

Evaluating Consumer Action's worker advice service

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Overview

Consumer Action Law Centre (“**Consumer Action**”) improves the lives of Victorians by advancing fairness in the marketplace. To this end, we publish consumer law information, run a legal advice service, conduct strategic casework and litigation, offer telephone financial counselling and deliver outreach training to financial counsellors. Our direct service activities inform our law reform agenda, which we pursue through research, policy work and campaigns. We influence policy and law makers to ensure fair treatment and just outcomes for consumers, especially people who have low incomes and are vulnerable.

Our advice service is staffed by lawyers with expertise in consumer and consumer credit and debt law. Through the service, we provide free legal information and advice to individuals and ‘legal secondary consultations’ (“**LSCs**”) to community workers, including financial counsellors, other community lawyers and social workers. These LSCs are the subject of this evaluation report.

Community workers can access the service via a dedicated worker advice line or by email. Through LSCs, we assist workers to help the people they serve identify their legal problems, navigate the legal system and find appropriate dispute resolution and referral pathways. We also access vital intelligence on unfair practices and inadequate protections that affect the lives of Victorians.

The worker advice service has two main objectives:

- To help workers achieve the best possible outcome for their clients, taking into account their legal rights, resources and avenues of redress;
- To identify systemic issues affecting consumers.

The purpose of the evaluation is to assess our performance in relation to the service’s first objective.

The evaluation represents a part-implementation of the quality and evaluation framework for the worker advice service, which we developed in collaboration with Dr Liz Curran of the Australian National University. Other parts of the framework include our service charter (see: **Appendix A**), file reviews, reviews of call recordings, and monitoring call wait times and abandonment rates.

The evaluation covers a three month period and involves three sources of data: worker advice records, a survey of financial counsellors and a focus group with financial counsellors who use the worker advice service.

The key findings of the evaluation include:

- On average, our lawyers commence three to four new LSCs each day. Each LSC may involve just one or multiple contacts with the worker.
- About three-quarters of our LSCs are provided to financial counsellors. The remainder are provided to other community lawyers and “other” community workers.
- Most of our LSCs involve a lawyer providing advice or ongoing assistance in relation to a matter that is within our expertise. This suggests that most workers who contact the worker advice service understand its scope.
- Our worker advice service is integrated with our strategic casework and litigation practice.
- Our LSCs help build professional capacity and confidence in financial counsellors.
- In some cases, an LSC is the most appropriate way to provide assistance.
- Our LSCs help workers achieve good outcomes for their clients.
- Financial counsellors share what they learn through our LSCs with their peers.
- Financial counsellors use what they learn to assist more than one client.
- Financial counsellors would like to be better informed about and more involved in our policy and campaigns activities.

By publishing this work, we endeavour to share our successes, learning and reflections on delivering and evaluating an LSC service.

The worker advice service and legal secondary consultations

Our worker advice service has existed in one form or another to provide LSCs to community workers since the mid-1980s. Since it was established, our lawyers have spoken to thousands of workers, providing information and advice on a wide range of consumer issues, including defective goods and refunds, unsolicited sales, banking and credit, debt collection, insurance and unfair contracts.

We are committed to continually improving the quality and reach of our worker advice service for three reasons. First, we recognise that people facing disadvantage are most likely to struggle under the weight of their legal problems. And so assisting those people must be our priority. Secondly, we recognise that people who are facing disadvantage will often approach trusted community workers, rather than lawyers, about those legal problems. And so those workers are frequently best placed to assist them. And thirdly, we recognise that the extent of unmet legal need in Victoria means demand for individual assistance will always outpace our ability to meet it.

This commitment is consistent with Consumer Action's 2014-2017 Strategic Plan, where delivering "excellent services, built on reflective practice" is set out as a strategic priority.

Intuitively, we have long known that LSCs build capacity in community workers and enable us to reach more people experiencing disadvantage, albeit indirectly. However, there has been very little research into LSC services or their evaluation. In this context, we believe that our experience and reflections are valuable to the broader legal assistance sector and funders.

Evaluation method

We collected evaluation data using the following tools:

A. Review of client database

Our lawyers use Filemaker Pro, a client management software program, to record details of the LSCs they provide. For this evaluation, we generated a report for the period 1 February to 30 April 2016 showing:

- a. the number of LSCs provided;
- b. the types of workers who received the LSCs;
- c. the level of assistance we provided through the LSC.

The purpose of the report was to contextualise our survey and focus group findings.

