic.

The support worker largely worked to calm down agitated clients and explain the court process, so they could better engage with the duty lawyer. The support worker also provided referrals to programs that could assist respondents, primarily counselling through CatholicCare, for which the worker could also do the initial assessment.

### **South Australia**

FASS in South Australia was established in the Adelaide Family Law Courts registry by Legal Services Commission of South Australia (LSCSA) which also provided the duty lawyer service in that court. The FASS also worked with the court on circuit in Mt Gambier which sat four to five times a year. Legal services at Mt Gambier were provided by the local community legal centre and a local provider had been contracted to provide social support services.

### **Adelaide**

Legal Aid provided the FASS duty lawyer service in the Adelaide registry, leveraging off the pre-existing duty lawyer service. Relationships Australia was contracted to deliver social support services in Adelaide.

Under the FASS, LSCSA had provided three duty lawyers, one social support worker, and an intake officer. The FASS service has offices located at the Family Law Courts, with dedicated offices for the duty lawyers and social worker.

The intake officer was the first point of contact for the FASS and triaged clients into the service. They would identify if a client was eligible for FASS, undertake a conflict check and refer the client to the appropriate duty lawyer. The intake officer was also able

refer clients to the support worker and to help clients complete Legal Aid grant applications.

The support worker was present at the court. They could receive referrals from the duty lawyer and also refer clients to the duty lawyer. They also received referrals from court staff, victim support and external providers.

The FASS also had a presence at the Adelaide Magistrates Court, with one duty lawyer at court to help clients in the family violence list with protection orders, and provided outreach at the Women's Safety Service of South Australia.

## Western Australia

The FASS was established in the Family Law Court of Western Australia in Perth by Legal Aid Western Australia (LAWA), leveraging off its pre-existing duty lawyer service, and in five regional areas serviced by the circuit court: Geraldton, Kalgoorlie, Broome, Bunbury and Albany.

### Perth

The duty lawyer services provided by LAWA in the Perth Registry of the Family Court of WA were enhanced by an additional solicitor, paralegal and social support worker to provide FASS services. In total, three duty lawyers, two paralegals and one social support worker were on duty each day, all of whom provided FASS services. LAWA contracted three providers to provide social support services for a portion of the project period beginning with Relationships Australia WA (providing social support services at the time of the evaluation), then Anglicare, and finally Communicare (from October 2018).

The six staff occupied six offices on two levels of the Registry adjacent to Court and Conference rooms. The paralegals provided triage for the FASS, working closely with the duty lawyers and the social support worker. Clients were generally directed to the paralegal offices by registry staff, asked to complete an intake form and to wait to see the paralegal.

The paralegal triage would identify whether duty lawyer or social support services should be the priority and communicate with the duty lawyer or social support worker to confirm the referral and explain the matter. The paralegal would escort the client to either the duty lawyer or social support worker's office and introduce them. The social support worker or duty lawyer would then escort the client to the office of the other for any assistance from them that might be required.

The FASS also received referrals from judicial officers and court-based family consultants, other Legal Aid services, the Women's Resource and Engagement Network (WREN) and external services including the Family Violence Service (metropolitan State courts) and community-based family violence and legal services.

## Tasmania

In Tasmania the FASS operated from the Hobart and Launceston Family Law Courts registries and supported the circuit court in Burnie. In Hobart a duty lawyer is available

every week day. Launceston had one full time duty lawyer and two co-ordinators. Both locations had a social support worker provided by Anglicare Tasmania. State-wide, there are two coordinators servicing the three regions (Hobart, Launceston and the North-West Coast).

### **Hobart**

The FASS primarily used two dedicated offices in the court, one for the duty lawyer and the other for the social support worker.

FASS referrals were directed to the coordinator who acted as a triage point into the service, undertaking initial risk identification and conflict checks. In the case of a conflict, the coordinator could refer clients to the Tasmanian Aboriginal Community Legal Service or private practitioners.

If the client was eligible for FASS, the coordinator would make a “warm” referral on a duty day or an appointment if they came in on a non-duty day. Clients were encouraged to initially see both the duty lawyer and social worker at the same time, who would work together to assess the client’s legal and social needs.

Legal Aid Commission of Tasmania (LACTas) was also a provider of the state government Safe at Home family violence program. FASS provided and received referrals into and out of the service, facilitated through Legal Aid.

### **Victoria**

FASS in Victoria was implemented in the Melbourne and Dandenong Family Law Courts registries. Under the FASS, both locations employed two additional duty lawyers, two social support workers and an information referral officer (IRO). Duty lawyer services were provided by Victoria Legal Aid (VLA) with community legal centres funded to provide an alternate duty service in cases of conflict (operated by the Women’s Legal Service in its capacity as the Family Law Legal Service (FLLS) in Melbourne, and Peninsula Community Legal Centre in Dandenong). In Melbourne, social support was provided by safe steps Family Violence Response Centre (safe steps) and Men’s Referral Service/No to Violence (MRS). In Dandenong, social support was provided by WAYSS Ltd and Relationships Australia Victoria (Cranbourne).

### **Melbourne**

The FASS IRO office was located on the entry level of the court. FASS duty lawyers and support services (MRS and safe steps) also had dedicated office spaces at the court.

The role of the IRO was to triage FASS clients to see a duty lawyer and/or support worker, depending on their needs. When a client approached the IRO office, the IRO would ask the client to fill in an intake form. Once completed, the IRO would assess if they were eligible for FASS, conduct a conflict check and then make an appropriate referral for legal and /or non-legal support. If there was a conflict of interest with VLA they could be assisted by FLLS or in the event of a double conflict, the IRO could refer to a private practitioner, a community legal centre or a warm referral to VLA’s Legal

Help phonenumber. Clients could be referred to FASS by the registry, security, Court Network and the Victorian Family Law Pathways Network (Pathways) volunteers.

The IRO, MRS and safe steps workers, Pathways volunteers and Court Network volunteers would continually engage with each other throughout the day. Social support workers and duty lawyers would also work closely together. If the support worker identified legal needs, they would pass this information onto the duty lawyer, and vice versa. Support workers could also attend client meetings with the duty lawyer. Both MRS and safe steps workers would also circulate around the court floor, providing a “roving” presence at court.

### **New South Wales**

In NSW, FASS operated in Parramatta, Sydney, Newcastle and Wollongong Family Law Court registries. FASS was delivered by LANSW in partnership with the Women’s Domestic Violence Court Advocacy Program (WDVCAP) and Relationships Australia who provided support services.

In Sydney and Parramatta, an Intake and Referral Officer (IRO) provided a triage point into the service. In Wollongong and Newcastle, the duty lawyers and social support workers provided this role. The FASS support service for women had six workers who covered all FASS sites. A men’s worker from Relationships Australia was available at each of the courts one day a week and could receive phone or email referrals on the other days.

In NSW, the FASS worked within the state government Safer Pathway framework, an integrated approach to assessment of safety, service coordination and referrals for victims of family violence.<sup>10</sup> Safer Pathway enabled information-sharing across jurisdictions and services with client consent, or without client consent in certain limited circumstances where family violence was present and risk assessed as high, for example, in order to reduce the threat to someone’s life.

### **Parramatta**

FASS staff were spread out throughout the court building, with the referral desk in a central space between duty lawyer and social support worker offices. The other Legal Aid duty lawyer service, the Early Intervention Unit (EIU), was located on the opposite side of the building to FASS.

The main referral point for the FASS was the IRO who worked every day until 1pm. During those hours the IRO would complete an intake form with the client. After 1pm, clients would complete an intake form themselves and a duty lawyer would manage client intake.

The IRO would also undertake conflict checks before referring a client to a duty lawyer and may refer them to a social support worker if it was felt they needed support prior

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<sup>10</sup> NSW Government (n.d.), ‘Safer Pathway’. Available at [https://www.women.nsw.gov.au/violence\\_prevention/Safer\\_Pathway](https://www.women.nsw.gov.au/violence_prevention/Safer_Pathway) [accessed 8 August 2018]

to meeting with the duty lawyer. If a client identified as Aboriginal or Torres Strait Islander, the IRO would refer the client to the Aboriginal Legal Service.

The FASS support service for women managed the client safe room and helped to implement client safety plans at court. The WDVCS also had a presence in the local court and were able to facilitate support for clients across jurisdictions.

The Relationships Australia men's social support worker was established alongside the women's service. Due to limited funding the worker was only present at the court one day a week, however the FASS support service for women maintained continual contact with Relationships Australia to refer clients to the men's worker.

### **Newcastle**

The FASS, EIU and Hunter Community Legal Centre duty lawyers were located on the same floor of the Newcastle registry. Due to space issues at court, the EIU and FASS could not represent a party in the same matter at the same time. In cases of conflict, the Hunter CLC duty lawyer was available at Court on duty list days, although not every day. There was no IRO at the Newcastle registry; instead, clients would complete intake forms themselves.

The FASS social support for women's room was on the same level as the duty lawyer offices and was the only dedicated safe room in the court. The men's worker did not have an office but would roam around the court and engage with clients.

The FASS women's support worker received referrals from FASS duty lawyers as well as external organisations such as police, schools and welfare providers. Clients entering FASS through the FASS support service for women would be screened for family law needs and referred into the duty lawyer service. Clients first engaging with the duty lawyer would then be referred to the support worker if appropriate. If a client was seen at the Family Law Court and they had an issue at the local court, the duty lawyer would refer to the women's social support worker who would internally refer to the WDVCS at the local court.

The men's worker was available at the court one day a week. Men were primarily referred to the men's worker through FASS duty lawyers on days that the worker was at court.

FASS in Newcastle had also engaged specialist workers for Aboriginal and culturally and linguistically diverse clients on a part-time basis.

### *Level of clients' propensity to seek out legal and other support services following accessing FASS*

All FASS staff reported that clients were very willing and highly likely to seek out legal support following accessing the FASS. In the words of one duty lawyer, demand for legal assistance in the family law jurisdiction is "a yawning chasm of need", and the primary driver for clients to engage with the FASS was the need for legal assistance.

In contrast, there were mixed views on the likelihood of FASS clients seeking out support services following their engagement with the FASS. One FASS staff member interviewed noted that "there is a tendency for both perpetrators and survivors to

underestimate the importance of social support.” Several FASS social support workers identified that many clients don’t understand what constitutes family violence, but once they see a support worker and begin to “unpack” their experience, they are generally willing to engage further with services. It was noted that most clients were willing to accept referrals to services but the extent to which they were taken up was unclear. However, some clients were advised by FASS staff that they would have a better chance of achieving a positive legal outcome if they engaged with a counsellor or support worker, and it was felt that this acted as an incentive for them to do so.

Generally, it was reported that female FASS clients were far more willing and likely to engage with support services than male FASS clients. This is probably due largely to the nature of their respective social issues and consequent referrals. As previously noted, female clients were mainly referred to services to assist with family violence and material needs resulting from family violence, such as housing. Male clients were generally referred to counselling and behaviour change programs. As one men’s worker noted, for men to engage with such services “requires acknowledgement that they are perpetrators – it’s hard to talk them into it if they are reluctant to accept responsibility.” Further, it was noted that there were limited men’s programs in some jurisdictions and long waiting lists for men’s support services, and that referrals were more likely to be taken up if they could be accessed immediately.

