# South Australian Bushfire

# Legal Services

## Review of current practices

Climate and
Sustainability
Policy Research
Group

## Acknowledgments

## For further information

## Climate and Sustainability Policy Research Group

## Suggested citation

# Executive Summary

In the aftermath of a disaster the volume of legal issues faced by a community increases significantly. The provision of effective post-disaster legal services requires an evidence base for service models built on clear documentation and testing of pilot programs. The Climate and Sustainability Policy Research (CASPR) Group was commissioned by the South Australian Attorney General's Department to evaluate the South Australian Bushfire Legal Project, piloted following the bushfires of January 3rd 2020.

## Method

The project used three methods of data collection to evaluation the South Australian Legal Project:

> **Benchmarking:** academic and grey literature was reviewed to determine international best practice for post-disaster service provision.

> **Qualitative interviews:** semi-structured interviews were conducted with project staff and community members about their experiences of the model. Interview transcripts were coded thematically to identify key themes which informed the evaluation.

> **Quantitative analysis:** project stakeholders provided secondary data on the project's activities, participation, client numbers, types of queries and interventions. This data was analysed to generate descriptive statistics about the project's activities and scope.

## Benchmarking

A systematic review of academic and grey literature determined international best practice in post-disaster legal service provision across four key areas:

> **Community and client engagement:** research found that effective engagement with disaster affected communities can be facilitated through working with trusted on-the-ground organisations who can vouch for unfamiliar service providers, outreach activities and tailoring services and materials to suit the community. Where services fail to reach particular communities, delivery should be revised to better serve these under-served groups.

> **Collaborative practice:** identifying and working with existing services, organisations and resources is important to better engage the community and deliver broader and holistic services within budgetary restrictions. Research notes the importance of respecting partners' expertise and allowing grass-roots organisations to lead initiatives and be involved in planning.

> **Effective planning and resource allocation:** literature indicates that effective program planning that assesses an organisation's resources and capacity, develops services before disasters occur to target the overlap between this capacity and community need, maps the target community to develop an understanding of community complexity and tailors staff and volunteer training to reflect this understanding enhances program effectiveness.

> **Services provided and mode of delivery:** previous disaster response efforts have found that best practice for service delivery includes taking a trauma-informed approach and developing services that able to be delivered remotely and flexibly, and access should be simplified to ease client use. Previous initiatives suggest that key legal needs post-disaster will include insurance, tenancy issues, document replacement, advocacy, accessing government relief and early legal advice on smaller community issues.

Best practice requires that how each of these elements are enacted varies across the disaster lifecycle.

## Findings

Semi-structured interviews with project staff and community members provided key insights into the achievements, challenges and suggested future improvements to the model trialled.

### Achievements

> **Community engagement:** the Legal Project's most commonly noted achievement was the effective engagement of the community. In particular, outreach activities and commitment to community integration was applauded.

> **Service collaboration:** interview participants highlighted that the project staff collaborated effectively with services and resources both within the community and from the project team's professional networks. This meant

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that the project was able to provide clients with holistic services and knowledge on areas outside of the team's expertise. Collaboration also improved client engagement and capacity to service the community.

> **Building trust and rapport:** trust was repeatedly mentioned as a requirement for successful service provision in a rural community, with many participants sharing that gaining the trust of community members was integral to the model's success.

> **Staffing characteristics:** the success of the model was attributed to particular characteristics of the project staff who were flexible, adaptable and relatable to the community. Community respondents in particular emphasised the need for projects to send 'the right person' to do the job.

> **Specific services/materials:** some services and materials were highlighted as examples of effective initiatives. These included an explanatory flowchart for native vegetation law, fire-proof satchels for important documents, and a telephone hotline.

**Challenges**

> **Timing:** almost all respondents stated that the legal project arrived far later than desired post-disaster. This opened survivors up to legal vulnerabilities as they lacked appropriate early counsel when navigating insurance issues and predatory class action lawyers.

> **Logistics:** practical elements of providing services in disaster affected regions, such as transport and accommodation limitations, were noted as obstacles to service delivery. Project staff also highlighted the challenge of delivering a service to a community they had no pre-existing relationship with, requiring additional community outreach and trust building to ensure the program's effectiveness.

> **Scope:** the limitation of the project services to particular geographical areas prevented some affected businesses and community members from accessing needed help and information to facilitate future disaster preparedness. The project duration was also seen to be too short to adequately support the community during disaster recovery.

**Suggested improvements**

> **Earlier deployment:** respondents indicated that the legal project needed to be operational in the community as close to the disaster event as possible.

> **Extended project duration:** disaster recovery and legal issues were estimated to continue beyond the project's end date. Participants noted that the two-year timeframe should be extended in future projects, with a preference for locally based outreach services in rural communities.

> **Staff continuity:** Given the community's emphasis on trust and relationships, extending an already trusted project team's engagement was preferable to bringing in new staff or projects.

> **Community engagement:** it was suggested that continued engagement with the community after recovery would ensure the good work done by the project team to build trust and rapport would not dissipate prior to the next disaster. Respondents suggested that this was needed to maintain community relationships as well as building disaster preparedness.

> **Extended project scope:** respondents recommended that future projects should include the entire community, rather than limiting service access to those in the immediate 'fire scar'. They also suggested that community education around preventative measures could be extended to include other disaster types.

Specific recommendations are provided within the report addressing these challenges and suggested improvements.

# Contents

# Introduction

This report delivers an overview of the achievements, challenges and areas for improvement identified in the review undertaken.

# Introduction

The Attorney's General Department (South Australia) commissioned the Climate and Sustainability Policy Research (CASPR) group to undertake an evaluation of a trial legal services delivery project piloted from 2020-2021 in August 2021. This report delivers an overview of the achievements, challenges and areas for improvement identified in the review undertaken.



The evaluation included a comprehensive review of post-disaster service delivery, the identification of international best practice in post-disaster service provision, the review of outputs and data collected during the project and interviews with project stakeholders.

Recommendations are included to assist the project team in making improvements to future post-disaster legal service provision, and in meeting international best practice for post-disaster legal services.

# Background

From 1 November 2019 onwards, the Australian and SA governments made a wide range of disaster recovery funding available for individuals, non-profits and businesses financially impacted by the bushfires. This report reviews one of the disaster recovery projects funded during this time - the South Australia Bushfire Legal Services Project.

# Background

Catastrophic fire conditions were forecast across South Australia for 20 November 2019 and the Country Fire Service (CFS) declared a state-wide total fire ban. A fire endangered Yorketown on the Yorke Peninsula that day. A wind change then moved the fire hazardously close to the township of Edithburgh. The fire devastated seven homes and burned more than 5,000 hectares (ha).

Perilous fire weather conditions continued from spring into summer. In December, strong winds, low humidity and high temperatures again combined to create hazardous bushfire conditions, including some areas with catastrophic fire danger ratings. Nearly all of SA recorded its highest ever accumulated forest fire danger index for December.

