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CREATING A TRAINING PROGRAMME FOR COMMUNITY- BASED PARALEGALS: ACTION RESEARCH

Abstract. The paper presents the dynamic process of developing an educational course for paralegals undertaken with the support of the 'Human Rights and Justice Program Initiative' (run by the International Renaissance Foundation). Based on the approach of action research, the course design was changed from the initial experts' vision, based on the desk-review analysis of the international practices of paralegal studies and following the suggestions of practitioners who took part in the training of trainers. The study highlights a range of challenges in designing an educational course for individuals with a brand new role in society. In particular, there was no holistic understanding of the idea of paralegalism among trainers in local communities. Thus, the vision of who can become a paralegal, and the criteria for selecting people from local communities to take part in the educational course, were based on results of a trainer's discussion (as well as on the compilation of expert analysis and ideas adopted from international experience).

The study demonstrates how to design the training for trainers, while trainers-participants have an opportunity to show their skills and understanding of the received information. Such a design can be used for teaching complex or brand new concepts that require additional discussion. Parts of this course can also be applied as separate training for community activists, since the course is aimed to educate on the use instruments of community facilitation and service integration.

Keywords: educational course; paralegal; social work; services brokerage; community.

Introduction

There is a long-standing debate in the academic literature on social work as a professional project and paraprofessional involvement, social work competencies and their mastering (Semigina & Boyko, 2014). In many countries, including Ukraine, paraprofessionals play an important role in social services delivery and advocacy (Miriukia & Moss, 2016; Roberts & Bowblis, 2017).

One of the numerous examples of paraprofessionals in social work is community-based paralegals. This is a network of people who work within the scope of community needs, have a good knowledge of the community resources in which they work, and they have to take part in trainings to master different tools to become a part of such a network (Yeroshenko, 2017). The shorter term “paralegal” will be used in the study referring to a community-based paralegal. This term embodies a multitude of concepts and practices; however, in social work it has come to be used in reference to a person who supports the local community by coordinating all of the legal and social services, and providing primary legal consultation (Maru, 2010). Paralegal’s core purposes in the society are to address both individual and community-wide problems, and also to facilitate community residents’ participation in solving problems in the community (Rebuta, Gregorio & Hatta, 2012).

In Ukraine, the initiative to introduce a paralegals’ network all around Ukraine was started being developed in 2016 by a group of legal experts and social workers. The initial idea was to create a pilot model, and then to expand it to a sustainable professional network based of this pilot. The aim of the initiative to develop a paralegals’ network in Ukraine is to integrate legal and social services in the regions, and also to strengthen legal capacity of the local communities. This initiative started with the development of an educational course for paralegals. These activities were supported by the ‘Human Rights and Justice Program Initiative’ (run by the International Renaissance Foundation).

The paper presents the self-reflections regarding the dynamic process of developing an educational course to train paralegals for Ukrainian communities. It is aimed to describe a Ukrainian experience, located in a singular context of using action research that can help in understanding the possibilities that can be opened to build social work courses based on community knowledge and the participatory approach.

Methodology

The study is based on the application of the participatory methodology stemming from a phenomenological approach (Bortoletto, 2017). The literature

suggests that the participatory approach is oriented toward democratization of knowledge production (Cornwall, 2008) and fits the practical model of education, involving social capital and community knowledge (Deepak, Wisner & Benton, 2016).

The action research focuses more on upon the ways in which production of knowledge shapes consciousness of the agenda in the first place, and participation in knowledge production becomes a method for building greater awareness (Gaventa & Cornwall, 2001). As Reason and Bradbury state,

Action research is a participatory, democratic process concerned with developing practical knowing in the pursuit of worthwhile human purposes, grounded in a participatory worldwide [...]. It seeks to bring together action and reflection, theory and practice, in participation with others [...] the flourishing of individual persons and their communities (2001, p. 1).

Within the framework of action research, the way that events within research activities are organized is important (Lucio-Villegas, 2016), while standard indicator analysis is not applied to explore a social problem (Susser, 2004).

So, with respect to action research design of our study, practitioners and prospective trainers were active participants of the educational programme development. There was a group of experts who developed the programme: 4 social workers, an expert in gender issues, 2 practitioners from governmental centers of free legal aid provision, 3 representatives of NGO-free legal aid providers, and 2 educators from law clinics. There were experts involved from the main networks of governmental and non-governmental free legal aid providers, and from the local NGO social services, who collaborated with each of these networks: the Association of legal clinics of Ukraine, Legal Development Network, the state system of free legal aid provision, public offices of Ukrainian Helsinki Human Rights Union.