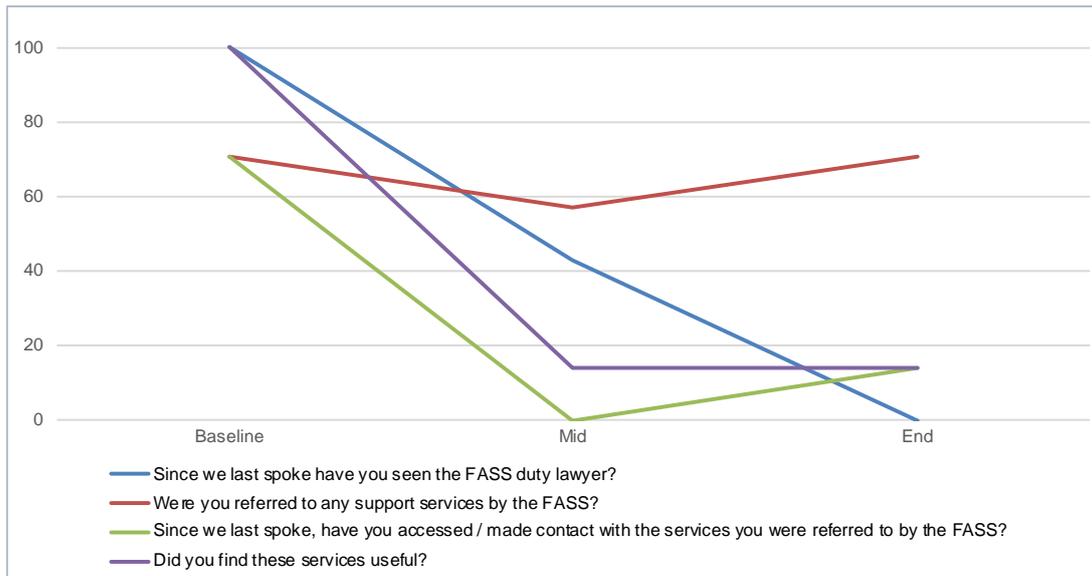
#### *Clients’ assessment of accessibility of referral and relevance to need*

Clients’ assessment of the accessibility and relevance of referrals provided under the FASS was measured over time using the client survey. Initial surveys were conducted at the FASS offices or at the court during the site visit. Six-week and three-month follow-up surveys were conducted over the phone. Of the 40 clients surveyed, seven completed all three surveys.

Figure 5 below outlines the results of these surveys. Overall, the survey results show that:

- Client engagement with the duty lawyer decreased over time.
- Most clients recalled being referred to support services, and this was fairly constant over time. The most frequent referral was to counselling.
- There was minimal take up of referrals over time, with one of seven clients reporting accessing a referral by the final survey.
- Perception of the usefulness of referrals declined over time.

Figure 4: Client engagement with the FASS over time



*Client engagement with the duty lawyer decreased over time*

Figure 4 shows the level of client engagement over time of the seven clients who participated in all three surveys. Of the seven clients, 100 percent had seen the FASS duty lawyer before the first survey. This number declined to 43 percent by the second survey. By the third and final survey, no respondent had seen a duty lawyer.

This finding was not unexpected, given that legal support for FASS clients was provided by duty lawyer services and was not intended to be ongoing legal support or representation.

*Most clients recalled being referred to support services, and this remained fairly constant over time. The most frequent referral was to counselling*

Seventy-one percent of respondents to all three surveys said they had been referred to support services in the first survey. This number declined to 57 percent by the second survey and then increased to 71 percent by the final survey.

Respondents to all three surveys identified five types of support service referrals in the first survey: housing, financial support, Centrelink, counselling and safety planning. They identified three types of referrals in the second survey (housing, counselling and safety planning) and two in the third survey (housing and counselling). Counselling was the most frequent referral provided to respondents.

*There was minimal take up of referrals over time, with one of seven clients reporting accessing a referral by the final survey*

Seventy-one percent of respondents to all three surveys said they had been referred to support services in the first survey. By the second survey, no respondents indicated that they had accessed the support services to which they had been referred by FASS, 57 percent said they had not accessed the support service referrals and the remaining 43 percent said that the question was not applicable.

In the third and final survey, 14 percent of respondents to all three surveys indicated that they had accessed the support services to which they had been referred by FASS, 29 percent said they had not and the remaining 43 percent indicated that this question was not applicable.

*Perception of the usefulness of referrals declined over time*

One hundred percent of respondents to all three surveys said that the support services to which they had been referred were useful in the first survey. In the second survey, 14 percent of respondents said that these referrals were useful, and the remainder said that the question was not applicable. In the third and final survey, 14 percent of respondents said that these referrals were useful, 14 percent said they were not useful and the remainder said that this question was not applicable.

## To what extent does information sharing and management of clients between jurisdictions occur? What is its impact on clients?

This question considers the extent to which information-sharing and management of FASS clients occurs between jurisdictions, and the impact of these practices on clients.

### Key findings:

The evaluation found that information sharing and management of clients across jurisdictions regularly occurred through the FASS with client consent. The key jurisdictions in which FASS clients commonly had matters were the family law courts, children's courts and state and territory courts exercising jurisdiction over family violence matters.

There was some improvement in the quality of information sharing and client management across jurisdictions due to the FASS, often due to the capacity of the FASS duty lawyers to work across jurisdictions. However, both these practices were affected by systemic factors such as relationships between courts in different jurisdictions, pre-existing family violence service sector responses at the state level and information barriers within legal aid commissions.

The nature of client management and information sharing across jurisdictions was felt to impact on clients by reducing the burden on clients to carry information between jurisdictions and improving the quality of information about experience of family violence presented in family law matters.

To answer the questions "To what extent does information sharing and management of clients between jurisdictions occur? What is its impact on clients?", the evaluation examined qualitative data from interviews with FASS staff and quantitative data from the FASS client survey, against the following measures:

- **The nature and type of information shared.**
- **Quality of information-sharing practices.**
- **Nature of client management between jurisdictions.**
- **Client perception of information-sharing practices by way of number of times story is told and how cross-jurisdictional cases are managed.**

The findings against these measures are discussed below.

### *The nature and type of information shared*

The evaluation found similar types of client information shared across jurisdictions within the FASS program; between the FASS and other sections of legal aid commissions; and between the FASS, other courts, and key referral services. The key jurisdictions across which information was generally shared were the family law courts; the children's courts; and state and territory courts exercising jurisdiction under family violence legislation (generally magistrates or local courts).

Information that was commonly shared included:

- Client demographic details.

- Background to the client’s legal matter and social issues.
- Information about other relevant legal matters, such as criminal matters.
- Risk assessments and safety plans.
- Protection orders and supporting documents where these were available, such as police statements and affidavits.

FASS staff indicated that the ways in which information was shared depended on the type of information, the purpose for which it was being shared and the stakeholders involved. For example,

- A FASS intake officer may share a client intake form with the FASS support worker and duty lawyer.
- A FASS support worker may make a verbal or written referral to a key referral service.
- A FASS duty lawyer may share a file note or full file with the Legal Aid solicitor dealing with their family violence matter.

It was emphasised by FASS staff that client information was only shared with the client’s consent. However, in certain limited circumstances, information could be shared without consent. For example, in NSW, information could be shared without client consent under the Safer Pathway framework in order to reduce the threat to someone’s life.

#### *Quality of information-sharing practices*

Information-sharing practices within the FASS program and between FASS and key referral services were widely perceived to be positive. All FASS providers had a single client intake form and client authority which served to facilitate a “seamless journey” for clients within the FASS. In terms of information-sharing with other agencies, several FASS providers identified that they asked clients to sign an information-sharing agreement with key services. This reduced the extent to which clients were required to repeatedly relay the same information to different services.

Overall, the quality of information-sharing practices across jurisdictions was identified by stakeholders as important for the following reasons:

- Increasingly, vulnerable clients were “crossing over” between the family law, family violence and children’s court jurisdictions. This resulted in clients experiencing “information overload” and being unable to appreciate the importance of different information in different jurisdictions.
- Clients would not always identify that family violence had taken place, especially if there was no protection order in place or it had lapsed.
- In the words of one duty lawyer, “genuine victims are the worst historians”. It was noted that clients would often provide different versions of the facts to police and lawyers in different jurisdictions which impacted upon the quality of their evidence. Further, it was felt that victims tended to minimise the extent of the violence they had experienced, so affidavits and police statements were valuable in order to present the full version of facts to the court.

However, the extent of information-sharing by the FASS varied across jurisdictions. Some FASS providers noted that they did usually not share client information, while information-sharing was a high priority for others. Further, mixed responses were received in relation to the quality of information-sharing practices between the FASS and other sections of legal aid commissions and between the FASS and the courts, particularly in other jurisdictions.

Within legal aid commissions, FASS and non-FASS lawyers identified that most frequently the information flow was between the FASS, the domestic violence unit or equivalent, and the family law litigation section. There was a general view that the quality of this internal information-sharing had improved since FASS implementation. It was noted that information-sharing practices had become less ad hoc and more streamlined, and that some Commissions had established regular meetings between FASS duty lawyers, domestic violence and family law litigation sections.

However, a common theme of this evaluation was the impact of internal legal aid commission information barriers or “Chinese walls” on information-sharing practices. Based on interviews with those involved in establishing the FASS in each jurisdiction, it is evident that much thought was given to placement of the FASS within each Commission in order to mitigate negative effects of internal information barriers on the flow of information relevant to FASS client management. However, similar to conflict of interest, it is interesting to note that the extent to which legal aid commission information barriers affected the FASS service varied greatly between jurisdictions.

Stakeholders reported that information-sharing between courts in different jurisdictions was strongly dependent on the relationships between these courts. Where good systems, procedures and initiatives existed, these were identified as being of benefit to the FASS and FASS clients. For example, there was an established process for information-sharing between jurisdictions in Western Australia due to a memorandum of understanding (MOU) between the state courts exercising jurisdiction over family, children’s and family violence matters. Further, both the Perth and Melbourne courts had an out-posted child protection worker in their court dealing with family law matters which was identified as highly beneficial to information flow between the FASS and the children’s court jurisdiction.

In contrast, where strong relationships did not exist between courts in different jurisdictions or their systems were not compatible, there was a perceived negative impact on FASS clients. The most common problem reported was in relation to information-sharing regarding protection order matters. It was identified that a protection order was not always attached to a client’s file and the client did not always mention that they have an order in place. If they did, the FASS duty lawyer could request it from the relevant court exercising family violence jurisdiction, but some courts would not release it without an order in place. Further, as one judge noted, it is the “chain of documents” relevant to the order that contain the information pertinent to their decision-making such as the affidavit and police statement, and these could also be difficult to obtain without strong relationships between the courts exercising jurisdiction over family law and family violence matters, and with police.

