

SERVING THE WHOLE PERSON

Considerations for Social Work Student Programs in Legal Clinic Settings





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About SCLS and WSCLS

Scarborough Community Legal Services (SCLS) is a community legal clinic that assists low income individuals and groups in East Scarborough access justice and protect their legal rights by providing free legal services and working to change systems to benefit people living in poverty. We work with community members, organizations, and social justice groups to achieve our mission. Our four key strategies are: legal services, legal education, community development, and law reform. We employed our first staff social worker in fall 2019 further to this project.

West Scarborough Community Legal Services (WSCLS) is a community legal clinic that has been providing poverty law services to low income residents of West Scarborough since 1988. WSCLS has hosted several social work students in practicums with both direct practice and systemic advocacy components, bringing a great deal of experience and knowledge to this project.

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Alicia joined the legal clinic system as a social work placement student and registered social worker at Downtown Legal Services before graduating from the University of Toronto's MSW program. She joined Scarborough Community Legal Services in the fall of 2019 to lend her expertise to the design of our student social work program. As the project manager for this initiative, Alicia oversaw all aspects of the project, including the design, implementation, and evaluation of the student program, and provided supervision to the social work students who participated in the project.



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- Fatima, Community Leader
- Ramalingam Sethu, Community Leader
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(past and present)
- Our community partners
- Participants in our Stakeholder
Consultation

And, most importantly, our clients.

Table of Contents

About Our Initiative	4
Framework of the Project	5
Research Review	5
Community Legal Clinics in Ontario	5
Poverty and Access to Justice in Scarborough	6
Disciplines Working Together: Law and Social Work	8
Social Work Field Placements in Non-Traditional Interdisciplinary Settings	9
Initial Findings: Social Work in the Legal Clinic System	10
Pre-consultation Survey Results	10
Informational Interviews: Creativity, Diversity, and Innovation in Law and Social Work Initiatives in Ontario	15
Framework for Service: The Social Work Student Program at SCLS	17
Theory of Change: Social Work Students in Legal Clinics	17
Program Framework: Development through Community Consultation	18
Program Framework: Implementation and Evaluation	18
Limitations of the Project	22
Summary of Project Findings	24
Recommendations	36
Theoretical Foundations of Student Social Work Programs Leading Practices for Student Social Work Programs in Legal Clinics	36
Leading Practices for Student Social Work Programs in Legal Clinics	36
Building Social Work Capacity in the Legal Clinic Sector	38
Appendix A: Logic Model – Social Work Students at Scarborough Community Legal Services	40

ABOUT OUR INITIATIVE

Ontario's legal clinic system has long understood the value of alternative and interdisciplinary models of service. Legal clinics have their roots in community organizations who first identified the need to create legal services that were responsive to the needs of low income individuals and communities. For decades, community legal workers, intake workers, social workers and others have worked collaboratively with lawyers to meet these needs.¹ While legal clinics recognize the benefits of providing holistic support to clients, funding challenges have presented a significant barrier to offering social work services in legal clinics. Despite this, several of Ontario's 72 legal clinics have engaged social workers to address their clients' non-legal needs. However, the model of engagement used is often specifically tailored to the clinic, cannot easily be applied to other clinics, and is unsustainable within current funding models.

Scarborough Community Legal Services (SCLS) has also long recognized the benefits of offering social work services to our clients, however, funding pressures have created a barrier to introducing a social work program at the clinic. In an effort to better meet all the needs of our clients, we have built strong connections with community service agencies throughout Scarborough. However, we also recognized the significant potential of a well-designed social work student program to provide sustainable services to legal clinic clients across the province.

SCLS undertook this project, in partnership with West Scarborough Community Legal Services (WSCLS), and aimed to:

- 1 Provide a province-wide snapshot of existing holistic approaches to service, including social work services, in legal clinics across Ontario; and**
- 2 Create a framework for social work services centred on the use of social work students that can be replicated in clinics across Ontario.**



FRAMEWORK OF THE PROJECT

Phase	Key Activities
1 Preliminary Research to inform Framework Development	<ul style="list-style-type: none">• Research review• Pre-consultation survey to legal clinics in Ontario• Informational interviews
2 Framework Development	Framework development and review by: <ul style="list-style-type: none">• Professional Advisory Committee• Client Advisory Committee• Stakeholder consultation
3 Framework Implementation and Evaluation	<ul style="list-style-type: none">• Data Collection• Evaluation

Table 1. Key Activities of the Social Work Pilot Program Research Project

RESEARCH REVIEW

Community Legal Clinics in Ontario

There are 72 community legal clinics across Ontario. The majority of these clinics serve specific geographic communities; however, 17 are specialty clinics that serve a particular community or focus on a specific area of law. Ontario also has seven student legal aid service societies that operate out of Ontario law schools.

Community legal clinics are non-profit organizations that provide poverty law services to low income and marginalized individuals. They are deeply rooted in their communities and tailor their services to meet the unique needs of their community members.² Legal clinics receive their core funding from Legal Aid Ontario but are governed by a community elected Board of Directors who must determine the most pressing legal needs of their communities and ensure the clinic provides services to meet those needs. Accordingly, legal clinics' areas of practice vary across the province but all clinics provide services in areas of law that most affect low income individuals and communities. Most clinics provide legal services related to income maintenance and rental housing; increasingly, clinics are also offering service in the areas of immigration and employment law.³ In addition to providing direct legal services, community legal clinics work to change systems to benefit people living in poverty by engaging in law reform activities, community development and organizing, and public legal education.

Individuals who access community legal clinic services have disproportionately experienced historical disadvantage, marginalization, and discrimination. This includes people with disabilities, newcomers, racialized communities, older adults, single mothers, and survivors of abuse. The complex challenges legal clinic clients face, combined with the structural inequities they experience, can often make it impossible to isolate their legal problems from their other issues. Clinic clients often experience complex issues in addition to their immediate legal matter and this can affect their ability to fully engage with their legal case.⁴ Legal staff often support clients with these non-legal issues due to a lack of alternative supports. However, evidence shows that providing comprehensive interdisciplinary services in these circumstances is effective and improves overall outcomes. Non-legal assistance is vital in ensuring that clients' immediate needs are met, including safe and affordable housing, support for physical and psychological wellbeing, and social connection. When supported in this way, clients are better able to meaningfully engage in the resolution of their legal issues and obtain sustainable solutions. After accessing holistic services, clients are less likely to return to the legal clinic in crisis seeking emergency legal assistance⁵.

Poverty and Access to Justice in Scarborough

This project is grounded in the experiences of the communities served by SCLS and WSCLS. Scarborough has remained a highly under-resourced area despite being home to some of the most vulnerable and disadvantaged communities in the province. Over 70% of Scarborough residents are racialized and many are newcomers. Based on the 2016 census, the unemployment rate in Scarborough is 9.8% and average household income is 23% lower than the Toronto average.⁶ Many Scarborough residents are working poor, as the community struggles with job loss, low employment rates, low incomes, and low employment density. An inadequate public transit system which limits opportunity and access only complicates these issues further.⁷

A number of barriers exist that prevent Scarborough's residents from accessing legal aid services. These include language and cultural barriers, negative perceptions towards accessing legal services, and the compounding effect of mental health issues that intersect with individuals' legal matters. These barriers are especially present for low income populations who may not have adequate financial or social support and resources.⁸

In order to meet the needs of the community, legal services should be accessible, support clients with complex needs, and be responsive to the needs of different cultural and linguistic communities within Scarborough. Through this project, SCLS and WSCLS plan to design more client-centred and holistic services to respond to these challenges and barriers.



Social work services are vital in the legal clinic setting. Clients are more than just their legal problem. The social issues that clients are facing are systemic and complex. The legal system, though important and powerful, has its own limitations...social work meets the immediate needs of the client, the emotional impact of the legal system on the client and most importantly supports grassroots movements that make both societal and legal change!"

Amy de Nobriga, CLASP



Disciplines Working Together: Law and Social Work

There is limited literature examining the intersection of legal and social work practice; most of the research that exists comes primarily from the forensic, child welfare, and domestic violence contexts.⁹ However, the findings of this research do not easily apply to the unique experience of legal workers and social workers in legal clinic practice. For example, the traditional dichotomy thought to exist between lawyers and social workers positions the lawyer as narrowly focused on legal issues and the social worker as taking a holistic, strengths based approach. This interpretation fails to recognize the unique skills legal clinic lawyers bring to their work, including the ability to center clients' experiences and apply a critical lens to oppressive legal structures. It also fails to recognize the essential role of Community Legal Workers (CLWs) as foundational actors in interdisciplinary legal clinic practice. CLWs are effective legal practitioners who bring a critical lens to their work, challenging oppressive systems and structures through community development and organizing. With an increased interest in trauma-informed practice within community legal spaces, legal clinic workers are also commonly required to adopt practices borrowed from social work. Additionally, social workers within legal clinics are increasingly called upon to undertake law reform and advocacy work.

Research on the interdisciplinary work of lawyers and social workers points to some helpful concepts that shaped the project's initial framework for service and were found to resonate throughout the project:

- Given that legal issues are often intertwined with non-legal issues, law and social work provide complementary approaches that result in more sustainable outcomes for clients.¹⁰
- There are many benefits to engaging social workers to provide service to clients experiencing legal issues. Social workers have unique skills in assessment, interviewing, evaluation, crisis intervention, case work, and case management.
- Lawyers and social workers have ethical and professional obligations that can potentially come into conflict.

“There were many instances in which a successful legal outcome would not have been possible without the social work [support].”