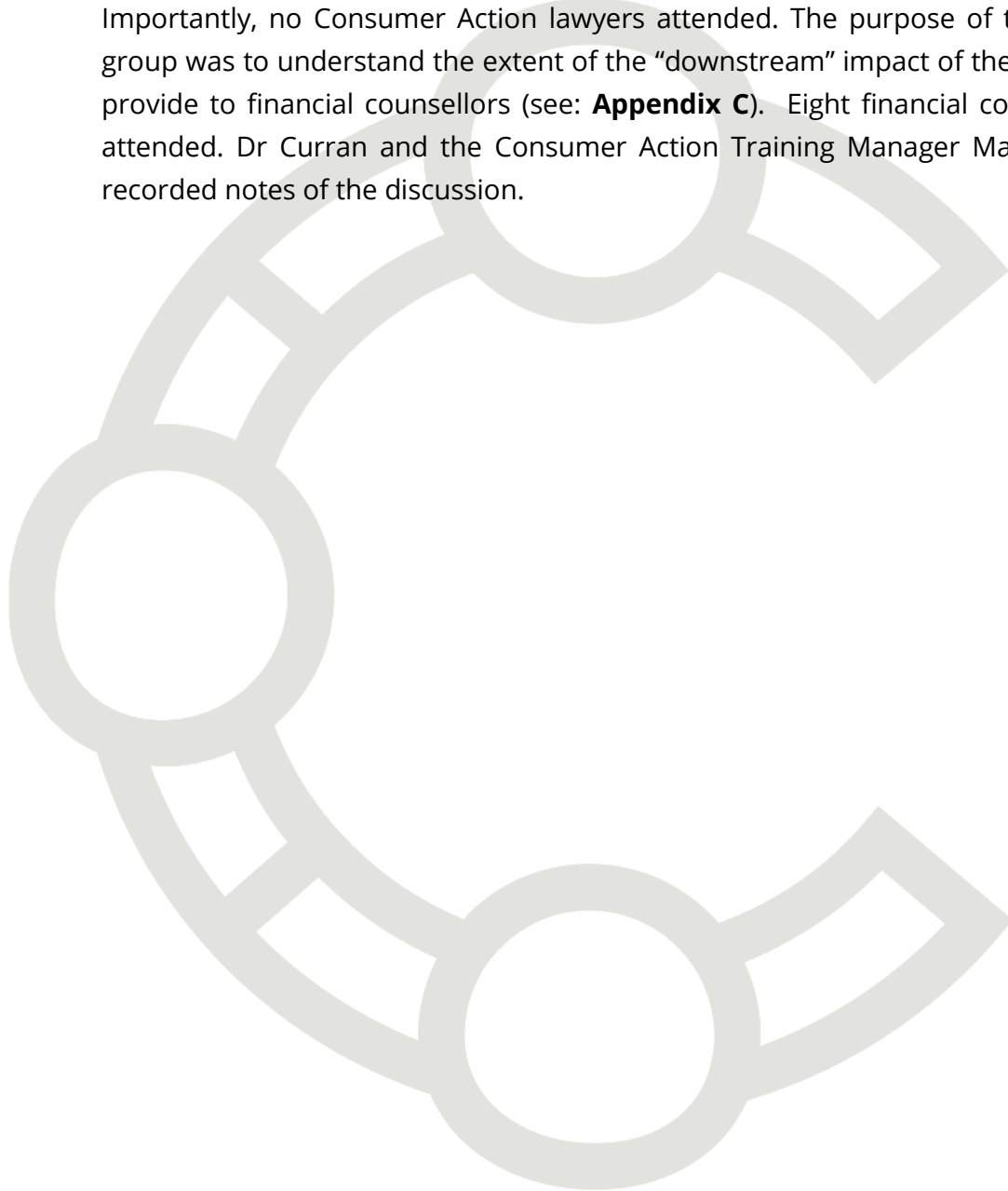
B. Survey of financial counsellors

We created the survey using online survey tool Survey Monkey. The purpose of the survey was to assess, among other things, the quality and effectiveness of the LSCs we provide to financial counsellors. Relevantly, the survey asked respondents to agree or disagree with 14 positive statements about our LSCs (see: **Appendix B**). The survey was promoted through the peak body for financial

counselling in Victoria, the Financial and Consumer Rights Council. We received 50 completed surveys.

