

The SW Legal Health Project
The Halton Narrative

The Goal

The goal of this three year project is to enhance the delivery of preventive law services in community legal clinics in the Southwest Region.

Project design will take place at the Southwest sub-regional level through collaboration by the Halton, Hamilton, Brant and Guelph legal clinics with a pilot project initially implemented in Halton, with a roll out sub-regionally beginning in the fourth quarter of year one. Expansion regionally will take place in the final year of the project. In years one and two we will engage other clinics across the region that are interested in participating in a supportive way through convening regular meetings of the SW ED's to educate, share and measure interest in local adoption. Provision may be possible for regional early adopters to begin their local work in year two.

It is recognized that "Civil legal aid is protective and restorative. It is both the barrier at the top of the cliff (information, advice and public legal education) and the ambulance at the bottom of the cliff (advice and representation)".

HCLS services believes that access to justice can be increased and more people can be supported with better social justice outcomes achieved through enhancing its protective and preventative focus through earlier 'intervention' in solving the legal problems experienced by the members of our communities living with low income. Early intervention includes three elements:

1. Engagement;
2. Triage/Assessment;
3. Intermediary (including Peers) support and referral.

Engagement is required to assist low income people to overcome barriers to seeking assistance. These barriers include social exclusion; the fact that services in the community are delivered in silos with the different parts of the system not communicating and the experience of many people with low incomes with government services and agencies being that they are frustrating at best – and punitive at worst.

Engagement can take place through:

1. Increasing access points to legal services through partnerships with community based services that the low income community feel are supportive (such as health services providers and anti-poverty groups).

Triage/Assessment upstream can help people do two things:

1. See the legal component of their situation before it becomes crisis and seek legal services that can support the person to avert or avoid a crisis situation.
2. Seek assistance from other human service agencies that help the person to avert or avoid a crisis situation.

Support can be provided by peer mentors and trusted intermediaries. Support can have four objectives:

- To assist the low income person to deal with feelings of being in denial, overwhelmed or numb so that they are able to recognize and respond to trigger events when they occur;
- To help them find – navigate – their way through the complex, and 'siloed' system;
- To sustain their engagement as they navigate the system;
- To advocate for the services they need and to overcome the barriers they encounter.

The Reality

The reality of the legal services provided by HCLS is described in the following summary.

- Approximately 2300 people contact the clinic every year;
- About 1/3 are referred out because their legal issues are related to legal services not provided by the clinic;
- About 500 people receive summary advice over the phone;
- Another 500 receive brief services;
- About 230 people receive full representation.

The 230 people represent about 10% of the people who contact HCLS. Providing full service representation represents approximately 50% of the clinics resources.

90% of the people who receive full representation (about 200 people) are people who want to move from Ontario Works to Ontario Disability Support Program.

Over half of the people whose case proceeds to a hearing will not qualify for ODSP – they will be denied. These people have been referred by OW workers who are desperate for these people to receive more money.

Some people will eventually qualify for ODSP but it may take as many as three rounds of appeal to be successful.

The remaining 10% of the people – about 23 people – have a variety of legal issues including CPP disability appeals, social housing cases and employment or human rights issues.

The vast majority of the 1200 people who receive summary advice, brief service or full representation contact HCLS in crisis and seek the services of the ambulance at the bottom of the cliff.

Another metaphor commonly used in the health sector is to refer to these people as being 'downstream' – they are in crisis and at the point of 'going over the waterfalls'. The upstream/downstream metaphor is apt as the clients of HCLS clients reside in the most socially and economically deprived areas within Halton and visit emergency departments more often, are hospitalized more frequently and have higher rates of premature death than residents in higher income groups.

HCLS' areas of legal practice require that we work closely with Health Service Providers collaborating in assisting our mutual clients with such things as establishing entitlement to government benefits, supports and services for persons with disabilities and maintaining safe and affordable housing. Data relating to emergency department visits in Halton Hills indicate that patients with mental health and

addiction issues were amongst the highest users groups (3 ED visits or more) of the hospital emergency room services.

Reset – Strengthening the Barrier at the top of the cliff or going upstream

In order to achieve its goals HCLS wants to re-set its services and engage more clients upstream.

HCLS also wants to develop a different strategy to work with OW workers to see if another type of intervention is possible other than referring people with inadequate incomes for ODSP appeals that will be denied.

HCLS also wants to create more capacity to be able to select a greater variety of clients for full representation legal services.

The re-set will involve three phases

Phase One - Maintain current 'downstream' services in the current delivery mode while designing and implementing a pilot for 'upstream' services. *(Note: implementation of the legal health checklist upstream will also result in identification of additional crisis situations in the short term – which may increase demand on current services).*

Phase Two – 'Close' current services for a period of time while training staff and shifting intake protocol and design expansion of upstream service delivery program.

Phase Three – Offer the new services – which incorporate upstream and re-focused downstream services.

Going Upstream

Elements of the new upstream services to be introduced include:

Legal Health Checklist – The legal health checklist is a tool to assist people with early identification of issues in their situation that may become legal problems. The purpose of the early identification is to increase the chances that people will receive legal and other services and supports that will prevent a legal crisis from developing. Examples of a crisis with legal implications are eviction or loss of income. The legal health checklist is intended for use by front line staff of community service organizations and by peer mentors.

The legal health checklist design will also be used to gather data that creates a profile of the legal and health issues in the population of people with low incomes. This profile will be used to 'triangulate' with other data sources e.g. census, public health, LHIN, HCLS intake data.

Public Legal Education - The feedback from front line service workers, peer mentors and the data profile will be used to deliver public legal information and to plan public legal education sessions on topics such as the rights of tenants, workers and people with disabilities.

Community Development and Law Reform - The feedback from front line service workers, peer mentors and the data profile will be provided to Voices for Change Halton for possible community based advocacy. Voices for Change Halton is a grass roots group of people with low incomes.

Evaluation

The shift to include upstream services will require a different method of evaluation. Evaluation will include a focus on 'legal crisis prevention' as well as social justice outcomes for the population of people in Halton with low incomes.