Executive Director Community Legal Clinic

- Lawyers' primary professional obligations are to their clients and the justice system. As such, lawyers must act in accordance with their client's instructions, even if the lawyer believes these instructions are not in the client's best interest. Meanwhile, social workers have a responsibility to both their clients and society as a whole. Social workers have a duty to respect their client's right to self-determination but they must balance this against their responsibility to society. Ultimately, social workers must advocate for what is in their client's best interests.¹¹
- Lawyers' communications with clients are protected by solicitor-client privilege. While communications between social workers and clients are confidential, they may be disclosed if required by law.¹²
- Social workers have a mandatory duty to report child abuse and serious risk of self-harm. Lawyers may only breach solicitor-client privilege to report an "imminent risk of death or serious bodily harm."¹³
- In the absence of an effective and widely accepted model of collaboration between lawyers and social workers, significant challenges can arise, often stemming from differences in professional ethics and obligations.¹⁴

Social Work Field Placements in Non-Traditional Interdisciplinary Settings

This project sought to design a framework for service that incorporated social work students in a legal clinic setting. This framework recognizes the challenges and opportunities of interdisciplinary practice and respects the centrality of the practicum to social work pedagogy.

The framework that emerged was informed by the following themes which were identified in the literature review regarding field education:

- Field education is an integral component of social work pedagogy and carries the responsibility of preparing students to be effective practitioners upon graduation.¹⁵
- Social work placements in non-traditional settings benefit from an intentional program design that prepares students for the specific practice setting. The program should provide structured learning activities and clear expectations.
- New students require a "systemic and structured onboarding" process which sets students up for success.¹⁶
- A key component of success is strong working relationships between the collaborating disciplines; in this way, the programs work "in tandem".¹⁷

INITIAL FINDINGS: Social Work in the Legal Clinic System

Pre-Consultation Survey Results

A survey was sent to the 72 community legal clinics and seven student legal aid service societies (SLASS) in Ontario. There were a total of 42 responses received, from 38 legal clinics and four SLASS, for an overall response rate of 52.5%.

Survey results indicated that of the respondents:

9

Clinics had staff social workers

10

Clinics were actively hosting at least one social work student

19

Clinics had hosted at least one social work student in the past five years

66.7%

of respondents were likely or very likely to hire a social worker if funding became available

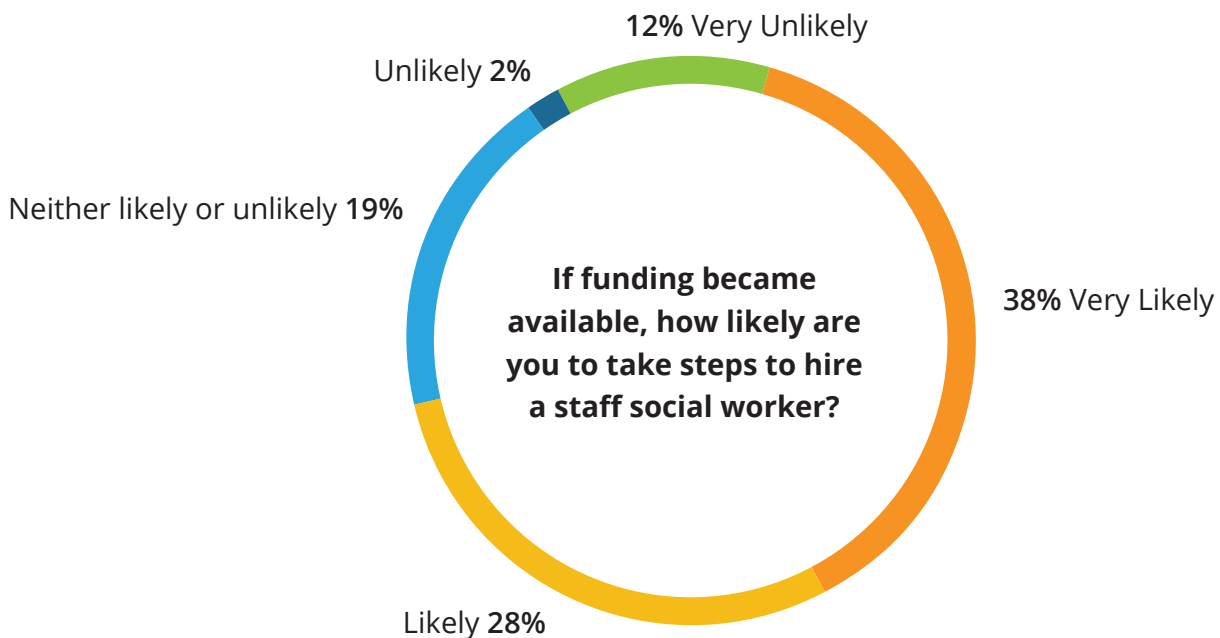
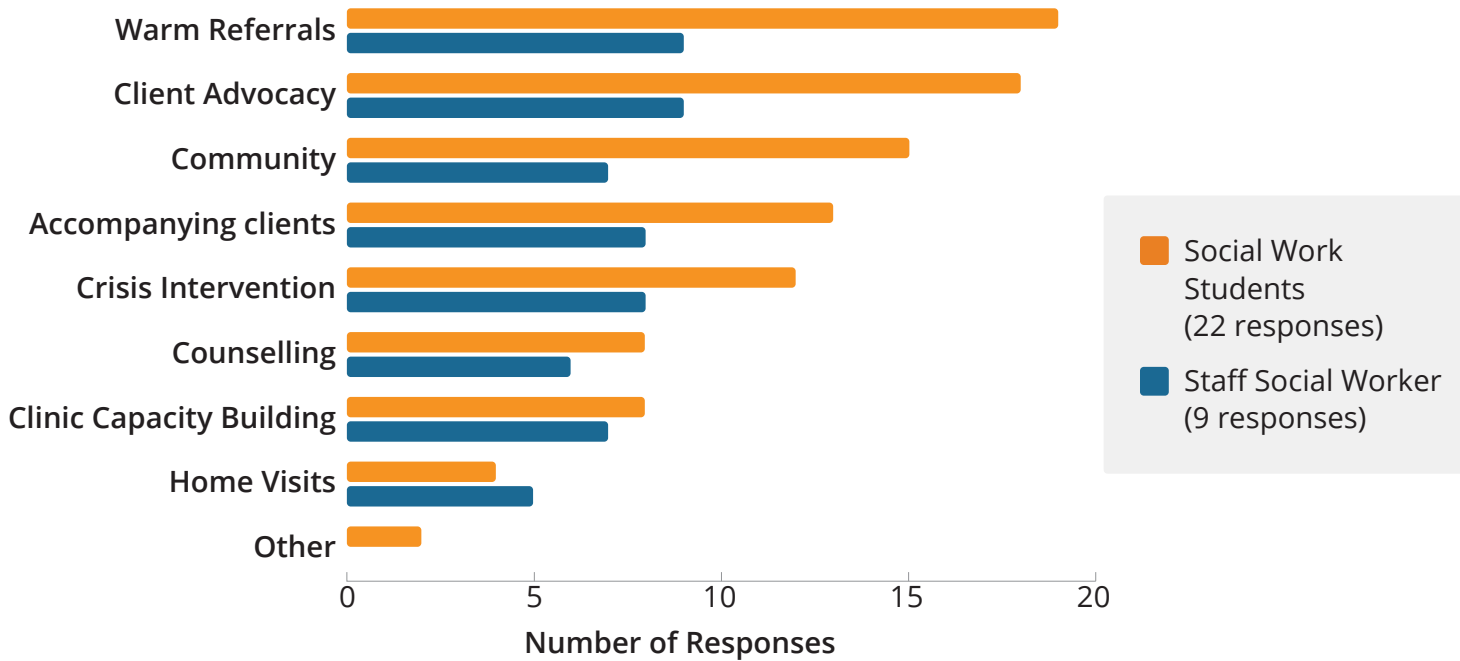
71.4%

of the respondents wished to have staff social workers in their clinics

Our survey did not ask respondents to identify staff members with social work backgrounds who are not employed in social work roles. From qualitative survey responses and informational interviews, it was apparent that such individuals are employed throughout the legal clinic system.

The social work services offered by the respondents primarily include client advocacy for community services and the provision of warm referrals. However, other social work services provided include crisis intervention, community outreach and development, accompanying clients to appointments and hearings, building clinic capacity, counselling, and home visits.

Social Work Activities Provided in Legal Clinics



Benefits

Overall, the majority of survey respondents felt that the incorporation of social work services in legal clinic settings provided clients with more holistic services, leading to better legal outcomes. More specifically, survey respondents noted the following benefits of incorporating social work services in legal clinics:

Holistic Service

Respondents identified one of the primary benefits of incorporating social work in legal clinic settings is the provision of holistic services that address the root causes of clients' legal problems; these can include precarious housing, mental health challenges, and employment issues.

Increased Support

Social workers provide necessary mental health support for clients as they engage in highly distressing legal processes. They can also support clients in accessing medical and social services to assist with their legal issues. This support may include obtaining medical documents, accessing affordable housing, or accompanying clients to appointments. This work is essential because engaging in legal processes can be overwhelming for vulnerable clients and can exacerbate pre-existing conditions. One survey respondent specifically highlighted the value of social work support when assisting vulnerable seniors.

**Social work provides “fuller access to justice”
as “[client] needs are broader than just formal
representation in an appeal process”**

Executive Director
Specialty Community Legal Clinic

Housing Help

Many legal clinic clients are precariously housed in unsafe and unaffordable rental units. Social workers can work with these clients to problem solve, plan, and establish a housing strategy focused on housing stabilization. Such holistic services have the potential to provide long term solutions for clients.

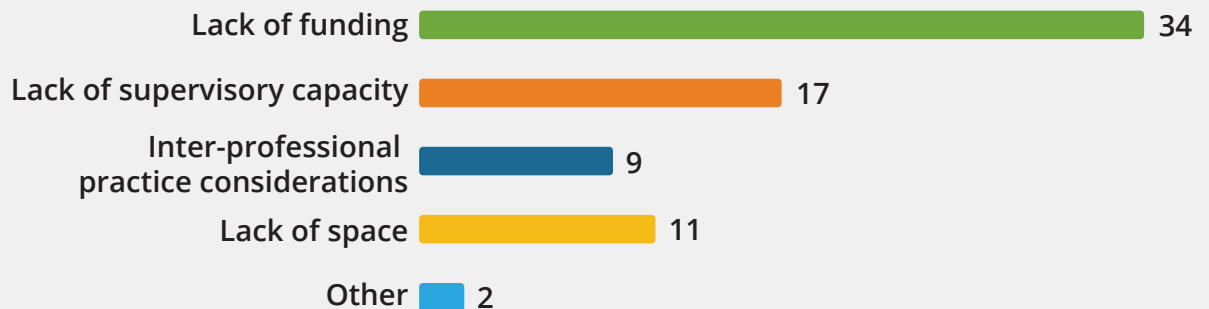
Increased Community and Clinic Capacity

Respondents also identified social workers' ability to build community and clinic capacity as another significant benefit of incorporating social work in legal clinic settings. Legal clinics serve communities with complex and unique needs. Social work services increase the clinic's capacity for community outreach, while also increasing the clinic's ability to respond to its community's demands.

