

Pine Rivers CLS

Evaluation of a collaborative partnership

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ABSTRACT

The Pine Rivers Community Legal Service provides legal advice on community issues, specifically on family law matters. The Service assists in facilitating the mediation process where there is a family law dispute regarding parenting matters. As part of its commitment to delivering holistic family law assistance, in 2009 the PRCLS formed a Legal Assistance Services Partnership with two Family Relationship Centres (Strathpine and Chermside) and Legal Aid Queensland. This partnership is a highly successful model of collaboration between Legal Aid Queensland, The Family Relationship Centres and the Pine Rivers Community Legal Service, which provides access to legal advice. This evaluation details the success of this collaborative service partnership and, in doing so, evidences the need for continued government funding to facilitate this partnership.

Prepared for

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1. Introduction

In 2009, the Pine Rivers Community Legal Service formed a Legal Assistance Services Partnership with two Family Relationship Centres located at Strathpine and Chermside, and Legal Aid Queensland. The partnership currently receives government funding, however future funding is uncertain.

The University of Queensland Pro Bono Centre has prepared this evaluation on behalf of the Pine Rivers Community Legal Service. Two senior law students, Bronte Shaddock and Lucy Agnew, conducted the service evaluation from February to April 2015 and they are the primary authors of this report. Senior Lecturer Dr Paul O'Shea and Ms Monica Taylor of the UQ Law School also provided limited academic supervision for this project. This report:

- Backgrounds the establishment of the partnership
- Documents the partnership process
- Reports quantitative and qualitative data
- Evaluates the relative success of the partnership

2.0 Background

2.1 Policy Change

On 1 July 2006, major reforms were introduced to Australian family law by the *Family Law Amendment (Shared Parental Responsibility) Act 2006*. The changes brought into effect by this legislation focus primarily on dispute resolution between separated or separating parties before or instead of attending court in family law cases.¹

Broadly, the aim of the reforms was to '...bring about a cultural shift in how family separation is managed: away from litigation and towards cooperative parenting.' 2

2.2 Establishment of Family Relationship Centres

Among the 2006 legislative reforms was the requirement that families make a genuine attempt at Family Dispute Resolution (**FDR**) before they access court intervention in family law cases.³ In order to facilitate this requirement, a number of systematic changes were necessary. Perhaps the most notable of these changes was the establishment of 65 Family Relationship Centres (**FRCs**). These FRCS were established to provide general support and assistance to families, and to act as a key service for the provision of FDR.

2.3 Partnership Program

The Federal Government decided that the FDR process could achieve even greater success if clients were able to access early and targeted legal information and advice when attending Family Relationship Centres. Consequently, in 2009 the Commonwealth Attorney General announced the 'Family Relationship Centre legal assistance partnerships program' (the program). The aim of the program was to partner a Community Legal Centre (CLC) with one or more FRCs in order to provide FRC clients with access to legal information and; ongoing advice and assistance throughout the FDR process.

"[These partnerships] will provide greater support to families in resolving their disputes and help to build a more integrated and collaborative family law system."

(2011 – 2012 Annual Report, Murray Mallee Community Legal Service)

2.4 Community Legal Centres

CLCs are an integral part of the legal assistance sector in Australia. CLCs are independent, community-based, not-for-profit organisations that provide free legal advice, information and, to a lesser extent, casework assistance to members

¹ Australian Institute of Family Studies (2011) 'Evaluation of the Family Relationship Centre legal assistance partnerships program (final report)'. Accessed 1 April 2015. Pp 6-11.

² Explanatory Memorandum, *Family Law Amendment* (Shared Parental Responsibility) Bill 2005 (Cth).

³ Family Law Act 1975 (Cth), s 60I.

of the public who could not otherwise access mainstream legal services because of associated costs, lack of relevant information and other barriers. CLCs share with FRCs the common goal of improving access to justice and improving outcomes for clients.

2.5 Establishment of Partnership

Under the program, the Pine Rivers Community Legal Service (the CLS) formed a partnership (the partnership) with Family Relationship Centres at Strathpine and Chermside (the FRCs or an FRC) and Legal Aid Queensland (LAQ).

3.0 Methodology

The report authors employed various strategies to determine the success of the partnership.

First, the authors undertook various site visits to Pine Rivers CLS and Strathpine and Chermside FRCs. They conducted face-to-face interviews with the following individuals directly involved in the partnership's establishment and coordination:

- Jan Squires, FRC Manager and Regional Operations Support, Family Relationship Centre, Chermside
- Sue Forrest, Regional Administrative Co-ordinator for Brisbane Family Relationship Services
- Sue Cleary, Acting Manager, Strathpine Family Relationship Centre
- Lynn Bosel, Principal Solicitor, Pine Rivers Community Legal Service
- Louise Skidmore, Solicitor, Pine Rivers Community Legal Centre
- Miriam Barber, Solicitor, Pine Rivers Community Legal Centre
- Miriam Grabec, Legal Support Worker, Pine Rivers Community Legal Centre

Second, the authors collated and analysed quantitative and qualitative data from client feedback forms and statistical forms completed by FRC staff.

Finally, the authors also had regard to available existing literature and scholarship on collaboration and partnerships in the legal assistance sector.

4.0 Objectives of the Partnership & How it works

4.1 Objectives of Partnership

The Commonwealth Attorney General's Department developed a protocol to guide legal professionals (**LPs**), family dispute resolution practitioners (**FDRPs**) and other FRC staff in the course of the partnership. Please see Appendix A for a copy of this protocol.

The protocol states that the purpose of providing legal assistance in FRCs is to:

- Assist clients to better understand their obligations and responsibilities and advise them in resolving their own disputes where possible;
- Increase the FRCs' flexibility in how they provide services to separated or separating clients;
- Increase the likelihood that clients will be able to utilise legal assistance in FRC premises in a timely, non-adversarial way; and
- Help maximise clients' safety as clients go through separation and divorce.

4.2 Roles and Responsibilities

The Attorney General's Department defined the specific roles and responsibilities of each of the stakeholders (FRC staff, LPs and FDRPs) in the protocol (referred to above). These responsibilities are designed to achieve the practices stated in 4.1 above.

4.3 Steering Group

A Steering Group was established to oversee the project. Its membership consists of a manager from Legal Aid, Managers from the FRCs, as well as the principal lawyer at the CLS. It meets bi-monthly to: monitor the performance of the partnership against the agreed work plan; follow action research principles for continuous evaluation and improvement as the project proceeds; and strengthen links to the community through the various members.

