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Résumé de l'article

Le présent projet est une démonstration clé des avantages liés à la pratique des travailleurs sociaux aux côtés des avocats. La pratique interprofessionnelle entre les avocats et les travailleurs sociaux répond de manière holistique aux besoins des personnes ayant des problèmes socio-juridiques en soutenant également leur bien-être et leur adaptation sur les plans mental, émotionnel et spirituel. Nous fournissons des leçons apprises sur la base d'une nouvelle initiative qui intègre le travail social dans une clinique juridique comme moyen d'offrir des opportunités de recevoir un soutien individualisé tout en traitant des problèmes juridiques.

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Integrating Social Work Within Legal Clinics: An Inter-Professional Perspective to Address Social-Legal Needs

Alicia Lam
Vanessa Emery
Renee Griffin
Michael Saini*

This project is a key demonstration of the benefits of social workers practising alongside lawyers within a legal clinic. Inter-professional practice between lawyers and social workers responds holistically to the needs of individuals experiencing socio-legal issues by both addressing their legal issues while supporting their mental, emotional, and spiritual well-being and adjustment. We provide lessons learned based on a new initiative that integrates social work within a legal clinic as a means of providing opportunities to receive individualized support while addressing legal issues.

Le présent projet est une démonstration clé des avantages liés à la pratique des travailleurs sociaux aux côtés des avocats. La pratique interprofessionnelle entre les avocats et les travailleurs sociaux répond de manière holistique aux besoins des personnes ayant des problèmes socio-juridiques en soutenant également leur bien-être et leur adaptation sur les plans mental, émotionnel et spirituel. Nous fournissons des leçons apprises sur la base d'une nouvelle initiative qui intègre le travail social dans une clinique juridique comme moyen d'offrir des opportunités de recevoir un soutien individualisé tout en traitant des problèmes juridiques.

I. INTRODUCTION

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 that 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 work services, social workers, and other helping

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professionals¹ have worked collaboratively with lawyers to meet these needs.² Social workers specifically, have a long history of working alongside lawyers in legal aid, criminal law, housing, immigration and refugee law, mental health courts, child and family services, including abuse and foster care situations, and public welfare administration.³

Since its inception as a profession, social work services have been concerned with the issue of justice for individuals, families, groups, and communities and within broader societal and global contexts.⁴ This concern for justice has provided social workers with a purposeful mandate to benefit the most vulnerable and oppressed people in society, including those involved in the legal system. But, while social work services have worked within this mandate to employ their powers to deconstruct practices and to bring about personal and systems-level transformative change, social work also has a legacy of oppressive practices where poor outcomes have been evident in the lived experiences of the populations served,⁵ thus compelling the need to re-examine what needs to be changed in the values and basic approach of the profession to improve the offering of social work services within legal clinics.

While legal clinics have long recognized the benefits of providing holistic support to clients, significant barriers have limited the offering of social work services in legal clinics, including a careful scrutiny of the intersections of social work and law, the identification of potential pitfalls, a lack of funding, and a lack of infrastructure to support these models. Despite this situation, several of Ontario's legal clinics have engaged social workers to address their clients' non-legal needs. However, the model of engagement that is used is often specifically tailored to the clinic, cannot easily be applied to other clinics, and is unsustainable within current funding models.

It is within this context that we provide lessons learned based on a new initiative that integrates social work within a legal clinic – an approach that provides opportunities to receive individualized support

¹ The term “social work services” is used in this article to include services provided by both social workers and social service workers. The term “social worker” is inclusive of social service workers who are governed by the same regulatory framework. Social work services are inclusive of both direct and indirect social work services, including social work students in placement. Social workers help people resolve problems that affect their day-to-day lives and assist when people are going through a difficult period in their personal, family, and/or work life. Specifically, they help clients identify and understand sources of stress, develop coping skills, and find effective solutions to problems, find needed resources, providing counselling and psychotherapy. See “Ontario Association of Social Workers,” online: <https://www.oasw.org/Public/About_Social_Workers/Role_of_a_Social_Worker.aspx>. Social work services also address oppression and marginalization by using their power to deconstruct oppressive practices so as to bring about personal and systems level transformative change.

² L Abramowicz, “Critical Characteristics of Community Legal Aid Clinics in Ontario” (2004) 19 J L & Soc Pol’y 70.

³ We acknowledge that there is growing interest in the provision of mental health supports by a diversity of providers including peer supports. By specifically focusing on the relationship between legal clinics and social work faculties in the provision of structured social work student placements, this article addresses the interdisciplinary practice between these two regulated professions within the unique context of poverty law services. We also acknowledge that lessons learned from the intersections may transcend beyond social work services and can provide valuable insights to other community services working alongside the legal system.

