

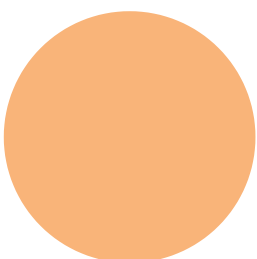


SPRINGVALE MONASH
LEGAL SERVICE Inc.

CASEY & CARDINIA



**Integrated Service Models:
Research into existing multi-
disciplinary models of lawyers and
social workers (or community
service workers) in Community
Legal Centres**



INTRODUCTION

Springvale Monash Legal Service (SMLS) provides duty lawyer services at Dandenong Magistrates Court four days per week, including Victorian Police initiated family violence orders, applicant initiated family violence orders and criminal court procedures. Legal assistance is provided via appointment at both the Springvale and Narre Warren offices of SMLS, with an additional drop-in clinic at Springvale. Outreach Legal Assistance by appointment is offered on a weekly basis at Autumn Place Community Hub in Doveton, Monash Health Cranbourne, and at Pakenham Library.

SMLS has a partnership arrangement with SECASA – South Eastern Centre Against Sexual Assault in working with SECASA counsellors for Victims of Crime Applications and Sentencing Applications. SMLS has also partnered with Good Shepherd to provide financial counselling to SMLS clients.

In conjunction with Narre Warren Secondary School, Pakenham Secondary School, and Cranbourne East Secondary School, SMLS runs a weekly ‘Sporting Change’ program at each location. Sporting Change combines sporting activity with specifically targeted legal education for high school aged young people.

With multi-disciplinary work taking place with financial counsellor referred through legal appointments; youth worker and community development worker at Sporting Change; and with counsellors as part of the SECASA partnership; SMLS is no stranger to working with other disciplines to achieve improved outcomes for clients and communities.

In 2020, SMLS has introduced social work students, to work with lawyers and law students in an integrated manner. Social workers or community service workers co-located and operating in an integrated model with lawyers is an emerging practice. The Federation of Community Legal Centres (2018) states: ‘Models of integrated service are an innovative response to evidence that legal issues rarely exist in a vacuum and often result in, or arise from, a mixture of problems related to health, housing, finances, mental health, employment, education and family’.

CONTEXT & BACKGROUND

People requiring legal advice or representation by Community Legal Centres (CLCs) are often experiencing other issues either co-existing with their legal issue, or, that may be a contributing factor to their legal issue. Further, the legal system may sometimes be the only point of contact the person has with a service that can assist and link the person to other supports. Importantly, the legal system may be the only point of outside contact that a family violence victim / survivor has with a service that has the potential to assist outside the confines of a purely legal solution. Therefore, this is a point of intervention with enormous potential for a more holistic response to this client.

SMLS intends to expand upon its current models of multi-disciplinary practice and build organisational processes as we grow our integrated service and multidisciplinary service delivery model based on learnings.

There are already multiple CLCs in Victoria with multi-disciplinary practice - using integrated models of lawyers working with social workers, (or community service workers, family violence workers, or advocates). The aim of this research is to learn from the CLCs with successful integrated model applications, and learn about their challenges and what they have put in place to mitigate those challenges. The current research will clearly document the information obtained about processes and learnings, and provide options on how the process could be implemented.

OBJECTIVE

The objective of this research is to:

- Develop literature review using articles from Australia and overseas countries, and written by social workers, by lawyers, academics in both professions, and those who have been both lawyers and social workers.
- Canvas CLCs in Victoria with integrated service models and ascertain the models used
- Identify barriers to integrated models faced by these CLCs and measures they have taken to mitigate or overcome these barriers
- To provide sufficient data to enable SMLS to make decisions to enhance the efficiency and effectiveness of our programs.

SCOPE

Outlining the integrated service models used by CLCs in Victoria.

Include models from a small number of non-CLC organisations in the legal space who have social workers and lawyers working together.

This research paper did not give consideration to whether or not to utilise social work students to make referrals for people who contact SMLS for assistance but do not have a legal problem; nor whether to provide non-lawyer assistance to people who contact SMLS, but SMLS is not able to provide legal assistance due to conflict of interest, e.g. the partner of a client whom SMLS has previously represented.

METHODOLOGY

The Federation of Community Legal Centres website was used to identify Victorian CLCs. Each CLC's website was reviewed to ascertain if they include community services work as part of their practice. For those that do, they were either phoned or emailed to ask if they can answer questions about their practice.

Through discussion of project with RMIT Field Educator, an introduction was made to Slater & Gordon Social Work Manager Olga Koutras. From there, the snowball method of recruiting research participants ensued where an interviewee suggests other participants for the researcher.

Olga runs a Specialised Support Professionals in Legal Settings (SPLS) network group, comprising social workers, community service workers, family violence workers, homelessness workers, youth workers and advocates. She provided the SPLS membership list to social work students, and also emailed members informing of the project, and encouraged them to make the time to speak with SMLS social work students. Olga also introduced another non-CLC organisation – Office of Public Prosecutions which operates with an integrated service model.

A total of 13 organisations were interviewed. Eleven of these organisations were Community Legal Centres, one was a state government organisation (Office of Public Prosecutions), and the other was a private law firm (Slater & Gordon). The inclusion of two non-CLCs was for the purpose of gaining extra information and learnings on the integrated models in non-CLC organisations.

Qualitative interviews were conducted, using a loosely structured format in the first few interviews. Apart from two specific questions – how the social worker receives a referral, and whether they write case notes or create a separate social work file; these conversational style interviews allowed the interviewee to guide the content of the conversation and they covered a range of topics and issues.

After the first few interviews, there was an emerging theme of a number of points in the process that were key to the flow of the integrated service models:

- Entry point for referral
- Messages given to clients about confidentiality pertaining to each profession
- Whether separate case notes and separate files are created by SW / CSW
- Whose client it is – the lawyer’s client or both lawyer’s client and also social worker’s client
- When the social worker closes the file – whether at the same time the lawyer closes the file, or whether the social worker continues to work with the client after legal issue has ended.
- Challenges to implementation and ongoing running of the integrated model and steps taken to overcome or minimise challenges

After themes outlined above were established, the interview schedule changed to semi-structured, to ensure that questions were asked about the above points in the process.

Due to time restrictions, CLCs who did not respond to SMLS students after 2 contacts requesting information, were not pursued any further, and the request was abandoned.

Note: For the purposes of brevity, in this research paper, the term social worker is given a wider meaning and used to cover all social service workers – family violence workers, community service workers, advocates, youth workers.

LITERATURE REVIEW

Springvale Monash Legal Service (SMLS) employs lawyers, financial advisors, community development workers, youth worker, and supervises law students from Monash University. For the first time in 2020, SMLS has taken social work placement students with the intent of building an integrated (multidisciplinary) service model to provide a more holistic service to clients who attend SMLS for legal assistance.