Challenges and Barriers

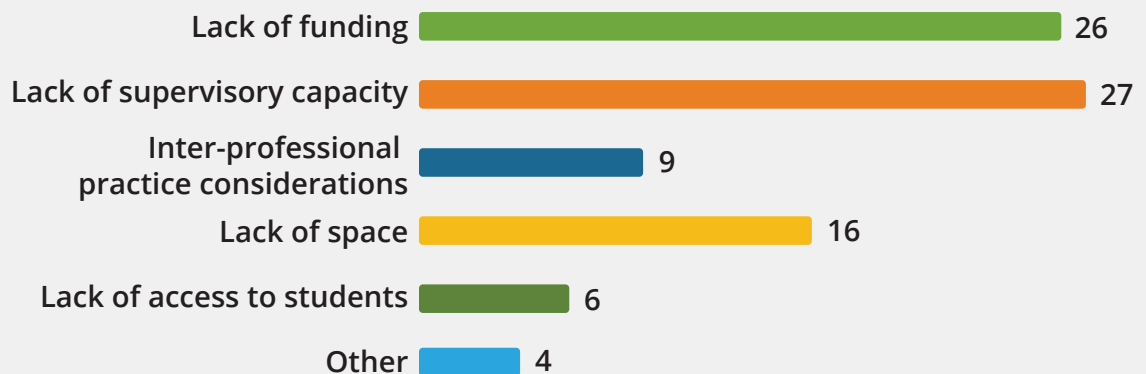
Survey respondents noted the following challenges and barriers to incorporating social work services in legal clinics:

What are the barriers to including social work services in your clinic?



Other: existing social work services in hub (duplication), no university or college trained social workers in catchment area

What are the barriers to including social work students in your clinic?



Other: no opportunity to investigate what is needed to set up the project, not a direct client service clinic, have MSW but is not familiar with clinic work, difficult for student to find housing if coming from outside the catchment area.

Lack of funding: A lack of funding was the most commonly cited barrier to providing social work services in legal clinics, with 83% of survey respondents identifying this as an issue. Most legal clinics struggle to meet all the needs of their community within their current funding models. As such, when additional funding is received, clinics often use these resources to increase the capacity of legal staff instead of funding social work services.

“Clients develop a relationship with the lawyer or paralegal and it is not easy (or perhaps appropriate) to ask them to suddenly shift to a different staff person for certain types of assistance. This can be particularly difficult for clients with the most serious mental illness. [...] Another challenge is defining the work that social workers would do in a legal clinic. I am dubious about provision of counselling services as those could be open ended, last for years, and effectively have the legal clinic providing a non-legal service. I am more inclined to limit the services to ones which more directly support the legal work being done and are more time limited. I am also not convinced that social work services in a legal clinic setting require a social worker; social service workers may be sufficient.”

Jack Fleming, North Peel Dufferin CLC

Professional and ethical obligations: Survey respondents noted the challenge created by the differing - and sometimes conflicting - professional and ethical obligations of lawyers and social workers regarding privilege and confidentiality. These differences can create challenges when disclosure is deemed necessary by the social worker but may impact the clinic’s existing legal services.

Role of the social worker and student: Defining the role of the social worker and field placement student in a legal clinic is also challenging. Their duties must take into account the role of legal clinics first and foremost as legal service providers. For example, in order for counselling services to be effective, this work may be required to extend beyond the resolution of the client’s legal issue. For this reason counselling services were seen as “open-ended” by some survey respondents.

As the introduction of social work services is new to some legal clinics, it will be necessary to educate staff members about the role and function of social work. Some survey respondents questioned whether it was necessary to engage social workers to provide holistic services, as community legal workers can also provide wraparound services to clients.

Capacity to adequately supervise social work services: Engaging only one staff social worker may create challenges when it is necessary to consult with colleagues about a case, particularly with regard to matters concerning professional obligations and ethics. Additionally, one of the primary purposes of social work field placements is professional growth and learning. To this end, it is important to have a field placement supervisor who

has the skills and resources to properly supervise the student's work and ensure that they gain competency throughout their placement. Some survey respondents noted that their legal clinic did not have this supervisory capacity and, as a result, they were hesitant to introduce field placements for social work students.

Service Delivery: Survey respondents also noted challenges with respect to service delivery. For example, after forming a relationship with a legal professional it can be overwhelming and distressing for a client to begin working with another staff member; this is especially true for clients with serious mental health issues. Additionally, social workers in legal clinics must not replicate existing services available in the community.

Informational Interviews: Creativity, Diversity, and Innovation in Law and Social Work Initiatives in Ontario

In order to learn more about interdisciplinary work being undertaken in Ontario in the fields of law and social work, we conducted informational interviews with professionals currently engaged in such programs. The purpose of these interviews was to better understand their process of program development, establish best practices for integrating legal and social work, and gather feedback on considerations for supervising social work field placement students in an interdisciplinary setting.

Interviewees held a variety of roles which were determined by source of funding, expertise of staff, and the needs of the community. We identified subjects for informational interviews through the pre-consultation survey and word of mouth (snowball sampling). Where possible, interviews were conducted in person and on site. Unfortunately, due to the COVID-19 pandemic, many interviews had to be conducted by phone and video.

The following programs are not an exhaustive list of law and social work initiatives in Ontario, but rather provide a snapshot of the creative ways that organizations are meeting their clients' needs.

Informational interviews were conducted with staff from the following programs, which have been grouped into four main categories:

- a. Social workers embedded in legal clinics
 - i. Hamilton Legal Outreach Program, Hamilton Community Legal Clinic
 - ii. Peterborough Community Legal Centre Social Work Program (project based and no longer funded)
 - iii. York Region Tenant Duty Counsel Program
 - iv. Respecting Rights Coordinator, ARCH Disability Law Centre
 - v. Legal Assistance of Windsor Social Work Program

- b. Health-Justice partnerships¹⁸
 - i. Neighbourhood Legal Services and St. Michael's Hospital Family Health Team
 - ii. UNISON Health & Community Services
 - iii. Pro Bono Ontario and Hospital for Sick Children
- c. Social work student programs in legal clinics without a staff social worker
 - i. Willowdale Community Legal Services
 - ii. Community Legal Education Ontario
 - iii. Connecting Ottawa, Community Legal Services of Ottawa
 - iv. Justice for Children and Youth
 - v. Community Legal Advocacy Centre
 - vi. Black Legal Action Centre
 - vii. West Scarborough Community Legal Services
- d. Alternate methods to providing wrap around services
 - i. Parkdale Community Legal Services

The following themes emerged from our informational interviews:

- The benefits, barriers, and challenges identified in the pre-consultation survey were real considerations which impacted program design and success.
- Programs were most successful when the clinic's legal staff and social workers developed well-grounded and ongoing working relationships.
- Programs usually experienced a 'growing pains' period in the first year after conception.
- There is a need for social workers and students to engage in both direct client services and community development work.
- Greater difficulties arose regarding competing privacy and confidentiality obligations in initiatives with complicated program design. This issue negatively impacted the efficiency of service delivery.

During the informational interviews, we heard that local considerations must be taken into account when determining if a social work student program is appropriate. For example, legal clinics across the province have varying levels of access to social work students given the location of university and college faculties. Additionally, existing legal clinic staff have varying comfort levels acting as field placement supervisors.

The impact of local considerations can be seen in the different approaches taken by SCLS and WSCLS in their social work student programs. When implementing the framework for service designed for this project, SCLS' social work students prioritized direct client support. On the other hand, historically WSCLS' students have engaged heavily with its well-developed community leadership program.

Despite the diversity of needs across the province, it is possible to identify best practices for successful student social work programs in a range of legal clinic settings.

FRAMEWORK FOR SERVICE: The Social Work Student Program at SCLS

Theory of Change: Social Work Students in Legal Clinics

This theory of change conceptually links the intended impact of the project with our short, intermediate and long-term outcomes. The social work student program logic model (see Appendix A) provides a more detailed inventory of the program's resources and evaluation criteria. As every clinic will have different community needs and access to resources, student social work programs will require individual reflection and decision-making. For more specific information on the design of the framework and tools used in SCLS' social work student pilot program, please see the accompanying "Social Work Student Program Toolkit for Legal Clinics".

STRATEGY

In collaboration with legal staff, social work students will support clients through services such as case consultation, warm referrals, short-term case management, and partnering with community agencies.

Short-term

Client will have access to resources that support their core needs (food, shelter, source of income and physical and psychological wellness).

Long-term

Legal staff are able to work to their full scope of legal practice, increasing the number of clients clinics can support.

Legal issues are dealt with upstream and those that are addressed downstream are more easily managed.

Intermediate-term

Clients will have increased awareness of and ability to navigate available community resources.

Legal clinics will have well-developed community partnerships and referral pathways.

IMPACT

Clients who have received services from legal clinics will have increased financial stability and are able to thrive in their communities.

Program Framework: Development through Community Consultation

After gathering information from our research review, pre-consultation survey, and informational interviews, we developed a logic model (See Appendix A: Logic Model) to capture the implementation plan of the social work student program at SCLS. This model captured the goals, outcomes and evaluation criteria of the project and was reviewed by our professional advisory committee, our client advisory committee, and interested stakeholders.

We completed our first round of consultation activities in June 2020. The feedback we received informed the final design of our framework of service and our final recommendations.