⁴ Mary Ann Forgey & Lisa Colarossi, “Interdisciplinary Social Work and Law: A Model Domestic Violence Curriculum” (2003) 39:3 J Social Work Education 459.

⁵ C Blackstock, “The Occasional Evil of Angels: Learning from the Experiences of Aboriginal Peoples and Social Work” (2009) 4:1 First Peoples Child & Family Rev 28.

while addressing legal issues. This project was undertaken by Scarborough Community Legal Services [SCLS],⁶ in partnership with West Scarborough Community Legal Services [WSCLS]⁷ and aimed:

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

The purpose of this article is to share the experiences of integrating social work within SCLS, in partnership with WSCLS. By exploring both the strengths and limitations of this initiative, we provide suggestions for integrating social work within community legal practices. While our focus is specifically on community legal clinic settings, some lessons learned will be applicable across the broad sector of legal services. Likewise, while we focus on social work and social work services, due in part to the formal networks established between the legal clinic and schools of social work, lessons can be applicable across the helping professions, including less formal community-based services.

II. ACCESS TO COMMUNITY LEGAL CLINICS

The term “access to justice” stems from the understanding that today’s legal system does not meet the needs of individuals accessing services in an efficient, timely, and cost-effective manner.⁸ The focus of access to justice is to improve legal services for individuals by ensuring that they receive prompt and affordable legal services, thereby reducing wait times, litigation, and costs. Within this approach, timely and effective access to legal information, consultation, and representation are critical. This can include access to legal and community services to assist with legal issues outside of the court that may limit the need for court intervention. The current access-to-justice movement has stemmed from an increasing awareness that the court system is in a state of “crisis,” to the detriment of the individuals who are most in need of justice.

Community legal clinics are non-profit organizations that provide poverty law services to low income and marginalized individuals.⁹ They are deeply rooted in their communities and tailor their services to

⁶ 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 hosted our first staff social worker in the fall of 2019 as part of this project.

⁷ 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.

⁸ Family Justice Reform, *A Review of Reports and Initiatives* (2012). For the Family Justice Working Group of the National Action Committee on Access to Justice, see E. Shaw, online: <<https://www.cfcjfcj.org/sites/default/files/docs/2013/Family%20Justice%20Reform%20Review%20-%20April%2015%20Final.pdf>>.

⁹ There are seventy-two legal clinics across Ontario. Most of these clinics serve specific geographic communities; however, seventeen are specialty clinics that serve a particular community or focus on a specific area of law. There are also seven student legal aid service societies that operate out of Ontario law schools.

meet the unique needs of their community members.¹⁰ Legal clinics receive their core funding from Legal Aid Ontario but are governed by a community elected Board of Directors, which must determine the most pressing legal needs of its community and ensure that the clinic provides services to meet those needs. Accordingly, the areas of practice of these legal clinics 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, and, increasingly, clinics are also offering service in the areas of immigration and employment law.¹¹ In addition to providing direct legal services, community legal clinics are working 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. They include people with disabilities, newcomers, racialized communities, older adults, single mothers, and survivors of abuse. The complex challenges that clients face, combined with the structural inequities that they experience, can often make it impossible to isolate their legal problems from their other issues, which can affect their ability to fully engage with their legal case.¹²

While legal staff often support clients with these non-legal issues due to a lack of alternative supports, providing a comprehensive inter-disciplinary service in these circumstances may be more effective in improving overall outcomes. Non-legal assistance such as system navigation and crisis support is vital in ensuring that clients' immediate needs are met, including securing housing, support for physical and psychological well-being, and social connection. When supported in this way, clients may be better able to meaningfully engage in the resolution of their legal issues and obtain sustainable solutions. After accessing holistic services, clients would be less likely to return to the legal clinic in crisis, seeking emergency legal assistance.¹³ Furthermore, engaged clients may choose to become involved in law reform campaigns and advisory groups or to pursue ombudsman or human rights complaints regarding inequitable treatment. The long-term goal is that clients are supported with strategies to stand up to inequitable systems that perpetuate poverty and exclusion.

III. POVERTY AND ACCESS TO JUSTICE IN SCARBOROUGH

This Scarborough project was 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 percent of Scarborough residents are racialized, and many are newcomers. Based on the 2016 census, the unemployment rate in Scarborough is 9.8 percent, and the average household income is 23 percent lower than the Toronto average.¹⁴ Many Scarborough residents are working poor, as the community struggles with job loss, low

¹⁰ A Bhatia et al, *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*, March 2020, online: <<https://www.osgoode.yorku.ca/wp-content/uploads/2020/03/Bill-161-Brief-March-6-1.pdf>>.