Multidisciplinary practices are an emerging and increasing trend. (Fehn, 2015) The number of social workers employed by legal centres has almost doubled over the last 10 years – from 71 social workers employed in 2006, to 121 social workers employed in 2016. (Australian Bureau of Statistics 2016, referred to in Maylea, 2020) This is due to growing recognition that the legal problem with which a client presents, is often only one problem amongst an array of issues the client is experiencing. (Galowitz, 1999) Subsequently solving the legal issue may be just one component of a total solution required for a client's problems. (Swain, 2018; MacDiarmid & Willow, 2008)

This literature review begins with a brief overview of the multi-disciplinary organisations in Australia for whom research was able to be located. Australian and overseas literature has then been reviewed to obtain an understanding of whether there are commonalities between law and social work; and to identify benefits, and challenges, of integrated service models. The final section of the literature review will consider what needs to be put in place in order for integrated lawyer / social work models to overcome challenges and operate effectively.

The literature reviewed comprises a mix of articles by both practicing lawyers and social workers and academics from both professions. The articles relate to Australia (Crane, Fox, Spencer, Hardy, Campbell, 2014; Hyams, 2012; Clutterbuck, 2007; MacDiarmid & Willow, 2008; Swain, 2018; Zifcak, 2018; Maylea, Lewers, Scott, Weller, Winford, 2018; Maylea, 2020, Walsh, 2012), United States (Galowitz, 1999; Hicks-Pass, 2011; Fehn; 2015; Brustin, 2002; Rand, 2012; Boulware, Brewer, Perry) and United Kingdom (Preston-shoot, Roberts & Vernon, 1998)

Overall, there is a paucity of literature in relation to multi-disciplinary practice. This is surprising: as early as 1998, the American Bar Association created the Commission on Multi-disciplinary Practice which ran for 2 years to review and make recommendations regarding multi-disciplinary practice focusing mostly on 'for profit' firms. In 2002, these debates moved to state level with 44 states setting up committees to look into the feasibility of multi-disciplinary practice. (Brustin, 2002)

Overview of Australian integrated service CLCs that have been subject to previous research

The Asylum Seeker Resource Centre (ASRC) in Melbourne has been providing legal and social support assistance to asylum seekers experiencing financial hardship since 2001. The centre provides legal assistance, medical assistance for asylum seekers who don't have access to Medicare, counselling, foodbank, transport expenses, English language classes; with services co-located. Clutterbuck (2007), previous principal lawyer at ASRC discusses the strengths and weaknesses of this multi-disciplinary lawyering model in human rights and humanitarian

advocacy. In providing a multi-disciplinary service, the ASRC recognises that there is a need to provide for whole of person issues – not just the legal issue component.

At ASRC, law students, lawyers and pro-bono lawyers prepare and represent client's humanitarian requests. Due to the multi-disciplinary in-house nature of the ASRC, a range of professionals work with the legal professionals in developing the humanitarian claims. Therefore for an individual, their humanitarian claim becomes a truly multi-faceted claim with inputs from multiple perspectives. While the claim is being developed, the person is able to access support for other immediate and basic needs. (Clutterbuck, 2007) The staff in each program communicate across disciplines with staff of other programs in relation to the client.

In 2010, Monash University started a pilot multi-disciplinary project at Monash Oakleigh Legal Service where social work, law and finance students worked in collaborative teams. After approval by the client, the team interviews the client with the aim of working with them in a holistic manner. Hyams (2012) performed qualitative research with participating staff and students regarding learning outcomes and linking these back to the University's legal education content.

Walsh (2012) conducted interviews and focus groups between September 2011 and February 2012, with thirteen lawyers and eleven social workers in five Brisbane community legal settings that employ both professions. Discussions included identification of social worker – lawyer partnerships that were successful, and the strengths and weaknesses of integrated models of working.

Crane et.al. (2014) discuss a collaboration involving two social work students and four law students from Queensland University of Technology at a hospital in Queensland for implementation of a specific project – Advanced Health Directives. After separate literature reviews, the students developed a survey to obtain information on the level of hospital staff understanding of Advanced Health Directives; developed consent documents, and an interview schedule. The social work students did their placement onsite at the hospital, whereas the law students attended the hospital two days per week. Crane et.al., (2014) examine student and staff reflections on learnings from working together.

Maylea, Lewers, Scott, Weller & Winford (2018) discuss a research project in Melbourne with RMIT and Victoria Legal Aid, Neighbourhood Justice Centre and RMIT University's Centre for Innovative Justice; all three of whom employ both lawyers and social workers. Their research was via semi-structured questionnaires with open-ended questions to obtain feedback from social workers and lawyers of their experiences of working in a multi-disciplinary environment. Researchers interviewed four lawyers, eight social workers and three people who had both law and social work qualifications. As a follow on, a focus group of one lawyer and six social workers was held, informing them of the themes that had emerged from the research and inviting them to elaborate on the themes further.

Commonalities between the work of lawyers and social workers

There are common objectives between the social work and law professions. Both lawyers and social workers wish to serve their clients. Those working in CLCs have a shared objective of

enhancing the lives of vulnerable people and advocating for social reform. (Galowitz, 1999) Both lawyers and social workers meet people at a time where they are in difficult situations, are struggling, and can be scared, defensive or desperate, and are looking for their problems to be solved. Fehn (2015) calls this ‘shared orientation of the work of lawyers and social work’.

Social work can be viewed under the paradigm of a human rights profession. (Ife referred to in MacDiarmid & Willow, 2008) MacDiarmid & Willow (2008) expand on this idea, considering both social work and law (especially for lawyers working in CLCs) as human rights professions. MacDiarmid & Willow (2008) argue that social disadvantage is often framed within the context of human rights. Legal action works with implementing rules and administrative procedures, however when systems are followed but the outcome leaves a sub-standard result for human rights, then it could be that the law is not able to provide further legal solutions to the problem. (MacDiarmid & Willow, 2008) Therefore it is argued by MacDiarmid & Willow (2008) that lawyers can in effect be constrained, by the narrow sphere of operations, strategies and skill sets available to them. They recommend lawyers collaborate with professions with human rights values and interpersonal skill sets such as social work, education and health to counter this.

MacDiarmid & Willow (2008) argue that law deals with human relationships and even though behaviour in relationships between people may be adequate in terms of lawfulness they can fall short of a broad definition of human rights. MacDiarmid & Willow (2008) conclude that the majority of problems of disadvantaged clients fall into this gap. “It is this fissure between the edifice of the law and the reality of human relationships that causes many of our clients’ problems.” As this gap is relationship focussed, other professionals such as social service workers with knowledge of community development theory can intervene as they specialise in the work of relationships and human experience of events and relationships.

Law and social work both aim to achieve justice. A lawyer focuses on the client as an individual and uses law to obtain a solution in a situation of rights competing. The lawyer is not looking at balancing the rights of people. However for the social worker the goal is to obtain a solution that is caring and views the individual as one part of an interconnected system, which includes family, society and takes into account disadvantage and social inequality. Zifcak (2018) labels these differences – the ethics of justice – as primary importance for lawyers and the ethics of care as primary importance for social workers.