On 20 December, catastrophic fire conditions were forecast as the state sweltered through its fourth day of extreme heat.



More than 200 bushfires burned across the state that day, including a major fire at Cudlee Creek in the Adelaide Hills that grew rapidly, endangering the townships of Mount Pleasant, Springton, Palmer, Cudlee Creek, Mount Torrens, Harrogate, Inglewood, Gumeracha, Lobethal and Woodside.

Over the next few days, the fire burned 23,000 ha before being controlled. An elderly man died in his home and 98 homes were destroyed as well as over 540 outbuildings and 325 vehicles. More than 40,000 ha were burned by fires that started that day.

Kangaroo Island faced multiple dry lightning strikes on 20 December, igniting fires that took 11 days to contain. Firefighting aircraft were utilised to assist firefighters combating the blazes. The island's fire crews were still fighting these fires when more lightning strikes initiated several more fires that combined to create the Ravine fire complex on 30 December. This fire burned through isolated parts of a wilderness park in the north-west of the island before strong northerly winds on 3 January caused the fire to extend to the island's south coast before a wind change pushed it east.

The Kangaroo Island fires burned 211,474 ha including one of SA's most important ecological sites, Flinders Chase National Park. The fires on Kangaroo Island killed two people, destroyed 87 homes and damaged hundreds of other buildings. The bushfires that burned through Kangaroo Island from 3 January 2020 were the largest in the island's history and the catastrophic impact for people, homes, nature, tourism and businesses is hard to over-state. The fires burned most of the western end of the island, including 96 per cent of Flinders Chase National Park.

From 1 November 2019 onwards, the Australian and SA governments made a wide range of disaster recovery funding available for individuals, non-profits and businesses financially impacted by the bushfires. Eleven local government areas were listed as eligible for assistance measures that included personal hardship and distress assistance, personal and financial counselling, counter disaster operations, reconstruction of essential public assets, and concessional interest rate loans for small businesses, primary producers and non-profit organisations.

This report reviews one of the disaster recovery projects funded during this time - the South Australia Bushfire Legal Services Project. The project was initiated in recognition of the often significant needs that emerge in communities post-disaster.

# Benchmarking

We reviewed existing literature to determine international best practice in post-disaster legal response

# Benchmarking

A review of relevant academic and grey literature was conducted to determine international best practice in post-disaster legal services (see Method section for discussion of the search protocol). By constructing a framework elaborating the characteristics and measures of international best practice, it enables measurement, comparison and evaluation of current practices.

A benchmarking process provides a low-resource approach to current policy and practice, as compared with more in-depth evaluation exercises. Due to a lower impost on time, resources and data, our benchmarking approach avoids the substantial impediments that can arise when evaluating the success of current projects, programs and policies.

In this section we outline the key benchmarks of best practice uncovered by the literature review. This is the criteria against which the South Australian Bushfire Legal Project was evaluated. We also highlight some key proposals for improvements to post-disaster service provision that might inform future developments for legal service provision.

## International best practice

Our review identified that international best practice in post-disaster service delivery is shaped by three interlocking elements.

Firstly, there are five key elements of international best practice in this area. These are: (1) community and client engagement, (2) collaborative practice, (3) context awareness, (4) effective planning and resource allocation, and (5) services provided and mode of delivery.

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Secondly, these are underpinned by four characteristics of the service being delivered. These are (1) trauma informed, (2) community embedded, (3) community co-designed, and (4) culturally competent.

Thirdly, to reflect international best practice, the service delivery must be informed by the disaster lifecycle, and reflect this in the tailoring of the delivery of services across the lifecycle – prevention, preparedness, response and recovery.



# International best practice benchmark: Provision of post-disaster services

**Program design**

- Community engagement
- Client engagement
- Collaborative practice
- Context awareness
- Effective resource allocation and planning
- Relevant services and flexible delivery

**Program delivery**

- Cultural competency
- Trauma informed
- Community embedded
- Community co-design
- Community fit
- Context awareness
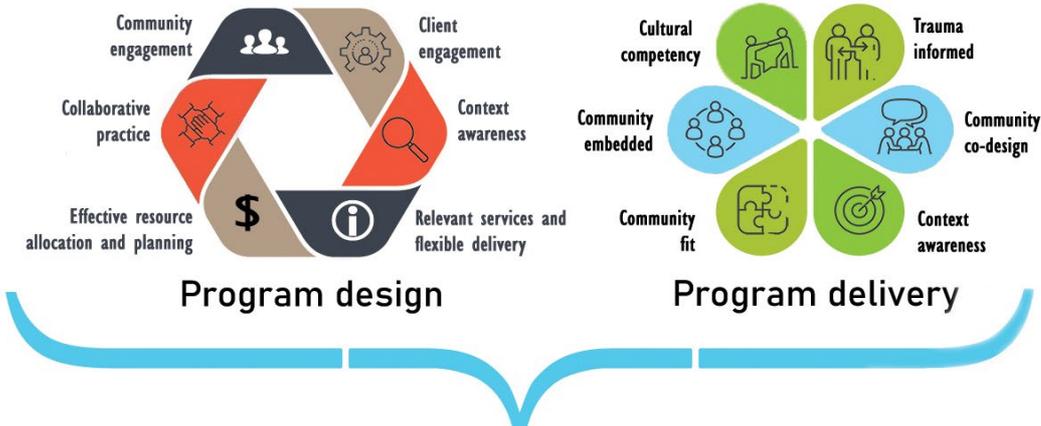
## Disaster Life Cycle

| PREVENTION | PREPAREDNESS | RESPONSE | RECOVERY |
|---|---|---|---|
| Scoping of community need | Mapping the local community | On ground integration with response services | On ground, face to face service delivery |
| Build community relationships | Engaging marginalised populations | Central location | Consistent presence |
| Build collaborative service relationships | Strategic outreach | Trauma informed intake | Community engagement and visibility |
| Context specific research and education | Context specific strategic workshops and interventions | Face to face services | Warm referral pathways at hand |
| | Legal preparation services eg. wills and insurance consultations | Outreach in hard to reach populations or locations | Critical resources at hand |
| | | Dispute resolution and mediation | |

## Community and client engagement

Engagement with affected communities and potential clients is crucial to the effectiveness of any post-disaster service provision. The literature flags lack of existing community relationships, community mistrust of providers and inclusivity of service delivery as potential barriers to the effectiveness of service provision (Baker et al 2019; Fairbrother & Tyler 2018; Gissing et al 2020; Williams & Shepherd 2016; Wu et al 2017). Several aspects of service provision were flagged as indicative of best practice, most likely to overcome these barriers.