Trainers were selected on the basis of two criteria: education and experience in conducting trainings. The pool of trainers was formed with the snowball method: each expert provides advice to at least two trainers within the section he/she developed. There were 35 trainers who had been chosen to take part in the TOT (training of trainers) – 12 in the first module, 12 in the second module, 11 in the third module. Trainers were selected from the regional NGOs that provide social services, from the regional NGOs that provide free legal aid,

from among the human rights protection activists, and also from among the regional representatives of the state system of free legal aid provision.

The data for this study was collected and documented during all the steps of the course development, as one of the authors (KY) was involved as an expert, and is an author of the “Advocacy and Communication” section of the educational programme. She coordinated and developed the study: development of study design and data collection, drafted the manuscript. The other author (TS) developed the principal idea of the paper, performed the analyses and drafted the manuscript. The documented activities and outcomes are presented in this paper with the permission of the Human Rights and Justice Program Initiative (run by the International Renaissance Foundation). However, authors present their own reflections on the process of course design, as well as views on the challenges and bottlenecks of the development of this course for Ukrainian paralegals.

Interpretative techniques (Murphy, Franz & Choi, 2016) have been used to precede observational data and documentary analysis. From a content perspective, the authors have prepared a comprehensive overview of the developed course. From a procedural perspective, we discuss the process, challenges and outcomes of the participatory approach to the course development.

Key findings

The process of design of the training course for paralegals was developed in 5 action steps (see Table 1).

Table 1. Steps of the course design for paralegals

№	Action	Participants	Outcome
1	Analysis of programmes	Expert group	Review of the baseline educational course for paralegals in different countries.
2	Experts' meetings	Expert group	Content and design of the educational course were developed. The design of TOT (training of trainers) course was also developed.
3	Course design	Expert group	Each section of the educational course was developed in the following way: the theory, and the methods to deliver the theory.
4	TOT (training of trainers)	Prospective trainers	A group of trainers were introduced to the educational course for paralegals; they presented their training sessions on each of the modules of the educational course to each other.
5	TOT review	Expert group	Redesign of the training course for paralegals, changes to the criteria of paralegals' selection

The second step was focused on the expert discussion regarding the possible content and design of the educational course for Ukrainian paralegals. Since there is neither a practice of Street Law clinics in Ukraine (as in South Africa), nor a set network of paralegals to connect with the free legal aid centers (as in China), nor even a college or university courses for paralegals yet, the educational model was borrowed from the Indonesian experience, where NGOs conduct trainings for paralegals with the support of international donors (Berenschot & Rinaldi, 2013).

Based on the desk-review findings the expert decided to make the course practical, designed as a set of trainings. Thus, it was envisioned that the training course would consist of three modules – “Human rights”, “Community life”, “System changes and cooperation” lasting three days each. Therefore, the whole course is planned to be 9 days long.

The third step was actual design of the course. According to expert group suggestions, the module “Human rights” should be dedicated to understanding the concept of human rights and general legal issues. Participants should acquire certain competences, knowledge, and skills as a result of this module: 1) basic knowledge of the concepts of “rights” and “human rights”, ability to identify human rights violations, logic of actions in case of human rights violations; 2) understanding of what discrimination is, its types, evidence of discrimination in various spheres of public life; 3) basic knowledge of law sections and sub-sections, how to use them in everyday life; 4) knowledge about the protection of consumer rights, the algorithm of action in case of violation of the rights, understanding of contractual relations and their features, including credit system and online purchases.

The experts focused the module “Community Life” on the understanding of the community resources to solve the problems. The following competences, knowledge, and skills were defined by the expert group for this module: 1) concepts of community and forms of self-organization in the community, instruments of influence and power control, key aspects of the decentralization process, self-government and public bodies; 2) understanding of the necessary tasks and functions of restorative practices, benefits and risks of using restorative practices to solve problems, and in decision-making in the communities; conflict resolution, facilitation and mediation process; 3) basics of legislation to prevent domestic violence, a system of state and NGO services authorized to carry out prevention and

counteraction to violence; communication with people who have been subjected to domestic violence, redirection of the victims seeking help to a proper institution; provision with the most basic primary legal advice or needed information; 4) understanding the issues of community security as participation and responsibility shared among police, local governments and residents; understanding the forms and results of cooperation between various stakeholders in the field of community security, proactive behaviour in major emergencies.

