

LEGAL AID SYSTEM MODERNIZATION PROJECT CONSULTATION

WEST SCARBOROUGH COMMUNITY LEGAL SERVICES' (WSCLS') SUBMISSION

September 6, 2019

1. West Scarborough Community Legal Services (WSCLS) is celebrating more than 30 years of providing “poverty law” services to the vulnerable low-income residents of ‘west’ Scarborough. A diverse staff of 11 working with placement students, City of Toronto funded social assistance recipients, volunteers, summer students and a strong core of community activists, strive daily to help our low-income clients to keep a roof over their head and to put food on the table. WSCLS’ staff offer advice, representation at tribunals and court, present public legal education workshops, assist with completion of legal documents, and advocate collaboratively for systemic change through law reform, community development, and community organizing initiatives in the following areas of law: housing, income maintenance, employment, and immigration.

A. ACLCO SUBMISSION

2. The Association of Community Legal Clinic of Ontario’s (ACLCO’s) submission on the Legal Aid System Modernization Project Consultation of August 2019 details extensively the important fundamental characteristics of the community legal clinic system which makes the 72 legal clinics the envy of the world and which WSCLS’ staff and Board of Directors urge Legal Aid Ontario (LAO) to maintain. As emphasized in the ACLCO submission – all of the following fundamental characteristics are vital to the success of the community legal clinics, including WSCLS:
 - a) Local community governance through independent clinic boards of directors
 - b) Practice in the specialized areas of poverty law
 - c) Core/presumptive funding for clinics
 - d) Legal response provided through a broad array of services

WSCLS’ Board of Directors includes 12 hardworking volunteers the majority of whom work and/or live in Scarborough. Our Directors reflect a diversity of skills and backgrounds. Our Directors attend board training sessions to improve clinic management. Our Directors care

about their community of Scarborough, know it well and value the importance of actively advocating for more social and legal services for Scarborough's residents. WSCLS' chair has studied and produced several demographic reports about Scarborough's growing levels of racialized poverty. WSCLS' Directors attend regular and emergency board meetings, participate as Board reps on ACLCO committees, attend LAO virtual town halls, comment on LAO consultations, meet with MPPs and join rallies at MPP offices to protest cutbacks to legal aid, secure funds for leadership training of community activists, and participate in community organizing activities. Their active support provides another level of community participation and commitment to our legal clinic. It creates a togetherness that provides WSCLS with added value and support. WSCLS' Board and its staff are both integral parts in the provision of WSCLS' client-centred legal services.

B. THE CORE EFFICIENCIES OF SYSTEMIC LEGAL CLINIC WORK

3. WSCLS is serving an ever growing racialized low-income population of 60,000. WSCLS will never have sufficient resources to serve all of the eligible low income and vulnerable residents of our catchment area. In 2018 WSCLS' staff assisted over 2500 clients. As part of the clinic system WSCLS is able to develop strategies to make more efficient and effective use of resources than case-by-case services. Specifically WSCLS' staff collaborate with other clinics, community agencies and community activists on law reform, test cases, community development, community organizing, and public legal education initiatives.

Leadership Training School for Community Activists

- a) WSCLS staff have trained over 50 residents of Scarborough to become community activists. Many of the graduates helped to organize community coalitions: Voices of Scarborough (VoS), Social Assistance Coalition of Scarborough (SACS) and Community in Power. These community activists support many of WSCLS' collaborative law reform campaigns including: the FIX EI campaign, the Bill 148 Employment Standards Act campaign, legalize rooming houses in all of Toronto campaign, and the legal aid cutbacks campaign. The community activists are advocates at rallies at Queen's Park or at MPPs constituency offices, handout flyers at the subway, conduct community surveys for the City of Toronto, are panelists at community consultations to tell their 'lived experience' story and write submissions to tell the actual impact of proposed government policy on vulnerable people.

Specialty Clinics

- b) WSCLS has a long history of working on law reform campaigns even before the funding of specialty clinics. WSCLS made deputations and wrote submissions on changes to the various landlord and tenant acts. WSCLS acted as trustee and provided space to the housing worker campaigning to legalize basement apartments in the 1990s.

However the expertise of specialty clinics enables WSCLS' staff to collaborate more effectively on test cases and law reform initiatives. WSCLS' staff has collaborated with the Income Security Advocacy Centre (ISAC) and the Advocacy Centre for Tenants Ontario (ACTO) whose expertise in income maintenance and housing issues has achieved significant change on behalf of low-income and vulnerable people. ACTO is a part of the Community in Power housing coalition to increase affordable and safe housing in Toronto. WSCLS' staff worked with ISAC's staff to fight for the continuation of the social assistance special diet benefit; and attended with ISAC's staff at the Commissioner for Workers Employment Insurance (EI) Forum in 2018 to inform the Federal Minister why the EI program does not adequately serve precarious, racialized and/or female workers. Hence the Federal government's decision to reduce the two week waiting period for EI benefits to one week and improve the EI appeal process.