These systemic issues were identified as significantly affecting the management of FASS client matters in most jurisdictions. Importantly, they were felt to potentially impact on the outcome of these matters in terms of the information available to judicial officers to enable them to appropriately assess risk relating to family violence when making decisions about family law matters. While relationships between the courts were beyond the scope of the FASS to influence, several stakeholders identified that the FASS could have greater focus on supporting better information-sharing between jurisdictions in the future.

### *Nature of client management between jurisdictions*

As previously noted, the key jurisdictions in which FASS clients generally had matters were the family law courts, children's courts, and state and territory courts exercising jurisdiction under family violence legislation.

Similar to previous findings about information-sharing across jurisdictions, client management between jurisdictions was strongly influenced by the placement of the FASS within legal aid commissions and relationships between the courts. However, it was generally felt by FASS staff and court personnel interviewed for the evaluation that the FASS had contributed to improving management of family law clients with family violence matters within legal aid commissions, and referral pathways for these clients between courts in different jurisdictions.

FASS staff in several jurisdictions noted that they had the same duty lawyers working across the family law courts and courts with family violence jurisdiction, and sometimes children's courts. This meant that FASS clients with matters across these jurisdictions could be assisted by the same duty lawyer in different courts, and that FASS duty lawyers could identify which jurisdiction might best meet a client's legal needs and action matters appropriately. For example, one duty lawyer identified that it was sometimes more appropriate to seek an order on behalf of a child in the children's court rather than the family law court. Others noted they would frequently accompany FASS clients to the court exercising jurisdiction over family violence matters to obtain protection orders. A number of FASS staff highlighted that FASS specifically sought to support a "whole of jurisdiction approach" to client legal needs, particularly given the number of FASS clients with matters in multiple jurisdictions.

Court location was a factor that influenced FASS client management across jurisdictions. In several areas, the family law courts and courts with family violence jurisdiction were near each other. This made it easy for FASS duty lawyers and support workers to walk with clients between registries and to provide outreach to both courts.

Another factor affecting client management across jurisdictions was the relationships between the courts, particularly in terms of inter-agency networks and specialist contact points within registries. Where these existed prior to the FASS they were identified as beneficial to client management and were leveraged to create referral pathways for FASS clients. Examples of common referral pathways established or leveraged by the FASS included between the FASS and specialist family violence workers or coordinators within family violence courts, and with child protection workers and children's courts.

*Client perception of information-sharing practices by way of number of times story is told and how cross-jurisdictional cases are managed*

Analysis of quantitative data from responses to the first client survey conducted during the site visits (n = 40) indicates that 18 percent of clients felt that the FASS duty lawyer helped with matters in different courts, with 8 percent strongly agreeing.

Qualitative data from these respondents suggests that some understood this survey question to relate to management of matters in different states, rather than across court jurisdictions. Nevertheless, the findings suggest that FASS clients felt that duty lawyer support for these matters was helpful.

## **What outcomes have been achieved for families in each location? What factors contributed to, or constrained, the outcomes achieved?**

This question explores the outcomes achieved for families accessing the FASS in each location in which it was delivered.

### **Key findings:**

The evaluation found the primary outcomes achieved for families through the FASS were increased understanding of the court process and preparedness for their legal matter, increased awareness of services and supports that could help them, and of strategies to keep themselves and their families safe. The findings indicate that the FASS fills a gap in both legal and social service provision to family law court clients with family violence matters. In particular, the findings suggest that the FASS helped connect families to social supports they would not otherwise have accessed.

The key elements of the FASS identified as contributing to these outcomes included provision of joined-up legal and social support services at the court and at an early stage in a client's matter; providing duty lawyer support across jurisdictions and providing support to both victims and alleged perpetrators of family violence. Factors which contributed to the likelihood of FASS services achieving positive outcomes for clients included placement of the FASS within legal aid commissions; support of the courts for the FASS; suitability of court infrastructure; availability of appropriate social service partner organisations; and awareness of the FASS amongst all stakeholders.

To answer the questions “What outcomes have been achieved for families in each location? What factors have contributed to, or constrained, the outcomes achieved?”, the evaluation examined qualitative data from interviews with FASS staff at each site visited by the evaluation team; client survey data; client intake and assessment forms; and quantitative service delivery data provided by legal aid commissions for each site at which the FASS was implemented, against the following measures:

- **Type of service provided.**
- **Nature of impact of services on clients over time.**
- **Number of clients assisted.**
- **Number of duty lawyer services.**
- **Number of non-legal support services.**
- **Number of referrals to support services.**
- **Number of risk assessments conducted**
- **Number of safety plans made.**

The findings against these measures are discussed below.

### *Type of service provided*

As discussed earlier in this report, data from interviews from FASS staff indicates that the types of legal services provided commonly included:

- Legal advice concerning issues such as the merits of the case; how the matter is likely to be dealt with by the court; how to respond to a matter; how to frame submissions; what evidence is likely to be required; and behaviour in court.
- Document preparation, particularly of urgent documents such as recovery applications, interim orders and airport watch list applications; as well as advice to clients on document preparation.
- Court appearances, generally limited to initial appearances and first return dates, although some FASS duty lawyers also appeared at final hearings.
- Negotiation of consent orders, which was identified as a large part of the FASS duty lawyer's role (up to 90 percent of time in one jurisdiction).
- Assistance with grant applications for those eligible for legal aid.
- Other representation depending on the jurisdiction. For example, some duty lawyers represented clients in family dispute resolution and case assessment conferences.

FASS duty lawyer services were typically provided:

- At the discretion of the duty lawyer.
- Early in a client's matter.
- To both victims and alleged perpetrators (in all jurisdictions except Darwin, in which the REALS only assisted respondents).
- As a matter of priority for urgent matters where a client was extremely vulnerable due to risk to themselves and/or children.
- As a point in time service rather than as ongoing legal support, although clients could access the FASS duty lawyer on multiple occasions.

Further, FASS duty lawyers frequently provided services across jurisdictions, primarily the family law courts, children's courts, and state and territory courts exercising jurisdiction under family violence legislation.

Data from FASS staff interviews indicates that the types of social services provided through the FASS commonly included:

- Support on the day of court, including:
  - Meeting with the client before and/or after their meeting with the duty lawyer to discuss the client's social issues and help them prepare for their matter to be heard in court.
  - Accompanying the client from one section of the court to another, as well as between courts for clients with matters in different jurisdictions and sitting with the client when their matter was heard in court.
  - Supporting and enhancing victim safety through managing and coordinating safety plans; conducting risk assessments; liaising with security; escorting clients to and from safe rooms; and ensuring they left the court safely.

- Provision of information about, and referrals to, external government and non-government services, including:
  - Information about external services when a client was “not in the right headspace” for a referral.
  - Referrals to a range of support services, frequently “warm” referrals.

FASS social support services were often provided to clients beyond their initial engagement with FASS at the court, particularly for victims of family violence. This included liaising with clients and advocating with key referral services to increase the likelihood that clients would take up referrals and access support.

Interview data on the type of services provided to FASS clients is supported by the findings of review of FASS client intake and assessment forms. Thirty-six of the 40 clients surveyed during the evaluation site visits consented to have their forms reviewed. Of these, the most common legal support provided was advice (documented on 17 forms). This was followed by minor appearance, negotiations / draft terms, or minor assistance which were each documented on five forms. Adjournments or mentions were mentioned on four forms. Less common were drafting of correspondence (two forms), assistance on a legal aid application (two forms), urgent hearing (one form), advocacy (one form), and information only (one form). In terms of social supports, the client forms showed that 11 clients were provided with a risk assessment, and nine were provided with a safety plan.

As previously discussed, analysis of data from clients who responded to surveys conducted during the deep-dive sit visits then at six weeks and three months following the visits indicates that:

- Both FASS duty lawyer services and support services were less likely to be provided over time.
- Clients were likely to have been provided with referrals to support services as well as information about services.
- Clients were most likely to be provided with referrals to counselling than to other support services.

Interviews with FASS staff and court personnel identified a number of common factors across jurisdictions which affected FASS service provision and contributed to the likelihood of achieving positive outcomes for families. These included:

- Placement of the FASS within legal aid commissions. As discussed, this affected the extent of information-sharing and management of clients across jurisdictions.
- Engagement of stakeholders within the court in which the FASS was based. Support of the judiciary and registry managers was identified as particularly important to successful integration of the FASS within the court ecosystem.
- Suitable court infrastructure and facilities. This impacted upon the way FASS services were delivered, particularly in relation to provision of dedicated spaces for the FASS; proximity of the duty lawyers to support workers; and availability of facilities to support victims such as safe rooms and video-conferencing.

- Appropriate social service partner organisations. This was identified as critical by legal aid commissions given the multi-faceted nature of the FASS social support worker role; the need for specialist skills and knowledge of family violence to assist vulnerable families, particularly where family violence had not been identified prior to engagement with FASS; and to provide “support without collusion” to alleged perpetrators of family violence.
- Awareness of the FASS by all stakeholders, including judicial officers, registrars, external referral services and key contacts in courts in other jurisdictions.

### *Nature of impact of services on clients over time*

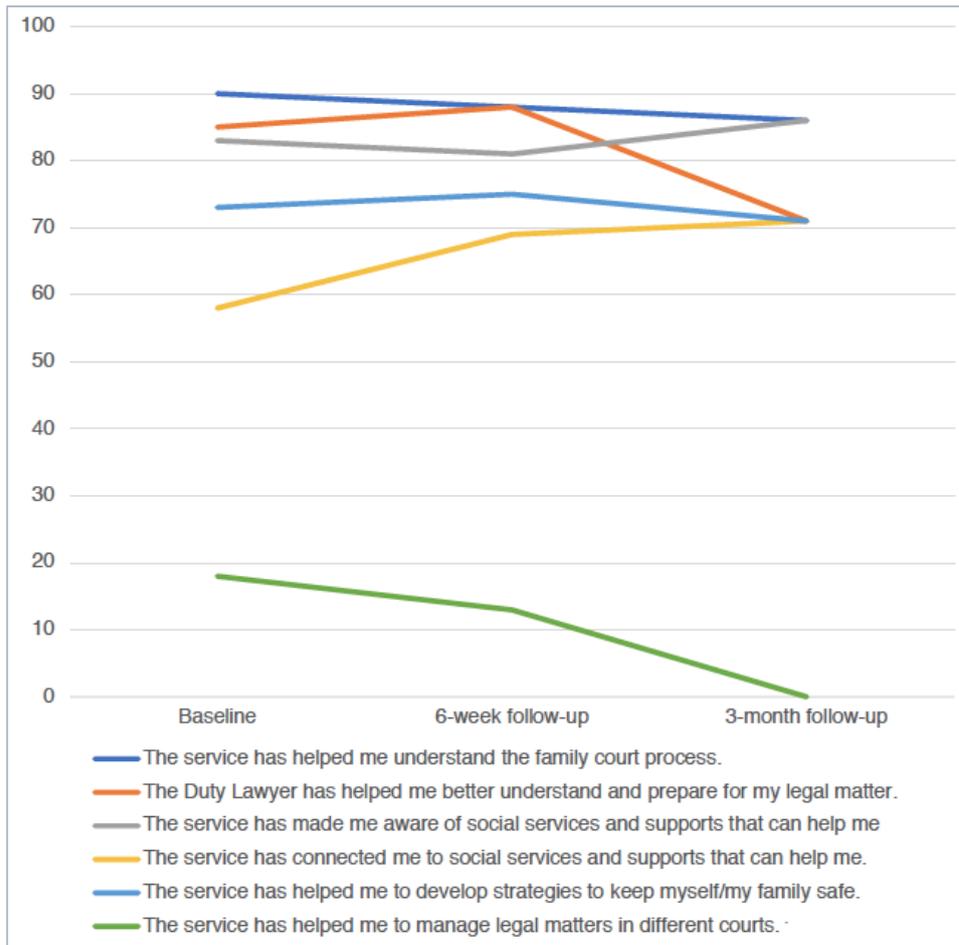
Analysis of quantitative data from client survey indicates the following findings about the nature of impact of FASS services on clients over time.