C. Focus group with financial counsellors

Dr Liz Curran, who is currently seconded to Consumer Action on a part-time basis from the Australian National University, facilitated a focus group on 6 May 2016. Importantly, no Consumer Action lawyers attended. The purpose of the focus group was to understand the extent of the “downstream” impact of the LSCs we provide to financial counsellors (see: **Appendix C**). Eight financial counsellors attended. Dr Curran and the Consumer Action Training Manager Marie Baird recorded notes of the discussion.



Results and action

These evaluation activities resulted in quantitative and qualitative findings.

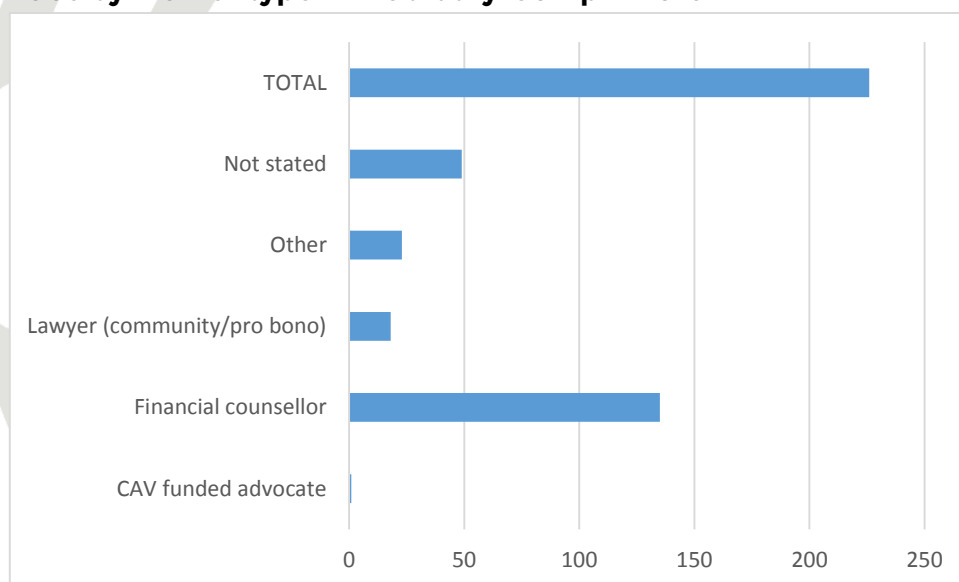
Quantitative findings

Our quantitative findings include the number and type of workers we assist with LSCs, and the level of service we provide to those workers.

In the three months to 30 April 2016, our lawyers provided 226 LSCs. This is roughly equivalent to three or four LSCs each day.

The main recipients of LSCs (76%) were financial counsellors, followed by other non-legal workers (14%) and community lawyers (10%).

Chart 1: LSCs by worker type - 1 February-30 April 2016



Most of the 226 LSCs we provided (81%) involved our lawyers giving advice to the worker, either on a one-off or ongoing basis. This indicates that most workers are contacting us about matters that fall within our area of expertise.

Over the same period, our lawyers referred 7 cases from the worker advice service to our case intake process. And we opened 4 casework files as a result.

Table 1: LSCs by assistance type - 1 February-30 April 2016

Service level	Number	Percentage
Information	37	16%
Advice	121	54%
Extended advice	61	27%
Litigation file*	4	2%
No action	3	1%
TOTAL	226	100.0%

These numbers suggest that most workers who seek LSCs understand the scope of the worker advice service and access it appropriately. They also indicate the extent to which our worker advice service is integrated with our strategic casework and litigation practice.

Qualitative results

Our survey and focus group generated mostly positive findings about our LSCs and their value to financial counsellors.

A majority of financial counsellors (ranging from 64.5% to 93.6%) agreed with each of the propositions in the survey, indicating that they experience our LSCs as timely, accurate, understandable and affirming.

In the focus group, financial counsellors described the positive effects of LSCs on their skills and confidence as practitioners:

"[LSC's] increase my knowledge and give me the confidence to take things further for the client."

"When the situation is different or I just want an affirmation I can just check in with the lawyer... It builds my skill and my confidence. I feel less stressed knowing the lawyer is in the background as and when I need them."

"I work on my own so I don't have the same networks as the others and so I really rely on Consumer Action [LSCs] to help my clients and give me the skills and knowledge I need to be more effective when it comes to legal issues and navigating things legal."

The highest rate of agreement (94%) occurred in relation to propositions that financial counsellors understand and value the advice we provide through LSCs. Financial counsellors in the focus group also agreed:

"I always get good advice from Consumer Action."