At present, WSCLS' staff's focus is collaborating with ISAC to persuade the Ontario Government not to cancel the Transition Child Benefits on November 1, 2019 and deprive 1000s of parents money to buy food, clothes, school supplies for their children.

And all of the clinics have worked individually and collaboratively to advocate against the cutbacks to legal aid funding. WSCLS' staff and Board of Directors have attended rallies at MPPs constituency offices and talked to MPPs, about the negative impact of cutbacks to legal aid for the vulnerable residents of Scarborough.

4. It is important that systemic legal clinic work, which includes law reform, community development, community organizing, and participating in test cases, continue to be recognized by LAO for its ability to leverage limited resources to overcome systemic legal barriers for disadvantaged persons (including those not financially eligible for WSCLS'/LAO's services). That said, systemic legal work is an integral part of every clinics work; but it is more effective when done in collaboration with the speciality clinics. Therefore LAO must continue to fund specialty clinics and must also provide additional operating funds for WSCLS and all general clinics to continue their systemic legal work.

C. RESPONSIVE TO COMMUNITY - COLLABORATIVE INITIATIVES

- **TEELS/TEELS Initiatives**

5. Through collaborative initiatives WSCLS has expanded its areas of poverty law to respond to the needs of its marginalized racialized low-income residents of 'west' Scarborough. In 2015 WSCLS' shared some of its Financial Eligibility Funding (FEG) with the 5 other clinics east of Yonge Street in Toronto to kick start the Toronto East Employment Law Services (TEELS) initiative which led to the hiring of 3 legal staff to help supplement WSCLS 1

person employment law team and to expand the employment law services in the other 4 clinics. In the spring of 2017, building on the success of TEELS, Legal Aid Ontario (LAO) permanently funded the next collaborative initiative: Toronto East Employment and Immigration Legal Services (TEEILS). And the TEEILS initiative enabled WSCLS to provide immigration services 3 days/week for the first time in 9 years since 1998.

b) SOCIAL WORK STUDENTS & RESEARCH INITIATIVE

6. Recently, WSCLS collaborated with Scarborough Community Legal Services (SCLS) and was awarded an Ontario Trillium Foundation grant to hire a contract social worker to lead a research project to develop a replicable model of collaboration between social work students and community legal clinics starting October 2019. This grant builds on the experience WSCLS' staff gained over the last 5 years working with social work students. Focusing on providing client-centred services one of WSCLS' legal staff who has a Masters in Social Work (MSW) arranged for an annual placement student from the University of Toronto Faculty of Social Work to complete their 7-month placement at WSCLS. The social work student helps WSCLS' clients to help manage some of their complex socio-economic problems which impact significantly on their legal issues.

SUPPORT NEEDED TO IMPROVE CLINIC SERVICES

7. WSCLS is one of 72 clinics in the clinic system which is an integral part of the legal aid system. To function more effectively and efficiently to serve the low income residents of 'west' Scarborough, WSCLS needs balanced administrative and financial support from LAO.

Core/Presumptive Funding

- a) In order to continue the delivery of high-quality and client-centred legal services, WSCLS staff and Board of Directors strongly urge LAO to continue to provide secure and stable core/presumptive funding to enable WSCLS and all clinics
 - To recruit and maintain qualified staff to deliver high-quality legal services
 - To support community partners to serve our mutual clients collaboratively and not compete for scarce resources
 - To dedicate their time to providing legal services
 - To develop advance systems of collaboration amongst other clinics, community activists, community agencies, and professional associations

Reinstate Training – Clinic Learning and Training Committee

- b) Poverty law is a specialized area of law requiring frequent and consistent training conferences/workshops. This training is not available from the Law Society of Ontario. One hour webinars are not sufficient given the significant need for all staff

to be up-to-date and aware of legal issues impacting their clients. It's important that funding for the most efficient, reliable and cost effective Clinic Learning & Training Committee (CLTC) be reinstated immediately. The lean CLTC staff of two was guided by clinic staff volunteers to provide a variety of training modules in response to clinic staff/board needs at regular intervals. It was the clinic staff who organized the conferences. For 10 years clinic management staff were not offered any management training courses. And then once again after two well-attended conferences in 2018 and 2019, management training has been cancelled. This is untenable – all clinic staff need to keep up-to-date on changes to the areas of law they practice to enable us to represent our clients to the best of our ability. Regular and accurate and appropriate training for all clinic legal staff, administrative staff and directors is mandatory to enable all clinics to provide high-quality client centred legal services and to support and improve clinic governance and management. Underfunding training is short-sighted.

LAO IT – Increase Resources to Clinics – Computers & Electronic Storage

- c) It goes without saying that the continued support of the LAO IT department for clinics is absolutely vital to respond in a timely manner to the needs of the clinic system. Every week volunteers contact WSCLS to offer to work. The City of Toronto has a unique program whereby it pays for social assistant recipients to work at not-for-profits. For the past 4 years WSCLS has invited a social work student in the master's program at University of Toronto to complete a placement. Annually WSCLS is contacted by the Law Practice Program (LPP) to take an articling student. One of the most effective ways for WSCLS to expand its capacity to serve the 60,000 low income residents of 'west' Scarborough, is to develop a strong and consistent and diverse volunteer/student/articling program. To do this WSCLS needs adequate computers for volunteers/students and adequate space to be provided by LAO.