In an ideal situation, community engagement is a 'longer-term project', and post-disaster service providers will have built up relationships with the community prior to any crisis occurring to establish trust, networks and cultural competence (Fairbrother & Tyler 2018; Garcia 2021; Maligno & Rajotte 2019). In the absence of established relationships, services worked collaboratively with services and community groups already embedded in the community who had the trust and community engagement needed to effectively reach people impacted by disaster. This allowed providers to gain access to the community more quickly, as they had trusted partners to vouch for them, and also provided important community context around key issues, tensions in the community and pre-existing inequality that might impact on post-disaster service provision (Maligno & Rajotte 2019). Similarly, Williams & Shepherd (2016, 2018) recommend viewing client relationships as a long-term investment and recognising that survivors have expertise in the experiences of their disaster-affected community and may be best placed to engage with fellow survivors and build the community reputation and outreach of a service by spreading the word.

Post-disaster services embrace a range of community outreach activities to engage the community and potential clients. These include town meetings held throughout affected regions, 'know your rights' workshops, Q&A events, drop-in sessions, and cross-platform advertising (Baker 2019; McKechnie 2019; Schwarz 2020). The aim of these initial outreach initiatives is generally to let community members know that services are available and how to access them, encourage potential clients to see what kinds of legal issues might be addressed, and create a dialogue with the community so that providers can learn what concerns and issues are considered most important by the community. Some services reported amending existing intake forms to specifically ask clients who presented for other (non-disaster) issues if they were disaster survivors. Those who responded affirmatively were offered a separate appointment to discuss disaster-related needs.

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It is also important the services are tailored to suit the target community. In post-disaster areas this includes embracing a trauma-informed approach and making sure all materials are accessible to the community (e.g. translated, captioned where needed, delivered appropriately through preferred mediums). The literature highlights the need to engage in broad and empathetic conversations with clients, being careful to avoid re-traumatising disaster survivors by taking things slowly and accepting as much information as you can get at the time (rather than pushing for all required information initially) (Schwarz 2020). Services need to be flexible, understanding that some people may forget important details, or be unaware that they are eligible for certain forms of relief or legal recourse (Baker et al 2019). If it becomes apparent that certain cohorts or communities are not being reached, practices need to be adapted to better engage with them – for instance, by involving members of the community in planning discussion to facilitate service engagement.

Effective community engagement was also aided by collaborative practice, appropriate preparation and tailoring service use around affected communities, as discussed further below.

## Collaborative practice

Identifying potential partners and existing resources to facilitate collaborative working was another key element of best practice disaster response. As identified above, for those service providers who do not have established relationships in the community, working with other service providers and grassroots organisations in the community can be an effective way to engage the community (Chong et al. 2019; Williams & Shepherd 2016). The literature also highlights barriers to service provision around resourcing and logistical elements of working in disaster-affected regions that can be addressed somewhat through collaborative practice. For instance, collaboration offers a pathway for service

providers to fill knowledge gaps and connect clients with needed services outside of their scope, without stretching budgets to attempt to meet these in-house (Williams & Shepherd 2016, 2018). In some instances, this might include facilitating contributions from law practitioners outside the jurisdiction to bolster resources (there is a precedent for courts granting limited practicing privileges in disaster circumstances), looking for opportunities to partner with organisations who facilitate networks rather than provide services themselves, and creating opportunities for networking in the field with conferences or other communicative engagement with other practitioners (Baker et al. 2019; Chong et al. 2019; Fairbrother & Tyler 2018; Maligno & Rajotte 2019; Ortiz-Ortiz & Penkoff 2019). Establishing working relationships that extend to space and office sharing can also be highly useful where infrastructure is limited or impacted by the disaster.

Partnering with law schools can also be a good option for legal organisations providing post-disaster services. Law schools may already have connections with partners and other agencies, which allows service providers access to these networks through collaboration (Baker et al. 2019). Law students can also be an excellent source of free labour, while receiving an invaluable educational experience, and can help to enhance a service's capacity and impact with minimal resources. Several US-based legal clinic initiatives have used such collaborations to staff recovery centres and field clinics, provide research, remote advice and counsel, and assist with applications or appeals for benefits, noting that students can often do these things under supervision (Baker et al 2019; VanSingel 2019).

In terms of best practice, the literature outlines several considerations for services looking to work collaboratively in their disaster response. This includes respectful engagement with local partners, for instance in inviting them to contribute to response planning, letting them lead initiatives and listening to their expertise in identifying local needs and accessing local

knowledge, skills, and experience (Baker et al. 2019; Chong et al. 2019; Fairbrother & Tyler 2018; Maligno & Rajotte 2019). The literature also notes that local businesses can be overlooked as partners, but have much to offer services operating in disaster affected areas and should be invited to collaborations (Chong et al. 2019; Gissing et al. 2019). Baker et al. (2019) caution the need to be patient with on the ground partners who may have been affected by the disaster themselves. To best embrace a holistic approach to service provision, legal services should also be familiar with local organisations, community groups, health providers and others who may meet the needs of clients during disaster times (Baker et al. 2019; Gissing et al. 2019; Maligno & Rajotte 2019).

As with community engagement, establishing partnerships ahead of time and creating pipelines for referrals and field clinics can enhance the outcomes of a post-disaster initiative.

## Effective planning and resource allocation

Research emphasises the importance of effective planning and resource allocation in the deployment of useful post-disaster services. Limited resourcing was a key barrier to post-disaster service provision identified by previous efforts (Baker et al. 2019; Gissing et al 2020). With this in mind, effective planning for post-disaster legal services should include an assessment of the organisation's capacity, resources and key competencies. This allows organisations to identify which of their skills might address unmet client needs, and focus limited resources accordingly. An early assessment of resources and capacity also allows legal organisations to tailor their services around what can feasibly be delivered, for instance placing more emphasis on community education to support clients' capacity to advocate for themselves when funding limits provider ability to deliver long-term advocacy (Schwarz 2020).

The literature also emphasised the importance of building understanding of community context into planning and preparation efforts, and using this knowledge to tailor the services provided. For instance, mapping the target community to understand diversity and complexity that may impact on experience of disaster, as well as key demographics, division or community cohesion can provide important information on what and how services should be delivered (Fairbrother & Tyler 2017; Ortiz-Ortiz & Penkoff 2019). Staff and volunteer training that facilitates an understanding of the community context and culturally safe practice, post-disaster service delivery needs including the impact of social inequality on disaster experiences, and specific legal issues of relevance then ensure that this knowledge filters into service delivery (Chong et

al. 2019; Hale et al 2021; McKechnie 2018). In the long term, obtaining formal disaster preparedness accreditation can bolster an organisation's capacity to plan for, and respond to, disasters (Gribble 2017).

When it comes to planning particular disaster-related services, literature suggests that some programs (such as dispute resolution programs) are most helpful when ready to deploy as soon as disaster occurs (McKechnie 2018). This means that, ideally, post-disaster legal services will plan and refresh their programs prior to any new disaster taking place. Such preparations might include using data analytics to assess previous efforts to learn from the successes, challenges and most common legal issues in previous disasters to inform development of future services. Service planning should also consider the logistical elements of delivery, for instance planning to ensure client files will be securely stored, clients will remain contactable and what courses of action will be taken if the service is impacted by the disaster (Baket et al. 2019; Gribble 2017).