"When things are technical you can get advice and sometimes act... It's immediate and useful."

"Quick, easy, responsive and goes along way. We are busy and have big caseloads and it just helps and is so invaluable."

Some of the financial counsellors in the focus group said their continued involvement with a client can be important:

"Sometimes you are the one with the continuing relationship with a client and they trust you. For a range of reasons including stereotypes of lawyers or past experience many clients do not want to see a lawyer, know about a lawyer and so if I can talk to a lawyer and work out what they need to do, their rights and how I can support them it still means they get the help they need..."

"The general perception of lawyers is bad and most of our vulnerable clients are scared of lawyers and so having a support person like an FC or social worker who can liaise with a lawyer through SC can break this and if we need to refer if we know the lawyer or trust the agency the client might be more prepared to see that lawyer but there has to be follow through by the lawyer otherwise it affects our own relationship with the client."

This suggests that, in some cases, an LSC will be the most appropriate form of assistance we can provide.

Importantly, financial counsellors in the focus group said they had achieved good outcomes for their clients after receiving an LSC. For example:

"I had an intellectually disabled client. I was reluctant to break the relationship and so I got guidance from the lawyer, used the fact sheets on the web site and then started to sort the bank out. I could then check in with the lawyer from time to time to get the support I needed. When the bank said that or this I could check in with the lawyer to see if the bank was right and then go back and challenge them."

"I used Consumer Action for a client with rented goods. The client got a \$2000 refund and got to keep the goods and lodged a complaint with ASIC. Consumer Action looked at the contracts. We had training [from Consumer Action lawyers] on what to look

for, too... I rang Consumer Action and they got involved and I lodged a complaint... Consumer Action enabled all this."

They also provided evidence of the "downstream" impact of LSC:

"One [LSC] is often applicable to other clients and so I find I use it time and time again."

"One short [LSC] can actually go a long way. You may talk for five minutes but that five minutes with a lawyer might help tens or even more clients."

"I've told about six FCs since about [the advice I received] and so now they all know. I then shared the knowledge at a network meeting..."

"Sometimes the sort of [predatory conduct] comes in waves, like the other week. And so you know not just it's not right for one client after the [LSC] but for the others."

However, there was consensus among the focus group that we should be more proactive in engaging financial counsellors in our policy and campaigns work. This appears to be motivated by a strong desire to contribute:

"[You] need to communicate more with us on the areas you are working on... I would love to get involved." [All participants nodded.]

"Often we don't know what Consumer Action is up to... Like, just now on [Consumer Action current campaign on] the Junk Insurance stuff. Now I'll be able to look out for it."

"I'd love to get more into systemic stuff."

"Often we are isolated and this work on systemic stuff would empower us."

"It's very frustrating when you see stuff happen to clients time and time again... We could work in collaboration to stop stuff."

In line with our commitment to reflection and improvement, we will share all the findings from this evaluation with our lawyers.

In addition, we are developing a communication plan and lawyer training that will facilitate better integration of our worker advice service and policy and campaigns activities.

Limitations

We recognise the limitations of the methods used in this report. For example, our findings rely heavily on the uncorroborated self-report of a small sample of workers who use the worker advice service.

However, there are major obstacles to performing a more rigorous evaluation, including the lack of control group, problems with maintaining contact with hard-to-reach clients and time poor workers, and the limits of our own resources.

Conclusion

This evaluation highlights the extent to which financial counsellors access and value our worker advice service. And while anecdotal, the evidence from focus groups about good client outcomes and the downstream impact of LSCs is positive, and indicates that the service is achieving the first of its objectives.

We are grateful to the financial counsellors who participated in the survey and focus group and will continue to refine our service in response to their feedback.

Future evaluation

Over the next six months, we will hold a second focus group with workers who use the worker advice service.

We will also continue to implement other parts of our quality and evaluation framework, including promoting the service charter, performing file reviews, reviewing call recordings, and monitoring call wait times and abandonment rates. We will also explore other tools for measuring effectiveness.

For more information about this work please contact Tom Willcox or Jillian Williams, Co-Directors Legal Practice on (03) 9670 5088 or dlp@consumeraction.org.au.