¹¹ F Zemans & J Amaral, "A Current Assessment of Legal Aid in Ontario" (2018) 29:1 J L & Soc Pol'y 1, online: <<https://digitalcommons.osgoode.yorku.ca/jlsp/vol29/iss1/1/>>.

¹² Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil and Family Justice: A Roadmap for Change* (2013), online: <http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf>.

¹³ *Ibid* at 3, 4.

¹⁴ City of Toronto, *City of Toronto Community Council Area Profiles 2016: Scarborough* (2018), online: <https://www.toronto.ca/wp-content/uploads/2018/05/8f80-City_Planning_2016_Census_Profile_2014_Wards_CCA_Scarborough.pdf>; A Gill, R Saxena & M Lahuis, *Path to*

employment rates, low incomes, and low employment density. An inadequate public transit system that limits opportunity and access only complicates these issues further.¹⁵

Several 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.¹⁶ 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 have designed more client-centred and holistic services to respond to these challenges and barriers.

A. Addressing Social-Legal Issues within the Community Legal Clinic

Community legal workers are foundational actors in interdisciplinary legal clinic practice as effective agents of change through practices including community development and community organizing. This conceptualization of legal clinic work as change work resonates with anti-oppression and structural approaches to social work and, in fact, can be strengthened through a shared community of practice.¹⁷ Within the context of community legal settings, there has been a growing interest in embracing approaches including social justice or cause lawyering, in which legal staff apply a critical lens to oppressive systems and increasingly see their role as one of supporting clients and community members in claiming their power to deconstruct these structures.¹⁸

With an increased interest in trauma-informed practice within community legal spaces, another emerging area of interest is the practice of framing community legal practice within trauma-informed approaches, which were borrowed from the helping professions, including social work, to remain present with clients and to foster safety, choice, empowerment, and supportive professional relationships.¹⁹ When legal systems make successful legal advocacy almost impossible, legal clinic staff take on the role of an "accompagnateur," whose role is "to accompany [their] client-stand beside, stand up for, and give respect and voice to the client's story-irrespective of victory."²⁰

B. Including Social Workers as Part of the Solution in Community Legal Clinics

While the intersection of social work and community legal practice has the potential of producing more relevant and effective outcomes for clients served by legal clinics, there remains a gap in the literature that has specifically considered these collaborative opportunities. While there is a growing body of literature examining the intersection of legal and social work practice,²¹ much of the research focuses on forensic,

Collaboration: Research and Analysis of the Unique Trends Shaping Poverty in Scarborough and Their Implications for Community Legal Aid (<Scarborough>: Mendicant Group, 2017).

¹⁵ Gill, Saxena & Lahuis, *ibid*.

¹⁶ *Ibid* at 7.

¹⁷ Spencer Rand, "Teaching Law Students to Practice Social Justice: An Interdisciplinary Search for Help through Social Work's Empowerment Approach" (2006–2007) 13 *Clinical L Rev* 459.

¹⁸ Ascanio Piomelli, "Sensibilities for Social Justice Lawyers" (2013) 10 *Hastings Race & Poverty LJ* 177.

¹⁹ Colin James, "Towards Trauma-informed Legal Practice: A Review" (2020) 27:2 *Psychiatry, Psychology & Law* 275.

²⁰ M Reuter, SA Rosenbaum & D Duryea, "Attorney as Accompagnateur: Resilient Lawyering When Victory Is Uncertain or Nearly Impossible" (2019) 59 *Wash UJL & Pol'y* 107 at 108.

²¹ See eg Jane H Aiken & Stephen Wizner, "Law as Social Work (Promoting Justice through Interdisciplinary Teaching, Practice, and Scholarship)" (2003) 11 *Wash UJL & Pol'y* 11 63; S Boys, S Quiring & C Hagan, "Social Work Skills Can Fill the Gaps in Legal Education: Law Student Opinions of Their Preparation for Practice with Clients" (2015) 3:1 *UK Law Student Rev* 87; Brigid Coleman, "Lawyers Who Are Also Social Workers: How to Effectively Combine Two

child welfare, and domestic violence settings²² and is not easily transferable to the unique experience of legal workers and social workers in community legal clinics. 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.²³

There are many benefits to engaging social workers to provide service to clients experiencing legal issues. 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 the client's legal problems; these can include precarious housing, mental health challenges, and employment issues. While many staff at legal clinics are experienced in supporting clients in crisis, their training and orientation is focused upon resolving legal disputes, including systemic legal issues. Legal staff often have limited capacity to provide wrap-around supports to their clients, due to their focus on resolving the legal matter. Furthermore, clients should have access to the highest quality of support available rather than having services offered on an ad hoc basis by other services providers.²⁴ Social workers are highly skilled in assessment, interview, evaluation, crisis intervention, case work, and case management.²⁵

Social workers also 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. 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.