Zifcak (2018) is encouraged by the more recent trends of therapeutic jurisprudence, the Koori (Indigenous) Court and the Neighbourhood Justice Centre. These are qualitative changes where a more holistic view of the person’s situation is considered. A more comprehensive solution can be provided together with the legal solution. (Zifcak, 2018)

Benefits of multidisciplinary practice

The literature highlights a number of benefits to be gained by lawyers and social workers working together in an integrated model. Collaboration between disciplines provides a way of serving clients in a more expansive manner. (Galowitz, 1999) Social workers bring listening, facilitating, and collaborative skills to the process. (Galowitz, 1999) When speaking with clients, social workers due to their wider ranging discussions are able to gauge the client’s needs and what is important to them. Fehn (2015) argues that the lawyer can use information from these

discussions to become part of the litigation strategy. Social workers can assist lawyers in relating to difficult clients or clients with complex needs, understanding the context of their situation and how it may be contributing to the client's behaviour. (Galowitz, 1999)

Working with other professions provides mutual learning and responsibilities. Students from the two disciplines working together in the Advanced Care Directives program at a Queensland hospital expressed increased mutual knowledge and understanding in the hospital study. Law students have said that social workers brought an understanding beyond the individual person, to the person's context – cultural differences, family, community. (Crane et.al., 2014) Social work students said lawyers brought understanding of the legal frameworks within the health and hospital contexts, thus bringing the context of stakeholders into the equation. (Crane et.al., 2014)

Social work students stated they were impressed by the methodical way that law students and lawyers approached the task and the person, and learning from that, increased their confidence with dealing with people on the hospital ward. (Crane, 2014) Collaborative work between law and social work was able to expand the number and type of considerations on the complex topic of Advanced Health Directives than would have otherwise been possible if only one discipline was involved. (Crane et.al., 2014)

Co-location of professionals can result in comprehensive solutions to people with complex issues when each discipline is able to bring its expertise, knowledge and skills into play. (Brustin, 2002) Brustin (2002) explains "These services complement the types of remedies a lawyer might secure for a client." He provides the example of the lawyer working with a client to obtain an intervention order, a solution that has covered one part of the problem. However this client may also need medical, counselling, financial assistance and support which, the lawyer is not able to address.

On the other end of the spectrum clients may themselves have a narrow perception of their problem as a legal problem. In a multi-disciplinary practice, non-legal disciplines can assist clients to identify other, or underlying issues, that the client has either not previously identified, or has identified, but has not given focus to the issue due to pre-occupation with the legal aspect. (Brustin, 2002)

Professions working together can be a precursor to joint advocacy work. (Crane et.al., 2014) reflections of hospital staff, social work students, and law students noted that both social work and law students can do work at the micro, meso and macro level. Lawyers focus on what the client has expressed as their immediate wish. (Fehn, 2015) However social workers will look at what the client expresses they need but will also consider the client's wider needs beyond the immediate. (Fehn, 2015) Fehn (2015) states that although this wider perspective may seem unusual to the lawyer working with an individual client, she suggests that this is similar to a lawyer engaging in legal advocacy with the aim of effecting policy change. Social workers are adept at taking a bigger picture view and working with community groups and identifying community networks and analysing community problems, which can feed into advocacy for social change at the meso and macro level. (Galowitz, 1999)

Social workers can help lawyers and their clients by crisis intervention, performing assessments, evaluations, negotiating, making referrals and casework. (Galowitz, 1999) Mental health professionals can also assess a person's mental status and this can provide information to the

lawyer that can be an important addition to the facts of the case. (Galowitz, 1999) Social workers can deal with the psychosocial aspects of problems and the emotions, allowing the lawyer to concentrate on the legal aspects.

Rand (2012) explains that in a client's one hour interview with a lawyer, it is very difficult for the lawyer to obtain details of the client's full story within the timeframe, when the client has multiple complex situations and issues in their life. Non-lawyer professionals can have greater familiarity with the resources available and may also have familiarity with the client's community and how it affects the person's actions and decisions. They are often more able to obtain detail about client stories including the support systems available to the client because their work requires this and their skill sets facilitate them doing so.

Lawyers apply the law with the objective of achieving a good legal outcome. The lawyer's relationship with the client ends when the legal problem has been addressed. (Zifcak, 2018) The social worker will assess the client's needs – and is not just limited to the presenting problem, but takes a wider view. (Zifcak, 2018) The lawyer's work tends to be conflictual, whereas the social worker's role in conflict resolution is more conciliatory and focused on relationships. (Zifcak, 2018)

Both legal and social work approaches have their strengths, however neither can effectively cover both spheres. Therefore Zifcak (2018) considers that when collaborating, lawyers and social workers can move justice and equity forward, and can complement each other.

The RMIT Melbourne research on the experiences of lawyers and social workers working together found that although improvement requests were put forward, every interviewee spoke positively about multi-disciplinary practice. Both professions discussed the benefits to clients – improved access to legal assistance, an improved experience of the legal process, and improved results with client's non legal issues. All respondents reported that the approach was client centred as a result of the multidisciplinary model, and that clients were more supported and empowered through the process. (Maylea et.al., 2018) Unfortunately no research was able to be located from the client's perspective to gain an understanding of how the client perceived the process and the service.

Social workers made an important contribution to communication levels by interpreting legalese into plain English for clients to understand and where required, communicating the client's wishes back to the lawyer. Both lawyers and social workers stated there was a benefit in social workers realising when a client was having difficulty understanding terms used by the lawyer and would check in with client to ask them if they have understood what has just been told to them. It was noted that the time that clients interact with the legal system can be stressful – potentially more so for those who are disadvantaged. A number of lawyers reported that social workers were able to ask questions that encouraged the person to be forthcoming with details about their situation, which then provided the lawyer with the information needed to progress. (Maylea et.al., 2018)

Lawyers noted that social workers had a wider knowledge and understanding of services to which they could refer clients, and this level of referral was beyond that which lawyers could organise themselves. Lawyers also commented that the wider referrals were due to social workers conducting assessments that probed deeper into a client's situation, identifying

underlying issues, and therefore being able to design a more tailored approach, interventions and referrals. (Maylea et.al., 2018) Social workers reported that lawyers were able to support the rights of people and groups who lived in disadvantage, using the law; and that social workers would not have been able to do this by themselves. (Maylea et.al., 2018) Social workers also stated that they learned from working with lawyers, how the law can be used to assist clients, and learned about legal processes, and the requirements that lawyers must adhere to. (Maylea et.al., 2018)

Both lawyers and social workers claimed that both professions benefited by being able to learn about the way each profession views the client issue and the bigger picture around them. Lawyers stated that they would always look for the best legal outcome, but came to realise that this might not be the client's primary aim, and the client might not be able to emotionally cope with the legal solution proposed by the lawyer. Working with a social worker encouraged them to consider what it is that the client really wanted. (Maylea et.al., 2018)

Walsh's Brisbane study revealed that 'the vast majority' of interviewees (exact numbers or percentages were not provided) felt that within community legal centres there was a role for both lawyers and social workers. Reasons provided were that legal issues tended to be interrelated to social issues in community law, therefore although client attends with legal problem, there are often other issues social or economic involved. (Walsh, 2012)