Professional Advisory Committee (PAC)	Professionals with expertise in interdisciplinary practice of law and social work, experience working with low income clients in Scarborough, or experience working with social work field education.
Client Advisory Committee (CAC)	Individuals with lived experience of poverty and the principal stakeholders of this project. We strove to cultivate a safe and supportive environment for participants to share their time and expertise.
Stakeholder Consultation	The consultation meeting was attended by members of the PAC, social work students in the clinic system, community professionals, community members, and staff from partnering legal clinics. This activity sought to bring together as many relevant parties as possible, with a goal of ensuring that the framework for student social work services addressed the true needs of clients and the wider community.

Table 2. Community consultations for social work student program development

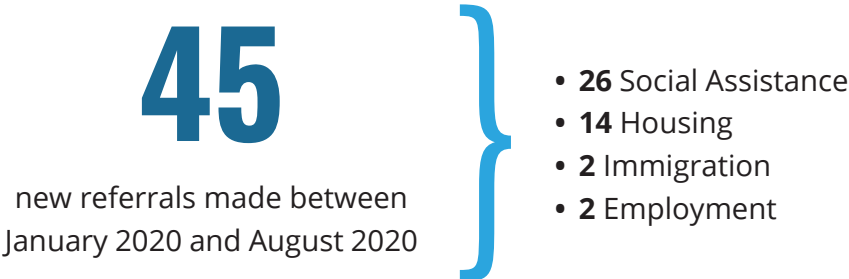
Program Framework: Implementation and Evaluation

We began implementing student social work services at SCLS as part of the project in January 2020 while the model was still under review. Our intended project timelines were delayed due to the COVID-19 pandemic and its associated impact on clinic and university operations. Unfortunately, the delay we experienced in implementing the student social work program model resulted in less data than anticipated to evaluate the project.

In order to mitigate the impact of this issue, we have reviewed evaluation data from January 2020 to August 2020. While our community consultation activities did not conclude until June 2020, the data gathered before this time is still informative and valuable. From the beginning of the project, the framework for delivery of student social work services remained relatively constant, but was continuously adapted through an iterative process of engagement with clients, students, caseworkers, and stakeholders.

Over the course of the project, SCLS hosted one Masters of Social Work field placement student from the Factor-Inwentash Faculty of Social Work at University of Toronto (UofT) and one Bachelor of Social Work student from Ryerson’s School of Social Work.

Social Work by the Numbers



“When COVID-19 hit, it was a challenge for non-profit agencies to pivot to serving clients remotely. We found that many clients were struggling with food security and accessing community-based services; these clients turned to the legal clinic as a trusted service provider for help. Our social work services were able to help fill in those gaps and support our clients in staying safe and connected to their community supports.”

Alicia Lam, Project Lead

43

cases opened



26 cases opened to a student

Client outcomes for the students' files that were closed during the course of the project

80% Achieved or Partially Achieved

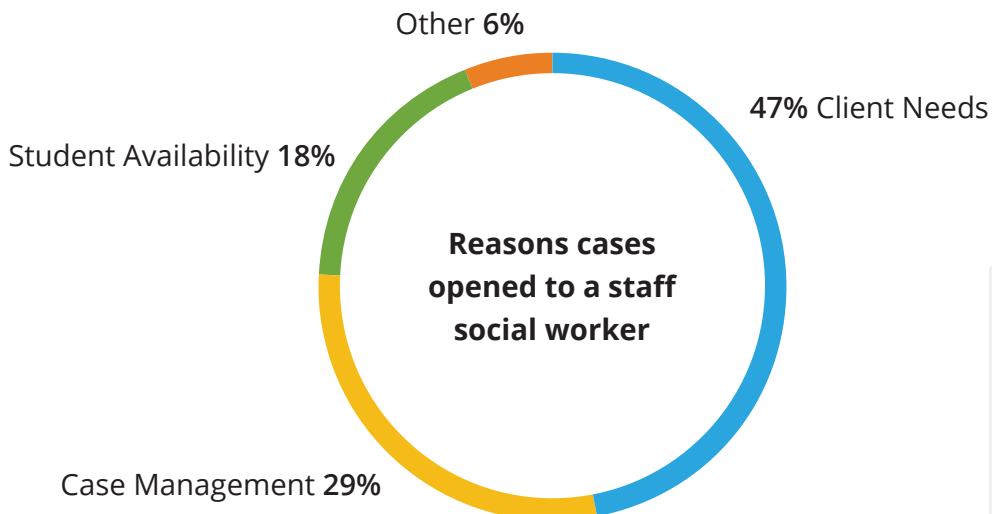
20% Abandoned/Withdrawn from service

17

cases opened to staff social worker



- **3** cases opened to staff social worker because no student was available
- **8** cases opened to staff social worker due to high level of support identified at intake (i.e. deemed not appropriate for a student learner)
- **1** case opened to staff social worker due to other client-specific reasons
- **5** cases opened to staff social worker due to student's workload



Note: Provision of direct service was a small portion of the staff social work duties during this project

In order to evaluate the success of the program, we administered surveys to SCLS staff before and after implementing the framework for service and conducted three qualitative interviews with legal staff who had made referrals to the program. Through these evaluation activities, we identified the following trends:

- Legal staff who engaged with the social work program were satisfied with the service and felt that it helped their clients achieve their non-legal goals.
- The diversity of practice approaches among legal staff influenced which legal workers engaged with the social work program and how they utilized the clinic's social work services.
- Legal staff needed to feel confident that their clients would receive high quality services that took the individual's mental health into account. As such, legal staff wished to be able to make referrals directly to the staff social worker in situations where the matter was too complex, or the client's needs too great, to be handled by the social work student.
- Legal staff noted that concerns regarding competing inter-professional obligations and ethics affected their decision to refer clients to the program.

We also gathered feedback from the field placement students in order to evaluate the program. The following feedback was received from our students:

- Students appreciated having a highly skilled supervisor with a social work background.
- Having a fluid and flexible approach to the placement ensured that students could meet their learning goals and develop key skills for future social work practice.
- The onboarding process employed was effective in setting the students up for success. One student particularly valued the opportunity to become involved in regular meetings of all the legal teams.
- As a result of COVID-19, a remote placement was required. While this presented challenges, the student reported feeling well supported by the staff social worker and noted that this was important to the success of their placement.

“Having access to in-house social workers has resulted in palpable improvements to my clients’ quality of life. Although there are no doubt challenges within this model, I believe this program would continue to be of great benefit to the clients it serves if allowed to continue to grow and expand. Simply put, social workers fill a gap in the legal system by addressing issues which would often result in further legal matters if left unresolved. In doing so, the social work pilot project proved to support a client-focused approach to legal service delivery, while also helping to head off potential future legal matters before they crystalize.”

Kevin Laforest,
Staff Lawyer at SCLS

LIMITATIONS OF THE PROJECT

All project research was conducted by the authors of this report, Alicia Lam and Vanessa Emery. Both authors work directly with vulnerable communities in Scarborough but do not have lived experience of the poverty and oppression experienced by their clients.

The legal clinic community experienced significant shifts over the fourteen months in which this project was undertaken. The increased consciousness of anti-Black and anti-Indigenous racism, coupled with the COVID-19 public health crisis, had a significant impact on our project work. Our core assumptions about the effective design of a student social work program were challenged and changed as a result.

Although we have taken steps to mitigate the impact of limitations on the project's findings, we acknowledge the following limitations of our project.

1 Our research plan and design were impacted by the COVID-19 pandemic

The COVID-19 pandemic dramatically impacted the way legal clinics across the province provide services to their clients and community. In response to the public health crisis, we prioritized providing direct services to our vulnerable clients, while also ensuring that we protected the health and safety of our staff, clients, and community members. As a result of our changing priorities, the project timeline was amended. We also changed our project plan in response to social distancing guidelines. In person meetings with interviewees and stakeholders were rescheduled to telephone and video conferences and student practicums shifted to remote placements. These changes presented unique challenges not contemplated by our original project design.

That being said, the COVID-19 public health crisis clearly demonstrated the pivotal role that social work services can play in legal clinics. Social work students at both SCLS and WSCLS were vital in connecting clients to community resources and support during the pandemic, especially during the spring lockdown.

2 Difficulty recruiting social work practicum students

Unfortunately, SCLS was not successful in recruiting a social work student for the project in fall 2020. In fact, while SCLS and WSCLS hosted social work students in the 2020 winter and summer terms, neither clinic was successful in recruiting a student for the fall 2020 semester. This issue highlights the inherent limitations of a student model as legal clinics do not control student availability. While the difficulty of recruiting a student may have been exacerbated by the COVID-19 pandemic, WSCLS has experienced difficulties recruiting second year MSW students for fall placements in the past.

3 Black Lives Matter and Truth, Reconciliation and Decolonization

The resurgence of the Black Lives Matter and Truth and Reconciliation movements in the summer of 2020 brought the pandemic of anti-Black and anti-Indigenous racism to the forefront of public consciousness. Systems of oppression continue to affect racialized communities disproportionately. These communities live with the reality of systemic discrimination and state violence every day. We acknowledge the cruelty inherent in the prevailing cultural, socio-economic, and political systems of our country. In particular, Black and Indigenous communities in Ontario continue to suffer harm and discrimination from the social work profession.

In our project work, we sought to engage with a diversity of stakeholders and clients that reflect the community we serve. We have developed recommendations that we hope will be applicable to various legal clinics with a diverse group of clients. However, we are mindful that there is a deep need for further research regarding the specific needs of BIPOC communities. This research should be adequately funded and led by members of those communities.

4 Limited engagement with clients

Perhaps the greatest impact of the COVID-19 pandemic on our project was its effect on our ability to meaningfully engage with clients in project design and evaluation activities. Due to social distancing restrictions, we relied more heavily than anticipated on telephone and written communication with clients because in person meetings were not possible. That being said, our client advisory committee (CAC) provided us with invaluable feedback and advice.

Based on our experience and the suggestions made by the CAC, we recommend the following actions be taken to enhance client participation in future initiatives of this nature:

- Integrate evaluation processes throughout service delivery;
- Design evaluation systems that allow clients to provide feedback regarding service while their files are open and active. These evaluation systems must ensure that the client is protected and that critical feedback does not negatively impact the service they receive;
- Provide substantial opportunities for clients to be active participants in the process of service delivery; and
- Similar projects with a client-centred design would benefit greatly from the expertise of a professional evaluator experienced in participatory, community based research.