Social workers also have the ability to build community and clinic capacity. Legal clinics typically serve communities with complex and unique needs. Social work services can increase the clinic's capacity for community outreach, while also increasing the clinic's ability to respond to its community's demands.

Different Disciplines to Better Serve Clients" (2001) 7 Wash UJL & Pol'y 131; S Taylor, "Educating Future Practitioners of Social Work and Law: Exploring the Origins of Inter-Professional Misunderstanding" (2006) 28:6 Children & Youth Services Rev 638; Tamara Walsh, "Lawyers and Social Workers Working Together" (2012) 21:3 Griffith L Rev 752.

²² KE Canada & MW Epperson, "The client–caseworker relationship and its association with outcomes among mental health court participants" (2014) 50:8 Community Mental Health J 968; J Dickens, "Care, Control and Change in Child Care Proceedings: Dilemmas for Social Workers, Managers and Lawyers" (2006) 11 Child & Family Social Work 23; L Roberts, "Mental Health Courts: An Interface between Social Work and Criminal Justice" (2010) 1 Columbia Social Work Rev 36.

²³ J Fehn, "What to Expect at the Intersection of Law and Social Work" (2015) 300 Faculty Scholarship <1>, online: <<https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1301&context=facsch>>; R Voyvodic & M Medcalf, "Advancing Social Justice through an Interdisciplinary Approach to Clinical Legal Education: The Case of Legal Assistance of Windsor" (2004) 14:1 Wash UJL & Pol'y 101.

²⁴ Allen Rubin & Danielle E Parrish. "Comparing Social Worker and Non-Social Worker Outcomes: A Research Review" (2012) 57:4 Social Work 309.

²⁵ See eg Siobhan E Laird, "Training Social Workers to Effectively Manage Aggressive Parental Behaviour in Child Protection in Australia, the United States and the United Kingdom" (2014) 44:7 British J Social Work 1967; Evelien PM Brouwers et al, "Cost-effectiveness of an Activating Intervention by Social Workers for Patients with Minor Mental Disorders on Sick Leave: A Randomized Controlled Trial" (2007) 17:2 Eur J Public Health 214; Melinda R Roberts et al, "A Social Worker's Role in Drug Court" (2014) 4:2 SAGE Open 2158244014535413.

C. Potential Pitfalls of the Intersection of Law and Social Work

There are also several challenges and barriers to incorporating social work services in legal clinics that should be considered. First, there is a lack of funding in legal clinics to include social work services. 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.

Challenges can be 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. Defining the role of the social worker and field placement student in a legal clinic is also challenging. Their duties must consider the role of legal clinics first and foremost as legal service providers. For example, for counselling services to be effective, this work may be required to extend beyond the resolution of the client’s legal issue.

The lack of capacity to adequately supervise social work services can be challenging. Engaging only one staff social worker may create challenges when it is necessary to consult with colleagues about a case, particularly regarding 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 students’ work and ensure that they gain competency throughout their placement.

There are also challenges with 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, due to extremely limited resources and the need to remain focused on legal clinics’ mandate to provide legal services, staff social workers in legal clinics must not replicate pre-existing services available in the community and, rather, bridge clients to community supports.

One perceived tension between lawyers and social workers is that both advocate to further their client’s interests, but they diverge at times in their focus on how this work is defined. 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 duty to respect their client’s right to self-determination, but they must balance this against their responsibility to society. Differences in duties, roles, and responsibilities must be situated within the legal clinic setting, in which all clients have the capacity to provide instructions or have a litigation guardian. The “best interest” concept must be understood in the context of the duties to advance client self-determination and broader social justice and the voluntary nature of social work services as an adjunct to legal services. Ensuring that both legal and social work services are offered from an anti-oppressive framework is critical.