Initial surveys were conducted at the FASS offices or at the court during the site visit. Six-week (Survey 2) and three-month (Survey 3) follow-up surveys were conducted over the phone. Forty clients completed the first survey, 16 clients completed the first and second surveys, and seven completed all three surveys.

Table 2. Nature of impact of services on clients over time

	Survey 1	Survey 2	Survey 3
Agree service helped client understand court process	90%	88%	86%
Agree duty lawyer helped client understand and prepare for their legal matter	85%	88%	71%
Agree service made client aware of services and supports that could help them	83%	81%	86%
Agree service connected client to services and supports that could help them	58%	69%	71%
Agree service helped client develop strategies to keep themselves/family safe	73%	75%	71%
Agree service helped client manage legal matters in different courts	18%	13%	0%

Figure 5: Nature of impact of services on clients over time



As shown in the table and graph above, for all except the final question, the level of agreement with the statements about FASS services remained relatively constant over time. These findings are slightly different to data reported earlier in this report which indicates lower levels of client awareness of, and connection to, services and supports over time. This difference is likely due to the limited accuracy of data from a small sample size.

Data for the final question reflects the low number of participants who responded positively to this question in the first survey (18 percent of 40 participants, or seven people). As the total number of survey participants declined over the survey period, the number of clients to whom this question was relevant also declined.

Qualitative data collected from participants in the first client survey in response to an open question for feedback on the FASS provides further insights into the impact of services on clients. Responses included the following:

- “(Support worker) and (duty lawyer) were very well-informed, well-educated, supportive and reassuring during a very stressful period... you couldn’t ask for more.”

- “The support worker was very helpful. This has never happened before, I have been representing myself in this court since 2009 and never had anything like this, it’s been mind-blowing”.
- “I didn’t know anyone or anything about the process when I first arrived. Court was very intimidating, I kept bursting into tears. They offered to get the support worker but I thought it was too difficult to explain.... But now I want to keep working with (support worker) and (service). (Support worker) helps me when everything is cloudy and I just need someone to unravel it.”
- “I’ve been really taken aback by the consistency of the service. (Support worker) hasn’t really fallen off, she checks in every now and then, I haven’t had to repeat myself over and over again... one thing that’s been very difficult is people questioning my legitimacy. (Support worker) has never done that.”
- “I was very thankful the service was there. It’s an excellent service. I was totally unaware it was available, I was over the moon... it took a hell of a load off my shoulders. I had no idea what I was going to do when I got into court... it was a big relief to get some help.”
- “Both the ladies I have connected with on the two occasions I have been here have been fantastic. Really approachable. I get anxiety and they were really accommodating to me being an emotional state.”
- “I was surprised there was so much available. I came in for advice, I didn’t expect any kind of support like this... now I have steps to move forward. I feel more in control.”
- “There has never been anything like this. Maybe if this was around ten or 11 years ago we wouldn’t be in such s\*\*t as we are now.”

Much of this feedback indicated the value to clients of a joined-up duty lawyer and support service, and of having access to social support during – and beyond – their court event. Further, some of this feedback suggests that the FASS is connecting clients to social supports who would not otherwise be accessing such supports. This reinforces the earlier finding that the FASS fills a gap in service provision to this client group in terms of increasing access to both legal and social services.

These findings are supported by data from FASS staff interviews, which identify the following factors that contributed to the likelihood of the FASS achieving outcomes for families.

*Provision of joined-up legal and social support in real time at the court.*

Reflecting the strong link between legal and social issues in family law matters, interviewees felt that having clients’ social needs addressed increased the likelihood of achieving positive legal outcomes.

*Provision of social support at an early stage in a client’s engagement with the court.*

This was felt to be particularly important both to the quality of clients’ legal outcomes and to reducing risk to families resulting from family violence, given the numbers of clients for whom family violence had not been identified prior to their engagement with the FASS.

*Provision of a duty lawyer service at an early stage in a client's matter.*

It was felt that this provided a “reality check” to clients, helped “manage expectations” and “provide them with options they didn’t have before”, all of which contributed to the likelihood of timely and satisfactory resolution of their legal matters.

*Provision of legal support across jurisdictions, particularly jurisdictions dealing with family law and family violence matters.*

Interviewees felt that the ability to also support clients with protection orders in the state and territory courts contributed to achievement of holistic legal outcomes and supported the safety of victims, particularly given the numbers of clients for whom family violence had not been identified prior to their engagement with the FASS.

*Provision of a duty lawyer service to both victims and alleged perpetrators.*

It was frequently stated by FASS staff that providing legal support to victims of family violence helped to redress the power imbalance, or “level the playing field” between parties and provide a “buffer” between vulnerable clients and the legal system, increasing their capacity to engage with the court process.

Further, it was identified that providing legal support to alleged perpetrators may also serve to reduce the impact of the court process on victims of family violence. In the words of one duty lawyer,

“For people using violence it’s about getting realistic, quality advice at the front end (of their matter) ... (The lawyer can) talk through the range of outcomes and how to tell the court how things look from their perspective not in a ranting, raving way. This makes it easier for the other party to respond, just de-escalates respondents at an earlier stage in the matter so when it gets before the court you’ve got a much more reasonable respondent. Previously unless they were eligible for Legal Aid or could afford a private lawyer, those people just got angrier and angrier.”

Numbers of:

- Clients assisted.
- Duty lawyer services.
- Non-legal support services.
- Referrals to support services.
- Risk assessments conducted.
- Safety plans made.

The table below presents the findings of analysis of legal aid commission data on FASS service provision in all jurisdictions from 1 April 2017 to 30 March 2018.<sup>11</sup>

Table 3. FASS service provision across jurisdictions

	FASS clients	Duty lawyer services	Support services	Risk assessments	Safety plans	Support referrals
ACT	520	545	257	9	134	134
NSW	6730	7688	4366	448	384	4244
NT	293	505	387	245	N/A	53
QLD	1284	2782	330	N/A	32	N/A
SA	1143	2172	282	3	199	76
TAS	1293	995	286	155	N/A	327
VIC	1653	1365	897	404	416	464
WA	1106	1133	378	208	202	N/A
<b>TOTAL</b>	<b>14022</b>	<b>17185</b>	<b>7183</b>	<b>1472</b>	<b>1367</b>	<b>5298</b>

As noted in the Limitations section at page 27, this data is subject to a number of limitations. The data should also be considered with reference to the fact that the FASS was not fully operational in all jurisdictions for the full 12-month period, and in light of the service profile for each jurisdiction detailed in the table below.

Additional service delivery data and analysis for each FASS site is contained in Appendix B.

Table 4. FASS service profile

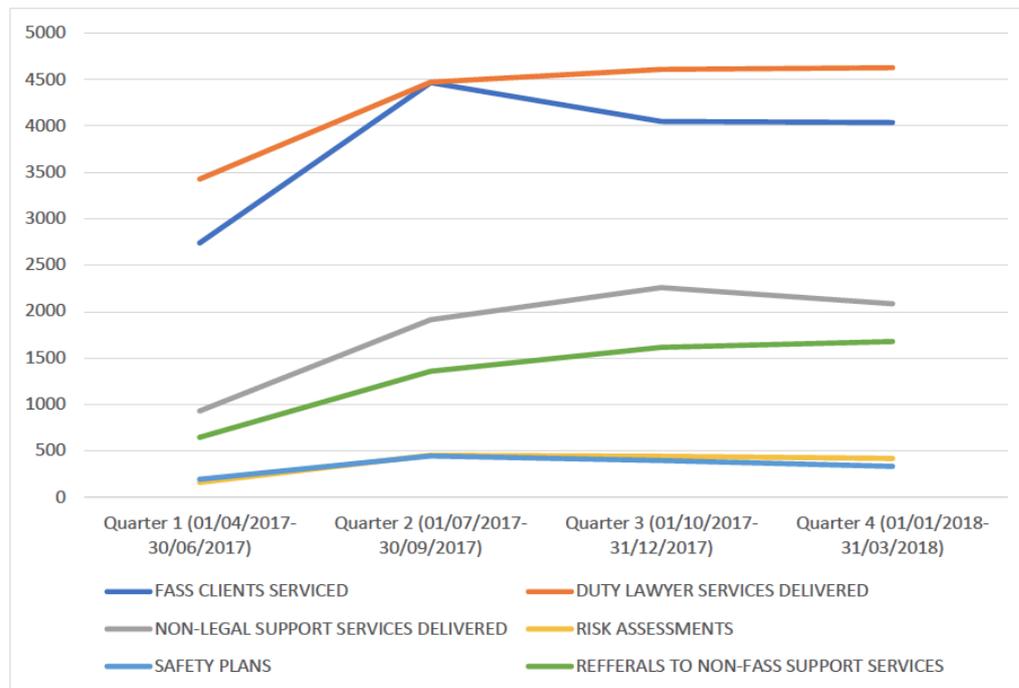
<p><b>ACT</b></p> <p>Canberra Family Law Courts Registry</p>	<p><b>South Australia</b></p> <p>Adelaide Family Law Courts Registry</p> <p>Mt Gambier Family Law Courts Registry</p>
<p><b>NSW</b></p> <p>Sydney Family Law Courts Registry</p> <p>Parramatta Family Law Courts Registry</p> <p>Newcastle Family Law Courts Registry</p> <p>Wollongong Family Law Courts Registry</p>	<p><b>Tasmania</b></p> <p>Hobart Family Law Courts Registry</p> <p>Launceston Family Law Courts Registry</p> <p>Family Law Courts – Burnie circuit</p>

<sup>11</sup> Except for Victoria, which commenced service provision in the second quarter of 2017-2018 and Western Australia which commenced service provision across five regional sites in the third quarter of 2017-18.