Appendix A

Service Charter for the Worker Advice Line

The purpose of Consumer Action Law Centre's worker advice line is to:

- provide legal information and advice to caseworkers, including financial counsellors, community lawyers and other not-for-profit workers in relation to their clients' consumer, credit and debt issues;
- build the capacity and knowledge of community workers to provide assistance to their clients in relation to consumer, credit and debt issues;
- maintain effective referral pathways for disadvantaged, low income or otherwise vulnerable clients requiring legal assistance; and
- provide us with information about the systemic issues impacting low income or otherwise vulnerable clients.

Caseworkers can access the worker advice line service by calling (03) 9629 6300 or emailing advice@consumeraction.org.au. Alternatively, caseworkers can send enquiries by fax to (03) 9629 6898 or post to Level 6, 179 Queen Street, Melbourne VIC 3000.

The following information sets out the standard of service you can expect from us when you contact the worker advice line, how you can help us to assist you, and how you can provide feedback about our performance.

What we can offer

Consumer Action receives funding to provide legal assistance to Victorian consumers and their workers in relation to consumer law and consumer credit law issues. Unfortunately, we're not able to help with legal problems that fall outside our area of expertise, including disputes between individuals, fines/ infringements, business debts and investment disputes.

Through the worker advice line, we may help you by:

- providing information about the law, industry codes and dispute resolution;
- acting as a sounding board for you to test your knowledge and ideas;
- helping you formulate a strategy for assisting your client;
- reviewing client documents, including contracts, demands, default notices, court documents and terms of settlement; and
- where our limited resources allow,
 - drafting or providing you with template documents, including letters, complaints and court documents; and/ or
 - opening a file to represent your client.

Our service commitment

We aim to provide services that are:

1. accessible;
2. practical;
3. expert;
4. responsive; and
5. timely

You can expect that we will:

- maintain multiple contact options, including telephone, email, fax and post;
- respond promptly to your enquiries;
- treat you with courtesy;
- respect your expertise and commitment to helping your client;
- act ethically and professionally;
- provide you with information and advice that is candid, accurate, clear, relevant and practical;
- provide you with clear reasons for our decisions, including the level of assistance we can provide you and your client;
- where we undertake to perform work for you, set realistic timeframes and deliver work within the time we specify, or tell you why we can't;
- where we open a file to represent your client or refer them to another service, talk to you about our respective roles going forward; and
- deliver services in a spirit of partnership.

How you can assist us

To assist us to provide you with the best service possible, we expect that you will:

- tell us how you would like us to assist you and your client;
- tell us about the constraints you are working within, such as where your time, resources or experience dealing with a particular client issue is limited;
- to the extent possible, provide us with complete and accurate information about your client's case and circumstances, including important deadlines;
- provide client documents to us in a timely way;
- ask us any questions you have about our information or advice;
- tell us if you or your client need extra assistance to access our services, an interpreter or information or advice in an alternative format, including in writing;
- tell us if you would like us to update you on your client's case if your client has been referred to us, understanding that for confidentiality reasons our ability to do so is dependant on the client's instructions and the terms of any settlement agreements entered; and
- tell us if your contact details change.

Complaints and feedback

We are committed to continually improving our service and we value your feedback.

If you are unhappy with our service, or you feel you have not been treated in accordance with this service charter, please let us know.

For information about making a complaint or giving feedback, please refer to our complaints and feedback policy, which is available on our website [here](#).



Appendix C

Survey of financial counsellors

The following questions were asked via Survey Monkey.

1. Length of financial counselling experience.
2. If I were to make these statements in relation to Consumer Action how would you respond? (Strongly agree; agree; neutral; disagree; strongly disagree)
 - a. I can confidently refer clients or cases to Consumer Action
 - b. I clearly understand the referral process from me to Consumer Action's legal team and from Consumer Action's legal team to a financial counsellor.
 - c. I clearly understand the advice I am provided with
 - d. The advice I am provided with is practical
 - e. After speaking with the lawyers at Consumer Action, I know what next steps I need to take with the client or to manage the situation
 - f. There is a high level of mutual understanding and trust between myself and the lawyers at Consumer Action
 - g. The lawyers are responsive to my need to be able to support my client as best they can be
 - h. The lawyers advice was provided in a timely fashion in view of the client's circumstances
 - i. The lawyer not only examines the clients' problems but discusses with me any underlying systemic issues that the problem raises which impact on other people like my client
 - j. Where the lawyer did not have expertise or experience to provide a useful secondary consultation, the lawyer clearly explained this and explored other options with me

- k. Where the lawyer considered that a more intensive and technical or considered response was required, the lawyer discussed this with me and we agreed about future management of the case
 - l. I have used the secondary consultation advice received for more than one client.
3. Have you sought a secondary consultation and how frequently?
 4. Tell us some of the issues you have sought a secondary consultation with Consumer Action about?
 5. What, if anything, has a secondary consultation with Consumer Action meant to your practice?
 6. Without the assistance of secondary consultations, what would be the impact on your ability to assist clients?
 7. Please describe the extent to which secondary consultations have reached clients who would not otherwise seen a lawyer or sought legal help?
 8. Do you re-use the information you have received from a secondary consultation for other clients? If so, how often and how many clients?