The study also showed that lawyers and social workers had each come to a realisation that their skill sets and knowledge had some deficiencies but they could draw on the strengths of the other profession. Lawyers were appreciative of being able to refer clients with complex needs and clients for which the legal system was not able to assist, to social workers; while social workers appreciated that they had speedy access to accurate legal advice for clients. Mutual learning and understanding between professions of social work and law was cited as another benefit of lawyers and social workers working together, with a lawyer stating that as a result they are listening more to their clients. (Walsh, 2012)

Challenges of multidisciplinary practice

Lawyers and social worker raised confidentiality requirements as a barrier. Confidentiality requirements of lawyers are very clear legally, and can differ for social workers who also have ethical obligations in regards to confidentiality. According to Maylea et.al., (2018) The law is unclear about client files shared by lawyers and social workers, and information shared between lawyers and social workers. Most social workers felt that they needed to follow the legal centre organisation's policies instead of their profession's policies. However, Bruskin's (2002) research showed that non-lawyers did not understand the ethical standards adherence mandatory for lawyers.

Galowitz (1999) explains that client confidentiality relates not only to the client-lawyer relationship but also to all law students, law office employees, including non-lawyers. From the lawyer perspective, arguments against multi-disciplinary practices are that confidentiality will be compromised due to the differences in confidentiality requirements for each discipline. Concerns were raised regarding differences between lawyers prohibited from providing information or documents regarding client to the court, in contrast to other disciplines working

in the multi-disciplinary practice being compelled to provide information by subpoena. (Brustin, 2002)

There is also worry that attorney-client privilege could be destroyed by working in a multi-disciplinary practice. (Brustin, 2002; Fehn, 2015) There is inability to assure client of confidentiality if social worker or other third party, such as counsellor, nurse, teacher, becomes aware of information that client provided to the lawyer. (Brustin, 2002)

In certain cases, client-lawyer privilege is much more important for the client e.g. a family violence victim whose perpetrator has criminal charges raised, and in which lawyers may be requested to provide confidential information. In such cases the lawyer must inform, and warn the client of the risk to client-lawyer privilege. (Rand, 2012)

Three out of the five organisations reviewed by Walsh (2012) stated that conflict of interest was a major issue. An example given was a person phoned for assistance, but could not be provided legal assistance due to being another party to a client. From a legal perspective, this was a conflict of interest, however the social worker provided the caller with non-legal support, an act which was condemned by the lawyers. From her perspective, the social worker stated that the caller was very distressed and that she had a duty of care to support the caller. Walsh (2012) states that in 'most' of the focus groups, the ethical obligations of the legal and social work professions were potential causes of difficulty.

Both social workers and lawyers noted that they have different approaches. Lawyers defined the client as the individual and worked strictly with that person to avoid conflict of interest matters, whereas social workers considered the person in their environment, and might themselves contact other agencies or family members involved with the client. (Walsh, 2012)

The lawyer's goal was a great legal outcome for the client who they considered to be an autonomous person, whereas the social worker tended to have a 'best interests' approach, taking into consideration the client's context, circumstances and other issues. (Walsh, 2012; Galowitz, 1999) Social workers promoted a holistic method of working with clients, however in two organisations the lawyers were disparaging about this manner of working. The social workers insisted that they focused on psycho-social factors and the client's wellbeing. (Walsh, 2012)

None of the social workers criticised the lawyers' commitment to working with their clients, as they believed the commitment to be genuine, and lawyers themselves stated that caring for their client was important and that they were concerned about disadvantaged clients. (Walsh, 2012) Walsh (2012) found that regardless of tensions in relationships, interviewees agreed that the service being provided to clients was holistic and effective. Even where there were tensions, positive feedback was always received from clients; thus the tensions were more an issue of working relationships requiring improvement, than the client not receiving adequate service.

The Monash Oakleigh Legal Service pilot found that legal students tended to be more familiar with working individually, rather than working in teams. (Hyams, 2012) In some cases the students in the multidisciplinary teams would work in parallel silos rather than work collaboratively. It was noted that law students' training does not expose them to the value that other disciplines can potentially bring to a legal client's range of issues. (Hyams, 2012)

Although there are shared values between legal services and the social work profession, their approaches vary. Galowitz (1999) states this variation are due to the different obligations that each profession has towards the client. It also relates to each professions' definition of their role, that is the lawyer is working to solve the client's presenting legal problem and give advice; while the social worker takes a systems theory approach by looking at the wider context and interconnected systems in a client's life as well as, the legal problem. The social worker is also aiming to provide the client with information to empower them to make their own decisions rather than advising them. Therefore social work training and practice perspective is broader than that of lawyers, who tend to work in an individualised manner. (Galowitz, 1999) Social workers need to understand and recognise the points of intersection between social work and the law. (Boulware, Brewer, Perry; Brustin, 2002)

Concerns were raised that non-lawyer professionals attending a client-lawyer meeting may have their own agenda or wish the goals they have for the client to be met, instead of allowing the client to direct the information. (Rand, 2012) On the other hand, lawyers are used to working one-to-one with clients and controlling progression of the appointment. They may feel uncomfortable to have a non-lawyer professional present. (Rand, 2012)

The lawyers and social workers interviewed as part of the RMIT research stated that there was initially misunderstanding and lack of trust between the lawyers and social workers, however most responded that working side by side had increased their knowledge and appreciation of the work that social workers can do in engaging, building rapport, identifying and implementing supports. (Maylea et.al., 2018)

Walsh's study of Brisbane community law centres found that social workers felt their profession was not valued by lawyers. This was despite being paid at the same pay rate, and equal number of social worker to lawyer managers. In four out of the five law centres, social workers stated there had been occasions when they felt that lawyers had treated them as less than professional social workers. In two of the organisations, lawyers made devaluing comments. (Walsh, 2012)

Within both the lawyer and social work professions, there was acknowledgement that there were stereotypical views of each other as professions. (Walsh, 2012) The social workers believed that lawyers and the community in general did not understand the role of social work. A highly supportive and harmonious working relationship existed at only one organisation, with lawyers stating that they had learnt the skills of listening, interviewing and options of support for a client when the law was not an appropriate option. (Walsh, 2012)

What needs to be done to create an effective multi-disciplinary practice

The literature provides a roadmap of actions required to create the best possible environment for a multi-disciplinary practice to succeed which have been grouped below.

Confidentiality / lawyer-client privilege

According to US author Rand (2012), a non-lawyer professional attending a client- lawyer appointment results in attorney-client privilege being lost, unless it is argued that the meeting has

taken place in a confidential setting, with the client having 'reasonable expectation' that it was confidential and that the non-lawyer professional was essential to the meeting.

There can be a lack of clarity for the client. Rand (2012) argues that a client who meets with medical professionals or social workers will assume that discussions with them are confidential. Further when that non-lawyer professional is in the room where the client-lawyer appointment is being conducted, the client would assume confidentiality. Brustin (2002) urges that clients be made aware that even though they may be attending a non-legal service in the same premises as the lawyer, any information the client gives to the other service will not necessarily be subject to privilege just because the service is in the same location.