SUMMARY OF PROJECT FINDINGS

Despite the diversity of community needs and interdisciplinary programs across the province, we were able to identify common themes and best practices for successful student social work programs in a range of legal clinic settings. The feedback gathered during our community consultations (see Table 1. Key Activities of the Social Work Pilot Program Research Project) greatly informed our recommendations for successfully hosting social work students in legal clinics.

Centering client experience is in line with the core values of the social work profession.

Effective social work centers the client and their experiences, meeting the client where they are at when service is provided. In fact, a social worker's ability to tune into the client and develop a therapeutic relationship has been shown to be the greatest factor in the success of a social work intervention.¹⁹ These principles are foundational in the design of social work services. Further, gathering and considering client feedback on an ongoing basis is central to the success of any social work program in a legal clinic setting.

Successful social work intervention recognizes the oppressive history of social work services and its limitations.

One of the most common concerns we heard about offering social work services in legal clinic settings was unease with social work's oppressive history and its ongoing oppression of low income and racialized communities. For example, social workers across Canada played a critical role in the Sixties Scoop of Indigenous children by Canadian child welfare agencies. Decades later, tension between child welfare workers and racialized communities in Ontario still exists, in part because oppressive practices continue to this day. There continues to be an overrepresentation of Black and Indigenous youth in Ontario's child welfare system. A recent report by the Ontario Human Rights Commission notes that "Black children are over-represented in the child welfare system relative to their presence in the child population"²⁰ and that "despite making up only 4.1% of the population in Ontario under age 15, Indigenous children represent approximately 30% of foster children".²¹ Given these facts, a client may understandably reject assistance from a social worker and wish to focus solely on their legal matter.²²

Legal clinics across the province are also experiencing a critical moment of reflection as we reckon with the ways in which clinics and other actors in the justice system have perpetuated systemic racism against individuals who are Indigenous, Black, and racialized.

The feedback we received from members of the Client Advisory Committee was particularly focused on experiences of discrimination and the need for all clinic staff to be intentional in practicing from an anti-oppressive framework:

“I think having an intro that they follow that [anti-oppressive] approach, because if I go into a clinic and I have a straight white guy I know he’s not going to understand half of what I explain. Students should cycle through different clinics.”

Chelsea Walton

“Their [student] competency and level of compassion should be consistent for who their client is. If someone has a different identity they should be respected regardless. Nobody should be discriminated against”

Kim

“Having AOP workshops before they [students] start. Often when we walk into rooms we assume who they are going to be, I think it’s important to get familiar with how they think and how they feel about certain people. There are people with invisible disabilities. We really need to consider the people we’re hiring and ask them hard questions.”

Cassandra London

With this feedback in mind, the design of a social work student program should create ample opportunity to educate social work students and legal staff on how to engage in meaningful anti-oppressive practice. Part of this work is identifying out how social workers can be part of a meaningful process of changing oppressive structures.

Despite these clear tensions, we have concluded that with an appropriate program design, social workers and social work students can work effectively on systemic change with clients and the community. Regi David, a CLW at WSCLS who has supervised both MSW students and a community organizing student, notes:

“In order to work on community change you must identify the needs of the community and you must first build trust with clients. Providing services to clients will build the trust and understanding that will allow you to work with them to make change in the community. It is important that social work students have some engagement with community work so that it will help them develop their identity as social workers and understand their role in system change.”

When possible, the intentional inclusion of community practice as a learning opportunity is an impactful strategy to assist social workers students in developing a broader concept of anti-oppressive practice.

Relationship building and trust is important when building a successful social work program.

During our informational interviews, we heard from many interviewees that relationship building was critical to the success of their social work student placements. With each new student, there is an ongoing need to establish trust with legal staff through effective supervision and the student's demonstration of competency.

The feedback we received from members of the Client Advisory Committee highlighted the importance of establishing trust and having confidence in the competency of the student. Similarly, the feedback we received from legal clinic staff identified the importance of having confidence in the student's capacity to offer high quality services and the ability to refer clients directly to the staff social worker if required.

Student programs have a responsibility to provide quality student placement opportunities.

A common theme we heard during our informational interviews was the value of social work services to assist clients who require a high level of support to complete instrumental tasks in support of their legal case. While such work may form a significant component of any student placement, these activities alone would not be sufficient to meet the placement requirements of most MSW programs.

“Parkdale Community Legal Services (PCLS) has not used professional social workers in its staffing, in part due to the general social work model. While it is admittedly a risk to characterize social work as one theoretical and practical model, it does appear that social work practice focuses on helping people cope with and adapt to the social and economic conditions in their environment. PCLS has, since inception, maintained an equal number of legal caseworkers (lawyers) and community organizers (CLW). This community legal clinic practice model supports individual and collective struggles to transform the social and economic conditions giving rise to problems faced by individuals and our communities. PCLS does, at the same time, provide warm referrals to social work services in the community.”

Mary Gellatly,
Parkdale Community Legal Services

Social work students require and deserve quality learning opportunities that enable them to develop the skills, values, and ethics expected of a social worker. Field education is integral to social work pedagogy and student learning.²³ As such, students should be considered as important stakeholders in the design of a model of collaboration. It is the responsibility of the placement organization to provide adequate training and a suitable learning environment.²⁴

Many legal clinics have offered very successful social work field placements to students without a staff social worker onsite. This speaks to both the breadth of expertise found within the legal clinic system and the commitment of clinic staff to providing client-centred services. That being said, it is our view that while a placement can be offered without a staff social worker on site, the availability of a staff social worker significantly enhances the organization's capacity to offer high quality and sustainable field education placements. If an on-site staff social worker is not available, students may benefit from the mentorship of an external social worker.

■ **Effective onboarding processes are a valuable part of social work programs.**

Multiple studies of social work students in non-traditional settings demonstrate the importance of intentional onboarding processes that prepare students for a specific practice setting. These include structured learning activities and placement expectations, and are cross-referenced with professional social work competencies.²⁵

■ **Structured social work student placements should be responsive and flexible.**

Legal clinics are dynamic, fast-paced workplaces that must be responsive to changing clients' needs. Such an environment can provide a rich learning experience for a student and demonstrate how social work is practiced in a community setting. That being said, such an environment can be overwhelming for a student who is grappling with balancing high needs clients with a lack of clear solutions for the first time.

A structured social work placement that provides support, consistency, and opportunities for self-reflection and self-care will allow students to flourish. This may not typically be part of a legal practice and may be an area where students who are supervised by non-social workers would benefit from the additional support of an external social worker mentor.

The feedback we received from SCLS staff and placement students pointed to the tangible benefits of flexibility within the social work student program. This flexibility enabled staff and students to meet their goals. The success of flexible placement design depends on a clear plan for supervision and adherence to the learning plan goals.

Community legal clinics must carefully define the scope of practice for their social work students.

Social work practice encompasses a broad range of activities. When determining what social work services will be offered as part of a student placement, legal clinics must identify their community's needs and consider the social work faculty's requirements for a student practicum. The following guiding principles emerged from our research and consultation activities:

- Social work services in a legal clinic can provide a broad range of services but should not seek to replicate services available in the community. Instead, students who provide direct client services should act as a bridge for clients to access support in the community.
- Social work students should prioritize warm referrals for clients who no longer qualify for legal services, those whose legal cases are dormant (for example, clients who have filed ODSP appeals and may be facing a wait of a year or more), or may form part of discharge planning.
- Students who provide short-term case management support should prioritize connecting the client to ongoing community support.
- As social work students engage with clients, they should always consider how they will successfully discharge the client with necessary supports in place.
- Students should not provide stand-alone therapeutic counselling services due to concerns regarding expertise, professional insurance, availability of appropriate supervision, and the time-limited nature of legal services. However, students should strive to build strong and trusting relationships with clients which can have therapeutic benefits. Students should ensure any interaction with clients is supportive, positive, and goal directed. To this end, social work students can engage in supportive counselling.

Based on our learnings to date, we suggest that social work activities should only be undertaken in connection with an ongoing legal matter or to assist with the referral process for clients who do not qualify for services, and that legal clinics should not offer standalone social work services. A social work student placement may include the following direct services if appropriate for the community served:

- Short term case management,
- Warm referrals,
- Bridging to waitlisted community services,
- Discharge planning to sustainable community support (where needed), and
- Developing supportive relationships with clients that may have therapeutic benefits.

Social work students should also engage in macro social work through involvement in the clinic's law reform, community development, and community organizing activities. This will ground the student's work in the principles of community action and systemic change.

Finally, during their placement, social work students should build relationships with community leaders and organizations, actively building referral pathways. This will enhance the clinic's capacity to connect clients to social work services in the community, while deepening the student's learning. An excellent example of such an initiative was the development of a referral list of mental health agencies serving the Black community by a social work student at the Black Legal Action Centre (BLAC). This resource was developed by actively engaging with community organizations in order to determine their expertise in serving Black clients through an anti-oppressive lens.

Legal clinics should be conceptualized as learning organizations.

Increasingly non-profit organizations are seeking to become learning organizations who prioritize continuous learning and quality improvement.²⁶

Social work is an evidence-based practice grounded in the principles of individual and community capacity building. As such, social work students are well placed to support legal clinics in enhancing their capacity as learning organizations. The social work student program should be well integrated into the clinic's other work and should not operate as a standalone, siloed service. A successful social work student program will provide opportunities for mutual learning between social workers and legal practitioners, fostering the development of a true interdisciplinary practice.

One powerful approach successfully implemented in several legal clinics, including ARCH Disability Law Services, has been to pair social work students and legal students. Working together has helped both students to develop their professional identities alongside one other. Another successful approach implemented at SCLS and WSCLS provided opportunities for social work students to host workshops for legal staff discussing self-care and trauma-informed practice. This knowledge sharing enhanced the capacity of legal staff to provide client-centred services.