4.4 Process

Improving access to support services and integration of the family law system were two of the primary objectives in establishing the program.⁴ The partnership facilitates this in the following way:

- 1. When a client presents at an FRC they are asked if they have sought legal advice about their situation. If the client has not, the FRC suggests that they do so before proceeding further.
- 2. Details of the CLS are provided to interested clients by the FRCs. This could be at the start, before mediation or at any stage during or after the mediation process.

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⁴ See Appendix A.

The client is advised to let the CLS know that they have been referred by the FRC.

- 3. The client calls the CLS and makes the appointment for legal advice.
- 4. The CLS takes the client's details and does a conflict of interest check. If there is no conflict of interest an appointment is made for the client. The appointment is made for any venue that the client prefers, being either the offices of the FRCs or at offices of the CLS. If there is a conflict of interest, the client is referred on to Legal Aid or to other CLCs in the area nearest to the client.
- 4. The CLS provides on site legal advice at the two FRCs one and a half day every week. The appointments are for an hour each.

In addition to the appointment system, clients may obtain legal advice at the FRC without a prior appointment if a LP is available, a conflict of interest check is done and the matter is urgent.

- 6. When the client attends for the appointment, they complete a Client Advice Form at their first consultation. The FRC and CLS adhere to strict confidentiality standards in this regard.
- 7. During consultation with a LP, detailed legal advice is provided regarding parenting matters, family law processes, mediation, as well as Consent Orders and alternatives are considered. The legal advice is tailored to the specific stage that the client is at, in the process.

There are also occasions when a client seeks advice directly from the CLS without having knowledge of, or contact with an FRC. If the lawyer believes the client could also benefit from the services of mediation, a referral will be made to the FRC.

8. If parents completed the FDR process and have an agreed Parenting Plan, but would then like to apply to court to have the Parenting Plan made into a Court Order by consent, the client may make a further appointment for legal advice and assistance with the drafting of an Application of Consent Orders. This is 'one of the most useful ways the partnership works to help parents'.⁵

4.5 Professional Collaboration

FRC staff has an open line of communication with CLS LPs and are able to ask questions on-site on an ad hoc basis. The staff and all of the partners have a very good working relationship, which works to the benefit of all staff and members. This relationship is fuelled by the belief held by all involved, as evidenced now by years of working collaboratively, that the partnership adds value to the client experience and streamlines the process for them.

Clients of the FRC come to mediation better prepared to negotiate regarding the

⁶ Louise Skidmore, Solicitor, Pine Rivers Community Legal Service.

best interests of their children, with the weight of legal advice behind them and if mediation fails for any reason clients are not left stressed with no where to go. They can access free legal advice post mediation to discuss their options.

The collaboration between the FRCs and the CLS goes beyond facilitating a client's access to legal advice on parenting matters. The CLS also presents group legal information sessions to the staff at the two FRCs on topics of interest to them, such as the latest case law on family matters, relocation issues and consent orders.

The CLS has also arranged a joint excursion to the Federal Magistrates Court with the mediators from the FRC at Chermside, so that mediators could experience what might happen if mediation is unsuccessful and see the courts in action applying family law. This is just one example of the professional collaboration that exists and, indeed, contributes to the overall success of the partnership. As one FRC staff member said⁶ in a group discussion, with several other FRC staff agreeing: 'because of this [approach] we understand so much more about the role of the legal profession and [in turn] we are able to better help the client'.

5.0 Outcomes

5.1 FRC information Statistics

Since the onset, the partnership has collected data on the stages of the FDR process that clients are in at the time that they request legal advice. Some of this data from May 2010 to February 2015 has been collated (see below). This subsection will discuss this data.

Rationale

The data provides an insight into the experience of clients and highlights the trends relating to when most clients seek legal advice.

Method

Immediately after a client has had legal advice from a LP, the LP completes an 'FRC Statistics' Form (**the form**) (see Appendix B for a copy of this form). The form records information such as: the stage of FDR process the client is in, whether they have had any previous legal advice and if so where this legal advice was sought, whether the client was seen by way of appointment or whether the matter was an urgent referral. The information is collated on a monthly basis.

⁶ Sue Forrest, Regional Administrative Co-coordinator for Family Relationship Services

The information is set out below and is to be regarded as an accurate reflection of the statistics gathered by the Solicitors, subject to minor adjustments for possible error in collation.

Results

Figure 1

Has the client received previous legal advice?

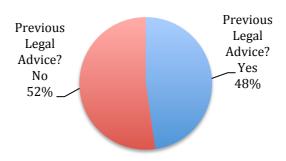
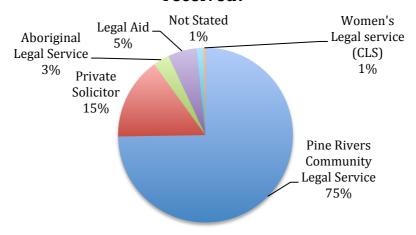
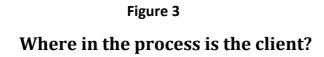


Figure 2

Where was this previous advice received?





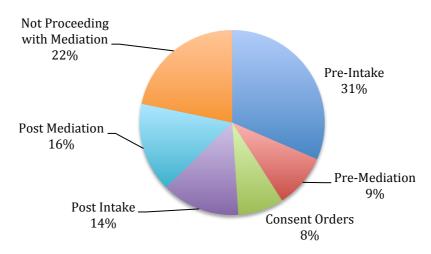


Figure 4
Explanation of Stages

Stage	Explanation
Pre Intake	Legal advice is sought before the client has done the initial intake session at the FRC for mediation
Post Intake	Legal advice is sought after the client has completed steps 1 and 2 at the FRC but no date yet set for mediation
Pre Mediation	Legal advice is sought just before mediation and a date is set for mediation
Post-Mediation	Legal advice is sought after client has mediated, whether successfully or not.
Not Proceeding with Mediation	Legal advice is sought and mediation is not proceeding (because the other party has refused to participate or for some other reason)
Consent Order	Legal advice is sought for help with the preparation/ finalisation of an application for Consent Orders

Figure 5
Explanation of Steps

Step	What step entails
1	Client Meets with Mediator
2	Client attends Group Info Session
3	Mediate

Figure 6
Common motivations for seeking advice at different Stages

Stage	General reasons for seeking advice
Pre Intake	Initial consultation -advice on child's
	rights, parental responsibilities,
	realities of the family law system and
	processes, consent orders, best
	interests of children, mediation
Post Intake	Client committed to mediation process
	and is focused on specific legal advice
	and information about legal options in
	preparation for mediation.
Pre Mediation	Discuss legal issues before mediating,
	consider options, understand family
	law in context of particular child and
_	family context
Post-Mediation	Mediation has taken place and now
	advice is sought on issues that may
	have arisen since mediation
Not Proceeding with Mediation	Mediation is not going to take place for
	any number of reasons (refusal by one
	party/ not appropriate) and advice is
	sought on what to do next and discuss
	legal options available
Consent Order	Assistance in drafting applications for
	consent orders, or checking
	application/finding out more
	information about consent orders.