The last module, “System changes and cooperation”, is expected to provide paralegals with an understanding of the process of effective communication, and the integration of different services in the community. Specifically, the participants should be familiar with the regional networks of social services and the systems of free legal aid provision (governmental and NGO’s), and should have knowledge and skills to be able to customize computers and smartphones for safe work online. They are expected to have knowledge of the basic concepts and the process of advocacy; principles of communication in the community, possibilities of using social media; styles of communication, identifying of advocacy problems in the community, preparation of practical cases in the community to illustrate the relevance of the problems and impossibility of their resolution by existing legal ways; analysis of community structure for further involvement of its representatives in advocacy campaign; skills of self-presentation and counter-argumentation. Moreover, the last section covers fundraising and writing grant proposal submissions.

The fourth step in developing the educational programme was the training for trainers (TOT). The main idea of the TOT was to familiarize trainers with the educational programme, and to work out the information in small groups with other trainers.

At the end of a 3-day TOT, each of the trainers had the feedback from the colleagues about the correspondence of key issues with the training methods they had chosen. In addition, the teams of trainers were formed for each module and all participants of the TOT had an opportunity to discuss the content together. All of them had the idea (of the whole educational programme, and trainers were put in real situations, so that they could change the methods if some of them were proving to be ineffective.

An important part of the TOT activities was brainstorming around paralegals and their functions in Ukraine. According to the answers provided by trainers, different people could act as paralegals in local communities: *social workers, teachers, librarians, priests, doctors, representatives of local authorities, people active in the community, those who have time, ability and desire to act as paralegals, and those who are respected in the community.* Trainers also admitted that people of certain professions should not act as paralegals: *policemen, representatives of local authorities, prosecutors, judges, attorneys, priests, and people who are indifferent to community problems.* The results of this feedback demonstrate that there is no clear opinion yet on who could serve as a paralegal, because there is no established vision in the Ukrainian society of - what a paralegal does – it is indeed a brand new concept. For example, some of the trainers named local authorities as those who could be paralegals, and others named the authorities as those who could not. There is the same difference of opinion as to the ability of priests to be paralegals.

Trainers and experts advised to rename “a paralegal” as “a community counselor”. Also, there was a set of criteria developed for the process of selection of paralegals: ability to focus on a solvable problem, desire to bring change in the community (that is to solve this problem), what a person can (or would like to) do to solve this problem, what steps a person would take to solve a problem, his/her involvement in community/NGO activities, educational level and occupation, possibility to receive a recommendation from an NGO. After the concluding session with trainers during the TOT, a restriction was put on the occupational criterion. In particular, it was decided that policemen, prosecutors, judges, attorneys and priests would not be allowed to take part in the paralegal pilot selection.

Observations allow to state that making connections between the issues handled enabled participants to create solidarity at that point in time, empower trainers to be more active in own community, motivate to share knowledge.

Moreover, as a result of the discussion, there surfaced an idea to motivate people to participate in the selection of paralegals in accordance with trainers’ assumption of possible motivation. Therefore, there were certain requirements listed in a call for paralegals for all groups of people who were expected to take part in the selection process: network building, financial literacy, and the ability to effectively focus the efforts of changing community

life. The initial group of experts would select 30 applicants to take part in the pilot educational programme taking all these criteria into consideration.

During the **fifth step** the group of experts had thoughtfully reviewed the programme. There were a few major changes made in the course programme with respect to the trainers' feedback expressed during the ToT.

1. The initially developed course had a lot more to do with the “legal” knowledge. After the TOT trainers noticed that paralegals do not need to know that much legal information since they should only provide people with a primary advice on the most typical issues and redirect them to a professional legal aid provider.

2. It was decided to place the review of the system of social and legal services in the first module, right after the main legal issues, so that paralegals know where to redirect people in case they are not able to help.

3. Less attention would be given to the decentralization process in Ukraine, because people in the regions are very much involved with this issue and have first-hand knowledge of it.

4. More attention would be given to the budget processes at the local level, and this section would be merged with the fundraising section.

5. The scope of the “Informational safety” section would be reduced to only online communication with coworkers and clients, finding legal information on the internet, and online self-education. The unit on how to configure computers and smartphones for safe work was too difficult, and built for people who are strong users. Paralegals from remote communities would not have a computer at home, so they need basic user information: how to use Microsoft Office, email clients, and do online searches. This will be an optional section, and the trainer will re-examine the level of the group.

6. Module 2 and 3 would be swapped in order to reinforce the logical connection between the sections dedicated to the cooperation within the community.

7. The definitions were explained in layman terms, and a simpler vocabulary was substituted for special terminology to make the course less intimidating for people of various educational backgrounds.

After the changes and reviews based on the TOT are completed, the educational course will be structured as it is provided below in Table 2.