Looking to the future, research recommends that recovery projects include some planning around how disaster resilience might be improved in future, bearing in mind the potential for compound disasters and climate change to worsen future impacts (Maligno & Rajotte 2019; Schroeder 2019; Schwarz 2021). Effective future planning can be facilitated through the rigorous collection of data, for instance relating to outcomes, community engagement, settlements and time taken to achieve resolution (McKechnie 2018; Ortiz-Ortiz & Penkoff 2019). Chong et al. (2019) note the tendency for preparation and warning efforts to focus on individuals and family units, and instead recommend that future preparation prioritise community responsibility (e.g. 'know your neighbours plan') to bolster resilience.

The need for more resources to be dedicated to disaster preparation and response was also noted, for instance Hale et al. (2021) recommend that baseline funding and resources be allocated to vulnerable communities prior to disaster in order to limit

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the impact of disaster on access to justice for communities who are already marginalised.

## Services and mode of provision

Finally, particular services and modes of service provision were highlighted as most effective for meeting clients' needs post-disaster. The literature generally agreed that best practice services take a trauma informed approach and are tailored to engage disaster survivors, for instance offering telephone 'fast lane' services for disaster survivors and dedicated outreach and disaster clinic services specifically tailored around survivors' needs (Maligno & Rajotte 2019; VanSingel 2019)). Post-disaster legal needs most commonly identified by existing research include advocacy, assistance with insurance, help with accessing government relief, tenancy issues, document replacement, and early legal advice on contracts and small legal issues to prevent these worsening over time (Baker et al. 2019; Chong et al. 2019).

Simplifying access by offering a single port of call to obtain holistic assistance was found to ease clients' engagement with services post-disaster. For instance, the Victorian Black Saturday bushfire response included establishing the "Bushfire Legal Help" (BLH) – a single entity comprised of peak legal bodies who worked collaboratively to deliver free legal services (McKechnie 2018). Likewise, Hansen (2020) found that pairing a legal practitioner with a particular family to conduct an inventory of post-disaster needs and act as a 'facilitator' of all post-disaster services a useful model of service delivery. For situations where the affected community has access to technology, online options such as websites, phone apps, and online enquiry forms can directly and efficiently connect clients with the information and services they need (Ortiz-Ortiz & Penkoff 2019). Technology might also be used by providers to improve service provision, for instance using iPads and laptops to enable legal practitioners to assist clients wherever they are located (Ortiz-Ortiz & Penkoff 2019).

Remote service provision is also particularly useful in engaging harder to reach communities. For instance, mobile or pop-up clinics have been shown to be effective ways to engage communities who might be unable to otherwise access legal services. This includes regional, rural or remote communities and those who are otherwise unable to travel to fixed-location services or have limited access to technology (Hale et al 2021; Hubbard et al 2019). Where there is mistrust of the legal system, enabling face-to-face delivery of materials and service provision in a safe environment can create more interest and positive association with legal services (Hubbard et al 2019).

Modes of service delivery should draw on the best practice recommendations discussed earlier around collaboration and trauma-informed practice. For instance, providers assisting with insurance matters must work flexibly and advocate for clients when itemisation is not possible, finding other ways to show the extent of loss and working sensitively to avoid re-traumatising survivors (Baker et al. 2019; Schwarz 2020). Advocacy services represent another key area where legal services might benefit from collaboration with law schools and students, who are able to offer advocacy services and research to broaden a service's capacity to advise and support clients (Baker et al. 2019; Hansen 2020).

This review provided a clear set of principles that underpin international best practice in the provision of post-disaster services, including legal services. This benchmark will be used to evaluate the South Australian Bushfire Legal Services project and its achievements.

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# Method

The South Australian Bushfire Legal Project evaluation draws on multiple data sources to inform its analysis. Our methodological approach had three components: literature review to determine international best practice, qualitative interviews and review of feedback, and quantitative analysis of secondary data.

# Method

The South Australian Bushfire Legal Project evaluation draws on multiple data sources to inform its analysis, in addition to a review of the program logic. Our methodological approach had three components:

> Literature review to determine international best practice

> Qualitative interviews and review of feedback

> Quantitative analysis of secondary data.

These components are outlined in greater detail below.

## Literature review

The evaluation was informed by a systematic review of relevant literature to determine international best practice. Academic articles, books and grey literature were sourced through six targeted searches using google scholar (see Appendix 1 for the search protocols), initially returning 434 sources. Duplicates and irrelevant sources were excluded. A further two sources were behind a paywall and were unable to be accessed, resulting in a total of 30 relevant sources included in the sample for review. Sources were analysed to identify key themes around best practice for post-disaster legal service provision internationally.

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## Qualitative interviews

To inform our understanding of the South Australian Bushfire Legal Project and the outcomes of the program logic, semi-structured interviews were conducted with service providers and community members about their experiences of the model. A total of ten interviews were conducted. Interview themes included questions around what worked, project limitations and potential improvements to the model. Interviews were conducted virtually, over Microsoft Teams and Zoom, audio recorded, and transcribed verbatim. Transcripts were coded in NVivo using a framework approach to identify the key themes which informed our evaluation.



## Quantitative analysis

We conducted quantitative analysis of secondary data supplied by project stakeholders. This data included reporting of the Legal Project's activities, participation, client numbers, types of queries and interventions. This informed our understanding of the project's activities and scope.

The methodological approach designed and undertaken for this evaluation ensures a broad and detailed review of relevant data triangulated between a number of sources. This ensures methodological rigour and reliability of the research outcomes.

# Analysis

An evaluation of the project's process, outputs and outcomes demonstrates current areas in which international best practice is met, but also a number of areas where attention to improvements is needed.
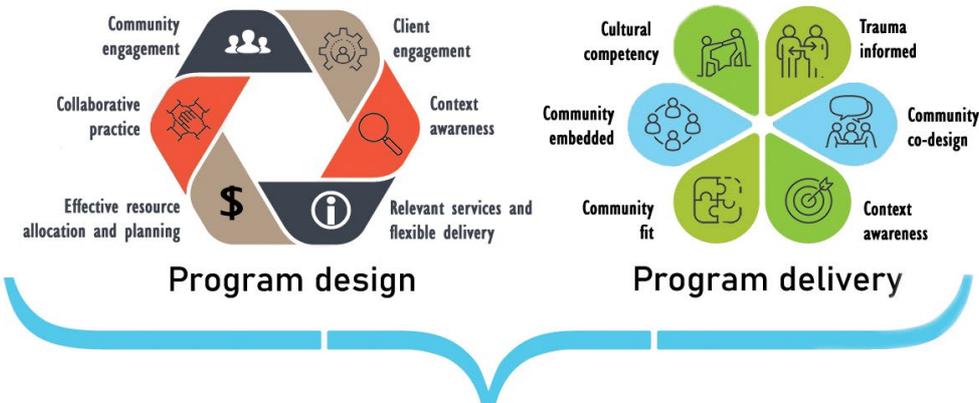
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## International best practice benchmark: Provision of post-disaster services