The results reveal that 48% of clients had already received legal advice while 52% had not (see figure 1).

Of the 48% who had received previous legal advice, 75% of them received this advice at the CLS while 15% saw a private solicitor. This indicates a number of

clients are making use of the free legal advice throughout the process of mediation, sometimes before, during and then after mediation. A marginal number of clients received advice at Legal Aid (LAQ) (5%), Women's Legal Service (WLS) (3%) and the Aboriginal Legal Service (ALS) (1%) (See figure 2).

31% of clients were at the Pre-Intake stage of the FDR process. 22% of clients were not proceeding with mediation and 16% were at the post mediation stage. 14% were post intake and almost an equal number of clients were there for the purpose of consent orders (8%) or had not mediated yet (9%) (See figure 4 and 5 for explanation of stages and steps and figure 6 for common motivations for seeking advice at the different stages).

Discussion

Previous Legal Advice

For 52% of clients, no previous legal advice had been received, thus the CLS advice was the first contact with the legal system on their matter. 52% of people would have proceeded with mediation without the benefit of legal advice if this partnership had not been in place. For the 48% of clients that did receive previous legal advice, 75% received this advice from the CLS. Thus for 88% of clients, the CLS was their first avenue.

7.2 % of overall clients received advice from a private solicitor. This suggests that either the service is being used by a limited number of people who can afford legal advice, or else that a limited number of people have realised that they cannot afford private legal advice. The low numbers of clients who have sought advice from LAQ, WLS and ALS could suggest that the availability of the CLS on site and easy access to free legal advice has made legal advice much more accessible for clients in the mediation process. The service at the CLS is also available to all genders and cultural backgrounds.

Overall, the data indicates that for 88% of people, the CLS was their first avenue for advice. This is a significant percentage, and illustrates that the partnership has become an effective referral pathway between the CLS and the FRC. It also suggests local knowledge and awareness by clients of their local, generalist CLC, rather than a larger statutory body (LAQ) or a specialist CLC on the other side of Brisbane.

Stage of Process & Purpose of Seeking Advice

Overall, the data indicates that while the majority of clients (31%) sought initial advice, and a large number of clients (24%) sought advice after mediation had occurred or for advice on alternatives to mediation (22%); a significant proportion of clients (23%) sought advice throughout the process.

5.2 Client feedback statistics and comments

Since the onset of the partnership, feedback has been gathered from clients who consult with a LP. Feedback is gathered via a client satisfaction survey (**CSF**) that contains standard questions as well as an opportunity to leave comments (see Appendix C for a copy of this form). This subsection documents and discusses some of the data collected from this feedback.

Rationale

Gathering clients' perspectives is an important aspect of any evaluation. Analysis of the circumstances that leads someone to use a service can help identify whom the service will benefit most. Consideration of the comments left by clients can help improve the service.

Method

A receptionist distributes the CSF to the client when they arrive at the FRC (or the CLS as the case may be) for their consultation. The client completes the form after the consultation and hands it back to the receptionist prior to leaving.

There are advantages and disadvantages of this method of feedback. Disadvantageously, this method does not allow appropriate time for clients to reflect and give a more thoughtful answer. Advantageously, however, the knowledge is 'fresh' in the client's mind and thus is likely to be more accurate if documented straight away. Also, it is more likely that clients will give feedback if there is opportunity to do it straight away rather than on a later date (for example, completing an online questionnaire later on).

Each month, responses to the questions are collated by the CLS and comments are recorded. The following data represents the collation of client feedback responses from May 2010 until May 2014.

Results

See next page

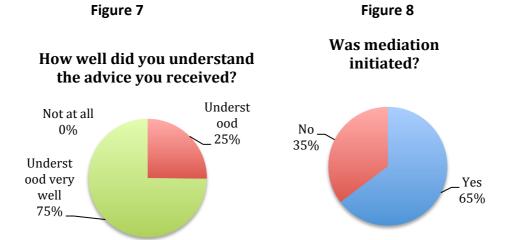


Figure 9

How useful was the assistance we provided in helping you prepare for mediation or the process after mediation?

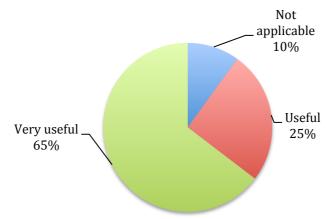


Figure 10

How would you rate overall experience with legal service?

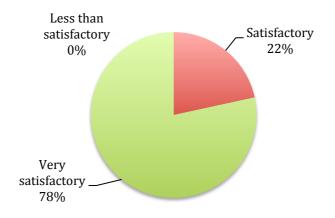


Figure 11

General client comments and feedback

"I found the service to be very helpful and useful"

"I was extremely happy with the legal advice. It was clear and very helpful. I would highly recommend this service"

"This is the lifeline I needed to assist me when all other avenues are closed to me"

"Some lag between appointments but was pretty ok overall, thanks."

"Exactly what I needed"

"Very professional manner and helpful. Exceeded my expectations..."

"The sessions clarified what steps I need to take, thank you"

"Very grateful for this support"

"Some of the information I received wasn't relevant to me, but overall the process was good and helpful. Thanks"

The results reveal that the clients who received legal advice from one of the CLSs understood that advice 'very well' (75%) or simply 'understood' (25%) (See figure 7).

The results also reveal that 65% of clients who presented at the CLS reported that they proceeded with mediation, while 35% did not (**See figure 8**).

When asked about the usefulness of the advice they received, 65% of clients reported that the advice they received was *very useful* in helping them prepare for mediation or the process after mediation. 25% reported that the advice was *useful*, while 10% of clients reported that the advice they received was not applicable to their situation (**See figure 9**).

When asked to rate their overall experience, 78% of clients reported that their experience was *very satisfactory*, while the remaining 22% reported that their experience was *satisfactory*. No clients rated the experience to be *less than satisfactory* (See figure 10).