Understanding legal clinics as interdisciplinary learning environments also creates opportunities for innovative partnerships with allied organizations, such as the Community Advocacy & Legal Centre (CALC)'s work with occupational therapy and nursing students, and WSCLS' placement focused on community organizing.

Social work programs should help integrate trauma-informed legal practice and self-care in community legal clinics.

Increasingly legal clinics are embracing the principles of trauma-informed practice. The addition of social work expertise in legal clinics significantly enhances clinics' capacity to engage these principles. Specifically, social workers and social work students can increase the clinic's capacity to assist clients who have experienced trauma and support staff engagement in strong self-care practices. For too long mental health issues and burnout amongst legal professionals has been seen as an area of individual responsibility - and by implication, a failing - rather than as the systemic issue it is.²⁷

Research has shown that lawyers are particularly vulnerable to mental health stressors²⁸ and that this vulnerability is even more profound within the field of social justice lawyering.²⁹ Research conducted by Parkdale Community Legal Services noted that law students experience very high levels of stress throughout their clinical placements. This research identified particular stressors as high workload and serving challenging clients who have experienced trauma and are in crisis.³⁰

Self-care is a foundational element of social work. As such, social work students are encouraged to actively engage in self-care practices. While they have access to current research and resources through their faculty, students can provide education to legal clinic staff about effective self-care. In response to the COVID-19 pandemic, social work students at SCLS and WSCLS successfully provided education for clinic staff on trauma-informed practice and self-care. The students reported high levels of satisfaction with regard to this work and clinic staff were grateful for this information.

Social work programs in legal clinics must navigate conflicting professional obligations and ethics.

In her research, Pamela Deck (2016)³¹, a lawyer and social worker, highlights three models of collaboration between social workers and lawyers working in interdisciplinary settings to limit the effect of conflicting professional obligations and ethics. These models are presented in Table 3 below.

Consultant	Law-Firm Employee	Consent
The lawyer makes all decisions for when to reach out to the social worker and how much information to share; does not share information that would break solicitor-client privilege.	The social worker is an employee of the lawyer or law firm and casework falls under solicitor-client privilege.	The social worker works with the client in a therapeutic capacity only and is not part of the legal team.
The social worker assists the legal team in a limited capacity.	Professions work in tandem to serve the whole client.	Each profession works to its full capacity with little inter-professional work.
Lawyers may not have the skills or training to assist clients in direct services.	Social worker may be in a compromised position due to mandated reporting obligations	Clients may share information that would trigger a social worker’s mandated reporting obligations.

Table 3. Deck’s three models of law-social work interdisciplinary practice

Theoretically, the law-firm employee model may protect the social worker from reprisal due to non-reporting as they have been instructed by their employer to adhere to the principles of solicitor-client privilege; however, there is currently no authority guaranteeing such protection. To limit instances of professional tension, the legal clinic may prevent the social worker from providing services in certain cases, establish protocols which prevent sensitive information from being shared with the social worker, and clearly inform the client of the limits of confidentiality when working with the social worker or student. This approach requires all clinic staff to have a common understanding and willingness to discuss issues as they arise. Our experience demonstrates that when an apparent conflict in professional obligations and ethics arises, it can often be easily resolved through conversation with the social worker, legal staff, and client to find a mutually agreed upon path forward.

In their research, Galowitz, a trained lawyer and social worker, noted that the primary service provider's ethics should take precedence in the absence of an established model to guide interdisciplinary practice.³²

Our research indicates that the majority of interdisciplinary social work and law programs employ the law-firm employee model. This model allows social workers to serve as adjunct service providers to the core work of the legal clinic. Conversely, the medical legal partnerships we explored were primarily founded on the consultant and consent models of interdisciplinary practice.

While legal clinics that offer social work services have found a path forward with respect to inter-professional obligations, our research indicates that challenges remain in reconciling conflicting professional obligations. However, these challenges provide an opportunity for legal clinics to develop leading practices with regard to interdisciplinary practice and to share this information with professionals both inside and outside the legal clinic sector.

Clinics should consider how a staff social worker may add value to social work programs.

It is challenging for social work students to reliably provide the only source of social work support in legal clinics. This is, in part, due to the inconsistent skill levels of student learners. Survey respondents raised concerns that social work students were still learning and questioned the services they could competently provide. This was echoed by the staff at SCLS, where some legal staff were reluctant to refer clients to social work students and relied on the expertise of the staff social worker to manage and supervise complex referrals. An important part of the success of any social work student program is the inclusion of a supervisor who has the required resources and skills to ensure that students gain competency throughout their placement.

Many survey respondents reported a perceived inability to provide adequate supervision of students and thus were resistant to offer social work student placements at their clinics. On the other hand, several clinics have offered very successful social work student placements in the absence of a staff social worker and have mitigated the challenges this

presents by relying upon legal staff who have committed to social work principles or by engaging legal staff with a social work background.

Another challenge identified by survey respondents was the fluctuating availability of social work students and the importance of continuity of services. Despite working closely with social work faculties, legal clinics may not be assigned a placement student every academic semester and students are often unavailable during the summer semester. For example, in response to the COVID-19 pandemic, field placements were shortened in the spring and summer semesters of 2020 and there was a reduction in the number of students seeking field placements. Despite engaging with the social work faculties of the University of Toronto and Ryerson University, neither SCLS nor WSCLS were successful in securing social work students for the fall semester this year. The uncertainty of securing student placements raises concerns regarding the ethical implications of offering unsustainable services to vulnerable clients. Given this lack of reliability, clinics can benefit from a staff social worker who ensures continuity of service.

Legal clinics are committed to equitable and fair workplace practices. Further to this commitment, paid positions should not be converted into unpaid student placements. Our project identified a need for paid social work positions in some legal clinics; however, the need for social work services varies in clinics across the province. For example, some clinics may not require a full-time staff social worker. In these cases, a shared model of supervision in which one staff social worker supervises students at several legal clinics may be effective.³³ It should be noted that shared supervision models may raise issues related to employment relationships and access to client information.

We acknowledge that some members of the legal clinic community have raised concerns regarding the inclusion of social work in legal clinic settings and the importance of ensuring that clinics' limited resources are focused on meeting clients' legal needs and engaging in law reform work. Due to the constraint of clinics' finite resources from Legal Aid Ontario, legal clinics may wish explore other funding sources to support their social work programs. Possible sources of funding may include municipal homelessness prevention programs, health sector funding (including opportunities within the framework of the new Ontario Health Teams), provincial and federal funding programs, and private foundations.

Ensuring future research projects are community-led and responsive to community needs.

All community legal clinics have a shared responsibility to develop services that are responsive to the needs of the Black and Indigenous clients they serve. Such work must be mindfully incorporated into clinic work plans and should intentionally centre the voices of community members. Further research on best practices for the provision of holistic services in legal clinics to Black and Indigenous communities is necessary. The needs of Black and Indigenous communities will vary and should not be assumed to be homogenous by legal clinics.



This project is a key demonstration of the benefits of social workers practicing alongside lawyers. Inter-professional practice between lawyers and social workers responds holistically to the needs of individuals experiencing socio-legal issues by also supporting their mental, emotional, and spiritual wellbeing and adjustment. Access to justice is not just about access to the courts, but it is about providing opportunities to receive individualized support while addressing legal issues.”

Professor Michael Saini,
Factor-Inwentash Chair in Law and
Social Work at the University
of Toronto and member of the
project’s Advisory Committee



Our research identified the importance of recognizing the principle of Indigenous health in Indigenous hands. Several legal clinics across Ontario have embraced this principle and created Indigenous Justice Coordinator roles. While their duties may overlap with those typically found in a social work role, these positions are uniquely designed to serve the needs of local Indigenous communities. For example, the Indigenous Justice Coordinator at the Hamilton Community Legal Clinic program, YEN:TENÉ, serves as a trusted broker, strengthening the relationship between the local Indigenous community and the legal clinic.

Our research was also informed by the increased consciousness of the Black Lives Matter movement and its connection to issues of legal and health equity. For instance, in June 2020 the Toronto Board of Health passed a motion recognizing anti-Black racism as a public health crisis. Organizations such as Scarborough's TAIBU Community Health Centre have advocated for conceptualizing health through the lens of Africentricity. Social work programs serving the Black community must reflect on these principles and build on such moments of increased consciousness.

We also acknowledge the need for additional research that supports clients of intersectional identities who have also faced multiple barriers in engaging with legal and social work services including members of all racialized communities, members of the LGBTQ2+ communities, and neuro-diverse populations. Some legal clinics have begun to collect race-based data and other identifying information that will help to better inform such research.

Priority for funding to complete this ongoing research should be granted to organizations who have the necessary expertise and trust within these communities. Trusted service providers should be identified by community members to ensure that they speak with a voice that resonates in the community.

The community legal clinic system needs a province-side social work community of practice.

Staff and students practicing social work in legal clinics would benefit from a shared community of practice within the legal clinic sector. Establishing more opportunities for discussion and collaboration will help to build relationships of trust between social work practitioners in the legal clinic system.

A listserv for legal clinic staff dedicated to issues regarding social work is hosted by the Clinic Resource Office, however, it has not been active for some time. We recommend the reactivation of this listserv as it serves as an important source of connection for community legal clinic staff.

We also recommend the creation of a legal clinic social work study group, with the purposes of sharing information, offering training opportunities, and providing mentorship. This group of social work practitioners could meet regularly via videoconference and offer its members the opportunity have a colloquium series in

their areas of practice. Study group meetings may also serve as a forum to discuss the challenges of interdisciplinary practice and share best practices in student supervision and training. Finally, this forum may provide an opportunity to develop standard curriculum for social work students with the intention of being adapted to individual clinics. Resources developed by the group could be shared and hosted on the Association of Community Legal Clinics of Ontario's KnowledgeNow website.

SCLS hopes to be an engaged partner in establishing a community of practice and is committed to working with legal clinics across the province to ensure the success of these initiatives.

The community legal clinic system should capture and share existing social work knowledge.