### Program design
- Community engagement
- Client engagement
- Collaborative practice
- Context awareness
- Effective resource allocation and planning
- Relevant services and flexible delivery

### Program delivery
- Cultural competency
- Trauma informed
- Community embedded
- Community co-design
- Community fit
- Context awareness

### Disaster Life Cycle

**PREVENTION**
- Scoping of community need
- Build community relationships
- Build collaborative service relationships
- Context specific research and education

**PREPAREDNESS**
- Mapping the local community
- Engaging marginalised populations
- Strategic outreach
- Context specific strategic workshops and interventions
- Legal preparation services eg. wills and insurance consultations

**RESPONSE**
- On ground integration with response services
- Central location
- Trauma informed intake
- Face to face services
- Outreach in hard to reach populations or locations
- Dispute resolution and mediation

**RECOVERY**
- On ground, face to face service delivery
- Consistent presence
- Community engagement and visibility
- Warm referral pathways at hand
- Critical resources at hand

## What worked well

Data collected highlighted five key elements of the program that worked particularly well. In descending order of importance these were: (1) community engagement, (2) service collaboration, (3) building trust and rapport, (4) staffing characteristics, and (5) specific services or materials.

## Community engagement

All interview respondents highlighted the commitment to community engagement as a key contributor to the program's success. The project team's "boots on the ground" approach to engaging the community in conversations about what issues were important and the services that were available was highly commended as best practice in the rural community context:

> *…in rural communities not everyone has access to the paper, to internet, so how will they actually find out you're there? It's by you driving around, having conversations… so I think that's why it's been so well received. (P3)*

> *They've really worked with the community so they're asking the questions. They're delving into the issues… a great example recently was the clearance of native vegetation. That came about no doubt from community conversations so being on the ground, working with community, listening to their voices and their concerns … (P6)*

Respondents described some key engagement tactics that they considered to be particularly effective. For instance, the project team were physically present in a community hub that was accessible to most in the fire-affected region, and their visits to the island were scheduled (and moved to accommodate community events) so residents came to know when to expect them. Team members also made home visits where needed, accompanied other service providers on outreach trips and provided online communication, phone advice lines and 'roadshow' tours presenting information on key issues. This flexible and multi-pronged approach to community engagement was seen to be highly effective at connecting with a wide range of groups within the community and integral to the success of the project.



## Service collaboration

Service collaboration was an area in which the project excelled. This contributed to the success of the project in a few ways. Firstly, building good working relationships with other services in the area provided the project team with more

opportunities to connect with potential clients. One respondent from a partnering service explained:

> many of our farmers didn't leave their properties for many, many months, they wouldn't leave, they didn't want to be asked about anything, they wouldn't leave but they needed support and help...we'd strategically plan Outreach to have [Project Officer] in the car to go out to start that legal conversation and then low and behold a couple of weeks later he actually rocks up to the centre to have a meeting with [Project Officer]. (P1)

These partnerships were seen as highly valuable to the project team:

> the link up between us and the recovery centres worked really really well... They were able to refer clients to me straight away if I was there on a Monday and they could basically say "Have a chat to [Project Officer]" and I could have a chat with a client and give that advice basically on the spot. (P2)

The project team's collaborative approach, which saw them bringing in experts to effectively fill knowledge gaps and ensure the community was getting the information they needed, without exhausting project resources:

> [it's] a very collaborative working model. [Project Officer] collaborates with everybody. (P6)

> If [Project Officer] didn't know or wasn't able to provide a particular service [Project Officer] actually engaged other lawyers for these people who could continue on the good work. (P10)

> They've worked with us on a discrete area instead of trying to run the rest of the services thin. (P5)

Again community engagement and knowledge was seen to be an important foundation for facilitating effective service collaboration:



> we were dealing with someone [with health issue] owns property and we were concerned there was... another third party who was trying to exert undue influence...[Project Officer] understood what was going on [and knew what to do]... it was from a legal perspective but [Project Officer] actually also understood how the community works and knew the key people

*to bring in and made sure that… the right people were linked in where they needed*
*to be … I was really impressed. (P8)*

## Building trust and rapport

Reputation and community acceptance of the project team was seen as crucial to success. Most respondents made a point of stressing the importance of building trust and rapport, especially in regional and rural contexts:

*I can tell people until I'm blue in the face, "We've got this great lawyer, we've got a great legal service, they're really well connected", they go, "Oh yeah that's alright", but when their neighbour tells them, "No, no, I went and saw [Project Officer that], was really good" boom, and they go, "I hear there's this [Project Officer] there that I want to catch".  That's just the way the jungle drum works… so it's building that trust and being a real person particularly in rural communities that's what resonates. (P1)*

The interviews uncovered some key tactics that helped the project team to build rapport in the community. One service provider talked about highlighting the personal characteristics of the project team as a means of endearing them community. As discussed earlier, physical presence was important and project officers made a point of making themselves visible in the community and available for both service provision and general conversation with residents. They delivered on any promises made which earned them a reputation for being good for their word. Building relationships with other esteemed service providers in the community also meant that the project team could be 'vouched for' by those who already had the community's trust.

Finally, the decision to consistently send the same person to the region to deliver services was seen to be both a departure from usual service provision approaches and a key facilitator of building trust and delivering effective services. Respondents indicated that this reliable presence allowed clients to develop a relationship with their legal service provider and, importantly, meant that clients were not re-traumatised by having to recount their traumatic experiences to a new service provider every time they had an appointment.

According to respondents, the project was very successful in this regard with the project team in particular now "highly regarded and respected by everybody" (P9):

*Definitely the trust level has increased and people may not actually remember the project name but they just remember [Project Officer]'s name. (P4)*

*I was very surprised at how often [Project Officer] was greeted by others in the street by name, "Hello", engaged in conversation...I know that that would not have come naturally or easily in the community. (p5)*

*most people won't talk to me about their legal situation and the problems. They'll go to [Project Officer] for that. They feel comfortable... I think they've really done a great job at connecting with the people, connecting with community, working in with the community, building up that rapport and trust. (P6)*

Some respondents indicated that having the project team fly in from elsewhere was actually a facilitator of trust as they were seen to be politically neutral and therefore able to be trusted by 'everyone' in a community that reported some political division.