Discussion

The majority of clients surveyed (78%) reported that their experience with the CLS

was *very satisfactory*. A small margin of clients rated their experience as *satisfactory* and no clients surveyed reported their experience to be *less than satisfactory*. This data as well as the general client comments (**see figure 11**) indicates that clients who sought advice with the CLS are generally pleased with their overall experience, and evidences both the efficiency and success of the CLS.

65% of the clients surveyed reported that they had initiated mediation, while 35% did not. Whether there is any direct correlation between clients receiving legal advice and their willingness to initiate mediation remains unclear. It remains possible however that a high percentage of CLS clients initiate mediation because they have received legal advice and therefore have a better understanding of the process and its advantages.

All clients surveyed reported that they either understood the advice well or very well. Furthermore, 65% of clients reported that they found the advice to be *very useful*; with only a small percentage of clients (10%) reporting that the advice they received was not applicable to their situation. This data suggests that the CLS has a thorough understanding of their clients' legal needs and the type of advice they require. The data also suggest that the CLS has skill and competence in communicating with clients and explaining advice.

5.3 Case Studies

Below are case studies detailing two client experiences of the FDR process and their dealings with both the FRC and CLS.

Case Study One

A parent came for advice, very upset after he was being denied any time with his two young children. The other parent would not let him see his children unless he moved back with her. The FRC and CLS provided the Father with advice about the mediation process and the children's rights to have a relationship with both parents. He was connected with counseling support and he initiated mediation. The other parent agreed to the Father spending regular time with the children. He is now a very different person.

Case Study Two

Client came to see the CLS for legal advice as up until then the client and the other parent had shared care of their child. The client had been referred to the CLS by the FRC. The child was pre-school age. The parents lived on opposite sides of the city and the parents could not agree where the child would live when the child attended school. The parents attended mediation a few times in the year before the child started school- some mediation attempts were initiated by the Father and some by the Mother, but they were unable to reach agreement. The parents were issued with a Certificate by the FRC to state that mediation was unsuccessful. The one parent who had sought legal advice from us then self-represented with our assistance, and started legal proceedings in the Federal Circuit Court for parenting orders. This matter went all the way to trial and took two years to finalise, with both

parties self-representing. Our client came to see us throughout the two year period for advice on how to self-represent, the court processes and what to expect, and how to complete all required documentation for the court.

These cases studies provide insight into two very different client experiences. While the outcomes of these cases were different (mediation was only successful in one case) what remained consistent was the detailed advice and support offered by CLS and FDR staff throughout the FDR and legal processes including the litigation stage.

5.4 Extra Comments – CLS / FRC Staff

This section contains some brief comments from FRC staff and CLS LPs in relation to their experiences working under the partnership. Data relating to the percentage of family law advice the CLS has given pre and post partnership is also included.

General staff comments and feedback

"The Strathpine FRC has a very successful working relationship with the Pine Rivers Community Legal Service. FRC clients appreciate that they know where to come for their legal appointment and also that it is a free service" – Sue Cleary, Acting Manager, Strathpine Family Relationship Centre

"The partnership has been extremely successful and has enhanced co-operation between the FRC Staff and ourselves with a shared knowledge of Family Law processes. The partnership has also provided clients the advice to be more informed about the legal options with a view to a successful negotiated outcome for the children." — Lynn Bosel, Principal Solicitor, Pine Rivers Community Legal Service

"It has been the clarity of roles and responsibilities and the free and open communication that has ensured the success of this partnership"- Jan Squires, Manager and Regional Operations Support, Family Relationship Centre, Chermside.

Every FDR practitioner interviewed reported that it is easier to mediate with parents who are legally informed, with a greater likelihood of realizing the best possible outcomes for their children. Rather than entering the process with unrealistic expectations regarding both the outcome of dispute resolution and the process of mediation in general, the partnership ensures that parents are better informed and their expectations managed more effectively.

Staff of both the FRCs and the CLS both reported that the partnership has allowed them to develop a better understanding of each other's role and function, leading to stronger connections and streamlined referral pathways.

In 2008, before the establishment of partnership, the Pine Rivers Community Legal Service reported that 52% of their advices were family law advices. By 2014, 66% of advices provided by the CLS were family law related showing a 14% increase. These figures suggest that the referral process, facilitated by the partnership, has been successful.

The partnering agencies have enhanced their existing relationships, with obvious advantages for their joint clients. FRC staff reported that having CLS Lawyers onsite helped to improve access to legal information for clients. Furthermore, FRC staff also noted that having lawyers on-site who are able to see clients reduced the likelihood of clients experiencing system fatigue that can result from complex referral pathways.

6.0 Evaluation in light of key objectives

Primarily, this partnership works because all stakeholders share a common vision of better outcomes for clients and children, and are committed to ensuring that this partnership succeeds, and the obvious benefits it provides for clients continues.

6.1 Key Factors

A number of factors have contributed to the success of this collaborative partnership. Some of these factors were discussed in the 2010 Mirror Image $Report^7$ and include:

- the partnership model is extremely simple
- there is clarity about roles and responsibilities
- there is free and open communication
- potential conflicts or misunderstandings are addressed swiftly and honestly
- all solicitors are experienced family law practitioners
- clients have one hour legal appointments, which allows time to build rapport, hear the client's story, thoroughly explore the legal options, and provide advice concerning associated matters such as domestic violence and financial/property settlement matters

⁷ Patricia Rose, (2010) 'Mirror Image: A case study of a successful legal assistance services partnership' Pp 6-10.

- Both sets of professionals recognise the expertise of the other and the benefit this brings to clients; there is a mutual respect between lawyers and mediators as a result of a concerted strategy to build relationships.
- The two groups liaise frequently e.g. mediators seek advice to better understand specific or urgent issues such as application for recovery orders
- there is no power differential between agencies or different professionals
- both services being offered at the one location benefits clients
- the legal service is free of charge
- help with preparing consent orders saves clients additional legal costs and streamlines the process from successful mediation to parenting orders when needed
- flexibility to provide on-site availability for urgent non-scheduled appointments
- where mediation has become emotionally charged, with distraught party/ies, having a lawyer available on site greatly assists with diffusing the situation and
- empowering the client with awareness, confidence and the ability to continue to participate in a process which focuses on the wellbeing of their children

Throughout this evaluation many of the above findings were confirmed in face-to-face interviews with key stakeholders and by the authors' personal observations during their site visits.

