



ALWAYS THE RIGHT DOOR

GUIDE FOR PROPERLY
REFERRING CITIZENS

In cooperation with:



Forum québécois sur l'accès à
la justice **civile** et **familiale**



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INTRODUCTION

The *Forum québécois sur l'accès à la justice civile et familiale* mandated the Community Justice Centers to develop a tool for identifying the good practices and the challenges that exist when an organization is required to refer citizens towards other resources.

This guide begins with an examination of the essential components of a proper referral and then continues with a simple step by step procedure that, if followed, allows organizations to properly refer citizens.

Community Justice Centers are non-profit organizations whose mission is to promote access to justice by fostering citizen participation through information, support and referral services provided as a complement to existing resources. They are funded by the Access to Justice Fund of the *Ministère de la Justice du Québec*.

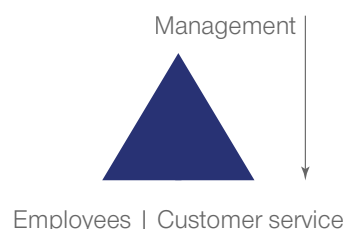


PREPARING TO PROPERLY REFER CITIZENS

1.1 The intention to properly refer citizens

Organizations must have a sincere and genuine intention to properly direct citizens towards other resources. This intention must exist first and foremost at the level of the organization's management and its board of directors.

Those in charge of the organization are responsible for **making its employees aware** of the importance of properly referring citizens (see section 1.2.). They must then provide **an environment and work methods** that foster employees' understanding of the importance of properly referring citizens.



In order to properly refer a citizen, the citizen's needs must be understood. At times, it may be difficult to identify the important elements of the situation being described. A full and fair procedure requires **time**, even if time is often a limited and precious resource.

Don't forget: The objective, when directing citizens, is to steer them towards an appropriate resource that will be able to assist them and guide them through the process. The goal is not to get rid of them.

1.2 The consequences of improperly referring citizens

In order to properly refer a citizen, the citizen's needs must be understood.

All those involved in the process must be aware of the possible consequences of mistakenly referring citizens.

Indeed, referring a citizen to an inappropriate resource may have several negative effects on them and the legal system, including:

- Causing a person who has to exercise a recourse within a deadline to lose the right to exercise that recourse;
- Increasing the citizen's frustration, dissatisfaction and stress;
- Decreasing the citizen's confidence in the legal system;
- Furthering the citizen's impression that access to the legal system is difficult.

Obviously, this list does not include the citizen's negative impression regarding the quality of the organization's services and those of the organization to which the citizen was improperly referred. An old saying on customer relations states that a satisfied client mentions his experience to two people, while a dissatisfied one mentions it to ten people!

1.3 Good relationships between organizations

The **development of a network** between organizations is an important condition to ensure that citizens are referred "to the right door". Organizations must ensure that they create and maintain good relationships based on trust and mutual assistance. In addition, these relationships must be **diversified**.

Examples:

- Community organizations, government departments, government agencies, associations, etc.
- Legal field, social intervention, professional network, etc.

Organizations must create a **local network**. However, a good network should not be limited to such a small territory. It is also important to develop a **national network**, because organizations that do not have a presence within a territory may nevertheless offer their services there. For example, some organizations located in metropolitan areas assist citizens throughout Québec.

These links, whether local or national, are important because they have an impact on the other conditions for properly referring citizens. Indeed, the quality of the network developed by an organization will impact its knowledge base, the tools to be developed in order to ensure the quality of its services and the work it will have to do when assessing the quality of those services (see sections 1.4., 1.5 and 3.1.).

Mechanisms should also be put into place to ensure constant discussions between organizations and to maintain the links established.

Examples:

Appointing a resource person who can be contacted if necessary, creating ad hoc committees, holding yearly meetings, sharing newsletters, registering on a distribution list, etc.

1.4 Knowledge base

Referring citizens “to the right door” requires a knowledge base, i.e. being familiar with the **resources** available and the various organizations. It is important to know, in detail, the **services offered** by the organizations as well as their **mission** and **how they function**. With this information, you can properly identify the resource(s) to propose to citizens.

Examples:

Does the organization offer information, support or accompaniment? Are the services offered free of charge or at a minimal cost? Must the citizen make an appointment? Is the service offered in English? Is the service offered only to a particular clientele?

It is also important that you **confirm** your knowledge with the organization in question, as needed. Contact the organization and **ask questions** regarding its mission and services before directing a citizen towards the organization. Follow up. More and more organizations now have a Web presence. Use the information available on the Web to keep up to date on a regular basis.

Any organization that wants to properly direct citizens should also seek to **always keep learning**. This is an ongoing process.