The project team also described the way they shaped service delivery to reflect the importance of trust in the community. For instance, one project officer described providing warm referrals to other services in such a way that clients were more likely to think of them as 'trusted' services:

*rather than just saying, "I've heard about this service, I'll flick you there" saying "I'm going to refer you to this service, I recommend that you speak to this person, they work in this space" or whatever, so making sure that the client knew that the service we were referring to them could also be trusted as well. (P3)*

## Staffing characteristics

Underpinning many of these themes was the idea that the project had been successful because the 'right people' had been employed to provide the service:

*There's lots of excellent lawyers out there that probably wouldn't have been a good culture fit and I think the culture fit is more important than their abilities as a lawyer. (P1)*

The perceived personal characteristics of the project team were seen to be integral to the project's success by both the team themselves and others in the community. One project team member reflected:

*I think that staffing wise, I think we've got the right people. All three of us are very flexible. We're all happy to go to basically anywhere in the state to assist and also happy to research whatever we need to provide that community education. (P2)*

Respondents described the characteristics of the project team they felt were important to the success of the program:

*[Project Officer] comes across as just being a real straight shooter and country people don't like waffle. They don't like the hard sell. [Project Officer]'s very down to earth and to the point. (P9)*

*Their demeanour and their helpfulness were amazing. Once you couple that with the adaptability and flexibility of what they did I think you'll find it's a premium service to be honest. (P10)*

*[Project Officer]'s got a really nice way about [them] so [they've] fitted in really well with our community and having that genuine caring aspect to [them]. (P6)*

*I need someone that can sit on the back of the Ute with the blokes and talk about what they need… [Project officer] could read the terrain and read people and that's really important and that level of empathy but also remained professional. (P1)*

The interview data strongly indicates that personal characteristics of the Project team were an important driver of the program's success. In some cases, respondents indicated that if the team did not possess these characteristics key elements of the project would not have been successful:

*If they weren't the sort of person with that can do*

*attitude… It would just mean that it wouldn't happen. (P9)*

## Specific services/materials

Although respondents largely reflected on the relational aspects of the project as key to its success, they also discussed specific services and materials that had worked particularly well. The preparation and effective community engagement of the project team was seen to result in service provision that was efficient, effective and reflected the needs of the community. One project team member credited some success to the effective use of preparation time while waiting for project funding to come through:

> *I was quite pleased with the ability for pre-empting some of the things… while we're just waiting for the money to come through and also recruiting and things like that. (P4)*

This preparation was seen to result in programs being efficiently assembled without compromising community engagement:

> *… how quickly that they were able to get programs together without coming in with preconceived ideas and I think that's merit to the team. (P1)*

The project team highlighted the training and prior experience that enabled them to effectively deliver trauma-informed services. This resulted in deliberately adopting trauma-informed practices such as ensuring client referrals were warm referrals so that clients did not have to repeat their traumatic story, being mindful of language use, and advertising services using cartoon images rather than photographs which risk furthering trauma.

Respondents stressed that the project was highly valued in the community because it provided a much-needed legal service. Prior to the project's deployment, many residents were not aware that they could access free legal services and legal issues weren't generally thought about until they became a significant problem. Respondents stated that had the project not been deployed, they did not know how they would have dealt with their legal issues:

> *I have to say it was actually a Godsend and helped those people and enabled me to sleep at night… there was a couple of issues in particular that, yeah, could have gone really bad if we didn't have that service because there really wasn't any other*

*options... I wouldn't be quite as dramatic as saying it saved lives but it came pretty damn close to it. (P8)*



*I know after I've been impacted your head is just not in the right space. You can't concentrate. All of these things just compound the trauma for people so to have someone there that can sort those sort of legalities and legal matters out for them is just such a blessing. (P6)*

The Project Officers provided advice on key post-disaster issues such as insurance matters, wills and succession planning, native vegetation and advocacy. As the project went on, they also advised on other issues that did not directly result from the fire, but were exacerbated by the disaster context (such as neighbour disputes).

Respondents also highlighted some key materials and services that they found to be particularly effective. These included a flowchart to explain complex native vegetation legalities:

*[Project Officer] put together a great flowchart of, "If I'm here I do this and if it's here I do that" (P8)*

Also highlighted were fireproof satchels for important documents, business cards with key things to do when an insurance assessor comes, and a telephone advice line that provided easy access to legal advice for clients:

*It's always just been a phone call away (P7)*

Although data collected heavily focussed on the relational aspects of the project as key areas of success, it was also clear from the feedback that the Legal Project had successfully provided an effective, adaptable service that addressed community needs well.

Comparison against the international best practice benchmarking indicates that the project met all requirements for the service characteristics and core features required for excellent post-disaster service delivery.

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# Areas for improvement

Very few program limitations were raised during the data collection. However, respondents indicated that (1) the timing of program deployment, (2) the scope of the project, and (3) logistical issues posed challenges to the success of the project. These are in line with recommendations emerging from the international best practice benchmarking outcomes.

## Timing of program deployment

The most significant limitation of the Legal Project identified by respondents was the timing of program deployment. Almost all of the respondents stated that the project was needed much earlier than it was deployed:

> *They just probably got to the island too late to be honest (P10)*

> *I think it needs to be one of the early things deployed particularly around the insurance stuff because people had made their claims and accepted offers and then realising in time if they'd got better advice they could have had a different outcome. (P1)*

> *Be there much quicker, much quicker… not getting out on the ground for a good six months after the fire meant… nobody was there… but in law time matters. (P5)*

This late deployment was seen to mostly affect insurance related issues. Not having the project team there immediately after the fire meant that residents who did not know how to interpret their insurance policies were vulnerable to exploitation or misinterpretation of their policy. Respondents shared that class action lawyers who did not necessarily have clients' best interests at heart were quick on the scene post-fire, with residents signing up to these lawsuits only to find out later the implications of this.

Other immediate needs such as document replacement and resolving fencing issues were cited as further demonstrating the need for more immediate service deployment in future.

Stakeholder comments on deployment are reinforced by the benchmarking.

International best practice would see legal services embedded immediately post-disaster in recovery centres with other service providers.

## Logistical issues

Respondents described logistical issues around deploying a new program in fire-affected areas previously not serviced by the project team that posed challenges to the project's success. For instance, working with new communities meant that the project team had to develop resources, relationships with partner agencies and community, and knowledge relevant to the community:
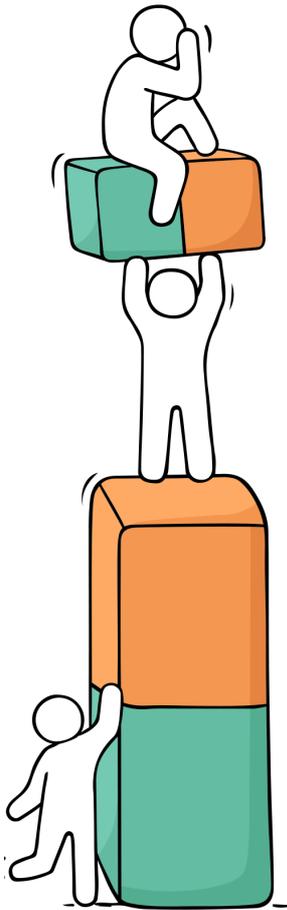
*Working with multicultural South Australians, we sort of have a lot of resources and also other partner agencies that we've already developed linkages over time, say for example, the [Organisation], but here we really had to start from scratch. (P4)*

This brings logistical challenges, such as knowing who to talk to and which days are best to schedule events for maximum community engagement. As evidenced in the previous section, the project team prioritised community engagement and through this quickly learned when things needed to be altered or adjusted – for instance, by moving event days so that they did not conflict with community sport events. However this was a challenge raised that needed to be overcome through adaptive practices, rather than prior knowledge.