6.2 Access to Justice

The provision of information, advice, and mediation services by the Community Legal Centre and Family Relationship Service Providers is relatively inexpensive or free, and has proven to be an efficient means of equipping parents to participate in dispute resolution processes other than litigation. Such a conclusion is supported by the case studies documented in 5.3 of this report. They demonstrate how the CLS and FRC have worked together to provide support and advice to clients throughout the entire FDR process and beyond.

Data in 5.2 of this report support the argument that the partnership helps to equip parents to participate in the dispute resolution process. The data indicates that most clients (65%) find the advice very useful, and appreciate the convenience and the assistance that follows from a collaborative partnership such as this one. Offering further support to this argument is the fact that in 65% of cases where legal advice was provided by the CLS, mediation was initiated. This supports a conclusion that the provision of legal advice can influence whether the client initiates mediation or not.

Our data also reveals that while the majority of clients (31%) sought initial advice from the CLS, a large percentage of clients (24%) also sought advice after mediation had occurred, as well as throughout the FDR process (23%). These statistics suggest that clients are seeking advice at all stages of the FDR process. Providing separating / separated parents with better access to legal information,

advice and assistance throughout the FDR process and not just at the beginning not only improves access to justice, but according to FRC and CLS staff 'can lead to better family law outcomes'.

By providing parents with legal information about family law in the context of mediation, they are more likely to approach the FDR process with more realistic expectations especially in regards to outcomes. This claim is supported by feedback from FRC staff who reported that it is easier to mediate with parents who are legally informed, with a greater likelihood of realising the best possible outcomes for their children. This process of 'informing the client' is facilitated directly by the partnership. Furthermore, FRC staff reported that educating clients about the process meant that they are less likely to see the mediation process as an obstacle that stands in the way of them accessing the courts, but as a valuable tool to be used in the resolution of family law matters.⁸

Partnerships have also been identified as an important and indeed effective way of improving access to justice for vulnerable individuals and their families. In many cases, 'a lack of knowledge and capacity contributes to legal problems going unresolved, which in turn can lead to more severe problems in the future'. The 2014 Productivity Commission Report *Access to Justice Arrangements* notes that 'disadvantaged Australians are more susceptible to, and less equipped to deal with, legal disputes.' Numerous studies show that efficient government funded legal assistance services, including partnerships such as this one, generate net benefits to the community and can help to improve access to justice for vulnerable individuals.

In short, by ensuring that separating / separated parents are supported throughout the entire FDR process and have access to legal advice and information, the partnership has improved access to justice, the experience of clients and the overall efficiency of the FDR process. This claim is evidenced by the positive client feedback and comments of staff. With this in mind, it is evident that the partnership has successfully met the initial aim to 'provide greater support to families in resolving their disputes and help to build a more integrated and collaborative family law system.'¹¹

6.3 Integration of system

Family relationship professionals in FRCs provide advice and support in a context where parents may also be receiving advice from lawyers. It is important that

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⁸ Louise Skidmore, Solicitor, Pine Rivers Community Legal Service.

⁹ Productivity Commission Inquiry Report (2014), 'Access to Justice Arrangements' 75(5): 2-14

^{2-14. &}lt;sup>10</sup> Ibid.

¹¹ McClelland, R. (2009, 4 December). Building better partnerships between family relationship centres and legal assistance services. [Media release]. Canberra: Attorney-General's Department.

these processes complement rather than cut across each other in any particular case – partnerships are an effective way of doing this. 12

Any collaboration between FRCs and CLCs requires the respective professionals to be aware of the involvement of other professionals and to have an explicit understanding about how the processes can operate constructively together. Professional communication and trust and understanding about roles and responsibilities are crucial ingredients in addressing this important aspect of collaborative practice. According to FRC sand CLS staff it 'has been the clarity of roles and responsibilities and the free and open communication that has ensured the success of this partnership.' 14

The partnership effectively recognises the role that CLCs and FRCs both play in the resolution of family law disputes, and works to capitalise on the increased efficiency of the FDR process, facilitated by collaboration between the two groups. Overall, the referral process that the FRC undertakes and the provision of on-site legal advice at the FRCs effectively integrates two separate systems for the common good of the client.

It is important to note that the integrated approach described above is only possible through the partnership. It was felt by all CLS and FRC staff that this approach supports a more client-focused service whereby clients '[can] move between the legal system and family relationship services and FDR without feeling like they [are] ... different processes'. Given that one of the key objectives of the program was to help build a more integrated and collaborative family law system, this integrated approach has been integral to this policy objective.

This integrated approach is also integral to the Attorney General's policy objectives of:

- a) Increasing the likelihood that clients will be able to utilize legal assistance in FRC premises in a timely, non-adversarial way; and
- b) Assisting clients to better understand their obligations and responsibilities and advise them in resolving their own disputes where possible.

6.4 Working together and overcoming challenges

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¹² Moloney, L. et al.,and The Australian Institute of Family Studies Family Law Evaluation Team. (2010), 'Mandatory dispute resolution and the 2006 family law reforms: Use, outcomes, links to other pathways, and the impact of family violence.' *Journal of Family Studies*, 16, 192-196.

¹³ Moloney, Qu, Weston & Hand (2013), 'Evaluating the Work of Australia's Family Relationship Centres: Evidence from the First 5 Years'. *Family Court Review* 51 (2): 195-213

¹⁴ Jan Squires, Manager and Regional Operations Support, Family Relationship Centre, Chermside.

¹⁵ Above n 1.

¹⁶ See Appendix A.

The broad aim of the 2006 reforms, being to 'bring about a cultural shift in the management of parental separation: away from litigation and towards cooperative parenting'17, was undoubtedly going to bring with it additional challenges and added pressure to the relationship between family lawyers and community-based family relationship practitioners. ¹⁸ In evaluating a similar partnership program, the Australian Institute of Family Studies discussed a number of concerns raised in relation to the integration of these two different systems. In this evaluation the most common concern raised amongst participants was how a successful partnership could be formed given the obvious difference between those who specialise in family dynamics and those whose specialty is family law.¹⁹

FRC and CLS staff also mentioned this concern as something that they had anticipated might cause some initial challenges. However, this issue seemed to be a minor issue that improved with time. Feedback from all of the stakeholders revealed that the relationship between the FRC and CLS was in fact a highly cooperative one. Clients reported a smoother referral process, FRC staff reported more people willing to mediate after receiving speedy and convenient legal advice and, CLS staff reported clients returning with realistic expectations and informed plans for the dispute resolution process.