Appendix D

Focus group with financial counsellors, discussion guide

Facilitated by Dr Liz Curran, ANU Legal Workshop

The focus group involved a guided conversation including the following questions:

1. What, if anything, has the support from Consumer Action Law Centre meant, if anything, in your own experience, to your practice?

Training

2. Have you participated in any training offered by Consumer Action?
 - a. Describe:
 - b. Has this enhanced your ability to assist clients with their non-legal needs? How?
Give an example without identifying any client.
 - c. What factors/tools, help/could help you in make effective referrals?
 - d. What things assist you in making effective referrals?
 - e. Has any of the training offered to you by Consumer Action empowered you to advocate on the clients behalf in a way that you wouldn't have been able to do before such training?
Describe:

Secondary Consultations

3. Secondary consultations are when the lawyer offers you legal advice or information or advice on the legal processes (what happens at court, giving evidence and writing reports), ethics or your professional obligations or guides you through tricky situations. Have you received secondary consultations assistance from the Consumer Action lawyer? Any other lawyer? E.g. another CLC?
4. If so describe the sort of situation without giving away any information that will identify a client.
5. Does your service delivery model enable you to do the follow up work that secondary consultations may require? / to what extent does your service delivery model align with a secondary consultation model—are you able to implement the advice you obtain through a secondary consultation or does your service delivery model restrict you in any way?

6. What has been the value to you of secondary consultations if you have received any?
7. Do you wish to comment whether you believe secondary consultations are an integral part of the collaboration with Consumer Action and the ability of non-legal professionals to advocate for their client on matters with a legal dimension?
8. What, if any, have been the benefits for the client, so far, of having their legal issues responded to in the context of multi-disciplinary practice such as that between your agency and Consumer Action?
9. Does the secondary consultation with the lawyer help you understand and navigate the legal system? Yes/No
10. In what way if it does?
11. Where a client may not be ready to see a lawyer does a secondary consultation provide you with help for the client and build your confidence to provide support and information on legal matters?
12. Prior to Consumer Action offering this secondary consultation support, do you think you would have been able to assist clients in the way that you have? Why? Why not?
13. Do you think that secondary consultations is enabling more client who would not otherwise seek or gain legal help with their problems better access to advice/help/information?
14. Do secondary consultations help you feel better about referring client to Consumer Action? If so How?
15. Does a secondary consultation help you support other clients in addition to those that you have sought the specific secondary consultation for – i.e. is there any downstream benefit for other clients?

Explain

Systemic Problems – collaboration on solutions

16. Through the work with Consumer Action have you collaborated on advocating for systemic reform as a joint action by you, your agency and Consumer Action? E.g. submissions to government or a statutory body, test case, letter arguing for a

change on practice, the law or its administration, document articulating client/patient experience of the system and requesting a change.

17. Does your service delivery model; your organisation; and/or your resources present any challenges to doing systemic advocacy work yourself or with our support?

Describe

18. Do you think this work is valuable?
19. Is it important to take such action, in your view to better support your client

Professional Approaches

20. What are the professional differences in approach you have found in dealing with the legal services in assisting the client?

Have these professional differences in approach been:

- a. Difficult
- b. Resolvable
- c. Reconciled
- d. Managed
- e. Overcome

21. If any of the above in what way?
22. How might inter-professional collaboration for clients' assistance be improved in your view?

Overall

23. What has been the impact on your practice of any training or support you have received from the Consumer Action? E.g. has it changed how you intend to practice or how you practice?

If so in what way?

24. What, if any, have been the benefits for you as this client worker/professional support of having their legal issues responded to in the context of multi-disciplinary practice such as the this E.g. training, support through process, secondary consultation?

25. What, if any, have been the benefits for you in working with this client/or for the client in having a lawyer working with non-legal professional as part of an interdisciplinary approach?

Any further suggestions?

Questions?