Table 2. The final composition of the educational programme for paralegals

Module	Section	Duration
1. Human rights	• Basics of human rights	3 days
	• Discrimination and minorities rights	
	• Basic laws	
	• Social and legal services in the regions	
2. System changes and cooperation	• Self-organization of local communities, influence on the authorities	3 days
	• Budgeting, fundraising	
	• Advocacy and communication	
	• Informational safety	
3. Community life	• Restorative justice	3 days
	• Counteraction to domestic violence	
	• Safety in the community	

It was decided that after the selection of paralegals there will be held a pilot training course conducted by trainers who have passed the TOT. Based on the results of the training, each of the participants will set the goals for the next three months in their paralegal activities to develop a network of paralegals, strengthen legal capacity of local communities, and integrate legal and social services in the communities.

Discussions

The most obvious finding of this analysis is that the design of the education course for Ukrainian paralegals has made it evident that the concept of paralegals and paralegalism as it is understood in different countries (Berenschot & Rinaldi, 2013; Maru, 2010; Rebuta, Gregorio & Hatta, 2012) is entirely new for Ukraine, and it is legally unregulated. This results in misinterpretations and a dismissal of paralegalism as a brokerage of social services. At the same time, it offers a good chance to attract multifarious knowledge needed for the development of local communities in the country. The study has shown that a paralegal needs basic information not only about legal issues, but should have broader understanding and competences. Thus, training of paralegals follows the multi-competences mode that is general for the Ukrainian social work (Semigina & Boyko, 2014).

The action research design and participatory approach (Bortoletto, 2017; Gaventa & Cornwall, 2001; Reason and Bradbury, 2001; Susser, 2004) used for this study allows us to point out that the benefits of using this course for future paralegals could be related to its content defined by experts and trainers based on prospective functions of such paraprofessionals. Besides, the course is designed for specific audiences, discussed among the trainers, and the discussion itself has also been of benefit as an ability to review the course in action. Such a design can be used for teaching complex or brand new concepts that require additional discussion. Parts of this course can be also applied as separate trainings for community activists, since the course is aimed to teach how to use instruments of community facilitation and service integration.

The findings of this study suggest that there are also some risks in the application of this course. First of all, the team of organizers expects a good level of understanding of community problems, but they do not know for sure who will apply for the pilot call. The prospective trainees may have different backgrounds, experience and skills, and the 'average approach' may not work for them. If the course is too difficult for paralegals they may lose motivation.

In addition, the design of the course may have influence on the results: the course is designed in three modules with approximately a month-long break between them, so all of the participants may not be able to take part in all of the modules. At the same time, only participation in the whole course assures that a person acquires all of the needed skills. It was decided to hold the course during autumn months to reduce this risk - farmers will have finished their field work by that time, and also, participants can choose the most suitable days for the training. The discussions with experts and trainers provide further evidence for the inconsistency of the Ukrainian legal regulations and legal service per se. It is therefore likely that the paraprofessionals' motivation to perform important community roles as it is seen by researchers (Dugard & Drage 2013; Miriukia & Moss, 2016; Roberts & Bowblis, 2017) may decrease, and they might drop out of the training.

Conclusions

This study was set out to use the participatory approach in the development of the training course for paralegals. The course is aimed to introduce in Ukraine a completely new idea of paralegalism, a function to be performed within local communities. The study has shown that paralegals need not only basic knowledge in legal regulations, but a broad range of

competences, and this reflects the complex nature of social work, even in its paraprofessional version.

The study has somewhat improved our understanding of possible functions of paralegals in Ukraine and the skills they would need for their activities. So, the course that was designed from a perspective of practical application has been thoughtfully assessed and reassessed by the practitioners.

The key strength of the study is that it supports the idea that the application of the practical model to develop short-term social work trainings has a number of advantages, while challenges and short-comings are mostly associated with broader contexts. Such a design can be used for teaching complex or brand new concepts that require additional discussion.

References

Berenschot, W., Rinaldi, T. (2013). *Within and around the law; Paralegals and legal empowerment in Indonesia*. Retrieved from: <https://www.opensocietyfoundations.org/sites/default/files/justice-initiatives-legal-empowerment-20140102.pdf>.

Bortoletto, N. (2017). Participatory action research in local development: an opportunity for social work. *European Journal of Social Work*, 20, 484-496.

Cornwall, A. (2008). Unpacking participation: Models, meanings and practices. *Community Development Journal*, 43(3), 269–283.

Deepak, A. C., Wisner, B. L., Benton, A. D. (2016). Intersections between Technology, Engaged Learning, and Social Capital in Social Work Education. *Social Work Education*, 35 (3), 310-322.