Further complicating the logistics of service provision was the impact of disaster on community infrastructure and travel. Accommodation and transport options were limited not only by the impacts of the bushfires, but also the Covid-19 pandemic which saw transport reduced in frequency and communities locked down. The closure of recovery centres where the project team had been based also necessitated a swift negotiation of a new location. Again, the adaptability of the project team came into play here, as Project Officers would grab a ride with residents, work with local service providers to find new spaces to work in and make things work when issues arose.

## Scope of the project

Finally, some respondents raised the limitations on who could access services as an issue affecting project efficacy. The project scope extended only to those within the 'fire scar', excluding any residents outside of this eligibility zone:

> *there became a bit of an "Us and them" because only those in the fire scar got services and those outside, even though they might have had their businesses impacted, weren't supported… people here worried about when the next fire and there will be more fires…  But they wanted to access information about their insurances so when they're renewing their insurance they really understand their policy… but they couldn't sit down and actually engage and go, "Well here's our business' situation". (P1)*

This limitation was a condition of the project funding, which only covered the provision of services to particular areas. This was seen to diminish both access to services (as described in the quote above) and the success of the community education stage of the project as preparation for future events was only supported in the nine LGAs covered by the funding.

Concern was also raised about the approaching end of the project, with some respondents indicating that the need for services post-disaster exceeded the two-year timeframe of the project:

> *Recovery isn't a two year thing for people, it can take a minimum two years, up to five years I think is maybe the average for people… so I think removing a service like this part-way through a fire danger season is a risk. (P3)*

> *I think it would be a pity to see it come to an end and for a number of reasons but one of them being that it can take a while for a community to get used to something and so what you don't want is for it to end before everybody even understands what's happening, what is available to them, how the system works.  (P9)*

Stakeholder comments about the scope of the project, as well as it's length, are also reflected in the international benchmarking outcomes. International best practice recognises that the recovery period can be extended, but also the importance of fulfilling community needs related to prevention and preparedness post-disaster to mitigate risk, moderate impact and reduce the length and challenge of future post-disaster recovery.
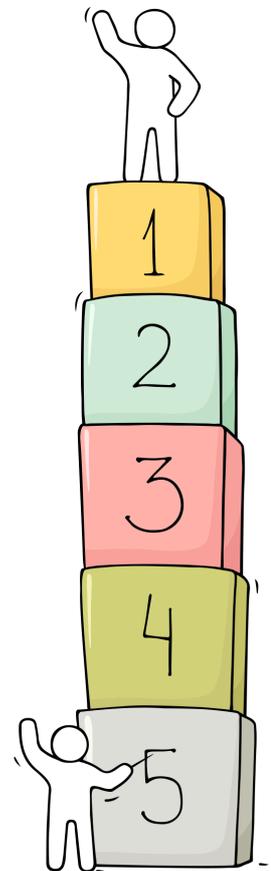
# Suggested Improvements

Data collection highlighted four main ways that future iterations of the project might be improved. These included: (1) earlier project deployment, (2) extended project duration, (3) community engagement, and (4) extended project scope.

### Earlier project deployment

By far the most significant improvement suggested for future projects was earlier deployment of services:

> *If they could have been activated whilst the recovery centre was first set up that's when you're getting your big influx of everyone. I think they need to be there day dot like the Red Cross are there in the recovery centre straight away. (P6)*

Further suggestions around deployment included having resources ready to deploy, rather than having to wait, and a representative from the legal service being included on the local recovery committee to ensure they are involved in disaster response from the very beginning:

> *The local Recovery Committee will have its first meeting within about a week. What it would mean is, there's a representative… on the local Recovery Committee… they will be part of the team and accelerate as they're needed. (P7)*

This suggestion about early service deployment is also reflective of the outcomes of the international benchmarking review. Embedding legal service provision immediately post-disaster with other service providers is international best practice.

### Extended project duration

Respondents also suggested that the duration of future projects might be expanded. As noted in the limitations section above, respondents expressed a wish for longer term service provision:

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*In the ideal world you'd have [Project Officer] coming back one week a month or whatever but we have to talk with reality of the financial constraints that we're in. I guess it's probably a matter of ensuring what do we do to plug the hole …It would be perfect to have the service here forever. (P8)*

*… the length of it, and again not necessarily saying that we would need to continue weekly outreaches for a whole five years, that's just not feasible, and financially I appreciate that's an absurd kind of service to provide, but yeah scaling it down... (P3)*

The respondent comments about continuity and consistency of service delivery are also consistent with the outcomes of the benchmarking analysis. The provision of reduced, but ongoing services, tailored around prevention and preparedness are international best practice once the needs specific to the recovery phase are winding down.

## Community engagement

Given the significant emphasis placed on relationship building and community engagement, there was concern that the good work done in this regard by the project team would be lost if the project were to cease suddenly. In this respect, the need to maintain some contact with communities throughout the year was seen to be necessary to maintain those relationships and facilitate effective future disaster responses:

*it can't just be these services that are recovery only and only activate at a recovery stage in rural communities, there has to be a connection there. So… there has to be a push by the services involved in these communities to be involved throughout the calendar year… but always making sure that they still have a presence there. (P3)*

The importance of ongoing relationships and community engagement were also highlighted in the benchmarking analysis. International best practice indicates

the importance of presence and engagement with the community across all the phases of the disaster lifecycle.

Respondents made several suggestions around community education that could form part of this continued engagement. Insurance was the area considered most important for residents to understand pre-disaster:

> *Insurance definitely, what they are covered for, what they're not covered for, what actions they can take during an event, they're probably the main things (P7)*

> *If you can provide that community education beforehand then hopefully the community itself is more aware. (P2)*

One project team member also emphasised the importance of providing this community legal education throughout the program, indicating that future projects might place more emphasis on this:

> *If I had my time again I would probably have rolled out more Community Legal Education Sessions than I have… thought of different ways to deliver … giving them the tools that they need, practical tools rather than just information. (P3)*

## Extended project scope

Requests for increased service provision included expanding the scope of inclusion so that more of the community could access needed services and including other disasters in preparatory education. As highlighted above, the restriction of the project to those located in the 'fire scar' resulted in other residents impacted by the fires being unable to obtain access to the project's services. It was suggested that future projects might be expanded to service more clients:

> *being able to broaden the audience to within the whole local government... Obviously there might have to be some means testing of how they were impacted but I think while that service was here I think that was one of the limitations (P1)*

Thinking forward to preventative measures and education, some respondents thought future projects could also extend to include other disaster types in their community education:

> *In my mind… it would also make sense to shift it so it's less focused on fire and more on disaster as a whole because ultimately the insurance issues are going to be very similar. (P2)*

Again, comments and issues highlighted by stakeholders were also evident in the benchmarking analysis. International best practice indicates the importance of

provision of appropriately tailored services across all the phase of the disaster lifecycle.