<p><b>Victoria</b></p> <p>Melbourne Family Law Registry</p> <p>Dandenong Family Law Registry</p>	<p><b>Northern Territory</b></p> <p>Darwin Local Court</p> <p>Katherine Local Court</p>
<p><b>Queensland</b></p> <p>Brisbane Family Law Courts Registry</p> <p>Cairns Family Law Courts Registry</p> <p>Townsville Family Law Courts Registry</p>	<p><b>Western Australia</b></p> <p>Family Law Court of Western Australia, Perth Registry</p> <p>Family Law Court of Western Australia – Albany, Broome, Bunbury, Geraldton and Kalgoorlie country circuits</p>

The graphs below illustrate the change in FASS service provision over time.

Figure 6: Total FASS activity over time by key outputs of the program



### Number of clients assisted

Since implementation, 14,022 clients across 23 sites have been serviced under the FASS.<sup>12</sup> The number of FASS clients grew each quarter, representing a total growth

<sup>12</sup> It should also be noted that the total clients serviced reported may be over-estimated due to variations in the data collection process across different sites and individual services providers. Inside Policy has combined client data reported by legal services and support services. Based on consultations with service providers, it is likely there is an element of double counting in sites where a legal service and support service are operating and reporting on service activity separately.

rate of about 47 percent.<sup>13</sup> Figure 6 shows total FASS activity across the period analysed according to the key outputs of the program.

#### *Number of duty lawyer services*

Since implementation, there have been 17,185 duty lawyer services delivered. Duty lawyer services were the most common services provided to FASS clients, representing 53 percent of all FASS services delivered. Despite this, the number of duty lawyer services provided grew at the slowest rate out of all FASS services (35 percent). It should be noted that the number of duty lawyer services delivered was marginally higher (three percent) than the total number of FASS clients serviced. This indicates a small percentage of FASS clients required more than one duty lawyer service.

#### *Number of non-legal support services*

Since implementation, there have been 7,183 non-legal support services delivered. The number of non-legal support services grew by 124 percent from the first to the fourth quarter and represented about 22 percent of all FASS services delivered. The significant growth of support services delivered was largely driven by on-boarding of services in between Quarters 1 and 2, plateauing at around 2,000 support services per quarter thereafter.

#### *Number of referrals to support services*

Since implementation, there has been 5,298 referrals to non-FASS support services. The number of non-FASS support services delivered grew by 160 percent, the equal largest increase across all FASS services, and represented 17 percent of all FASS services delivered. Similar to the trend seen in the number of support services delivered, the significant growth of support service referrals was largely driven by on-boarding of services in between Quarters 1 and 2.

#### *Number of risk assessments conducted*

Since implementation, there have been 1,472 risk assessments conducted. The number of risk assessments grew by 160 percent, the equal largest increase across all FASS services, but represented five percent of all FASS services delivered.

#### *Number of safety plans made*

Since implementation, there have been 1,472 safety plans delivered. The number of safety plans grew by 70 percent and represented four percent of all FASS services delivered.

#### *FASS client demographics*

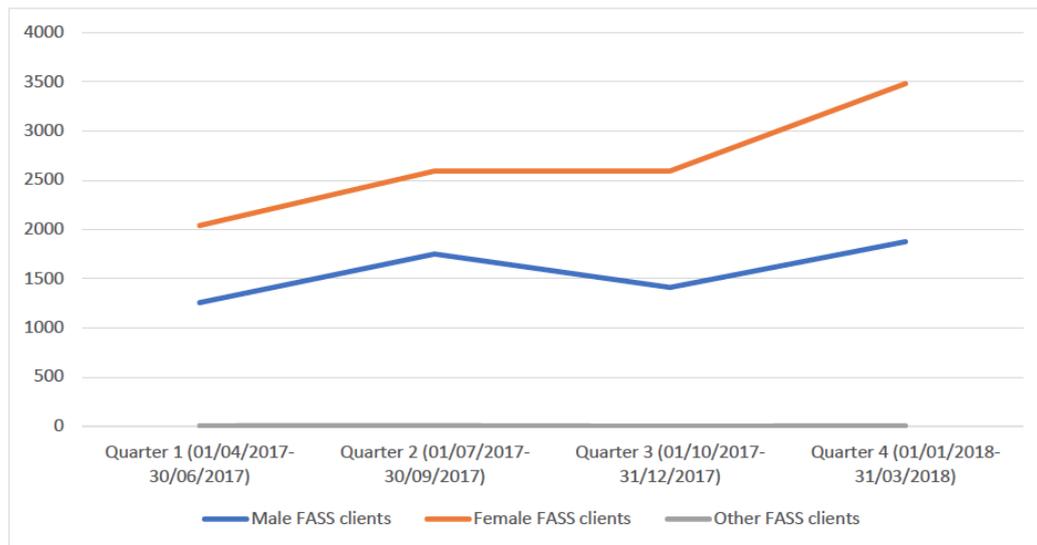
##### *Gender*

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<sup>13</sup> It is likely the growth of total client services was impacted by additional sites coming online during the period analysed. For example, Victoria started in Quarter 2, Regional WA commenced in Quarter 3.

Figure 9 outlined the gender breakdown of FASS clients. Fifty-seven percent of all FASS clients receiving services since implementation were female. The number of females receiving FASS services grew at a rate of 71 percent over the period analysed. Male FASS clients represented 42 percent of total clients serviced. The number of males receiving FASS services grew at a rate of 49 percent over the period analysed. Transgender and intersex FASS clients and those of indeterminate gender represented 0.1 percent of the total clients serviced.

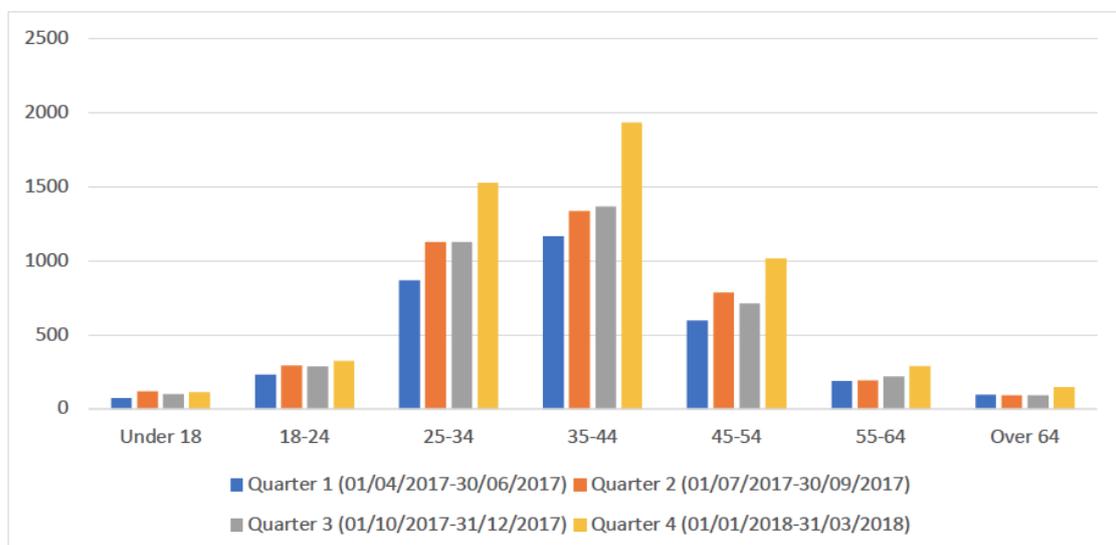
Figure 7: Gender of FASS clients



### Age

Figure 10 illustrates the age breakdown of FASS clients. Around 63 percent of total FASS clients in the period analysed were aged between 25-44 (25-34 = 28 percent, 35-44 = 35 percent). The number of FASS clients in the 25-34 age bracket also grew at a significant rate (76 percent), which was the highest growth rate across all age brackets analysed. The clients in the 45-54 age bracket grew at the second highest rate across the period analysed (70 percent).

Figure 8: Age of FASS clients



### *Aboriginal and Torres Strait Islander status*

Over the period analysed, Aboriginal and Torres Strait Islander clients represented about seven percent of the total number of FASS clients serviced. The number of Aboriginal and Torres Strait Islander clients serviced by the FASS grew at a slightly slower rate than the non-Indigenous population (51 percent and 59 percent respectively).

### *Ethnicity*

FASS clients born in Australia represented 60 percent of the total number of FASS clients serviced. The remaining 40 percent were made up of clients born in 151 different countries. Amongst the total number of FASS clients, there were 90 separate languages spoken at home other than English.

### *Number of services provided to FASS clients*

Client intake and assessment forms were also reviewed to understand the number of services provided to FASS clients. Thirty-six of the 40 clients surveyed during the evaluation site visits consented to have their intake and assessment forms reviewed. All but four of these forms indicated that a duty lawyer service had been delivered. Two forms did not contain this information and a further two forms stated that a duty service had not been provided, although the clients indicated in their survey responses that they had received a duty service.

Twenty-three client forms included information on the types of support services provided to FASS clients. Data indicates that 43 social support “activities” were conducted including risk assessment, safety planning, referrals and screening. Just over half the of forms showed that clients received more than one social support output.

In terms of referrals to support services, review of client intake and assessment forms indicates that 26 clients were referred to external support services, with 11 clients receiving multiple referrals.

## Appendix A: Table of interviewees

	Program Manager		Duty Lawyer		Social Supports		IRO	
	No. People	No. interviews	No. People	No. interviews	No. People	No. interviews	No. People	No. Interviews
ACT	1	1	3	3	1	1		
NT	1	1	1	1	1	1		
SA	1	1	4	4	1	1	1	1
TAS	3	2	2	2	1	1	1	1
VIC	3	1	4	2	4	2	2	1
NSW	3	3	3	3	5	5	1	1
WA	2	2	2	2	2	2		
QLD	1	1	3	3	1	1	1	1
<b>Totals</b>	<b>15</b>	<b>12</b>	<b>22</b>	<b>20</b>	<b>16</b>	<b>14</b>	<b>6</b>	<b>5</b>

	Non-FASS Lawyer		Judge / Magistrate		Court Staff		Key Referrals	
	No. People	No. interviews	No. People	No. interviews	No. People	No. interviews	No. People	No. interviews
ACT	2	2	1	1	1	1		
NT	3	3	1	1	1	1		
SA	3	3	1	1	1	1		
TAS	3	3	1	1	1	1	3	2
VIC			1	1	1	1	5	4
NSW	4	4	3	3	3	2	3	3
WA	1	1	1	1	1	1	5	4
QLD	2	1	1	1	2	2		
<b>Totals</b>	<b>18</b>	<b>17</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>10</b>	<b>16</b>	<b>13</b>

	Totals	
	No. People	No. Interviews
ACT	9	9
NT	8	8
SA	12	12
TAS	15	13
VIC	20	12
NSW	25	24
WA	14	13
QLD	11	10
<b>Totals</b>	<b>114</b>	<b>101</b>

