



A stronger, more diverse and independent community sector

**Response to Australian Government
Department of Social Services
Issues Paper
7 November 2023**



Health justice partnerships

Health justice partnerships embed legal help into health care services and teams to improve health and wellbeing for:

- individuals, through direct service provision in places that they access
- people and communities vulnerable to complex need, by supporting integrated service responses and redesigning service systems around client needs and capability
- vulnerable populations through advocacy for systemic change to policies which affect the social determinants of health.

HJPs support populations that are particularly at risk of poor health and justice outcomes, like people experiencing domestic and family violence, people at risk of elder abuse, Aboriginal and Torres Strait Islander people, culturally and linguistically diverse communities and people experiencing poverty and inequality.

Health justice partnerships provide legal support across a wide range of needs, such as:

- Advocating for public housing tenants needing repairs to address untreated mould, or having handrails and other aids installed to continue living independently in their own homes;
- Assisting people with accumulated fines or debt that cause stress or act as a barrier to meeting health costs like filling prescriptions; and
- Advising on wills, powers of attorney and custody – the legal needs that can present at the most unexpected times, like following a diagnosis of serious illness.

These are just some of the many legal issues that people can face in life. By integrating legal services into health settings, we can improve access to justice, address the social determinants of health and increase wellbeing.

Health Justice Australia

Health Justice Australia is a national charity and centre of excellence supporting the effectiveness and expansion of health justice partnerships through:

- Knowledge and its translation: developing evidence and translating that evidence into knowledge that is valued by practitioners, researchers, policy-makers and funders.
- Building capability: supporting practitioners to work collaboratively, including through brokering, mentoring and facilitating partnerships.
- Driving systems change: connecting the experience of people coming through health justice partnerships, and their practitioners, with opportunities for lasting systems change through reforms to policy settings, service design and funding.

Introduction

Health Justice Australia (HJA) welcomes the opportunity to contribute to the Issues Paper on a *Stronger, more diverse and independent community sector*. Our work at HJA spans the legal assistance and health and social services sectors.

Although community legal assistance is not specifically referred to in the Issues Paper, 'community legal centres' (CLCs) deliver precisely the services outlined in the definition of Civil Society Organisations (CSOs) set by the Australian Tax Office (ATO):

*CSOs promote, provide or carry out activities, facilities or projects for the benefit or welfare of the community or any members who have a particular need by reason of youth, age, infirmity or disablement, poverty or social or economic circumstances.*¹

Community legal centres are independent, non-profit organisations who provide legal information and advice, casework, community education, and advocacy to members of the community.² Therefore, CLCs should be viewed as civil society organisations and as part of the broader community sector.

This submission is informed by our knowledge of health justice partnership as a legal assistance strategy to improve health and wellbeing outcomes through accessible person-centred legal help.

¹ Department of Social Services, Issues Paper on a *Stronger, more diverse and independent community sector*, accessed October 2023, <https://engage.dss.gov.au/wp-content/uploads/2023/09/stronger-more-diverse-independent-community-sector.pdf>, p.9.

² Community Legal Centres NSW, *Frequently Asked Questions*, accessed 7 November 2023, <https://www.clcnsw.org.au/FAQs#:~:text=Community%20legal%20centres%20are%20independent,%2C%20advocacy%2C%20and%20law%20reform>

For many people, life is complex, and issues affecting their individual and family wellbeing are rarely experienced in discrete or distinct ways.

Health justice partnership is not a single service model. Rather, it is a collaboration between services, building on existing local infrastructure and relationships to improve service delivery around complex and intersecting issues being seen in community. Our knowledge about the impact of collaborative approaches to unmet legal need stems from our work with over 100 health justice partnerships nationally. Alongside that work, we are continually learning about the funding and policy structures that can support or undermine the effectiveness of legal assistance delivered beyond the justice system.

Unmet legal need compounds and intersects with other health, social and financial issues contributing to poor life outcomes. In this context, single service responses may be inadequate. Indeed, the siloed nature of many service systems can exacerbate and add to the complexity in the lives of people they are here to help.

Health justice partnership responds to this complexity through the integration of community legal assistance in health and social service settings. As the national centre of excellence in health justice partnership, we support the capability of services across sectors to work in partnership in response to complex (multiple, intersecting) health and legal need, and build knowledge around the outcomes that this way of working can achieve.

Providing longer term grants that reflect the real cost of delivering quality services

Health justice partnership is a way of redesigning service systems to improve the effectiveness of health and legal services and practitioners in responding to complex intersecting need. It does this by building the knowledge, skills, mindset, resources, remit and connections to provide more comprehensive person-centred care to people with complex intersecting legal and other need. Health justice partnership supports efficiency of investment across government, not only through improved outcomes for people seeking help, but also by increasing the capability and understanding of health and non-legal staff to know where to go when legal issues arise in future, thereby increasing the reach of the interventions.