Rand (2012) states that courts in the USA tend to conclude that privilege is not breached when the non-lawyer professional is part of the client-lawyer meeting and is attending for the purpose of assisting the client to tell their story, or to explain client's story. However, when non-lawyer professional is in the client-lawyer appointment for other reasons, courts tend to agree that privilege has been breached. (Rand, 2012)

Rand (2012) suggests that for professions who have mandatory reporting obligations, the lawyer can tell the client that revealing this type of information can result in mandatory reporting so they can talk to lawyer about these topics, when the non-lawyer professional is not in the meeting.

It needs to be explained to clients at the start of an appointment that there may be differences in confidentiality if that is the case. (Brustin, 2002) Brustin (2002) recommends the client be required to consent to information sharing across disciplines. Lawyers can also ask clients to provide separate consent for client authorising lawyer to speak to non-lawyers.

Brustin (2002) advises that where a client does not agree to lawyer sharing information with non-legal person, procedures within the organisation need to have been established for access restrictions to client electronic and hardcopy file information between services or professions located at the same facility. (Brustin, 2002)

In one of the multi-disciplinary organisations interviewed by Brustin (2002), the issue of confidentiality in team meetings was handled by keeping items requiring confidentiality to the end of the meeting. Social workers left the room, after which lawyers discussed the items requiring confidentiality.

Clutterbuck (2007) acknowledges that legal, medical and social work come under separate professional standards with subsequent differences in client confidentiality and privacy. However, he asserts that these differences are not an impediment to multi-disciplinary practice service delivery, but advises that there is a clear common understanding of the major roles and their requirements, and that the appropriate protocols be put in place to mitigate any risks. (Clutterbuck, 2007) Overall, Clutterbuck's (2007) view is that the benefits far outweigh any potential risks.

According to Hicks-Pass (2013) even though law offices raise the issues of privacy and confidentiality when confronted with having a social work student; the student placement co-

ordinator should explain the skill sets taught in social work courses – intake, consideration of the client in a holistic manner and as a member of the community rather than a limited view of a person in the justice system, assessment skills, referring to organisations in the community, service co-ordination.

Rand (2012) runs through scenarios of non-lawyer professionals being at the lawyer – client appointment, and alternative views to attorney client privilege. Rand (2012) states that there may be times when attorney-client privilege is not important to a client, or if a client preferred information to be private, but if the detail were to become known, is considered to be of little impact to the client. If the client is distressed or worries that they won't be able to articulate their problem or has other difficulty communicating, such as due to disability, or will have difficulty remembering the advice, the client may give a higher priority to having a non-lawyer professional present to support them, rather than concern about client-lawyer privilege. Further, there may be cases where the client is extremely traumatised by their experience and wants their case manager to be present to support them and to ease their discomfort or anxiety.

To retain attorney-client privilege, Rand (2012) recommends that a form be created by the organisation that is to be signed by the client, with the form explaining that the intention of all parties is confidentiality. The form to also explain that the lawyer has no control over how the non-lawyer professional may use the information. The form should explain the purpose of non-lawyer's attendance is to assist the lawyer to become aware of client's story and wishes so lawyer can service client, and non-professional is there for the purpose of legal assistance; and client can decide whether they want non-lawyer present or not.

Galowitz (1991) suggests the primary service provider's confidentiality requirements could be adhered to by all employees regardless of profession. This would apply when the primary purpose of a client attending the service is for a legal issue. Another option is that social workers and lawyers working separately, without access to lawyer's file, and separate and distinct tasks be referred from lawyers to social worker and vice versa – social work to lawyers, with clients made aware up-front what the legal reporting requirements are for a social worker. (Galowitz, 1999)

Another option provided is for the professions of the multi-disciplinary practice to create a written document in plain understandable language which articulates clearly for all staff when information will be shared and the method used to share this information. (Galowitz, 1999) Such document can include explanation of each professional's confidentiality requirements and limitations.

A different suggestion is to utilise the expertise of law ethics committee and social work ethics committee by requesting an ethical opinion on matters which could create potential conflict for each profession. This can then be addressed openly. (Glynn referred to in Galowitz, 1999)

Galowitz (1999) urges multi-disciplinary practices to be proactive in identifying potential issues and planning how to resolve. Organisations can create procedures to protect client's ethical interests. The organisation should identify potential issues and solutions relating to ethics from the start so that each role is freed to work on client outcomes without the impediment of ethical issues being debated. (Fehn, 2015) There also needs to be a clear articulation of the social work role in relation to working with complex client issues (Crane et.al., 2014) so that lawyers are

aware. It is to be made clear to social workers that it is imperative that all legal matters be referred to a lawyer.

Processes, Administration and training actions:

Management is encouraged to take responsibility for creating documented agreements about how information will be shared and for this to be explained to staff from all disciplines. (Brustin, 2002) Terms used in this documentation need to be defined, because words may have assumed meanings for lawyers, but have different assumed meanings for social workers. (Preston-shoot, Roberts & Vernon, 1998) Lack of clarity or confusion around meanings can be an impediment to effective communication and collaboration. Clarification should also be obtained from each non-legal disciplines e.g. social workers, community service workers, psychologists, doctors, regarding what sort of information they will need to disclose without receiving consent from the client. (Brustin, 2002) Brustin (2002) states it is imperative for each discipline working within the multi-discipline practice to receive cross-disciplinary training to be aware of the reporting requirements and ethical responsibilities of each of the professions.

Preston-shoot, Roberts & Vernon (1998, p139) urges each profession 'to share frames of reference across the two professions to enable a common understanding to be applied to decision-making and problem resolution. This understanding is a prerequisite for competent practice by social workers and lawyers working together.'

Brustin (2002) suggests that lawyers take the opportunity to educate non-lawyers about adherence required to standards by lawyers. This education can take the form of what will happen if there is non-compliance – the organisation could be targeted by a civil law suit, funding may be jeopardised, the organisation's reputation could be put at risk. (Bruskin, 2002)

Social workers and lawyers can complement and learn from each other. Social workers need to learn about and grasp the significance and ramifications of the legal system on their clients. Lawyers can benefit from knowing about the psychological components of their client's legal issue as this can contribute to the type of advice, or the way the advice is provided to the client. (Galowitz, 1999) It needs to be made clear that neither profession should be trying to resolve issues that are not within their area of training and knowledge. (Galowitz, 1999)

Some student supervisors in Hyams (2012) study felt that multi-disciplinary appointments with clients should continue. Other supervisors stated that it didn't matter if the appointments with clients were not multi-disciplinary, however it was important for the law clinic's service to the client to provide a holistic response. This implies that even if not all professions attend the appointment, the profession that undertakes the appointment will need to have the skills to be able to refer the client to colleagues of other disciplines where required.