## Appendix B: Jurisdictional data

FASS Service Delivery Profile						
State/site	No. FASS clients serviced	No. duty lawyer services delivered	No. non-legal support services delivered	No. risk assessments	No. safety plans	No. referrals to non-FASS support services
ACT	520	545	257	9	134	134
Statewide	520	545	257	9	134	134
NSW	6730	7688	4366	448	384	4244
Newcastle	1368	1439	1567	192	106	1959
Parramatta	2826	3369	1648	155	175	1053
Sydney	1831	2234	659	45	29	506
Wollongong	705	646	492	56	74	726
NT	293	505	387	245	0	53
Katherine Region	0	90	114	0	0	0
Statewide	293	415	273	245	0	53
QLD	1284	2782	330	0	32	0
Brisbane	939	2494	236	0	18	0
Cairns	216	140	81	0	14	0
Townsville	129	148	13	0	0	0
SA	1143	2172	282	3	199	76
Adelaide	1122	2152	271	3	199	69
Mt Gambier	21	20	11	0	0	7
TAS	1293	995	286	155	0	327
Burnie	86	53	0	0	0	28
Hobart	843	647	286	108	0	138
Launceston	364	295	0	47	0	161
VIC	1653	1365	897	404	416	464
Dandenong	719	711	348	271	267	150
Melbourne	934	654	549	133	149	314
WA	1106	1133	378	208	202	0
Albany	14	20	5	5	5	0
Broome	6	6	0	0	0	0
Geraldton	13	14	1	1	1	0
Kalgoorlie	7	8	0	0	0	0
Bunbury	24	46	0	0	0	0
Perth	1042	1039	372	202	196	0
<b>TOTAL</b>	<b>14022</b>	<b>17185</b>	<b>7183</b>	<b>1472</b>	<b>1367</b>	<b>5298</b>

FASS Client Gender Profile							
State/site	Total female FASS clients	Total male FASS clients	Total X not male or female FASS clients	Total transgender FASS clients	Total intersex or indeterminate FASS clients	Total other FASS clients	Total unknown FASS clients
ACT	395	122	3	0	0	0	0
Statewide	395	122	3	0	0	0	0
NSW	3397	3296	0	0	0	0	1
Newcastle	766	602	0	0	0	0	0
Parramatta	1422	1402	0	0	0	0	0
Sydney	688	1146	0	0	0	0	1
Wollongong	521	146	0	0	0	0	0
NT	143	236	0	0	0	0	0
Katherine Region	90	0	0	0	0	0	0
Statewide	53	236	0	0	0	0	0
QLD	811	309	0	0	0	0	177
Brisbane	620	270	0	0	0	0	0
Cairns	97	13	0	0	0	0	57
Townsville	94	26	0	0	0	0	120
SA	629	505	8	2	1	4	1
Adelaide	620	494	8	2	1	4	1
Mt Gambier	9	11	0	0	0	0	0
TAS	1171	625	0	0	0	0	0
Burnie	104	61	0	0	0	0	0
Hobart	760	435	0	0	0	0	0
Launceston	307	129	0	0	0	0	0
VIC	1912	1358	0	0	0	2	34
Dandenong	864	574	0	0	0	0	0
Melbourne	1048	784	0	0	0	2	34
WA	803	303	0	0	0	0	0
Albany	9	5	0	0	0	0	0
Broome	4	2	0	0	0	0	0
Geraldton	9	4	0	0	0	0	0
Kalgoorlie	3	4	0	0	0	0	0
Bunbury	15	9	0	0	0	0	0
Perth	763	279	0	0	0	0	0
<b>TOTAL</b>	<b>9261</b>	<b>6754</b>	<b>11</b>	<b>2</b>	<b>1</b>	<b>6</b>	<b>213</b>

FASS Client Age Profile								
State/site	Total Under 18	Total 18-24	Total 25-34	Total 35-44	Total 45-54	Total 55-64	Total Over 64	Total Unknown
ACT	8	50	180	179	71	21	11	0
Statewide	8	50	180	179	71	21	11	0
NSW	40	425	1769	2432	1346	414	207	2
Newcastle	12	136	442	482	193	64	36	0
Parramatta	19	207	812	980	531	175	89	1
Sydney	1	55	335	714	488	141	67	0
Wollongong	8	27	180	256	134	34	15	1
NT	1	52	115	120	69	17	5	0
Katherine Region	0	9	23	42	12	4	0	0
Statewide	1	43	92	78	57	13	5	0
QLD	9	75	308	270	123	24	8	0
Brisbane	8	68	265	223	108	21	8	0
Cairns	0	1	9	8	5	0	0	0
Townsville	1	6	34	39	10	3	0	0
SA	7	78	314	374	249	77	39	0
Adelaide	7	78	310	369	243	75	39	0
Mt Gambier	0	0	4	5	6	2	0	0
TAS	330	141	403	485	262	78	33	0
Burnie	56	4	38	31	19	5	2	0
Hobart	235	105	254	302	194	46	21	0
Launceston	39	32	111	152	49	27	10	0
VIC	0	136	994	1334	732	174	72	108
Dandenong	0	78	462	562	324	76	30	8
Melbourne	0	58	532	772	408	98	42	100
WA	11	114	409	376	131	46	19	0
Albany	0	0	4	6	2	1	1	0
Broome	0	0	3	1	1	0	1	0
Geraldton	0	0	2	8	2	1	0	0
Kalgoorlie	3	0	1	2	1	0	0	0
Bunbury	0	1	8	13	1	1	0	0
Perth	8	113	391	346	124	43	17	0
<b>TOTAL</b>	<b>406</b>	<b>1071</b>	<b>4492</b>	<b>5570</b>	<b>2983</b>	<b>851</b>	<b>394</b>	<b>110</b>

FASS Client Aboriginal and Torres Strait Islander Profile					
State/site	Total Aboriginal	Total Torres Strait Islander	Total Non-Indigenous	Total Both Aboriginal & Torres Strait Islander	Total Aboriginal or Torres Strait Islander
ACT	24	0	496	0	0
Statewide	24	0	496	0	0
NSW	382	122	6237	12	12
Newcastle	149	52	1199	4	2
Parramatta	119	29	2660	0	2
Sydney	66	18	1747	2	1
Wollongong	48	23	631	2	7
NT	164	7	208	0	0
Katherine Region	84	0	6	0	0
Statewide	80	7	202	0	0
QLD	110	12	1327	0	0
Brisbane	70	6	1121	0	0
Cairns	18	2	69	0	0
Townsville	22	4	137	0	0
SA	45	0	951	0	0
Adelaide	45	0	931	0	0
Mt Gambier	0	0	20	0	0
TAS	59	2	327	0	0
Burnie	5	1	18	0	0
Hobart	40	1	283	0	0
Launceston	14	0	26	0	0
VIC	54	0	2714	1	0
Dandenong	20	0	1418	0	0
Melbourne	34	0	1296	1	0
WA	116	0	985	0	0
Albany	0	0	14	0	0
Broome	4	0	2	0	0
Geraldton	6	0	7	0	0
Kalgoorlie	1	0	6	0	0
Bunbury	2	0	17	0	0
Perth	103	0	939	0	0
<b>TOTAL</b>	<b>954</b>	<b>143</b>	<b>13245</b>	<b>13</b>	<b>12</b>

## Appendix C: Jurisdictional profiles

This section provides a brief description of the implementation of the FASS across jurisdictions, with detail provided for the nine sites visited during the evaluation. It does not compare the effectiveness of the FASS models implemented in each jurisdiction.

### Australian Capital Territory

#### *FASS implementation in the ACT*

The FASS in the ACT was established in the general practice section of LAACT. The FASS employed two additional senior duty lawyers and one junior duty lawyer and an in-house social worker.

The FASS was placed in the general practice section to facilitate information-sharing with the Domestic Violence Unit (DVU). Information barriers between the general practice section and family law litigation section mitigated conflict of interest issues between the FASS duty lawyer service and family law practice.

#### *Nature of service integration and referrals*

The FASS was based in the Family Law Court in Canberra. The duty lawyer office was located opposite security at the court entrance. Legal Aid intake forms were on clipboards outside the duty lawyer's office and were completed by clients seeking to access the service. The FASS was most likely to engage with first-time clients at the court unless they had been referred by the DVU.

Duty lawyers assisted both FASS and non-FASS clients. The duty lawyer was the main triage point into the FASS and would assess whether a client was eligible for the FASS based on information provided on the intake form.

The DVU and FASS worked closely together. With client consent, FASS duty lawyers were able to talk to the DVU about a client's matter or to facilitate DVU representation for a matter in the Magistrates Court.

Duty lawyers would refer directly to the social worker to link clients in with social supports. The social worker did not have a presence at court but could attend on invitation of the duty lawyer. She would see returning clients by appointment, mostly at the Legal Aid offices, opposite the court building. External services such as the Domestic Violence Crisis Centre, Victim Support Service, child protection services and family consultants would also refer directly to the social worker.

### Queensland

#### *FASS implementation in Queensland*

In Queensland, the FASS was implemented in Brisbane, Cairns, and Townsville. In Brisbane, LAQ expanded on its pre-existing duty lawyer service in partnership with Caxton Legal Centre Inc. An additional lawyer and a social support worker were employed by each service, and an additional intake officer was employed by LAQ. In

Cairns, Legal Aid partnered with North Queensland Women’s Legal Service (NQWLS), and Cairns Community Legal Centre. Social support was provided by Cairns Domestic Violence Service. In Townsville, the FASS was delivered by Legal Aid in partnership with NQWLS and Townsville Community Legal Service (TCLS). Social support services were provided in Townsville by the North Queensland Domestic Violence Resource Centre (NQDVRC). The FASS operated in the Cairns and Townsville courts on duty list days and provided services on off days at their offices.

In each registry, an intake officer provided a triage point into the FASS.

### **Site Visited: Townsville**

LAQ provided both a family law duty lawyer service and FASS duty lawyer service at the Townsville Family Law Court. There was one dedicated FASS Legal Aid duty lawyer, and other Legal Aid duty lawyers had received FASS training so could assist FASS clients where required.

A key difference between the duty lawyer services was that the FASS duty lawyer could provide urgent assistance to clients without a matter in court and was able to provide a wider range of other supports. The two services shared an office at the court.

NQWLS and TCLS were resourced by LAQ to provide FASS duty lawyer services when LAQ identified a conflict of interest. In situations of conflict, female clients were referred to NQWLS and male clients to TCLS.

TCLS provided a duty solicitor at court for one duty day per fortnight and would assist clients eligible for FASS but conflicted for LAQ. On days in which TCLS was not at the court, TCLS provided a backup for NQWLS in cases where NQWLS was conflicted out or the client was male.

### *Nature of service integration and referrals*

There were four formal referral pathways into the FASS: Family Law Court Registry staff, NQDVRS, NQWLS, and TCLS. However, in practice, any organisation could refer clients to the FASS including private practitioners.

The FASS intake officer was the first point of contact for a prospective client. The same intake form was used by both the Legal Aid duty lawyer scheme and the FASS. If a client identified family violence on the intake form, the client was assessed as eligible for the FASS. The intake officer then undertook a conflict check. If the client was referred to a partner legal service, the service was provided a copy of the intake form.