The potential for conflict of interests to arise was also recognised as a key concern by FRC and CLS staff in the initial stages of the partnership. These concerns were addressed quickly, and no significant issues have arisen in relation to conflicts of interest so far. Clear and simple procedures exist to deal with conflicts of interest so that clients are provided with legal advice and support where a conflict of interest situation is identified. For example, where a conflict of interest is identified CLS and FRC staff work together to provide the client with specific information on other avenues where legal advice can be sought.

Through mutual respect for each other, a dedication to understanding the facets of the other's profession, a highly cooperative and communicative working relationship and a constant eye on the most important thing - the client - the relationship between the FRC and CLS does not fall short of a 'mirror image of the type of cooperative arrangement that is desired between separating or separating families for the benefit of their children'. 20 Overall, the success of the partnership can be directly attributed to the way in which the FRC and CLC have, and continue to work together in a collaborative way.

It is clear that after five years of working collaboratively the partnership has, subject to some minor issues that have improved with time, fulfilled all of the above objectives. Cooperation between the FRCs and the CLS has led to early and ongoing-targeted legal advice, a more streamlined and client focused process and, ultimately, better outcomes at the FDR stage.

¹⁷ Above n 2.

¹⁸ Lawrie Moloney et al, Family Relationship Centres: 'Partnerships with Legal Assistance Services' (2013) 51(2) Family Court Review 250, 265.

²⁰ Patricia Rose (2010) 'Mirror Image: A case study of a successful legal assistance services partnership'. Pp 6-11.

The above practices manifest in all of the services provided by the LPs, FDRPs and FRC staff in the course of the partnership.

7.0 Conclusion

The partnership between the Pine Rivers Community Legal Service (the CLS), the Family Relationship Centers at Strathpine and Chermside (the FRCs) and Legal Aid Queensland has been a successful collaboration that has met the Commonwealth Government's policy objectives. The success of the partnership is evidenced by statistics as well as client and staff feedback.

The partnership represents a highly cooperative and communicative working relationship that provides greater support to families in resolving their disputes and helps to build a more integrated and collaborative family law system. The partnership has provided FRC clients with better access to legal information, advice and assistance throughout the FDR process and, in doing so, improved access to justice and family law outcomes.

Given the demonstrated success of the legal assistance services partnership in meeting the policy objectives set out by the Commonwealth Government, the best and indeed only option in ensuring the continued success and efficiency of the FDR process is the ongoing security of funding for the Family Relationship Centres/Legal Assistance Partnerships Program beyond April 2015.

8.0 Appendices

Appendix A

Protocol for the provision of legal assistance in Family Relationship Centres

A central role of Family Relationship Centres (FRCs) is to provide information, advice and dispute resolution services to help people reach agreement on parenting arrangements without going to Court. As part of this it is important that parents are aware of the broader family law system and their rights and responsibilities under the *Family Law Act 1975*.

In June 2009 the Attorney-General announced a change in policy to enable legal professionals to provide a range of legal assistance to clients at FRCs, and to allow a client's lawyer to be present during family dispute resolution.

This change in policy will provide greater support to families in resolving their disputes and help to build a more integrated and collaborative family law system, whilst ensuring that the best interests of the child remain the primary focus of dispute resolution processes.

The policy also aims to enable better partnerships between FRCs and legal professionals.

Objectives

These protocols have been prepared to assist FRCs and practising legal professionals in relation to the provision of legal information and advice in FRC premises. These protocols should be adopted by individuals involved in the provision of legal assistance in FRCs in addition to the standard professional duties and obligations required of legal professionals, family dispute resolution practitioners, and other FRC staff.

The purpose of providing legal assistance in FRCs is to:

- assist clients to better understand their legal obligations and responsibilities;
 and advise them in resolving their own disputes where possible
- increase the FRCs' flexibility in how they provide services to separated or separating clients
- increase the likelihood that clients will be able to utilise legal assistance in FRC premises in a timely, non-adversarial way, and
- help maximise client safety, as clients go through separation and divorce.

Clients include separating or separated couples and significant family members, such as grandparents. Under the Family Law Act, all relevant professionals are required to help clients focus on, and reach agreements that are in the best interests of the child/ren.

Scope and definition of legal assistance that can be provided in FRCs

Legal assistance may be provided by practising legal professionals such as private lawyers¹ or lawyers from or retained by legal assistance services (such as Community Legal Centres or Legal Aid Commissions).

Legal assistance may be provided in the FRC at any stage during clients' involvement with the FRCs² and may include:

- · legal information sessions for clients or staff on an individual or group basis
- individual legal advice sessions to help clients identify and understand key legal issues affecting their situation
- legal information about various types of dispute resolution processes
- · referral of clients to other legal services
- · formalising parenting agreements, and
- assisting or providing advice with court applications where exceptions to
 dispute resolution apply, or where certificates have been issued when dispute
 resolution has not occurred or has been unsuccessful (this can only occur
 where a legal professional has not assisted a client in an FDR process).

Each FRC may operate within a different framework and legal practitioners will need to operate within the guidelines of the FRC.

FRCs must not set entry conditions on private lawyers that lead to unnecessary additional costs being passed on to parties.

Legal assistance and family dispute resolution in FRCs

Legal services may, in appropriate cases, include legal support and/or the provision of legal advice during all or part of a dispute resolution session. The nature and timing of the support/advice will vary depending on a range of factors, including the nature and complexity of legal issues identified by the family dispute resolution practitioner as part of the screening and assessment processes.

Role of FRC

In relation to the provision of legal assistance in an FRC, Centre staff will:

 conduct screening and assessment processes to monitor clients' needs throughout their engagement with the FRC

2

¹ Private lawyers – for the purpose of this protocol, "private lawyers" are those who are retained by a client to appear for fee or reward but does not include a private practitioner who is retained by an FRC, Community Legal Centre or Legal Aid Commission for the purpose of providing legal assistance under this protocol. Private lawyers providing pro bono legal assistance services to an FRC are also excluded from this definition.

² (See Operational Framework for Family Relationship Centres: Guidelines for Referral to Legal Advice by Staff in Family Relationship Centres for examples of when legal assistance may be needed).

- work to ensure the safety of all participants at the FRC, including clients, legal professionals and staff of the Centre
- ensure the appropriate and timely involvement of legal professionals in the provision of legal assistance to clients
- work collaboratively and in partnership with legal professionals to ensure that the clients' needs are met, and
- ensure that all professionals working in the FRC understand their obligations under s63DA of the Family Law Act.