Through this project we were gifted with an enormous amount of shared knowledge and understanding. We were met with warmth and generosity by social workers and other legal clinic staff who freely shared their knowledge and connected us to experts in the field. In addition to the professional social workers we interviewed, we identified and spoke with clinic staff who supervise social work students effectively, despite not having the title of social worker.

Research has found that social workers in integrated health settings often engage in work that is not considered to be “reimbursable interventions” and that there is continued confusion around the role of social workers.³⁴ There is therefore a danger of this often gendered “caring work” going unrecognized. Legal clinics need to be intentional in recognizing social work expertise that is brought to resolving client issues, whether it be brought to the team by licensed social workers or social service workers or those with a similar education or experience who are doing the work “off the side of their desks”. Careful thought should be given to how social work interventions can be measured through client management systems, such as CIMS, and otherwise reported to funders and stakeholders.

Our research indicates that much of the information gathered about social work practices in the legal clinic setting is not widely shared among clinics, particularly between geographic regions. To address this issue, we recommend the creation of a central hub for this information. By sharing the stories of those engaged in social work in the legal clinic system, we can better understand the role of social work, develop trust between social workers and legal workers, and support future funding requests.

RECOMMENDATIONS

Theoretical Foundations of Student Social Work Programs

1 Leading Anti-Oppressive Practice Principles Must Form the Basis of Social Work Student Programs

Anti-oppressive practice (AOP) principles should form the foundation of clinics' social work programs. This will require clinics to grapple with how the theory of AOP practice translates into the specific context of their legal practice. AOP principles should be incorporated into each stage of the program, including interviewing candidates, onboarding processes, development of the learning contract, identification of learning experiences, and evaluation. Students primarily engaging in delivery of direct client services should also be given opportunities to engage in systemic advocacy work wherever possible.

2 Social Work Student Programs Should be Designed in Consultation with Clients. Frameworks for Service Should Prioritize Centering of Clients' Experiences, Building Trust with Clients, and Make an Ongoing Commitment to Client Engagement in Evaluation Activities.

Legal clinics must proactively seek opportunities for client engagement when designing their social work student program. Opportunities for client engagement may include establishing a client advisory group and gathering regular client feedback. Clinics must allocate sufficient resources to support clients in meaningfully participating in the program's design and evaluation.

3 Social Work Placements Should Help Integrate Trauma-Informed Practices, Including Self Care Practices, into Clinic Practice

Social work students should also be oriented to trauma-informed practice and how to integrate this with AOP practice. Students can play a vital role in strengthening trauma-informed practice and self-care activities in legal clinics.

Leading Practices for Student Social Work Programs in Legal Clinics

4 Successful Student Programs Build Trust with Legal Staff and Clients

The supervising staff member must help to build strong relationships between the clinic's legal staff and the social work student, in part by engaging in open conversations about barriers to trust. Supervisors must also have adequate time, resources and skills to provide student training and supervision in order ensure competency. Supervisory oversight is required to safeguard against ethical concerns and ensure client well-being. All staff and students must have open communication around potential professional and ethical conflicts and must make a commitment to client-centred practice that furthers the vision and mission of the legal clinic.

5 Clinics Should Provide High Quality Placement Opportunities that Acknowledge Social Work Students as Important Stakeholders

Legal clinics must consider the unique needs of their clients and community, as well as their own capacity, when determining if they will offer a social work student program. When making this decision, legal clinics should explore available support from partnering social work faculties which may aid them in providing quality placement opportunities.

6 Embed Social Work Students in Legal Clinics as Learning Organizations

Legal clinics should seek opportunities for students to participate in continuous learning and quality improvement. This has been successfully achieved in some legal clinics by cohorting students, engaging students in training for staff, and participating in projects with allied organizations.

7 Clinics Should Ensure Onboarding Processes Orient Social Work Students to Legal Clinics and the Challenges of Interdisciplinary Work

Social work student onboarding processes should include an orientation to: all areas of the clinic's work, intake processes, case criteria, expectations for the role, and the types of work the student will undertake, with specific examples wherever possible. The field placement supervisor should clearly explain when and with whom to discuss potential interdisciplinary or ethical issues and this information should be routinely reviewed in supervisory sessions.

8 The Role and Scope of Practice of the Social Work Student Must be Well-Defined, Clearly Understood, and Time-Limited. Students May Provide a Broad Range of Services but Should Not Replicate Services Available in The Community or Provide Clinical Counselling

Legal clinics must determine the appropriate scope of social work services to offer keeping in mind: the full scope of potential social work services available, the particular needs of their community, the principle of non-replication of community services, and the capacity of the clinic to provide competent and culturally appropriate services. We recommend that legal clinics not offer standalone social work services for clients who do not have a legal matter with the clinic. Services should be limited to clients with an active legal case or to those clients declined for legal services who require referrals to other supports.

9 Student Placements Need to Balance Structure with Flexibility to Respond to Clients' and Legal Workers' Needs

Legal clinics should develop a clear framework of practice and internal processes to assist social work students to conceptualize and navigate their role within the clinic. This should include clear information about intake processes, case management, and projects or learning activities, and regular opportunities for reflection and self-care with their supervisor. The supervisor should provide regular feedback to the student and maintain

responsibility for oversight of all the student's work. The supervision plan should include consideration for adult learning principles including respect, autonomy and self-direction, accumulation of life experience and knowledge, relevance and goal-orientation, and practicality.

10 Social Work Students Should be Active Participants in Building Referral Pathways To and From Legal Services

Legal staff and social work students should work together to build relationships with community service providers and to actively create opportunities for collaboration and the creation of referral pathways.

11 Student Social Work Programs Should Follow a “Law-Firm Employee” Model of Professional Ethics

Before implementing a social work student program, legal clinics should inform themselves of the differing legal and professional obligations of the professions. Clinics should be prepared to effectively resolve complex inter-professional ethics issues as they arise. Clinics who are uncomfortable with such conflicting inter-professional considerations may prefer exploring health-justice models of collaboration.

12 Intersecting Professional Obligations are Challenging However this Issue Provides an Opportunity for Legal Clinics to Develop Leading Practices

Legal clinics have the opportunity to be leaders in developing leading practices regarding interdisciplinary practice and should share these learnings with professionals both inside and outside of the legal clinic sector. This may include working with social work students and faculties on academic papers and participating in conferences and training sessions discussing interdisciplinary practice.

13 Student Social Workers Should be an Adjunct to, and Not a Replacement for, Staff Social Work Expertise

Legal clinics are encouraged to seek funding opportunities to engage staff social workers when feasible. While it is possible to implement the above recommendations without staff social workers, the clinic's capacity to offer a high quality and sustainable social work student program will be enhanced with the addition of a staff social worker.

Building Social Work Capacity in the Legal Clinic Sector

14 Support Community-Led Projects to Provide Wrap Around Services Appropriate to Specific Community Needs

Further research focused specifically on the needs of Black and Indigenous communities should be undertaken. It is imperative that Black and Indigenous led organizations be prioritized for funding as they are best placed to complete this work.

15 Seek Sustainable Funding for Staff Social Workers

Our research demonstrates the value of sustainable and stable funding for successful social work programs. Legal clinics should explore funding sources outside Legal Aid Ontario and may wish to consider alternate models of supervision, including models of shared supervision, to leverage their limited financial resources.

16 Develop a Social Work Community of Practice in the Legal Clinic System

Staff and students practicing social work in legal clinics would benefit greatly from a shared community of practice within the legal clinic sector. Reactivating the Clinic Resource Office's social work listserv and establishing a social work study group would develop deeper connections between social work practitioners in the community legal clinic system.

17 Share Knowledge of Existing Social Work Programs in the Legal Clinic System

Celebrating social work being undertaken in the legal clinic system is an important component to the success of province wide student social work programs. Much of the information gathered about social work practices in the legal clinic setting is not widely shared among clinics; as such, we recommend the creation of a central hub for this information.

18 Continued Research Should Address How Alternative Models of Community Partnership Can Bridge Legal And Social Work Services

Further work is needed to connect learnings about social work in legal clinics to research currently being completed on medico-legal partnerships in the clinic system.³⁵ This work may seek to determine:

- the ideal location for the intersection of law and social work collaboration (i.e. in a legal clinic, community organization, or health care agency); and
- an effective model of collaboration to balance conflicting professional ethics.

Future research may demonstrate that embedding social workers and students in legal clinics will work in tandem with medico-legal partnerships to create new referral pathways that allow clients to seamlessly access legal and social work services. The shift to Ontario Health Teams has created new terms of engagement around community health and wellbeing. This has created an opportunity for meaningful conversations about how legal clinic services fit into the continuum of social services necessary to achieve health equity.

Our project has demonstrated that a social work student program can provide essential assistance and support to legal clinic clients as they work to address their legal problems. We hope that the findings and recommendations set out in this report will help community legal clinics across Ontario build strong and sustainable social work programs to serve their communities.