However, to enable health and legal services and practitioners to effectively partner, they need to be supported through administrative and funding structures that invest in building the capability and capacity of services to undertake this change in the way they work. Policy design and funding needs to reflect what it takes to provide services collaboratively, across activity, service design and outcomes measurement. Through our work at HJA building the knowledge around the key enablers for the effectiveness and efficiency of integrated service responses, we have identified that this includes investment in:

- Capacity (resources and people) and capability (skills, mindsets, and confidence) of practitioners to partner in person-centred practice
- Building the foundations for partnership, including processes and relationships to work together
- Research to better understand the contribution of partnership and integration to the capability and capacity of services to respond to intersecting, complex need
- Longer grant agreements that maintain the benefits of initial investment including in the development of relationships.

Ensuring grant funding flows to a greater diversity of community sector organisations (CSOs)

Short-term funding, competitive grant processes, and the fracturing of funding on the basis of jurisdiction all undermine innovation in legal assistance service delivery. For example, in the 2023-24 Budget, the Government is increasing funding to community sector organisations by \$15 million to reflect the recent Fair Work Commission Annual Wage Review by adjusting the Community Sector Indexation rate to reflect the impact of the Award wage increase.³ However, legal assistance funded under the National Legal Assistance Partnership (NLAP) does not fall into this measure. This impacts on the capacity and willingness of services to invest in partnership approaches, including the time needed to build foundational relationships across service sectors, identify shared goals and resource allocations, and to invest in building capability around partnership of frontline staff.

In practice, the majority of funding to support health justice partnership comes from the justice portfolio, although the benefits of partnership with the health and social sector goes beyond justice outcomes.

³ The Australian Government, *Strengthening the Budget*, accessed 7 November 2023, <https://budget.gov.au/content/05-budget.htm>.

Therefore, investment from beyond the justice portfolio is needed to ensure equity across funding administration and structures that falls into different portfolios within government.

Partnering with First Nations communities

Partnership between Aboriginal and Torres Strait Islander community-controlled and non-Indigenous organisations can support the capacity and capability (including cultural safety) of services to respond to legal and other intersecting needs of Aboriginal and Torres Strait Islander people. To support self-determination, partnerships must centre Aboriginal knowledge and leadership and this work needs to be reflected in funding, governance and business practices.

However, the structure and administration of funding for Aboriginal and Torres Strait Islander legal services (ATSILS) has restricted the capacity for ATSILS to engage in partnership-based work and innovation in service approaches compared to the rest of the legal assistance sector. The result has been structural disadvantage for ATSILS to explore approaches that improve early support and prevention of crisis.

How can government ensure the community sector has an opportunity to contribute to program design without imposing significant burdens?

Throughout 2020, health, legal assistance and other services were identifying solutions to community need as it evolved and changed. These services found they had to lead the change ahead of government policy in identifying appropriate and safe ways to meet their obligations and respond to changing need in the context of Covid19.

What became clear was that the capability of services to respond rapidly to changing community need was not always matched by government, even when government's ability to work at scale was critical. Government departments do not necessarily have the capability to implement solutions in response to rapidly changing need. There were also [inadequate mechanisms to relay solutions](#) to government, to translate them to different community contexts, and to ensure their benefits were shared. By contrast to the agility of many health and legal assistance services who were connected to the communities they support, the slowness of government undermined its ability to respond to rapidly changing needs.

A key value of community services lies in their ability to demonstrate real-time solutions that government can then scale up for broader impact. Testing ideas with and learning from these services can support improved responses at a systemic level in the future. Furthermore, developing the mechanisms that enable communities and services to communicate directly about emerging problems and solutions to them would improve the quality of advice and decision-making in the future.

To improve government responsiveness and community resilience, particularly during crisis, we need effective processes that identify and share lessons about what problems are emerging within communities and how best to respond to them by health, legal assistance, and other service systems. This necessitates meaningful working partnerships which, as ACOSS sets out in its submission, require a 'whole of government approach', i.e., service systems should be reformed to cultivate a more collaborative approach to essential services, create more suitable funding models for the sector, and be tied to community need for services.⁴ DSS could act as a leading line agency in this work. Reflecting the benefits of partnership

⁴ To be submitted.

between legal assistance and the community services sector, DSS could itself engage with the National Legal Assistance Program.

Partnering with trusted community orgs with strong local links

Communities need to be centred in the work of identifying and responding to the problems they face, as well as supporting them to thrive. This is clear across multiple bodies of evidence including what we know about the social determinants of health and access to justice literature. Existing government investment in place-based, community led work recognises this evidence. Yet we continue to see that this approach is prioritised within particular programs and identified communities, rather than becoming a core way of working across all services and all communities. We need more comprehensive strategies that allow the lessons of the community-led work and programmatic place-based approaches to inform the design, funding, delivery and evaluation of other services in all communities. Supporting community-led decision-making as a core feature of a stronger, more diverse and independent community sector will have the added impact of improving the effectiveness of those services for the communities they support.



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