Role of Legal Professionals

In providing legal assistance in FRCs, legal professionals will:

- assist clients to develop realistic expectations about dispute resolution and outcomes, particularly where clients are focused on court/legal process to enforce perceived legal entitlements
- work with the FRC staff (including FDRPs) to meet the clients' needs in an appropriate and timely way
- assist clients to identify areas of agreement, potential agreement and disagreement
- assist clients in a non-adversarial and child-focussed way to reach resolution without litigation where appropriate, while having regard to the best interests of the child
- · ensure appropriate client confidentiality
- undertake conflict of interest checks prior to the provision of advice and/or assistance
- advise clients of the risks and costs involved in Court processes, and
- as may be agreed between the legal practitioner and their client, assist client to draw up documents (such as consent orders).

In conducting dispute resolution processes, family dispute resolution practitioners will:

- ensure their obligations under s63DA of the Family Law Act are met before commencing dispute resolution sessions
- assess the appropriateness of the type of dispute resolution to be provided in consultation with the participants and the participants' legal advisers, and, where ATS participants are involved, consider cultural issues in determining the nature of dispute resolution to be provided
- ensure that all attendees understand the dispute resolution process and confidentiality and admissibility requirements of FDRPs legal professionals under s10H and s10J of the Family Law Act'
- ensure that all attendees understand the role of family dispute resolution practitioners and legal professionals in the family dispute resolution process

3

Protocols for the provision of legal services in FRCs

- ensure dispute resolution sessions are conducted in an impartial, cooperative
 way that is non-adversarial, child-focussed, and addresses real or perceived
 power differences between the participants
- suspend or terminate sessions if they become adversarial, if power differences
 arise and cannot be addressed or if wider legal issues, outside family law, arise
 during the process and negatively impact on the family dispute resolution
 process
- ensure that all participants have appropriate legal support and advice during family dispute resolution sessions if the process is to be conducted with lawyers present
- while it is preferable that all participants are legally supported during FDR
 processes in FRC premises, it may be possible to proceed where only one party
 has legal support and the non-represented party consents to that arrangement,
- ensure clients are able to freely articulate and negotiate their issues within dispute resolution sessions, and
- determine the type of s 601 certificate to be issued (if any).

Role of Family Dispute Resolution practitioners (FDRP)

The need for legal assistance to assist the family dispute resolution process should be considered on a case by case basis by the family dispute resolution practitioner. A screening and assessment will be conducted to identify factors including violence, clients' needs, cultural issues and the appropriateness of participation in family dispute resolution. The assessment will also consider the need for legal assistance. If the need for legal assistance is identified, the client will be directly referred for legal advice, or if legal participation in FOR is recommended, liaison with the participants should commence to establish the parameters of their participation. This should be regularly reviewed throughout the client's involvement with the FRC.

Where screening and assessment has identified that a legally assisted FOR is not appropriate, the FDRP is responsible for making the final decision on how, or if, the dispute resolution process will take place in the FRC.

Where one party is eligible for assistance through a Legal Aid Commission and wishes to undertake family dispute resolution, the parties should be referred to the Commission in the first instance.

In participating in dispute resolution sessions, legal professionals will:

When supporting their clients in an FDR process conducted at an FRC, legal professionals agree to work collaboratively with FRC staff and FDRPs in a non-adversarial process to negotiate a fair resolution without litigation, where possible and appropriate. In doing this, lawyers agree to work with FDRPs to ensure and maintain the integrity of the dispute resolution process including the requirements of honesty, disclosure and genuine effort.

Collaborative dispute resolution in an FRC will be characterised by the following features:

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Protocols for the provision of legal services in FRCs

- an interest-based negotiation approach to the resolution of family disputes
 where the participants and their (private) lawyers have signed a contract
 agreeing that the dispute shall be resolved without the commencement of
 litigation or the threat of litigation. In the event that the matter is not resolved,
 the participants' lawyers and their firms cannot act for their client in any
 subsequent litigation (this requirement is only applicable to private lawyers).
- a recognition by lawyers that litigation may be an option of last resort and of all the options available to separating couples can be a costly way, both financially and emotionally, to resolve disputes
- a recognition by lawyers that advice provided to clients setting out the different options for resolving a dispute should be directed towards a fair process and just outcomes for both participants and in certain cases the process will be of equal importance to the outcome
- the paramount importance of promoting and encouraging a communication model for the separating couple which is constructive, having regard to long-term family relationships
- the narrowing of the issues in dispute founded upon interest-based negotiation and the effective and timely resolution of the dispute
- ensuring that costs are not unreasonably incurred by clients.

In working collaboratively with FDRPs at an FRC, legal professionals will:

- participate in proceedings conducted by the FDR practitioner in a non-adversarial way that is child-focussed and contributes to addressing any power differences between the participants engaging in family dispute resolution
- undertake conflict of interest checks prior to the dispute resolution process taking place
- ensure that all matters discussed with clients are confidential and privileged, and
- recognise that the family dispute resolution practitioner is responsible for managing dispute resolution processes within FRCs.

ilOH Confidentiality of communications in family dispute resolution

- A family dispute resolution practitioner must not disclose a communication made to the
 practitioner while the practitioner is conducting family dispute resolution, unless the
 disclosure is required or authorised by this section.
- (2) A family dispute resolution practitioner must disclose a communication if the practitioner reasonably believes the disclosure is necessary for the purpose of complying with a law of the Commonwealth, a State or a Territory.
- (3) A family dispute resolution practitioner may disclose a communication if consent to the disclosure is given by:
 - (a) if the person who made the communication is 18 or over-that person; or
 - (b) if the person who made the communication is a child under 18:
 - (i) each person who has parental responsibility (within the meaning of Part VII) for the child; or
 - (ii) a court.
- (4) A family dispute resolution practitioner may disclose a communication if the practitioner reasonably believes that the disclosure is necessary for the purpose of:
 - (a) protecting a child from the risk of harm (whether physical or psychological); or
 - (b) preventing or lessening a serious and imminent threat to the life or health of a person; or
 - (c) reporting the commission, or preventing the likely commission, of an offence involving violence or a threat of violence to a person; or
 - (d) preventing or lessening a serious and imminent threat to the property of a person;or
 - (e) reporting the commission, or preventing the likely commission, of an offence involving intentional damage to property of a person or a threat of damage to property; or
 - (f) if a lawyer independently represents a child's interests under an order under section 68L-assisting the lawyer to do so properly.
- (5) A family dispute resolution practitioner may disclose a communication in order to provide information (other than personal information within the meaning of section 6 of the *Privacy Act 1988*) for research relevant to families.
- (6) A family dispute resolution practitioner may disclose information necessary for the practitioner to give a certificate under subsection 601(8).
- (7) Evidence that would be inadmissible because of section IOJ is not admissible merely because this section requires or authorises its disclosure.