Another ethical dilemma faced by legal and social work teams includes decisions regarding confidentiality, disclosure, and mandatory reporting. A lawyer’s communication with a client is protected by solicitor-client privilege. While communications between social workers and clients are confidential, they may be disclosed if required by law.²⁶ Social workers have a mandatory duty to report child abuse and a serious risk of self-harm. Lawyers may only breach solicitor-client privilege to report an “imminent

²⁶ Child, Youth and Family Services Act, SO 2017, c 14, Sch 1, s 125(1).

risk of death or serious bodily harm.”²⁷ In other words, social workers have a mandatory duty to report harm, but lawyers have only a permissive exemption to report the most serious immediate harms while respecting the paramountcy of client confidences.²⁸

In sum, 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.²⁹

D. 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. Field education is an integral component of social work pedagogy and carries the responsibility of preparing students to be effective practitioners upon graduation.³⁰ 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 “systematic and structured onboarding” process that sets students up for success.³¹ A key component of success is strong working relationships between the collaborating disciplines; in this way, the programs work “in tandem.”³²

IV. SOCIAL WORK SERVICES AT SCLS

SCLS began implementing social work services as part of the project in January 2020 while the framework was still under review. The intended project timelines were delayed due to the COVID-19 pandemic and its associated impact on clinic and university operations. Unfortunately, the delay experienced in implementing the framework resulted in less data than anticipated to evaluate the project. SCLS engaged with a Professional Advisory Committee made up of individuals experienced in the intersections of law and social work and experienced in working with low-income clients in Scarborough and a Client Advisory Committee of lived experts. SCLS also held a broader stakeholder consultation with legal clinics and community partners and held key informant interviews with several legal clinics engaged in social work placements or social work activities.

²⁷ Law Society of Ontario, *Rules of Professional Conduct*, rule 3.3(1), online: <<https://lso.ca/about-lso/legislation-rules/rules-of-professional-conduct/chapter-3>>; Law Society of Ontario, *Paralegal Rules of Conduct*, rule 3.03(1), online: <<https://lso.ca/about-lso/legislation-rules/paralegal-rules-of-conduct>>.

²⁸ For a discussion on the rules that govern a lawyer’s duty to report, see Deanne Sowter, “A Lawyer’s Duty to (Sometimes) Report a Child in Need of Protection,” *Slaw, Canada’s Online Legal Magazine*, online: <<http://www.slaw.ca/2020/02/26/a-lawyers-duty-to-sometimes-report-a-child-in-need-of-protection/>>.

²⁹ *Ibid* at 11.

³⁰ A Fortune, M McCarthy & J Abramson, “Student Learning Processes in Field Education: Relationship of Learning Activities to Quality of Field Instruction, Satisfaction, and Performance among MSW Students” (2001) 37:1 *J Social Work Education* 111; S Shulman, “Signature Pedagogies in the Professions” (2005) 134:3 *Daedalus* 52; Council on Social Work Education, *Educational Policy and Accreditation Standards* (2015) at 2.2, online: <http://www.cswe.org/getattachment/Accreditation/Accreditation-Process/2015-EPAS/2015EPAS_Web_FINAL.pdf.aspx>; J Wayne, M Bogo & M Raskin, “Field Education as the Signature Pedagogy of Social Work Education” (2010) 46:3 *Journal of Social Work Education* 327.

³¹ J Frimpong, S Banks & K Brodie, “Developing an MSW Field Practicum Model in a Forensic Setting” (2018) 8:2 *Practice Digest* 1.

³² W Moore et al, “Initiating New Community and Field Education Partnerships: The Congregational Social Work Education Initiative” (2015) 11:3 *Canadian Social Science* 1.

Over the course of the project, SCLS hosted one Master of Social Work field placement student from the Factor-Inwentash Faculty of Social Work at the University of Toronto and one Bachelor of Social Work student from formerly Ryerson University (now Toronto Metropolitan University)'s School of Social Work. The primary focus of the placements was upon the provision of direct services to clients presenting in crisis, although the students also assisted with clinic projects (see Table 1).³³

Table 1: Social Work by the Numbers

● 45 new referrals made between January 2020 and August 2020
● 26 social assistance; 14 housing; 2 immigration; 2 employment
● 49 cases opened in total
○ 26 cases opened to a student
■ Client outcomes for the students' files that were closed during the project:
● 80% achieved or partially achieved their identified goals
● 20% abandoned or withdrawn from service
○ 17 cases opened to staff social worker
■ Note that provision of direct service was a small portion of the staff social work duties during this project
■ 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 (that is, 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

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.³⁴ 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.³⁵ These

³³ Due to the time-limited nature of the project, the focus was on direct services to respond to the most urgent needs of clinic clients, which were amplified by the COVID-19 pandemic. However, the theory of change developed through this project suggests that engagement with social work services may be one means to empower clients to work alongside clinic staff on system change.