Through FASS, NQDVRS service had established a physical presence at court on duty days. The support service was utilised by the three legal services providing the FASS. Referrals were made after consent was obtained from the client; NQDVRS would then meet with the client in an available room at the court.

## Northern Territory

### *FASS implementation in the Northern Territory*

The FASS in the Northern Territory was established in the Katherine Local Court and Darwin Local Court to provide services to applicants and respondents in proceedings regarding family violence protection orders.

The Katherine Women's Information and Legal Service (KWILS) was contracted to provide the FASS in Katherine. KWILS provided duty lawyer services and support workers services to women experiencing family violence. Under the FASS, KWILS employed a duty lawyer and a support worker. The KWILS services were available at the court or the KWILS office.

The NTLAC established the Respondents Early Assistance Legal Service (REALS) in Darwin Local Court to provide duty lawyer services to respondents to family violence proceedings. REALS employed a duty lawyer, part time administrative officer and a part time social support worker from CatholicCare. The duty lawyer and support worker were available at the court and at outreach clinics at CatholicCare Northern Territory.

### **Site Visited: Darwin**

The REALS was established to fill a gap in support available to respondents to Domestic Violence Orders (DVOs) in the Top End of the Northern Territory. The REALS was able to provide advice to respondents on their options going forward, to assist with negotiations and amendments to orders. The REALS did not provide representation at contested hearings.

### *Nature of service integration and referrals*

The REALS' office was located on the first floor of the Darwin Local Court. The duty lawyer and support worker would circulate around the floor to identify potential clients. When the duty lawyer was in court or with a client, the support worker would approach clients and refer them to the duty lawyer.

When a potential client was identified, the REALS undertook a conflict check to see if NTLAC was representing the other party. If there was no conflict of interest, the REALS would assist the client or seek to adjourn the matter so the client could receive further assistance through the NTLAC clinic.

The support worker's role at court was primarily to engage clients, explain the court process, and to calm down agitated clients so they could better engage with the duty lawyer. The support worker also provided referrals to programs that could assist respondents such as counselling through CatholicCare, for which the worker could do the initial assessment. The REALS support worker was based in the duty lawyer office.

## South Australia

### *FASS implementation in South Australia*

The FASS was established by LSCSA in the Adelaide Family Law Court registry which also provided the duty lawyer service in that court. FASS also operated with the Federal Circuit Court in Mt Gambier which sat four to five times a year. Legal services at Mt Gambier were provided by the local community legal centre and a local provider had been contracted to provide social support services.

### **Site Visited: Adelaide**

The FASS in Adelaide employed three duty lawyers, one social support worker, and an intake officer. Relationships Australia was contracted to deliver the social support service.

### *Nature of service integration and referrals*

The intake officer was the first point of contact for the FASS and triaged clients into the service. They would identify if a person was eligible for FASS, undertake a conflict check and refer the client to the appropriate duty lawyer. The intake officer was also able refer clients to the support worker and to help clients complete Legal Aid grant applications.

Generally, referrals to the duty lawyer service came from private lawyers, judges, court staff, or the advice hotline.

The FASS social worker was present at the court, providing court support, information and referrals. They could receive referrals from the duty lawyer and also received referrals from court staff, victim support and external providers.

The FASS also had a presence at the Magistrates Court in Adelaide. One duty lawyer was available to help clients on the family violence list with intervention order matters. The FASS also provided outreach at the Women's Safety Service of South Australia.

## Western Australia

### *FASS implementation in Western Australia*

The FASS services were established in the Family Court of Western Australia (FCWA) in the Perth Registry, leveraging off the pre-existing duty lawyer service; in five regional and remote areas serviced by the FCWA Magistrates regional circuit which were Geraldton, Kalgoorlie, Broome, Bunbury, Albany; and, on two occasions during the project period, in Newman.

In Bunbury and Albany, community legal centres had begun providing a family law duty lawyer service in early 2017. The LAWA partnered with those centres (South West Community Legal Centre and Albany Community Legal Centre) to provide FASS duty lawyer services in those locations. The FASS based in the Perth Registry provided the FASS duty lawyer services in Geraldton, Kalgoorlie and Broome due to lack of local capacity and/ or conflict of interest issues with local legal service providers.

The LAWA had a conflict of interest policy which enabled the family court duty lawyer and FASS service to provide duty lawyer and legal advice services as a “different office”, thereby not creating a conflict of interest in certain circumstances. This mitigated conflict of interest issues between FASS duty lawyer services and other sections of LAWA.

In regional and remote locations LAWA partnered with local social service providers to provide FASS social support services.

### **Site Visited: Perth**

FASS provided a Legal Aid duty lawyer paralegal and social support worker at the Family Law Court. LAWA had contracted with three providers – Anglicare, Communicare, and Relationships Australia – to provide the social support service on a rotating basis, with a one week overlap of service transition.

The first social support service was run by Relationships Australia. Relationships Australia was the first agency to deliver the FASS social support service with a social worker available every day at the court.

#### *Nature of service integration and referrals*

The duty lawyer and paralegal shared an office in the Perth registry. Clients were directed to the duty lawyer offices by registry staff and advised to fill out an intake form.

The paralegal was the first triage point into the FASS. They were able to undertake risk identification and could provide legal advice under supervision. The social support worker worked closely with the lawyers and paralegal from the initial intake and conducted risk assessment where necessary and appropriate.

The social worker was located in a separate office. Either the paralegal or duty lawyer could walk clients over to the office and introduce them to the social support worker. Clients were directed to the social worker before seeing the duty lawyer if it was felt they needed immediate support.

The FASS received referrals from court personnel as well as external agencies such as state government family violence services and Women’s Resource and Engagement Network.

## **Tasmania**

### *FASS implementation in Tasmania*

The FASS operated out of the Family Court registries in Hobart and Launceston, the latter of which had a circuit court operating in Burnie. In Hobart, a duty lawyer was available every weekday and two coordinators available every weekday to service three regions (Hobart, Launceston and the North-West Coast). Launceston had one full time duty lawyer and two coordinators. Both locations had a social support worker provided by Anglicare Tasmania.

LACTas had also established a Tasmanian FASS users’ group which convened quarterly. Representatives included members of the judiciary, registry managers and

operations managers, family consultants, the court support and liaison service and family violence services.

### **Site Visited: Hobart**

The social worker was available on duty list days (approximately two per month) as well as Monday, Wednesday and Friday of each week. In addition, the social worker was on call every Tuesday and Thursday of each week. Due to infrequency of duty days, the FASS in Hobart took a proactive approach to client engagement. In establishing the service, Hobart FASS conducted a “roadshow” and disseminated brochures and posters throughout the sector.

#### *Nature of service integration and referrals*

FASS referrals were directed to the coordinator who acted as a triage point into the service. The coordinator undertook initial risk identification, triage, and conflict checks. Service agreements and/or Memoranda of Understanding (MoU) were entered into with the Tasmanian Aboriginal Community Legal Service and private practitioners to assist clients in cases of conflict. MoUs were also been put into place with the Family Violence Counselling Support Service, the Court Support and Liaison Service, and SafeChoices to create clear referral and information sharing pathways.

Many referrals came through LACTas. Each client was assessed for their eligibility for a grant of Legal Aid. Even if they qualified for aid, they could be referred onto the FASS to access social support. Security, registry staff and judicial officers at the court would also direct unrepresented clients to the duty lawyer service.

If a client was eligible for the FASS, the coordinator would refer them to a duty lawyer on a duty day or would make an appointment on non-duty days. Clients were encouraged to initially see both the duty lawyer and social worker together, however, a client could see the duty lawyer first then the social worker, or vice versa.

LACTas was also a provider of the state government’s Safe at Home family violence program. The FASS provided and received referrals into and out of the service, facilitated by LACTas.

### **Victoria**

#### *FASS implementation in Victoria*

The FASS in Victoria was implemented in the Melbourne and Dandenong Family Law Registries, with services coming online in May 2017. Under the FASS, both locations employed two additional duty lawyers, two social support staff, and an IRO. Duty lawyer services were provided by VLA with community legal centres funded to provide an alternate duty service in cases of conflict (operated by the WLSV in its capacity as the FLLS in Melbourne, and Peninsula Community Legal Centre in Dandenong). In Melbourne, social support was provided by safe steps and MRS. In Dandenong, social support was provided by WAYSS Ltd and Relationships Australia Victoria (Cranbourne).

## Site Visited: Melbourne

### *Nature of service integration and referrals*

During the FASS establishment phase, VLA created a working group with the court and key stakeholders and facilitated training and information sessions on implementation of social support services in a court environment. Once established, the FASS continued to hold regular working group meetings with court stakeholders.

The FASS IRO office was centrally located on the entry level of the Family Law registry. The FASS duty lawyers and support services also had dedicated office space at the court. When a client approached the IRO office, the IRO would ask the client to fill in an intake form. Once completed, the IRO would assess if they were eligible for FASS, conduct a conflict check and then make an appropriate referral for legal and /or non-legal support. If there was a conflict of interest with VLA they could be assisted by FLLS or in the event of a double conflict, be referred to a private practitioner, a community legal centre or a warm referral to VLA's Legal Help phonenumber.

MRS and safe steps workers would circulate around the court, providing a "roving" presence at court. The IRO, MRS and safe steps workers, Pathways volunteers and Court Network volunteers would continually engage with each other throughout the day. They could be directly approached by clients or referred by the IRO, duty lawyer, Court Network or Pathways volunteers.

The social support workers and duty lawyers worked closely together. Social support staff could also attend duty lawyer meetings with clients when requested.

## New South Wales

### *FASS implementation in New South Wales*

In NSW, the FASS operated in Parramatta, Sydney, Newcastle and Wollongong Family Law Court registries. The FASS was a scheme of legal and support services made up of two legal and two support services. The social services were delivered in partnership with the Women's Domestic Violence Court Advocacy Program (WDVCAP) and Relationships Australia who provided support services.

The legal services were provided by LANSW's Early Intervention Unit and Domestic Violence Unit. The Domestic Violence Unit was a specialist domestic and family violence service which provides legal and social work support to victims in relation to their legal and non-legal needs. This included duty services as part of the FASS, help with apprehended domestic violence orders in Local Courts, as well as assistance with a range of other legal problems clients often have because of domestic and family violence

In Sydney and Parramatta, an intake and referral officer (IRO) provided a triage point into the service. In Wollongong and Newcastle, the duty lawyers and social support workers fulfilled this role. In Sydney and Parramatta, two duty lawyers were available each day at each of the registries. One FASS duty lawyer position was established in Newcastle and, one-and-a-half full time FASS duty lawyer positions established in Wollongong. The FASS support service for women had six workers who covered all

FASS sites. A men's worker from Relationships Australia was available at each of the courts one day a week and could receive phone or email referrals on other days.

In NSW, the FASS worked within the state government Safer Pathway framework, an integrated approach to assessment of safety, service coordination and referrals for victims of family violence. Under Safer Pathway, the Women's Domestic Violence Court Advocacy Services (WDVCAS) received all referrals of women victims of domestic and family violence state-wide from police, as well as other services. The 'Local Coordination Points' were hosted by both FASS partners: WDVCASs for women victims and Relationships Australia for male victims. There was also a capacity to refer victims who rate a serious threat to a 'Safety Action Meeting'.<sup>14</sup>

The WDVCASs also provided assistance in 114 Local Courts in NSW to women protected by apprehended domestic violence orders.