Moreover, some **legal knowledge** can facilitate your work and will certainly bring added value.

1.5 Being equipped to properly refer citizens

In order to properly refer citizens, an organization needs a toolkit. These tools must be easy to use and quickly accessible, because they will be used by the employees who deal directly with citizens.

They can include:

- A directory of resources (paper or computerized);
- Informational pamphlets;
- etc.

These tools must be updated on a regular basis. It is also important to have a sufficient quantity of tools that can be handed out to citizens.



THE RIGHT PROCEDURE FOR PROPERLY REFERRING CITIZENS

2.1 Listen actively and show empathy

It will come as no great surprise that **listening, showing empathy** and **keeping an open mind** are at the very heart of the process of properly referring citizens. Citizens must feel that they are being treated with consideration and are being listened to. They must not have the impression of being judged.

2.2 Be available and show it

As mentioned above, this entails directing citizens to resources that will be useful to them. Take the necessary time and avoid showing any type of impatience. Sometimes, identifying a citizen's needs takes but a few minutes.

Lastly, citizens will particularly appreciate the service offered if they know they can call on it again as needed. This type of attitude contributes to making citizens feel that the service is available.

2.3 Be able to discern the citizen's needs

To properly refer citizens, you must **know** and **understand their needs**. To do so, you must ask questions about the various elements of the situation. A few questions can make the difference between properly and improperly referring citizens. The information you obtain will allow you to identify the resources liable to truly help.

Some of the steps suggested below may seem obvious to those who have already undertaken the process. Yet, some citizens are not properly directed, because the person they are dealing with takes certain fundamental information as a given.

- Understand the citizen's **expectations** and willingness to be referred elsewhere;

Try to find out **the reasons** for the citizen's call or visit and assess their expectations. If necessary, explain your mission and its limitations. If the services you are proposing do not suit the citizen's needs, explain why you are proposing to refer them to another organization and check whether they are willing to take other steps.

It will come as no great surprise that listening, showing empathy and keeping an open mind are at the very heart of the process of properly referring citizens.

Examples:

“Unfortunately, given the mission of our organization, I cannot answer your questions. However, if you are interested, I can help you find other resources that may be able to help you.”

Keep an open mind! Citizens’ needs are not always only legal.

- Understand the citizen’s **prior steps**;

Find out what steps the citizen has already taken, so that you can refer them to the proper place. Is this a first call? Or has the citizen previously called? What actions have already been carried out?

Examples:

A citizen contacts you and mentions that they want to send a formal notice. By asking questions, you understand that what they really want is information on the Small Claims Court procedure. They have already sent a formal notice. In fact, the citizen has confused a formal notice with the court application. With this new information, you will be able to make a better referral.

- Identify the citizen’s **needs**;
 - Ask questions from the general to the specific.¹

As mentioned above, in order to be able to properly guide citizens, you must know their needs. Ask open-ended questions, questions that cannot be answered with a “yes” or a “no”. Start with general questions and then get more specific. In this way, you will be able to **pinpoint** the citizen’s needs. This is the funnel principle. Obviously, in order to ask the relevant questions and connect the answers to the appropriate resources, it is sometimes necessary to master certain legal concepts.

- Understand the citizen’s **profile** (place of residence, gender, state of health and handicap, etc.);
- Understand the citizen’s **constraints** (autonomy, under care, capacity and intellectual aptitudes, illiteracy, state of health, handicap, etc.);

¹ See the examples in the appendix

Citizens can face various difficulties which may make them **vulnerable**. It is therefore important for you to take these constraints into consideration when referring them.

Examples:

Is the citizen in a position to take the proposed steps alone? Does the citizen need to be accompanied? Is the citizen represented by a tutor, curator, etc.? Is the citizen able to understand the information in the manner you are providing it?

- Understand the citizen's **resources** (income, access to the internet, to a computer, transportation, etc.).

Depending on the resources at their disposal, citizens will be referred to different organizations.

Examples:

A man whose annual income is \$80,000 will not be referred to legal aid. An elderly lady who cannot get around will not be referred to an organization that does not offer services over the telephone.

2.4 Confirm your understanding of the citizen's needs

This step forms part of active listening. It is important, before directing citizens, to make sure you have understood their needs. Do not hesitate to reformulate your understanding so the citizen can confirm that you have grasped the entire situation about which they are concerned.

2.5 Inform the citizen about the proposed resources

This is where you will have to take advantage of your entire knowledge base (see section 1.4.). You do not have to determine the best resource to meet the citizen's needs. Properly referring citizens sometimes involves presenting a variety of resources and the services of various organizations.

However, you should avoid providing citizens with long lists that mention various organizations and are not suited to the situation. Such lists are often of little use and end up multiplying the steps taken by citizens.