University education improvements

It was recommended that law education include the skills to work in a team, as well as individually, collaboration and interpersonal communication skill sets for work in multi-disciplinary settings. (MacDiarmid & Willow, 2008; Hyams 2012) It was also recommended

that the importance of working with other professions be included in academic study for both lawyers and social work students at university. (Galowitz, 1999)

Conclusion

At an underlying level, there are commonalities between law and social work. The objective of both professions is to assist the client, who often may be in a distressed state due to their situation. The main benefit of lawyers working in partnership with social workers is that the lawyer will tend to focus on the legal issue and outcome, the social worker adds value by considering the client in a holistic manner within their ecosystem, thus looking at the interconnections of people and systems that are impacting on the client, and the structural issues of economic disadvantage, unemployment, housing instability. The social worker can then make referrals for the client to be supported in other areas of their life outside of the legal issue. Both professions aim for social justice, and one research paper conceives of the two professions as human rights professions.

The major challenges for a multi-disciplinary program identified in the literature, are concerns around confidentiality and client – lawyer privilege which could be compromised if lawyers work with social workers or community service workers in a multi-disciplinary setting. However the researchers have made multiple suggestions on how to resolve and manage these concerns, including back of house communication and written documentation of mandatory reporting requirements of any discipline other than lawyers; training of social workers in the importance of confidentiality and client-lawyer privilege and the implications to the client as well as to the organisation if this is breached.

The researchers urge the organisation to create a mandatory step at the beginning of each client interview where a non-lawyer will be present, to explain confidentiality and client-lawyer privilege to the client, and if the client declines non-lawyer assistance, the organisation to have hardcopy and softcopy files set up with appropriate access limitations to other professions. Suggestions have also been made regarding creation of forms for clients to sign regarding confidentiality, as well as instruction sheets to be given to client explaining potential limits to confidentiality.

Researchers from literature reviewed, agree that the benefits to clients of social workers working with lawyers, are greater than potential issues or risks. Maylea et.al, (2018) propose a partnership between lawyers and social workers that can provide a service that is centred on the client, but is holistic; while both lawyers and social workers focus on their area of expertise. Zifcak (2018) while acknowledging there are differences between social work and law, considers the two professions to be complementary. (Zifcak, 2018)

RESULTS

Research found that there are no two CLCs who use the same integrated service model. Every CLC has slight differences. The table below is intended to provide a snapshot of how each CLC with an integrated service model operates at the entry point of the referral; the messages given to clients regarding confidentiality; whether separate Social Work files are created with separate case notes; whose client it is; at what point the social worker closes the file, and the steps taken to overcome process challenges. All challenges expressed by the interviewees pertained firstly to methods used to obtain acceptance of the multi-disciplinary process by lawyers, and secondly to confidentiality and client-lawyer privilege.

A summary of results for each theme according to the particular CLC is documented in Table 1.

Table 1 – Table of results:

	Entry / Referral	What is said to client in relation to confidentiality	Case notes / files	Whose client is it?	When is Social Work / Community Services Work file closed?	Steps taken to overcome challenges of integrated model	Do you take social work or community service students?
<p>Barwon Community Legal Service</p>	<p>Lawyer meets client and decides if internal referral to SW is required</p>		<p>SW keeps separate case notes which are filed separately. When required lawyer can give off the record 'FYI' to protect legal privilege.</p>		<p>A former client, can self-refer to the service again even if they don't have a current legal issue</p>	<p>SW & SW students attend staff meetings with lawyers. Every lawyer has meet and greet with new SW students.</p>	<p>Yes & have social worker on staff</p>
<p>Eastern CLC *Note: Eastern CLC have specific Family Violence funding for SW to work with lawyers</p>	<p>Intake officer identifies issue & passes to case lawyer, who then passes to lawyer & social worker. Lawyer & SW then both attend initial appt.</p>	<p>Lawyer privilege applies to SW case notes, as dominant purpose of client's attendance is for legal issue. Lawyers will therefore fight for SW's notes not to be disclosed. However, it is explained to client that this has never been</p>	<p>Separate file created. SW case notes are trauma and family violence based.</p>	<p>'Our client' – not lawyer's client or social worker's client.</p>		<p>Multi-disciplinary working partnership is explained to new lawyers so they are aware what is expected of them.</p>	

		tested in court, so there is no precedent in subpoenaed information.					
Justice Connect Range of programs with variation of lawyer/ CS model for each program. Notes pertain to the Women's Homelessness Prevention Program.	Homelessness worker attends client appointment with pro-bono firm lawyer. SW and lawyer work closely to sustain the client's tenancy.		SW makes separate case notes.		SW can continue to work with client after legal file has been closed.	Program works with graduate lawyers from 1 pro-bono firm. For new lawyers – SW meets lawyer 10-15mins before meeting client to explain model of SW & lawyer working together. Also runs graduate lawyer training.	Yes & have social worker on staff
Law & Advocacy Centre for Women (LACW)	Paralegal does intake including asking range of social questions, i.e. family violence, substance abuse. Refers to lawyer, who will identify if SW required, and then discusses with SW. Lawyer can also make referral to SW later in the process		SW creates separate SW file. Takes separate case notes. The only legal info recorded by SW in case notes is factual, eg. the court date.		SW ends when legal issue has ended.	LACW created 2 yrs ago with purpose of holistic approach between lawyers & SW, therefore new lawyers aware of how expected to work from the start. SW & lawyers co-located in same office.	Yes & have social worker on staff

	when issue has arisen. SW to work with clients who don't already have other supports.					Weekly staff meetings involving both lawyers & SW to discuss client case successes & failures e.g. for bail applications. SW debrief with lawyers, recognising that lawyers can experience vicarious trauma.	
Mental Health Legal Services	Admin person who takes call at point of entry identifies and makes referral to SW.				SW can keep working with client after legal issue closed. At this point the client is transitioned to become a SW client.		
Monash Oakleigh Law Service	Law student & social work student attend meeting with client together. Client told students will consult with supervisor during appt.	Law student explains confidentiality, then social work student explains there is confidentiality but bound by	Separate social work file created. Case notes put in the SW file.	No real delineation – client is Monash Oakleigh Law Service client.	Sometimes SW file doesn't close at same time as legal issue ended, if SW still working to connect client with other services..	Has been operating in this manner for close to 10 years, so process is embedded and there is acceptance.	Yes 10 students in semester 2 & have social worker on staff