### **Site Visited: Parramatta**

#### *Nature of service integration and referrals*

FASS staff were spread out throughout the Parramatta Family Court building, with the referral desk located between duty lawyer and social support worker offices. The other Legal Aid duty lawyer service, the Early Intervention Unit (EIU), was located on the opposite side of the building.

The main referral point for the FASS was the IRO who worked every day until 1pm. During those hours the IRO would complete an intake form with the client. After 1pm, clients would complete intake forms and a duty lawyer would manage client intake.

The FASS support service for women managed the client safe room and helped to implement client safety plans at court. The WDVCAS also had a presence in the local court and could facilitate support for clients across jurisdictions.

The Relationships Australia men's support worker was present at the court one day a week. On other days the FASS support service for women maintained continual contact with Relationships Australia to refer clients to the men's worker.

### **Site Visited: Newcastle**

Prior to establishment of the FASS at the Newcastle registry, Legal Aid ran monthly information sessions to introduce the FASS to relevant stakeholders. Once established, the FASS continued to hold regular focus groups with key stakeholders.

#### *Nature of service integration and referrals*

The FASS, EIU and Hunter Community Legal Centre duty lawyers were located on the same floor of the Newcastle registry. Due to space issues at court the EIU and FASS shared a room meaning the EIU and FASS could not represent a party in the same

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<sup>14</sup> For more information about Safer Pathway, see NSW DoJ (2014). 'It Stops Here: Safer Pathway Overview' at: [http://www.domesticviolence.nsw.gov.au/data/assets/file/0013/301180/Overview\\_Safer-Pathway.pdf](http://www.domesticviolence.nsw.gov.au/data/assets/file/0013/301180/Overview_Safer-Pathway.pdf)

matter at the same time. In situations of conflict, the Hunter CLC duty lawyer was available at Court on duty list days, although not every day.

The FASS support service for women's room was on the same level as the duty lawyer offices and was the only dedicated safe room in the court. The men's worker did not have an office but would roam around the court and engage with clients.

The FASS women's support worker received referrals from FASS duty lawyers as well as external organisations such as police, schools and welfare providers. Clients entering the FASS through the FASS support service for women would be screened for family law needs and referred into the duty lawyer service. If a client had a family violence matter at the local court, the FASS could internally refer to the WDVCS at the local court.

The support service offered specialised support to CALD and Aboriginal and Torres Strait Islander clients. An Aboriginal support worker was available at court one day a week, and CALD clients were assisted by a dedicated cultural support worker.

## Appendix D: Court observation tool

<b>Upon Entry to the Court</b>	
Is the FASS office / desk / information point easily identifiable?	
Please describe the FASS offices / main referral point:	
Are there FASS referral staff actively engaging with people? Or are they situated in a visible location where they can be approached?	
Is it clear what services they provide?	
What sort of information is available?	
Sitting in a location which can observe the FASS office / desk / information point, how many possible clients approach in a 10-minute period?	

<b>FASS Staff Interaction with Clients</b>	
<b>Duty Lawyers</b>	
Does the Duty Lawyer go to the client or the client to the Duty Lawyer?	
If the client goes to the Duty Lawyer, were they guided or chaperoned by anyone?	
<b>Social Support Workers</b>	
Does the Support Worker go to the client or the client to the Support Services?	
If the client goes to the Social Worker, were they guided or chaperoned by anyone?	

<b>FASS Staff Interaction with other FASS Staff</b>	
Do the Duty Lawyer and Social Support Worker approach clients together?	
How does the Referral officer engage the Duty Lawyer?	
How does the Referral officer engage the support services?	
Do the FASS Staff share offices? Or are the legal and social services separate?	

<b>FASS Interaction with Court Staff</b>	
Do the FASS Social Services interact with court staff?	
Do the Duty Lawyers interact with court staff?	
Do the court staff seek out FASS support?	
Do court staff direct people to the FASS?	

<b>FASS Staff Interaction with External Social Support Services</b>	
Do external support services engage with the FASS social services at court?	
Do Duty Lawyers engage with external support services?	

<b>Court Viewing</b>	
Was one of the parties a self-represented litigant?	
	If so, did they have all of the necessary documents?
	Were they able to participate in the process effectively? (i.e. could follow court procedures, could respond to questions).
Was the FASS Duty Lawyer present?	
Were any of the FASS support staff present?	

## Appendix E: Interview guides

### Program Manager interview tool

1. Please describe how the FASS has been implemented at your site.
2. How willing are FASS clients to engage with the program for legal matters? For non-legal matters?
3. What kinds of legal and social issues do FASS clients present with?
4. What kinds of legal and social supports are FASS clients provided with?
5. What support do they receive from duty lawyers?
6. How do you think the FASS has helped to better connect family law clients to social supports? What difference do you think this has made to clients' capacity to deal with their legal needs?
7. What kind of information about FASS clients is shared across services working across different court jurisdictions? How does this information sharing occur?
8. What difference do you think the FASS has made to information-sharing within legal aid commissions across matters in different court jurisdictions?
9. What difference do you think the FASS has made to information-sharing with specialist family violence services and other social services?
10. Please describe the success and challenges experienced in the implementation of the FASS.
11. If applicable, do you perceive any (location-specific) differences in how the FASS runs at your site?
12. If applicable, can you provide any insight into how the FASS is working, including success and challenges, in the associated court circuit?

### Duty lawyer / Referral & Intake Officer / Support Worker interview tool

1. Please describe your role in the FASS service.
2. How willing are FASS clients to engage with the service for legal matters? For non-legal matters?
3. What kinds of legal/social issues do FASS clients present with?
4. What kinds of legal/social supports are FASS clients provided with?
5. (For Duty Lawyers/Intake Officers): What support do they receive from duty lawyers?
6. How do you think the FASS has helped to better connect family law clients to social supports? What difference do you think this has made to their capacity to deal with their legal/non-legal needs?
7. What kind of information about FASS clients is shared across services working in different court jurisdictions? How does this information sharing occur?
8. What difference do you think the FASS has made to information-sharing within legal aid commissions across matters in different court jurisdictions?
9. What difference do you think the FASS has made to information-sharing with specialist family violence services and other social services?
10. Please provide us with details of up to five service providers to which you commonly refer FASS clients who you would be happy for us to interview.

### Court Personnel interview tool

1. Please describe your understanding of the Family Advocacy and Support Services.
2. By connecting family law clients to family violence supports and other social services, what difference do you think the FASS has made to their capacity to engage with family court processes?
3. By providing self-represented clients with assistance from a duty lawyer and social support worker, what difference do you think the FASS has made to:
  - a. The level of preparation and completeness of evidence for self-represented matters?
  - b. The amount of court time spent on self-represented matters?
  - c. Whether courts are receiving better information earlier?
4. What else do you think would be helpful in supporting family law clients who have family violence matters?

### (Non-FASS) lawyer interview tool

1. Please describe your understanding of the Family Advocacy and Support Services.
2. How do you work with the FASS Duty Lawyer?
3. What kind of information about FASS clients is shared across jurisdictions? How does this information sharing occur?
4. What difference do you think the FASS has made to information-sharing with the Federal jurisdiction?

### Key referral support services interview tool

1. Please describe your understanding of the Family Advocacy and Support Services.
2. What difference do you think the FASS has made to service provision to family law clients?
3. What kind of information about FASS clients is shared between FASS and your service? How does this information sharing occur?
4. If applicable, what difference has the FASS made to information-sharing between the court and your service?

## Appendix F: Client survey

### FASS Client Survey Tool (Baseline)

#### A. Demographic information.

1. Age [*Date of Birth / Unknown / Not stated / Estimate of Year of Birth*]
2. Gender [*Male / Female / X not male or female / Transgender / Intersex or indeterminate / Other / Unknown*]
3. Aboriginal/Torres Strait Islander status [*No / Yes, Aboriginal / Yes, Torres Strait Islander / Not stated / Inadequately described*]
4. Requires Interpreter / Translator [*Yes (spoken language other than English, please specify) / Yes (non-spoken communication) / No*]
5. Country of birth [*Australia / Other country: specify / Inadequately described*]
6. Main language spoken at home [*English / A language other than English: specify / Inadequately described*]
7. Number and age of dependent children
8. Location of Service User [Suburb / Postcode]
9. Consent to contact at 6 weeks. [Yes / No] If yes, obtain telephone number to call.

#### B. Access to FASS program

1. How did you find out about the Family Advocacy and Support Services?
2. Have you seen the FASS Duty Lawyer? Did they assist you with a legal matter?
3. Have you been referred to other social support service/s by the FASS Duty Lawyer or Referral Officer? If so, which services:
  - a. Housing,
  - b. Financial support / counselling,
  - c. Centrelink,
  - d. Counselling,
  - e. Safety Planning,
  - f. Other, please specify: \_\_\_\_\_
4. Do you have a legal matter in another court as well? If so, did the FASS assist you with this matter?

#### C. FASS outcomes

Respondents will be asked to provide one of the following responses to questions 1-6:

Strongly agree; Agree; Neutral; Disagree; Strongly disagree; Not applicable.

1. The service has helped me understand the family court process.
2. The Duty Lawyer has helped me better understand and prepare for my legal matter.
3. The service has made me aware of social services and supports that can help me.
4. The service has connected me to social services and supports that can help me.
5. The service has helped me to develop strategies to keep myself/my family safe.

6. (For clients with cross-jurisdictional matters): The service has helped me to manage legal matters in different courts.
7. Is there anything else you'd like to tell us about your experience with the FASS?

### FASS Client Survey Tool (Follow up at 6 and 12 weeks)

#### A. Access to FASS Program

1. Since we last spoke, have you seen the FASS Duty Lawyer?
2. Were you referred to any support services by the FASS?
3. If so, which services?
  - a. Housing,
  - b. Financial support / counselling,
  - c. Centrelink,
  - d. Counselling,
  - e. Safety Planning,
  - f. Other, please specify: \_\_\_\_\_
4. Since we last spoke, have you accessed or made contact with the services you were referred to by the FASS?
5. Did you find these services useful?

#### B. FASS outcomes

Respondents were asked to provide one of the following responses to statements 1-6:

Strongly agree; Agree; Neutral; Disagree; Strongly disagree; Not applicable.

1. I still feel that the service has helped me understand the family court process.
2. I still feel that the Duty Lawyer has helped me better understand and prepare for my legal matter.
3. I still feel that the service has made me aware of social services and supports that can help me.
4. I still feel that the service has connected me to social services and supports that can help me.
5. I still feel that the service has helped me to develop strategies to keep myself/my family safe.
6. (For clients with cross-jurisdictional matters): I still feel that the service has helped me to manage legal matters in different courts.
7. Has your view of the legal or support services you received changed since we last spoke?