Start by explaining to the citizen the **mission, functioning** and **services** of the organization to which you are referring them. Provide the citizen with information about how you think the organization will be able to help. Use the tools at your disposal (websites, pamphlets, etc.).

Go over the **eligibility criteria**, if any. Make sure the citizen understands that they must satisfy these criteria in order to have access to the services and that a refusal is possible.

When necessary, give **warnings**. By doing so, not only will you be honest and transparent, but you will limit the citizen's expectations.

Examples:

"There is a resource in the region which may be able to help you. However, I'm not entirely sure. Perhaps you can call them to find out. I can give you their contact information if you wish."

When possible, offer citizens documentation they can use as a checklist.

2.6 Avoid feeding "false needs"

It may be tempting to "get rid" of difficult citizens (mental health problems, aggressiveness, etc.) by simply directing them elsewhere, even if you think the proposed resource will probably not be able to do anything more. Remember that **a citizen should not be directed elsewhere at any cost!**

Needlessly referring a citizen serves no one: not the organizations, not the citizen, and not the legal system. Acting in this manner amounts to nothing more than improperly referring a citizen, with all the consequences this implies (see section 1.2.).

Organizations must **develop strategies** to avoid feeding these "false needs".

Examples:

Say something like this: "Unfortunately, I don't know of any organization that could help you or solve your problem. I can't help you any further. I wish you luck in handling this matter."



EVALUATE THE QUALITY OF REFERRALS PRESENTED TO CITIZENS

Organizations must undertake a self-evaluation process and work in cooperation with other organizations.

3.1 Problematic referrals

Once these good practices have been implemented, that is, once the basic principles (see section 1) and the proposed procedure have been followed (see section 2), it is essential to review the work performed in order to ensure the continued quality of the services offered. Organizations must undertake a **self-evaluation** process and work in cooperation with other organizations. This is an **ongoing process**.

At this particular stage, you should refer back to sections 1.1 and 1.3 of this document, entitled “The intention to properly refer citizens” and “Good relationships between organizations”.

Self-evaluation:

Team meetings should include an item on the agenda to allow a discussion on the resources presented to citizens, the difficulties encountered and any possible improvements. At these meetings, you should also discuss the citizens that have been referred to you by other organizations (frequency and quality) in order to improve future referrals.

With the other organizations:

Management of the organizations in question should discuss any situations in which there were problems with the referral of a citizen or where a citizen was referred mistakenly, as well as the necessary adjustments for remedying the situation.

In order to avoid unnecessary errors, management must also keep informed about any changes within their own organization which may impact the quality of the referrals presented.

Examples:

A change in operations that affects opening hours, the manner in which the service is offered, the mission, etc.

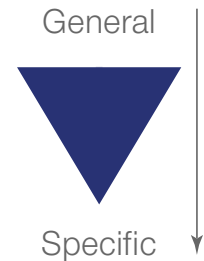
Lastly, if the citizen was properly referred, it is important to congratulate yourself for the quality of your actions!



APPENDIX

A man has been fired. He is unhappy and wants to know his possible recourses. In order to properly direct him, you could ask the following questions:

- What was his line of work (provincial or federal jurisdiction)?
- What is his status (self-employed worker, employee, member of management, etc.)?
- How long had he been working for his employer?
- Is he unionized?



A woman is having problems with her neighbour.

- Does she own or lease her home?
- Is she interested in methods for preventing and resolving disputes, such as negotiation and mediation?

A person tells you they want to contest a decision with which they are dissatisfied.

- What are the grounds for the contestation (absence in court, error of law, etc.)?
- Which tribunal rendered the decision (Court of Québec, Superior Court, Régie du logement, etc.)?

A lady wants information because she is thinking of separating from her spouse.

- Does she need general information or legal advice?
- Are they married or *de facto* spouses?
- Do they have dependent children?
- What type of relationship does she have with her spouse/former spouse?
- Is she interested in family mediation?

A man is looking for a lawyer.

- Does he need general information or legal advice?
- Regarding what needs, in what area (family law, collection of a sum of money, successions, housing, etc.)?
- What is his annual income?
- In what region does he live?

A couple wants to file an application in Small Claims Court.

- What is the nature of the dispute (amount of the claim or requirement to do something)?
- What steps have been taken (formal notice, mediation, etc.)?
- What is the amount in dispute (more or less than \$15,000)?
- Is the couple interested in mediation in Small Claims Court?

A man wants to sue the person who sold him his tractor.

- Is the seller a merchant or an individual?
- Is the man considered a consumer within the meaning of the *Consumer Protection Act*?
- Is he interested in methods for preventing and resolving disputes, such as negotiation and mediation?





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