In addition WSCLS and many other clinics have a dire need for immediate resolution to its high cost of maintaining off-site storage. To reduce these high storage costs, WSCLS requires LAO's financial support and knowledge to set up an electronic storage system of old and current files to ensure appropriate and lawful record-keeping practices are in place and sustainable.

It's also important that LAO IT continue to develop an understanding of the digital tools clinics need to provide legal services effectively working with the LAO/clinic IT Advisory Committee (ITAC) and the continued funding of KNOWLEDGE NOW.

LAO Facilities & Renovations

- d) Since January 2017 WSCLS has been managing a renovation project to renovate current and additional contingent space. This additional space will provide a healthy

and safe work space for WSCLS' staff, volunteers and students and enable WSCLS to expand its capacity to serve our clients and to re-start the discontinued public legal education workshops in the boardroom. At present, WSCLS' Board of Directors await a response from LAO on whether or not we can proceed with the construction plan paid for by our surplus funds. This is WSCLS' 4th renovation project in 30 years. The previous renovation projects were all well managed by LAO's facilities department. The staff of the facilities department had the in-house expertise to hire designers, contractors, and movers and to negotiate with landlords to renovate WSCLS offices in a timely and cost-effective manner. It is recommended that LAO make the expertise of its facilities department available to clinics again; rather than expect clinic management staff to climb a very steep learning curve to learn how to hire designers, contractors etc. to renovate the clinic.

e) Data Collection

It is important that LAO in collaboration with clinics develop performance measures that:

- appropriately assess the complexities of clinic legal services;
- ensure the Clinic Management System (CIMS) enables clinics to collect this data;
- enables clinics to use this data to deliver high quality legal services;
- enables clinics to respond nimbly to demands for different legal services needed by our low-income residents.

Easier access to valid clinics data will assist in ensuring that LAO and the clinic system can provide efficient, effective, and appropriate legal services to those in need. But it is also important to remember that not all data is quantitative, and the good that is achieved at WSCLS cannot always be summed up by statistics. The stories of our clients who have been helped and supported by our clinic are immeasurable to us and our community.

In addition, it is important that LAO provide support to WSCLS and other clinic boards to carry out reliable needs assessments to ensure that we are providing the right legal services to the most vulnerable clients. WSCLS and other clinics have demonstrated often how they can respond nimbly to changes in legislation impacting our clients. Clinics are preparing to respond to the future change to the definition of disability under the Ontario Disability Support Program Act.

Robust Communication and Building Trust

- f) WSCLS' staff and Board recognize the importance of improving the delivery of legal services. If LAO is experiencing issues with WSCLS and other clinics, this concern should be expressed and LAO should work with clinics to improve. A strong

relationship of trust between LAO and clinics also enables clinics to reach out for assistance to resolve problems as they arise.

CRO – Maintain Funding

- g) Clinic Resource Office (CRO) is the clinic system's secret weapon which enables clinic staff to argue successfully on behalf of our clients at tribunals and courts. With the help of the in-depth research by the CRO research staff WSCLS was able to persuade the Social Benefits Tribunal that an applicant for Ontario Disability Support Program benefits was not the owner (but the trustee) of a second property; and thus the client was financially eligible for ODSP and received retroactive benefits for about 3 years. WSCLS strongly advocates that resources for the CRO be maintained and increased. WSCLS can serve more clients because the CRO staff can efficiently research the legal questions and issues facing our clients.

CONCLUSION

8. WSCLS has provided high quality legal services and assistance to the residents of 'west' Scarborough since 1988. The clinic is administered by a volunteer Board of Directors, who are elected from our membership. WSCLS exists to provide lower-income residents access to the legal system and to promote social justice through legal education, advice, representation, advocacy and community partnerships. If community legal clinics are underfunded or defunded who will help our neighbours to:
- Keep their subsidized apartment
 - Keep their basement apartment
 - Obtain and keep their Ontario Works (welfare) benefits
 - Obtain and keep their Ontario Disability benefits
 - Fight for vacation pay and wages owed by an employer
 - Fight for CPP disability, survivor, children, Old Age Security, and Guaranteed Income Security benefits
 - Help sponsor family members
 - Help complete humanitarian and compassionate applications for newcomers
 - Advocate at city hall for adequate and safe affordable housing
 - Advocate for quicker Employment Insurance appeal procedures
9. WSCLS' Board and staff believe that basic legal services are fundamental to a just and humane society. Legal Aid Ontario ensures that the justice system has integrity and is fair, accessible, efficient, and cost-effective. We urge you to continue to support and fund the Legal Aid Ontario community legal system.

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