Finally the possibility of increasing staffing numbers at project outset was raised, with respondents suggesting that having more people available to provide services and advertise the project initially may speed up the project deployment.

## Analysis summary

These findings indicate that, particularly in a rural context, relational aspects of service provision are equally as important as the actual services provided. This is not to say that competence was not at all important. However this feedback does tell us that providing a technically useful service is not sufficient to ensure the success of a program. To succeed in this context, a project needs to dedicate time and resources to building relationships with the community, service providers in the region, and ensuring project staff are adaptable and a good cultural fit for the community they will be working in.

The limitations and future improvements identified indicate the project limitations are not related to the quality or nature of services provided. Instead, feedback shows that respondents were very satisfied with the project team and the services they provide, and would simply like more of them: earlier project deployment, longer project duration and more residents to be eligible to access assistance.
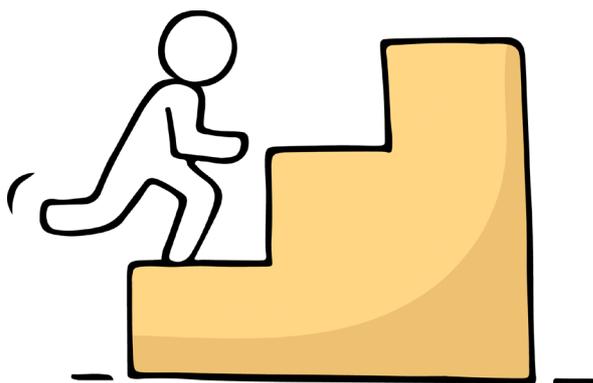
This is consistent with the limitations that were identified in the international benchmarking review. The review demonstrated that the project effectively fills the needs of post-disaster legal services, but the current pilot model does not meet the international best practice in providing tailored services across the response, prevention and preparedness phases of the disaster lifecycle.

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# Recommendations

There is much to be commended in the pilot project's design and implementation. The project meets the all the service characteristics requirements of international best practice. It also displays all the required core features of international best practice.

# Recommendations

There is much to be commended in the pilot project's design and implementation. The project meets the all the service characteristics requirements of international best practice. It also displays all the required core service features of the international best practice benchmark.
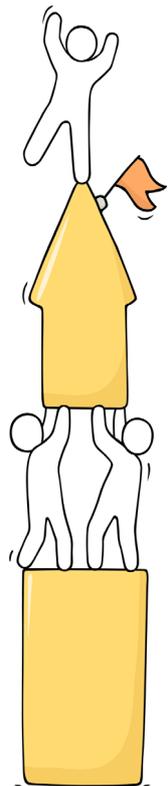
**Commendation 1**: The focus of the project team on trauma-informed services displaying cultural competency, driven by community need, demonstrating contextual awareness and community fit is a significant achievement.

**Commendation 2**: The project team's emphasis on community engagement, flexibility in service delivery to maximise service reach, cross-service collaboration and careful use of resources across the project cycle represents a considerable accomplishment.

**Commendation 3:** The project team's performance against the international best practice benchmark in the recovery phase of the disaster lifecycle is excellent and meets international best practice in all aspects.

Future action to further improve the project's approach to providing post-disaster legal services should focus on the following:

**Recommendation 1**: Early deployment of service provision is needed. Legal service provision needs to be embedded at the local Recovery Committee level immediately post-disaster.

**Recommendation 2**: The length of deployment of service provision needs to be carefully considered in communities significantly impacted by disaster. In these cases, a longer period of service provision, though at reduced intensity, is warranted.

**Recommendation 3**: To meet international best practice, appropriately tailored services need to be offered across the disaster lifecycle. Therefore, services need to be offered during the prevention and preparedness phases of the lifecycle.

**Recommendation 4**: The ongoing provision of services, at a reduced frequency is essential to maintaining community trust and relationships. There should be consistency and continuity to the provision of these services.

**Recommendation 5**: Post-disaster legal service provision, to gain the most benefit for communities in recovery, should occur beyond the immediate impact zone. While this may require consideration of means testing or fee for service, in regional and rural communities that are heavily impacted, the gains to be made in future prevention and preparedness are significant.

**Recommendation 6**: While excellent legal service expertise is important, community fit and contextual awareness competence is essential for individuals working in post-disaster legal services. This should be considered in the engagement of future legal service providers in post-disaster situations.

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# Appendices

# Appendices

## Appendix I: Process record: South Australian Bushfire Legal Project

| Search | Date of search | Search string | Sources returned | Sources excluded* | Sources included |
|---|---|---|---|---|---|
| **Google Scholar 1** | 13 July 2021 | Search string "Australia" AND "bushfire" AND "legal services" AND "disaster response" <br> Date: 2016 to present | 6 | 0 | 6 |
| **Google Scholar 2** | 13 July 2021 | Search string "bushfire" AND "legal services" AND "disaster response" AND "Canada" OR "USA" OR "United States" <br> Date: 2016 to present | 4 | 4 | 0 |
| **Google Scholar 3** | 13 July 2021 | Search string "Australia" AND "natural disaster" AND "legal services" AND "disaster response" <br> Date: 2016 to present | 44 | 43 | 1 |
| **Google Scholar 4** | 13 July 2021 | Search string "natural disaster" AND "legal services" AND "disaster response" AND "Canada" OR "USA" OR "United States" <br> Date: 2016 to present | 84 | 72 | 12 |
| **Google Scholar 5** | 14 July 2021 | Search string "wildfire" AND "legal services" AND "disaster response" AND "Canada" OR "USA" OR "United States" <br> Date: 2016 to present | 72 | 68 | 4 |
| **Google Scholar 6** | 14 July 2021 | Search string "Australia" AND "bushfire" AND "legal support" OR "legal assistance" OR "legal advice" OR "legal representation" <br> Date: 2016 to present | 224 | 215 | 9 |
| **Total** | | | 434 | 402 | 32 |
| * Exclusion criteria removed sources that were either (1) duplicates of articles already included in the sample, or (2) irrelevant to post-disaster legal services. | | | | | |

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# Appendix II: Data collection tools

**Semi-Structured Interview Questions – Stakeholders**

1. Could you tell me about your role in relation to the bushfire response and recovery?

2. From your perspective, what sorts of legal services are important after a bushfire event?

3. How would you describe the model of delivering legal services that you've undertaken/observed in this project/context?

4. How is it different to the norm/what you've experienced before?

5. Did anything change during the process of the project to reflect improvements or changes in circumstances? [for project team only]

6. What worked well from your perspective?

7. What didn't work as well as it could have from your perspective?

8. What improvements or changes would you make next time, given what you know now?

**Semi-Structured Interview Questions – Project Team**

1. How would you describe the model of delivering legal services that you've undertaken?

2. How is it different to the norm?

3. How did you ensure it was trauma-informed?

4. Did anything change during the process of the project to reflect improvements or changes in circumstances?

5. What worked well?

6. What didn't work?

7. What improvements or changes would you make next time, given what you know now?

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