	<p>10-15mins into appt, law student consults with legal supervisor while SW student consults with SW supervisor. SW supervisor checks if student clear on the issues.</p> <p>Students consult with their supervisors after apt ended as well.</p>	<p>mandatory reporting requirements. (For any reporting required, SW must consult with SW supervisor who will discuss with law clinic supervisor – so don't automatically report).</p>					
<p>Murray Mallee Community Legal Services</p>	<p>Works closely with other orgs (see below) Most referrals come in via these avenues. Lawyer & SW then have apt together with client.</p> <p>3 days per week, SW is co-located with Mallee Domestic Violence Service & Mallee Sexual Assault Unit & fills in when their SW is not available.</p>	<p>Lawyer explains confidentiality pertaining to lawyer & SW at start of apt e.g. lawyer explains legal client privilege, also have SW in the room, so slightly different may have mandatory reporting; if you want to say something that you don't want</p>	<p>Separate case notes. Separate SW file created which is on legal drive, but in separate folder on drive and SW not able to access lawyer file.</p>	<p>No differentiation re whose client it is. It is a Murray Mallee CLC client. However, when SW working with client, SW calls client directly so there is separation of legal issue with SW work.</p>	<p>SW & Lawyer close file at same time, on case by case basis, SW may take a little longer if still working to link person to services.</p>	<p>Important that lawyers have the power to explain the confidentiality, legal privilege at start of appts.</p>	<p>New service, had 1 student in 2019. Also has social worker on staff.</p>

	<p>Embedded in Women's Safety Package</p> <p>Also co-located with Mallee Family Care.</p>	SW to hear, then SW can step out of the apt.					
Office of Public Prosecutions	Every matter with identifiable victim is allocated to lawyer and social worker.		<p>Lawyer takes notes & records, however lawyer doesn't note psycho-social assessment. SW can add to lawyer's file, but it is a separate case note in lawyer's file. (If client suicides, coroner may apply to access notes, so need to ensure Duty of Care was taken to keep client safe.)</p>		SW stops working with client when legal file is closed.	<p>CEO has made it clear to all staff that victims deserve holistic response, and that lawyers & SW are not working in silos.</p> <p>CEO has championed SW involvement.</p>	Have social worker on staff
Peninsula CLC	Lawyer identifies client appears to require SW support & lawyer makes referral to SW	SW explains to client the difference in privilege b/w lawyer & SW, and that as SW will need to	Separate Social Work file created	Social work client for SW purposes. Lawyer's client for legal purposes.	SW can continue working with client after legal issue ended.	<p>CEO is committed to holistic practice.</p> <p>For new lawyers, SW arranges time individually to explain SW role.</p>	

		report re children at risk of harm etc.				Has found presenting case studies demonstrating achievement of both legal & social outcomes is useful for lawyers to understand role of SW. SW reports to Director of Legal Services, updates include snapshot of who has made referrals.	
Seniors Rights Victoria	Advocates take intake calls and make referrals to social workers & lawyers		Case notes input by Community Service Worker into shared database. Both professions add notes.	Client is Senior's Rights client – not a lawyer's client or a Community Service Worker's client.	If CSW able to refer client to agency that can provide ongoing support, CSW's role can end before legal issue has ended.	Have been working in multi-disciplinary legal & community service worker / advocate / SW environment for 10 years, so it is accepted as the way to operate.	
Slater & Gordon	If lawyers feel that client would benefit from seeing social worker, client is asked if they would like to use the free		SW case notes are NOT separate from lawyer notes (all stored together		SW stops working with client when legal file is closed.	SW educated lawyers on the profession of SW. SW provide education to lawyers in specific	Have social worker on staff

	in-house SW service.		electronically). This protects SW from being subpoenaed at court.			areas, e.g. how to respond to suicidal clients. Flow chart has been created for lawyers with what to say to client expressing suicidal ideation and when to phone 000. Provide legal education to other SW in the field.	
Women's Legal Service	Lawyer identifies client has issue & is not supported by other organisations. If client permits, lawyer refers to SW.			Lawyer's client for legal purposes and Social worker's client for SW purposes.	Can be closed before lawyer's file closed, or may continue to work with client after lawyer file closed.	SW developed guidelines given to lawyers explaining what things SW role can do to support client, and benefits of SW role, e.g. for AOD, mental health, housing. This advice is also provided to new lawyers	Yes
Youth Law	2 entry points: Children's Court – Youth Law runs duty lawyer services 1 day per week. Youth Worker	Delineate between different parts of appt with client:	Lawyer & youth worker create separate files. Case notes for the social work		Youth Worker can continue to work with client after legal file has been closed.	Youth worker trains lawyers on family violence to increase their ability to identify potential FV.	

	<p>attends on that day. Both YW and lawyer meet client together, and introduce selves and role. Lawyer later leaves appt, so that YW can speak with client alone.</p> <p>Frontyard Youth Services – Youth Law runs an outreach generalist legal clinic, lawyers can refer to YW for family violence.</p> <p>Frontyard youth workers also make referrals to the Youth Law youth workers.</p>	<p>Lawyer leaves appt after legal issue discussion, youth worker then explains to client that from this point on, this is SW part of appt and has different confidentiality so can't keep same secrets as lawyers, but that SW will only report if risk to client or siblings.</p>	<p>part of the appt have the potential to be subpoenaed.</p>		<p>Client can come back at later date to engage with YW even if they don't have a legal issue.</p>	<p>New lawyers have induction by YW, on the role of YW and how YW can assist.</p>	
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ANALYSIS

The tables in this section comprises disaggregated information from Table 1 with data broken down into components.

Table 2 - How does social worker receive referral?

Who sends referral to social worker	How many organisations use this process?
Reception / admin who takes the call refers	1
Intake team / intake officer	2
Paralegal	1
Referral from lawyer	4
From co-located services	3
Not clear – various	2

The above analysis indicates that the most common avenue for social workers (or community service workers) to receive referrals is from lawyers. This indicates that lawyers need to be trained to identify that a client may benefit from social work support. It also relies on lawyers being valuing a holistic response to a client's issues outside of the response that the lawyer can provide; and valuing the role of social work in working with a client.

The CLCs interviewed were asked what steps they had put in place to overcome resistance to working in an integrated model:

- Educate lawyers on benefits of multi-disciplinary practice and holistic response to client needs.
- Provide guides to lawyers on the types of things that social workers can assist with, e.g. family violence, alcohol and other drugs, referral to housing agencies
- Provide education to lawyers on specific issues, e.g. flowchart on types of things to say to a client expressing suicidal ideation, and when to call 000.
- Explaining multi-disciplinary partnership to new lawyers so they are aware what is expected of them.
- Every new lawyer having meet and greet with new social work students
- When meeting client with new lawyer, meet lawyer 10-15minutes prior to meeting with client to explain model of social worker and lawyer working together.
- Social workers attend staff meetings with lawyers.
- Discussion of client case successes so that lawyers become aware of success stories due to social work involvement. Emphasis on positive legal outcome AND positive non-legal outcome achieved.
- Co-location of both professions.
- Social workers debrief with lawyers, recognising that lawyers can experience vicarious trauma.
- When lawyer and social worker are meeting client together, give lawyers the task of explaining confidentiality and legal privilege to client at start of appointment.

- CEO to champion the importance of clients receiving assistance that can address other issues which are co-existing with, or resulting in, the legal issue; and to discourage each profession from working in silos when working in a multidisciplinary manner would benefit the client.