Note: This means that the practitioner's evidence is inadmissible in court, even if subsection (2), (3), (4), (5) or (6) allows the practitioner to disclose it in other circumstances.

(8) in this section:

communication includes admission.

IOJ Admissibility of communications in family dispute resolution and in referrals from family dispute resolution

- (1) Evidence of anything said, or any admission made, by or in the company of:
 - (a) a family dispute resolution practitioner conducting family dispute resolution; or
 - (h) a person (the professional) to whom a family dispute resolution practitioner refers
 a person for medical or other professional consultation, while the professional is
 carrying out professional services for the person;

is not admissible:

- (c) in any court (whether or not exercising federal jurisdiction); or
- (d) in any proceedings before a person authorised to hear evidence (whether the person is authorised by a law of the Commonwealth, a State or a Territory, or by the consent of the participants).
- (2) Subsection (I) does not apply to:
 - (a) an admission by an adult that indicates that a child under 18 has been abused or is at risk of abuse: or
 - (h) a disclosure by a child under 18 that indicates that the child has been abused or is at risk of abuse;

unless, in the opinion of the court, there is sufficient evidence of the admission or disclosure available to the court from other sources.

- (3) Subsection (I) does not apply to information necessary for the practitioner to give a certificate under subsection 601(8).
- (4) A family dispute resolution practitioner who refers a person to a professional (within the meaning of paragraph (1)(b)) must inform the professional of the effect of this section

Appendix B

Extra Information for Family Relationships Centre

	Strathpine FRC Chermside FRC					
			Has the client received previous legal advice?	□ Yes □ No		
Client One	Where in the FRC Process is the client?		If yes, where?			
	☐ Pre-intake	☐ Post-intake				
	☐ Pre-mediation	☐ Post-mediation	Was this an appointment?	☐ Yes ☐ No		
	☐ Consent Orders	☐ Not-proceeding with mediation	Was this an urgent referral?	☐ Yes ☐ No		
	Strathpine FRC Chermside FRC					
		Has the client received previous legal advice?	☐ Yes ☐ No			
[wo		Process is the client?	If yes, where?			
Client Two	☐ Pre-intake	☐ Post-intake				
Clie	☐ Pre-mediation	☐ Post-mediation	Was this an appointment?	☐ Yes ☐ No		
	☐ Consent Orders	☐ Not-proceeding with mediation	Was this an urgent referral?	☐ Yes ☐ No		
		Strathpine FR	C Chermside FRC			
a	Where in the FRC Process is the client?		Has the client received previous legal advice?	☐ Yes ☐ No		
Client Three	□ Pre-intake □ Post-intake		If yes, where?			
Ħ	☐ Pre-mediation	□ Post-mediation	Was this an appointment?	□ Yes □ No		
Clie			Was this an urgent referral?	☐ Yes ☐ No		
	□ Consent Orders	☐ Not-proceeding with mediation	was this an digent referral:	□ res □ ivo		
		Strathpine FRC Chermside FRC				
_	Whose in the FRC Brosses is the slight?		Has the client received previous legal advice?	☐ Yes ☐ No		
Client Four	Where in the FRC Process is the client?		If yes, where?			
ent	☐ Pre-mediation	□ Post-mediation	Was this an annointment?	□ Yes □ No		
ij			Was this an appointment?			
	□ Consent Orders	☐ Not-proceeding with mediation	Was this an urgent referral?	□ Yes □ No		
		Charles and En	C. I. Channella EDG			
		Strathpine FR	C Chermside FRC			
a)	Where in the FRC Process is the client?		Has the client received previous legal advice?	☐ Yes ☐ No		
Client Five	□ Pre-intake	□ Post-intake	If yes, where?			
	☐ Pre-mediation	□ Post-mediation	Was this an appointment?	□ Yes □ No		
		□ Not-proceeding with mediation	Was this an urgent referral?	□ Yes □ No		
	- Consent Orders	□ Mot-proceeding with mediation	was tills all uigelit lelellal:	□ 162 □ INO		

Appendix C



1.

PINE RIVERS COMMUNITY LEGAL SERVICE CLIENT SATISFACTION SURVEY NOVEMBER 2014

As part of our agreement with legal Aid and our ongoing commitment to providing quality services, we are conducting a client satisfaction survey. The survey is CONFIDENTIAL and in no way affects our service to you.

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				scribes yo	ur experience	n using our ser	vices. Feel free to make
		ents in spaces p How easy was it					
		†Easy:	†OK:		† Diffie	:ult:	
		Comment:					
- 3	2.	Which suburb/	area did you co	me from e.g	g. Redcliffe, Law	nton, Caboolture	
		 Mcdox 	well:				
		• Cherm					
		 Decep Zillme 	tion Bay:				
		Strath					
		• Caboo					
			side West:				
			n Ridge:				
		Kippa-					
		 Hendr Bray P 					
		Eatons					
		Other:					
-	3.	Where did you l	near about this	Service?			
			egal Service:				
		• FRC:					
		 Family Cour PRNC: 	rt:				
		Internet:					
		 Chermside 	FRC:				
		 Phone: Friend: 					
		Flyer:					
		No Answer:					
	4.	Did you initiate	mediation?				-
		,					
		Yes:		No:			_
	5. Were you satisfied with the length of time between enquiry and appointment at the Legal Service? Not at all: Satisfied: Very Satisfied:						
How well did you understand the advice the Legal Service Not at all:			gave you? Il Understood:	_			
	_						_
7.			e assistance w	e provided t	o you in helpin	g you prepare fo	r mediation or the process after
		nediation?				*** 6.1	
	1	Not Applicable:		†Useful:		†Very Useful:	
8.	W	/hat is your age g	roup?				
		Jnder 18: ↑18 –		↑ 50 – 64 :	165 and over	Not stated:	
9.		hat is your gend					
	î٨	/lale:	†Femal	e:			
10.	P	lease rate your o	verall experience	e with the	legal service:		
		ess than satisfa		Satisfact		Very Satisfac	tory:
11.	W	/hat is your incon	ne bracket?				
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THANK YOU FOR YOU TIME AND PATIENCE! The Staff of the Pine Rivers Neighbourhood Centre