³⁴ For a full description of the methodology for this project, see the report *Serving the Whole Person: Considerations for Social Work Student Programs in Legal Clinic Settings* and its accompanying toolkit, online: <<https://www.scarboroughcommunitylegal.ca/news/2021-01/social-work-student-programs-legal-clinic-settings-report-and-toolkit>>.

³⁵ Due to the limitations of a student-based model for social work services, these services are very limited at present and therefore only offered when particular needs are flagged collaboratively by clients and legal staff. It is critical that social work services be provided equitably to clients and that demographic data is collected to ensure this is happening.

conversations led us to recognize the need to ensure that inter-professional issues were openly addressed amongst staff and that trust was built between services providers.

We listened and learned from our clients through informal discussions around the social work services provided. We found that efforts to collect survey data were not feasible due to COVID-19 challenges. We reflected on our challenges in collecting such data with our Client Advisory Group and on the need to ensure that future research studies be intentional in how they integrate client feedback into all phases of the study. We also gathered feedback from the field placement students to evaluate the program. 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 the 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.

V. SUMMARY OF LESSONS LEARNED

Despite the diversity of community needs and interdisciplinary programs across the province, we identified common themes and best practices for successful student social work programs in a range of legal clinic settings. The feedback gathered during community consultations greatly informed the recommendations for successfully hosting social work students in legal clinics.

A. Positioning Clients' Experiences with Core Social Work Values

Effective social work centres 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.³⁶ 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.

B. Recognizing the Oppressive History of Social Work

One of the most common concerns about offering social work services in legal clinic settings is the unease with social work's oppressive history and its ongoing oppression of low income, racialized, and disabled communities.³⁷ For example, social workers across Canada played a critical role in the Sixties Scoop of Indigenous children by Canadian child welfare agencies.³⁸ 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 over-representation 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 overrepresented in the child welfare system relative to their presence in the child

³⁶ A Horvath, "The Alliance" (2001) 38:4 *Psychotherapy: Theory, Research, Practice, Training* 365; DJ Martin, JP Garske & MK Davis, "Relation of the Therapeutic Alliance with Outcome and Other Variables: A Meta-Analytic Review" (2000) 68:3 *J Consulting & Clinical Psychology* 438.

³⁷ See e.g., C Chapman & AJ Withers, *A Violent History of Benevolence* (Toronto: University of Toronto Press, 2019).

³⁸ For a more comprehensive history of the role of social workers in oppressive practices towards Indigenous children and their families, from their role in advocating for residential schools to subsequent waves of child apprehensions, see e.g., Blackstock, *supra* note 5.

population”³⁹ and that “despite making up only 4.1% of the population in Ontario under age 15, Indigenous children represent approximately 30% of foster children.”⁴⁰ Given these facts, a client may understandably reject assistance from a social worker and wish to focus solely on their legal matter.⁴¹

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. Services must be particularly focused on experiences of discrimination and the need for all clinic staff to be intentional in practising from an anti-oppressive framework. 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. When possible, the intentional inclusion of community practice as a learning opportunity would be an impactful strategy to assist social worker students in developing a broader concept of anti-oppressive practice.

C. Relationship Building and Trust

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. Establishing trust and having confidence in the competency of the student is critical. 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.

D. Proving High Quality Student Placement Opportunities

Social work services are best suited 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 Master of Social Work programs. Social work students require and deserve quality learning opportunities that enable them to develop the skills, values, and ethics that are expected of a social worker. Field education is integral to social work pedagogy and student learning.⁴² 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.⁴³

Many legal clinics have offered very successful social work field placements to students without a staff social worker on site. 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.

³⁹ Ontario Human Rights Commission, *Interrupted Childhoods: Over-Representation Of Indigenous And Black Children in Ontario Child Welfare* (2018), online: <<https://www.ohrc.on.ca/en/interrupted-childhoods#Summary%20and%20key%20findings>>.

⁴⁰ *Ibid.*

⁴¹ S Noakes, “Transformative Social Work in the Criminal Justice Field” (2014) 23 *J L & Soc Pol’y* 175.

⁴² *Ibid* at 15.

⁴³ Frimpong, Banks & Brodie, *supra* note 31.

E. Structuring Responsive and Flexible Placement Opportunities

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 practised 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 success of flexible placement design depends on a clear plan for supervision and adherence to the learning plan goals.

F. Defining Scope of Practice for 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.

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 Ontario Disability Support Program appeals and may be facing a wait of a year or more), or whose cases may form part of discharge planning.