All CLCs interviewed noted that lawyers had initially been concerned with the concept of confidentiality and client-lawyer privilege, and how this may be impacted with the involvement of a social worker in the process, and also how it may be impacted with the inclusion of a social worker present at the lawyer – client meeting. Five of the thirteen interviewees outlined the key messages provided to clients regarding client-legal privilege and confidentiality. Notably all five stated that the client is informed at the start of the appointment. This provides the opportunity for client to accept or decline social work involvement. The range of key messages given to clients on this matter are documented in column 3 of Table 1 (above).

Client-lawyer privilege, confidentiality also involve written documentation (case notes and files) about the client. Table 3 shows how each CLC handles case notes by the social worker and whether a separate file is created for the client, as distinct from the lawyer’s legal file for this client.

Table 3 – Are case notes written and is a separate file raised?

Case notes written? Separate file created? E.g. Social Work file or Youth Work file.	How many organisations use this process?
Separate case notes, separate file created	6
Separate case notes written, but stored in lawyer’s file	2
Shared file	1
Separate case note, not clear if separate file	1
No separate case note written, email sent to lawyer which lawyer can then add to legal file	1
Not clear	2

Table 4 – when is client’s file closed by social worker?

Is social work file closed at same time as legal file closure?	How many organisations use this process?
When legal issue ends, social work file is closed	3
When legal issue ends, social work file is closed, but may continue to remain open while social worker finishes linking client to services	2
Social work file can stay open after legal file has been closed	6
Unclear	2

In the majority of organisations (six of the thirteen), the social work file can continue to stay open after the legal file is closed. In another two organisations, the social work file can stay open after legal issue is finalised, but only to allow time for the social worker to ensure the client has

been linked in to other services. In the three organisations where the social work file is closed at the same time the legal issue ends, only one organisation is a CLC – the other two organisations are non-CLCs.

Eleven of the thirteen organisations claimed that lawyers were hesitant to agree to, accept, and utilise the social workers as part of the integrated model. The two organisations where lawyers accepted the involvement of social workers / community service workers were Seniors Rights, who stated they have been operating in a multi-disciplinary format for 10 years so this format is accepted as normal practice. The other organisation where lawyers accept social worker involvement is Slater & Gordon. Social work is marketed as a value-add service, and is included on the Slater & Gordon website. Nevertheless, the social workers at Slater & Gordon have been active in providing education in specific areas of concern to lawyers, such as, responding to suicidal clients.

The Literature Review confirmed that lawyers accepting to work with social workers, and concerns about confidentiality and legal privilege are the biggest hurdles in setting up and maintaining an integrated practice. In acknowledgement of these difficulties, the 'Integrated Legal and Social Support Network' – a Federation of Community Legal Centres workgroup, has produced an 'Integrated Practice Toolkit = A guide to help understand privilege and mandatory reporting in integrated practices'. It includes example scenarios of when privilege may be arguable. It also contains advice on practices that will assist an organisation to manage different ethical responsibilities and different legal obligations between lawyers and social workers. This is a very valuable and relevant tool, developed by lawyers and non-lawyers working in CLCs.

The literature reviewed contains a wealth of suggestions to address issues, with many of the suggestions made by lawyers themselves. There are recommendations for addressing potential confidentiality and client-lawyer privilege issues; and recommendations in terms of process, administration and training. The recommendations point to the importance of organisations pro-actively identifying potential issues and planning how to resolve.

- Explaining to client at start of meeting attended by both lawyer and social worker that there may be differences in confidentiality between different professions. Explain to client that certain types of information can result in mandatory reporting, so they can talk about these topics when non-lawyer leaves the room. (Rand, 2012)
- Inform client that if they speak to a non-legal person in the same premises as the lawyer, any information the client gives to the other person will not necessarily be subject to privilege due to co-location.
- At team meetings, items requiring confidentiality left to the end of the meeting. Social workers then leave the room, after which lawyers discuss items requiring confidentiality. (Brustin, 2002)
- Could ask client to sign separate consent form for information to be shared across disciplines.
- If client does not agree for their information to be shared, the organisation needs to have access restrictions to hardcopy and softcopy files in the office. (Brustin, 2002)

- Create clear, common understandings of the roles and their requirements and put protocols in place to mitigate any risks (Clutterbuck, 2007).
- Obtain clarification from each profession regarding what sort of information they will need to disclose (Brustin, 2002)
- Lawyers to educate non-lawyers about adherence to standards required and what will happen if there is non-compliance.
- It be made clear to social workers that all legal matters must be referred to a lawyer, and that neither profession should be trying to resolve issues that are not within their area of training and knowledge. (Galowitz, 1999)
- Organisation to create form to be signed by client that explains the intention of all parties is confidentiality, but that lawyer cannot control how non-lawyer may use the information and that client can decide whether they want non-lawyer present or not.
- Creation of documented agreements about how information will be shared and for this to be explained to all disciplines. (Brustin, 2002; Galowitz, 1999) Terms in the document to be defined because words may have different assumed meanings between lawyers and social workers. (Preston-shoot, Roberts & Vernon, 1998) Document to include explanation of each profession's confidentiality requirements and limitations. (Galowitz, 1999)
- Lawyers to be guided by client's wishes in scenarios where attorney-client privilege is not important to client, e.g. client is extremely traumatised by their experience and wants their case manager to be present to support them at lawyer appointment and to ease their discomfort and anxiety. (Rand, 2012)
- Student placement co-ordinator to explain to lawyers the skills sets that social workers bring – intake, consideration of the client in holistic manner, assessment skills, referring to organisations in the community.

Options for the organisation as a whole to consider:

- The primary service provider's confidentiality requirements be adhered to by all employees regardless of profession. (Galowitz, 1999) This could apply when primary purpose of a client attending the service is for a legal issue.
- Narrative that the appointment is taking place in confidential setting, the non-lawyer professional is essential to the appointment, and the client had 'reasonable expectation' that the meeting was confidential. (Rand, 2012)
- Social workers and lawyers working separately, without access to lawyer's file, and separate and distinct tasks be referred from lawyers to social workers and vice versa.

An underlying theme of the recommendations is that all authors emphasised the benefit of a partnership, and that the strengths of each profession can complement each other.

CONCLUSION

There is an increasing number of CLCs using an integrated practice model with social workers and lawyers. This research paper consists of a Literature Review and the results and analysis of data obtained via interviews of social workers working in organisations that have integrated service models. The major challenge reported for multi-disciplinary practice was acceptance of social workers by lawyers. The main reasons for lack of acceptance were concerns about confidentiality and client-lawyer privilege, followed by lack of awareness of the value that social workers can bring. Nevertheless, there are many CLCs which have successfully implemented actions to support lawyers to understand the process and to mitigate any risks to confidentiality. Overall, benefits outweigh risks (Clutterbuck, 2007).

The options already tested are those in use by other CLCs – with all options listed in Table 1. The literature reviewed has provided a list of recommendations that can proactively be put in place to encourage lawyer engagement with the process, and to mitigate risks to confidentiality and client-lawyer privilege. It is also suggested that the various steps taken to overcome challenges by each CLC (from Table 1) be reviewed and decisions made as to which actions are likely to provide the most robust platform that will encourage lawyers to ‘come on board’ with multi-disciplinary practice.

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