APPENDIX A: Logic Model – Social Work Students at Scarborough Community Legal Services

RESOURCES	OUTPUTS	OUTCOMES			EVALUATION	
		Short-term	Intermediate	Long-term		
<ul style="list-style-type: none"> • 1 Staff Social Worker • West Scarborough MSW/JD project supervisor • SCLS supervisor (Executive Director) • 1 Social Work Student 	Activities, Tasks, Strategies Student focused: <ul style="list-style-type: none"> • Weekly supervision (video call) • Ad hoc supervision and/or consultation as needed Client-focused: <ul style="list-style-type: none"> • Consultation and coordination with legal staff • Review of legal docket • Case consultation and planning • Phone calls with clients • Warm referrals to outside agencies • Advocacy for services with outside agencies/programs • Short-term case management • Client psychoeducation • Virtually accompany clients to appointments and/or hearings • Team meetings Community focused: <ul style="list-style-type: none"> • Community advocacy • Public Legal Education sessions • Networking with community agencies • Special interest projects 	Audience Greater community and individuals living in East Scarborough that have accessed legal services through Scarborough Community Legal Services and have complex needs (i.e. mental health, problematic substance use, lack of or need for additional supports) Referrals to Social Work Program to be received internally from SCLS' legal caseworkers in: <ul style="list-style-type: none"> • Employment • Human Rights • Housing • Social Assistance • Immigration Referrals will have specific, measurable goals or outcomes (i.e. connect client to housing worker) and will be reviewed by the staff social worker for suitability and case load	Client will have access to supports to address their core needs (food, shelter, source of income and physical and psychological wellness)	Clients will have increased awareness of community resources available in Scarborough	Client will have increased ability to navigate community supports	<ul style="list-style-type: none"> • Client satisfaction survey (Completed after social work file closed) • Staff surveyed at beginning and end of project regarding perceived benefits of social work involvement • % achievement of original referral goal/outcome • # referrals to social work program • # cases opened • # clients served
			Client will feel supported by social work student	Client will be satisfied with social work support	Client will have increased comfort and ability to be pro-active in accessing referral pathways for future concerns	
			Legal caseworkers able to appropriately refer clients for social work assistance Increased awareness of community agencies; do not require referral/intervention	Legal caseworkers able to work effectively in a team-based approach with social worker to best support client according to their roles	Clinic delivers legal services that are trauma-informed. Legal staff are able to work to their full scope of legal practice, increasing clinic capacity to support more clients.	
			Development and strengthening of partnerships/referral pathways	Clinic has enhanced ability to advocate for social justice issues		

REFERENCES

- 1 Abramowicz, L. (2004) Critical Characteristics of Community Legal Aid Clinics in Ontario, *Journal of Law and Social Policy*, vol. 19, Fall 2004; pp. 70ff
- 2 Bhatia, A., Mosher, J., Rogin, J, Smyth, G., Sobat, E., Wiseman, D. (March 2020). Joint Brief: Neither Smarter nor Stronger: Bill 161 is a Step Backwards for Access to Justice and Community-Based Legal Services in Ontario A Brief on Bill 161, Smarter and Stronger Justice Act, 2020. <https://www.osgoode.yorku.ca/wp-content/uploads/2020/03/Bill-161-Brief-March-6-1.pdf>
- 3 Zemans, F. & Amaral, J. (2018). A Current Assessment of Legal Aid in Ontario. *Journal of Law and Social Policy*, 29(1), 1-28. <https://digitalcommons.osgoode.yorku.ca/jlsp/vol29/iss1/1>
- 4 Action Committee on Access to Justice in Civil and Family Matters. (2013). *Access to Civil and Family Justice: A Roadmap for Change*. https://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf
- 5 See *ibid.* 3 and 4
- 6 City of Toronto. (2018). *City of Toronto Community Council Area Profiles 2016: Scarborough*. https://www.toronto.ca/wp-content/uploads/2018/05/8f80-City_Planning_2016_Census_Profile_2014_Wards_CCA_Scarborough.pdf;
Gill, A., Saxena, R. & Lahuis, M. (2017). Path to Collaboration: Research and Analysis of the Unique Trends Shaping Poverty in Scarborough and Their Implications for Community Legal Aid. Mendicant Group.
- 7 Gill, Saxena & Lahuis (2017)
- 8 See *ibid.* 7
- 9 Canada, K. E., & Epperson, M. W. (2014). The client–caseworker relationship and its association with outcomes among mental health court participants. *Community Mental Health Journal*, 50(8), 968–973.; Dickens, J. (2006). Care, Control and Change in Child Care Proceedings: Dilemmas for Social Workers, Managers and Lawyers. *Child & Family Social Work*, 11, 23-32.; Roberts, L. (2010). Mental Health Courts: An Interface Between Social Work and Criminal Justice. *Columbia Social Work Review* 1, 36-44.
- 10 Fehn, J. (2015). What to Expect at the Intersection of Law and Social Work. *Faculty Scholarship*, 300. <http://open.mitchellhamline.edu/facsch/300>; Voyvodic, R. & Medcalf, M. (2004). Advancing Social Justice Through an Interdisciplinary Approach to Clinical Legal Education: The Case of Legal Assistance of Windsor. *Washington University Journal of Law & Policy*, 14(1), 101-132.
- 11 Deck, P. (2016). Law and social work: Reconciling conflicting ethical obligations between two seemingly opposing disciplines to create collaborative law practice. *Western New England Law Review*, 38(2), 261-284.
- 12 Child, Youth and Family Services Act, 2017, SO 2017, c 14, Sch 1, s.125 (1)

- 13 Law Society of Ontario, *Rules of Professional Conduct* 3.3(1). <https://lso.ca/about-lso/legislation-rules/rules-of-professional-conduct/chapter-3>; Law Society of Ontario, *Paralegal Rules of Conduct* 3.03(1). <https://lso.ca/about-lso/legislation-rules/paralegal-rules-of-conduct/complete-paralegal-rules-of-conduct>
- 14 See *ibid.* 11
- 15 Fortune, A., McCarthy, M., Abramson, J. (2001). Student Learning Processes in Field Education: Relationship of Learning Activities to Quality of Field Instruction, Satisfaction, and Performance Among MSW Students. *Journal of Social Work Education*, 37(1), 111-124; Shulman, S. (2005b). Signature pedagogies in the professions. *Daedalus*, 134(3), 52-59.; Council on Social Work Education. (2015). *Educational policy and accreditation standards*. 2.2. https://www.cswe.org/getattachment/Accreditation/Accreditation-Process/2015-EPAS/2015EPAS_Web_FINAL.pdf.aspx; Wayne, J., Bogo, M. & Raskin, M. (2010). Field Education as the Signature Pedagogy of Social Work Education. *Journal of Social Work Education*, 46(3), 327- 339.
- 16 Frimpong, J., Banks, S., Brodie, K. (2018). Developing an MSW Field Practicum Model in a Forensic Setting. *Practice Digest*, 8(2), 1-12.
- 17 Moore, W., Poole, J., Pearson, F., Moore, L., Rife, J. (2015). Initiating New Community and Field Education Partnerships: The Congregational Social Work Education Initiative. *Canadian Social Science*, 11(3), 1-12.
- 18 For more information see Community Advocacy Legal Centre. (2016). *Justice & Health Partnership Project Evaluation Report – Phase II-January-June 2016*. <https://communitylegalcentre.ca/wp-content/uploads/2018/05/JHP-Evaluation-Report-Jan-Jun-2016.pdf>
- 19 Horvath, A. (2001). The Alliance. *Psychotherapy: Theory, Research, Practice, Training*, 38(4), 365-372.; Martin, D. J., Garske, J. P., & Davis, M. K. (2000). Relation of the therapeutic alliance with outcome and other variables: A meta-analytic review. *Journal of Consulting and Clinical Psychology*, 68(3), 438-450.
- 20 Ontario Human Rights Commission. (2018). Interrupted childhoods: Overrepresentation of Indigenous and Black children in Ontario child welfare.<http://www.ohrc.on.ca/en/interrupted-childhoods#Summary%20and%20key%20findings>
- 21 *Ibid.*
- 22 Noakes, S. (2014). Transformative Social Work in the Criminal Justice Field. *Journal of Law and Social Policy*. 23, 175-187.
- 23 See *ibid.* 15
- 24 Frimpong, Banks & Brodie. (2018)
- 25 See *ibid.* 24; Moore et al. (2015)
- 26 Winkler, M., Fyffe, S. (2016). Strategies for Cultivating an Organizational Learning Culture. https://www.urban.org/sites/default/files/publication/86191/strategies_for_cultivating_an_organizational_learning_culture_0.pdf Metropolitan Housing and Communities Policy Centre.

- 27 Brafford, A. (2018). Well-Being Toolkit for Lawyers and Legal Employers (pp. 1–99). American Bar Association. https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lis_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf
- 28 See *ibid.* 27, p. 4; Golden Eagle Rising Society. (2020). *Trauma-Informed Legal Practice Toolkit*.
- 29 American Bar Association House of Delegates. (2014). *Policy on Trauma-Informed Advocacy for Children and Youth Approved by the American Bar Association House of Delegates*. https://www.americanbar.org/groups/public_interest/child_law/resources/attorneys/child-trauma/
- 30 Doucet, C. (2014). Law Student, Heal Thyself: The Role and Responsibility of Clinical Education Programs in Promoting Self-Care. *Journal of Law and Social Policy*, 23(1), 136-155.; Golden Eagle Rising Society. (2020).
- 31 See *ibid.* 11
- 32 Galowitz, P., (1999). Collaboration Between Lawyers and Social Workers: Re-Examining the Nature and Potential of the Relationship. *Fordham Law Review*, 67(5), 2123-2154.
- 33 Peterborough Community Legal Centre. (2020). *The Social Work Program Year 3 Report*. Contact Melinda Rees, Executive Director at Peterborough Community Legal Centre for more information.
- 34 Fraser, M., Lombardi, B., Wu, S., de Saxe Zerden, L., Richman, E., Fraher, E. (2018). Integrated Primary Care and Social Work: A Systematic Review. *Journal of the Society for Social Work and Research*, 9(2), 175-215.
- 35 See *ibid.* 18 and other works by Michelle Leering and the Community Advocacy Legal Centre <https://communitylegalcentre.ca/about-the-clinic/our-staff/michele-leering-selected-presentations-and-articles/>

Additional Resources

Mathews, J., Cohl, K., Thomson, G., Smith, C., Lassonde, J. (2018). *Trusted Help: The role of community workers as trusted intermediaries who help people with legal problems*. Law Foundation of Ontario. <https://cleoconnect.ca/resource/research/trusted-help-role-community-workers-trusted-intermediaries-help-people-legal-problems/>

Paradis, E. (2016). *Access to Justice: The Case for Ontario Tenants – Final Report of the Tenant Duty Counsel Review*. Advocacy Centre for Tenants Ontario. https://www.acto.ca/production/wp-content/uploads/2017/07/TDCP_Report_2016.pdf

Hamilton Community Legal Clinic. (2019). *Hamilton Legal Outreach: Final Evaluation*. Contact Hugh Tye, Executive Director, Hamilton Community Legal Clinic for more information

Peterborough Community Legal Centre. (2020). *The Social Work Program Year 3 Report*. Contact Melinda Rees, Executive Director, Peterborough Community Legal Clinic for more information



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