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 that 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 experiences 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 stand-alone social work services.

A social work student placement may include the following direct services if appropriate for the community served: short-term case management, supported referrals, bridging to wait-listed community services, discharge planning to sustainable community support (where needed), and the development of 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. This resource was developed by actively engaging with community organizations to determine their expertise in serving Black clients through an anti-oppressive lens.

G. Legal Clinics Conceptualized as Learning Organizations

Increasingly, non-profit organizations are seeking to become learning organizations that prioritize continuous learning and quality improvement.⁴⁴ Social work is an evidence-informed 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 stand-alone, 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 and Legal Centre's work with occupational therapy and nursing students and WSCLS' placement focused on community organizing.

H. Integration of Trauma-informed Legal Practice and Self-care

Increasingly, legal clinics are embracing the principles of trauma-informed practice and self-care. 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.⁴⁵ Research has shown that lawyers are particularly vulnerable to mental health stressors⁴⁶ and that this vulnerability is even more profound within the field of social justice lawyering.⁴⁷ Research conducted by Parkdale Community Legal Services noted that law students experience very high levels of stress throughout their clinical placements. This research identified stressors as high workload and serving challenging clients who have experienced trauma and are in crisis.⁴⁸

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 fact, during

⁴⁴ M Winkler & S Fyffe, *Strategies for Cultivating an Organizational Learning Culture* (2016), online: <https://www.urban.org/sites/default/files/publication/86191/strategies_for_cultivating_an_organizational_learning_culture_0.pdf>.

⁴⁵ A Brafford, "Well-Being Toolkit for Lawyers and Legal Employers," *American Bar Association*, (2018), online: <https://www.americanbar.org/content/dam/aba/administrative/lawyer_assistance/lc_colap_well-being_toolkit_for_lawyers_legal_employers.authcheckdam.pdf>.

⁴⁶ *Ibid* at 4, 27; Golden Eagle Rising Society, *Trauma-Informed Legal Practice Toolkit* (2020).

⁴⁷ American Bar Association House of Delegates, *Policy on Trauma-Informed Advocacy for Children and Youth Approved by the American Bar Association House of Delegates* (2014), online: <https://www.americanbar.org/groups/public_interest/child_law/resources/attorneys/child-trauma/>.

⁴⁸ C Doucet, "Law Student, Heal Thyself: The Role and Responsibility of Clinical Education Programs in Promoting Self-Care" (2014) 23:1 J L & Soc Pol'y 136; Golden Eagle Rising Society, *supra* note 46.

this project and 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.

I. Navigating Conflicting Professional Obligations and Ethics

Pamela Deck highlights three models of collaboration between social workers and lawyers working in interdisciplinary settings to limit the effect of conflicting professional obligations and ethics (see Table 2).⁴⁹ 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 that 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.

Table 2: Three Models of Collaboration between Social Workers and Lawyers

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.

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 her research, Paula 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.⁵⁰ 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, the fact that challenging ethical issues arise should not be used as a justification to avoid interdisciplinary practice. Such challenges are part of

⁴⁹ Pamela Deck, "Law and Social Work: Reconciling Conflicting Ethical Obligations between Two Seemingly Opposing Disciplines to Create Collaborative Law Practice" (2016) 38:2 W New Eng L Rev 261.

⁵⁰ P Galowitz, "Collaboration between Lawyers and Social Workers: Re-Examining the Nature and Potential of the Relationship" (1999) 67:5 Fordham L Rev 2123.

providing services to vulnerable populations in complex situations, and regulated professionals are well equipped to use the tools provided by their professions to navigate this space of uncertainty. These challenges provide an opportunity for legal clinics to develop leading principles about interdisciplinary practice and to share this information with professionals both inside and outside the legal clinic sector.

J. Including Staff Social Worker as Added Value

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. 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.

Another challenge is 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 then Ryerson University (now Toronto Metropolitan University), neither SCLS nor WSCLS were successful in securing social work students for the 2020 fall semester. 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.⁵¹ It should be noted that shared supervision models may raise issues related to employment relationships and access to client information.

K. Community-led Response to Community Needs

Further research focused specifically on the needs of Black and Indigenous communities on the role of social workers or other means of providing wrap-around supports in legal clinics should be undertaken. The needs of Black and Indigenous communities will vary and should not be assumed to be homogenous by legal clinics. All service organizations, including Scarborough's legal clinics, have a shared responsibility to develop client services that are responsive to the needs of the Black and Indigenous clients they serve. Such work must be mindfully developed into clinic work plans and should intentionally centre the voices of community members. However, priority for research funding should flow to organizations that have the expertise and trust in working with these communities and those who partner and collaborate with them. Trusted service providers should be identified by community members to ensure that they speak with voices that resonate in the community.