Dugard J., & Drage K. (2013). To Whom Do The People Take Their Issues? The Contribution of Community-Based Paralegals to Access to Justice in South Africa. *Legal Vice Presidency The World Bank*. Retrieved from: <https://namati.org/resources>.

Gaventa, J., & Cornwall, A. (2001). Power and knowledge. In P. Reason, & H. Bradbury (Eds.), *Handbook of action research* (pp. 70–80). London, UK: Sage Publications.

Lucio-Villegas, E.(2016). Building knowledge democracy from the university: A case study in Spain. *Action Research*, 14(1), 3–18.

Maru V. (2010). Between Law and Society: Paralegals and the Provision of Justice Services in Sierra Leone and Worldwide. *Open Society Institute*. Retrieved from:<https://www.opensocietyfoundations.org/sites>.

Miller, R.L., Meinzinger, M. (2016). *Paralegal Today. The Legal Team at Work*. 7th ed. CENGAGE Learning.

Miriukia, A. M. & Moss, T. (2016). The impact of para-professional social workers and community health care workers in Côte d'Ivoire: Contributions to the protection and social support of vulnerable children in a resource poor country. *Children and Youth Service Review*, 67, 230-237.

Murphy, J.W., Franz, B.A. & Choi, J. M. (2016). Key theoretical distinctions in community-based health interventions. *Action Research*, 14(1), 88–99.

Open Society Institute (2010). *Community-based Paralegals: A Practitioner's Guide*. Retrieved from: <https://www.opensocietyfoundations.org/sites/default/files/paralegal-guide-20101208.pdf>.

Reason, P., & Bradbury, H. (2001). Introduction: inquiry and participation in search of a world worthy of human aspiration. In P. Reason, & H. Bradbury (Eds.), *Handbook of action research* (pp. 1–14). London, UK: Sage Publications.

Rebuta C.C., Gregorio R.A., & Hatta Y.O. (2012) Barefoot lawyers: Defending community resource rights in the Philippines. *Legal tools for citizen empowerment* publication. Retrieved from <https://namati.org/resources/defending-community-resources-philippines>.

Roberts, A. R, Bowblis, J. R. (2017). Who Hires Social Workers? Structural and Contextual Determinants of Social Service Staffing in Nursing Homes. *Health & Social Work*, 42, 1(1), 15–23.

Semigina, T. & Boyko, O. (2014). Social work education in post-socialist and post-modern era: case of Ukraine (pp. 257–269) *Global social work education- crossing borders blurring boundaries*. Sydney: Sydney University Press.

Susser, E. (2004). Eco-epidemiology: Thinking outside of the black box. *Epidemiology*, 15, 519–520.

Xing, Y. (2014). Dissemination of Law and Access to Justice at the Village Level: A Case Study of Barefoot Lawyers in the Villages of China. *Positions: East Asia culture critique*, 22 (3), 603-633.

Yeroshenko, K. (2017). Parayurydychna praktyka: choho mozhe navchytysya z mizhnarodnoho dosvidu ukrayins'ka sotsial'na robota? [Paralegal practice: what can Ukrainian social work learn from international experience?]. *Visnyk Akademiyi pratsi, sotsial'nykh vidnosyn i turyzmu*, 3, 38-47.

РОЗРОБКА ПРОГРАМИ НАВЧАННЯ ДЛЯ ПАРАЮРИСТІВ У ГРОМАДАХ: ДОСЛІДЖЕННЯ В ДІЇ

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Анотація. У дослідженні презентовано процес розробки навчального курсу для параюристів, підтриманий Програмною ініціативою «Права людини та правосуддя» Міжнародного фонду «Відродження». Курс розроблено в межах підходу дослідження в дії, таким чином, відбулася зміна від початкового бачення експертної групи, базованого на аналізі міжнародної практики навчання параюристів, до розуміння навчального курсу за результатами обговорення практиків, які брали участь в тренінгу для тренерів. Дослідження висвітлює цілий ряд проблем у розробці навчального курсу для людей, які мають виконувати нову роль у громаді, по суті брокерів соціальних послуг і послуг первинного юридичного консультування. Наразі в Україні немає цілісного розуміння ідеї діяльності параюриста в громаді, і це виявилось викликом для розробників курсу.

За результатами дослідження визначено, як побудувати тренінг для тренерів, формат якого дає можливість тренерам, які навчаються, продемонструвати свої навички та інтерпретацію отриманої інформації. Такий дизайн може використовуватися для навчання новим для суспільного розуміння концептам, які потребують додаткового обговорення в ході навчання.

Ключові слова: навчальний курс; параюрист; соціальна робота; брокерство послуг; громада.