⁵¹ Peterborough Community Legal Centre, *The Social Work Program Year 3 Report (2020)*. Contact Melinda Rees, Executive Director at Peterborough Community Legal Centre for more information.

While we have identified in particular the need for further research around the needs of the Black and Indigenous communities, we also acknowledge the greater need for research that supports clients of diverse intersectional identities including members of other racialized communities, members of the lesbian, gay, transgender, bisexual, queer, and Two-Spirited plus communities, and those living with disabilities who have also faced multiple barriers in engaging with legal and social work services. Legal clinics are beginning to collect race-based data and other demographic information that will help to better inform such research. We also acknowledge the great diversity of experiences within our communities and the need to be continuously humble and come prepared to listen and to put in the necessary work.

L. Need for a Province-wide Social Work Community of Practice

Staff and students practising 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 had not been active for some time. We reactivated this listserv to serve as an important source of connection for community legal clinic staff.

We also recommended 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 has now started meeting regularly via videoconference and offers its members the opportunity to 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 which is adaptable by individual clinics. Resources developed by the group could be shared and hosted on the Association of Community Legal Clinics of Ontario's Knowledge Now website.

VI. BUILDING A COMMUNITY OF SOCIAL WORK LEGAL CLINIC SYSTEMS

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.⁵² Therefore, there is 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, 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 information management systems and otherwise reported to stakeholders.

⁵² M Fraser et al, “Integrated Primary Care and Social Work: A Systematic Review” (2018) 9:2 *Journal of the Society for Social Work and Research* 175.

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.

VII. RECOMMENDATIONS

A. Theoretical Foundations for Student Social Work Programs

1. Anti-oppressive Practice Principles 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, developing the learning contract, identifying learning experiences, and evaluation. Students primarily engaging in the 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 the centering of clients' experiences, building trust with clients, and making 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. Research projects on service delivery would benefit from exploring participatory research modalities.

3. Social Work Placements Should Help Integrate Trauma-Informed Practices

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.

B. Leading Practices for Student Social Work Programs in Legal Clinics

1. 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 to 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.

2. Clinics Should Provide High Quality Placement Opportunities

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 that may aid them in providing quality placement opportunities.

3. 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 placing students in cohorts, engaging students in staff training, and participating in projects with allied organizations.

4. Clinics Should Ensure Onboarding Processes

Social work student onboarding processes should include an orientation to all areas of the clinic's work, intake processes, case criteria, expectations for their 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.

5. The Role and Scope of Practice of the Social Work Student Must Be Well Defined

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 needs of their community, the principle of the 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 stand-alone 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.

6. Student Placements Need 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 as well as 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.

7. 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.

8. 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 that are uncomfortable with such conflicting inter-professional considerations may prefer exploring health-justice models of collaboration.

9. Develop Leading Practices

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 this information 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.

10. 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.

C. Building Social Work Capacity in the Legal Clinic Sector

1. Support Community-Led Projects to Provide Wrap-around Services

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.

2. 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.

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

Staff and students practising 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 will develop deeper connections between social work practitioners in the community legal clinic system.

4. Share Knowledge of Existing Social Work Programs in the 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.

5. Alternative Models of Community Partnership

Further work is needed to connect information about social work in legal clinics to the research that is currently being completed on medico-legal partnerships⁵³ in the clinic system.⁵⁴ This work may seek to determine:

⁵³ Please note the term "medico-legal partnerships" is commonly used to refer to programs that integrate lawyers into health care settings, such as is described in M Sandel et al, "Medical-legal Partnerships: Transforming Primary Care By Addressing The Legal Needs Of Vulnerable Populations" (2010) 29:9 Health Affairs 1697. Such partnerships are also referred to as justice and health partnerships.

⁵⁴ For more information, see Community Advocacy Legal Centre, *Justice and Health Partnership Project Evaluation Report: Phase II-January-June 2016* (2016), online: <<http://communitylegalcentre.ca/wp-content/uploads/2018/05/JHP->

- the ideal location for the intersection of law and social work collaboration (that is, in a legal clinic, community organization, or healthcare 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 may work in tandem with medico-legal partnerships to create new referral pathways that allow clients to access legal and social work services in a seamless manner. The shift to Ontario Health Teams has created new terms of engagement around community health and well-being. 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.