# Victoria Legal Aid 2018–19 quarter four report

The number of Victorians we assist continues to increase. This is primarily in response to ongoing demand in summary crime, child protection, family violence and indictable crime. This demand stems from the additional police and child protection workers bought online over recent years, increased family violence reporting and population growth.

## Snapshot of service delivery

The following snapshot tables detail quarterly data. For year-end totals, please see pages 3–7.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Clients** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4[[1]](#footnote-1)** **2019**  |
| Unique clients[[2]](#footnote-2) | 33,253 | 20,903 | 19,524 | 20,805 | 36,230 | 24,171 | 19,746 | 19,914 |
| Calls dealt with by our Legal Help telephone service | 31,685 | 30,466 | 37,347 | 35,673 | 35,572 | 38,679 | 33,427 | 32,546 |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Preventative and early intervention services** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| Calls to our Legal Help telephone service | 47,569 | 46,056 | 53,551 | 49,159 | 46,551 | 47,769 | 45,398 | 52,604  |
| Information and community legal education services | 29,929 | 27,945 | 33,960 | 33,486 | 32,601 | 33,240 | 30,205 | 27,271 |
| Sessions on our website | 555,777 | 533,267 | 591,347 | 587,865 | 589,660 | 598,649 | 692,211 | 702,735 |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Duty lawyer services** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| In-house and private practitioners | 24,060 | 23,075 | 22,796 | 24,325 | 24,661 | 24,267 | 24,394 | 23,215 |

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Grants of legal assistance** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| In-house, private practitioners and community legal centres | 10,757 | 10,263 | 10,768 | 11,307 | 11,284 | 10,928  | 11,469 | 11,499 |

## Outlook for 2019–20

We are now well underway in embedding the foundations and goals of our Strategy 2018–22 ‘Strategy 22’, where we will continue to focus on ensuring our services are client centred, designed using evidence and data and delivered with a strengthened spirit of trust and collaboration with the legal assistance sector.

Our financial future is challenging. The Department of Justice and Community Safety has provided some one-off budget relief for the 2019–20 year while the state government undertakes its baseline review of departmental and agency funding. We are also developing savings measures in the absence of additional funding to our base, which will be implemented in 2019–20 or the following financial year. Some will be pursued as a matter of good practice, some will be subject to further consultation with staff and our practice partners and other measures will be subject to the outcome of the baseline review of our funding. This lack of certainty means we must continue our preparations for the implementation of our savings measures during the second half of 2019–20. Of course, another key consideration in this context is the outcome of the next National Partnership Agreement (NPA), the current NPA agreement concluding in June 2020.

## Our clients

In 2018–19, we assisted 100,061 people, an increase of six per cent on last year. We exceeded our year-end target for unique clients, assisting over 100,000 clients for the first time. This is a significant achievement for Victoria Legal Aid and an indication of the growing demand that we are experiencing.

The increase in demand for our services can be attributed to a range of factors, including amendments to the law, additional police and child protection officers and Victoria’s growing population. We have seen increases in the number of legal advice services provided, along with an increase in demand for adult summary crime duty lawyers services and grants of legal assistance. These increases are driven by changes to bail legislation and continued increasing demand for services in family violence matters.

Unique clients to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Unique clients as at** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4[[3]](#footnote-3)** **2019** |
| Unique clients[[4]](#footnote-4) | 33,253 | 20,903 | 19,524 | 20,805 | 36,230 | 24,171 | 19,746 | 19,914 |
| **Year to date** | 33,253 | 54,156 | 73,680 | **94,485** | 36,230 | 60,401 | 80,147 | **100,061** |

Our clients are among the most marginalised people in Victoria, and we know many others are missing out on our help. In 2018–19, we have seen steady increases in the level of disadvantage experienced by our clients, including:

* Five per cent were of Aboriginal or Torres Strait Islander background (up nine per cent on last year)
* 23 per cent were from culturally and linguistically diverse backgrounds[[5]](#footnote-5) (up 10 per cent on last year)
* 10 per cent were younger than 18 years of age (up four per cent on last year)
* Six per cent or were at risk of homelessness (up 21 per cent on last year)
* 25 per cent disclosed having a disability or mental illness (up two per cent on last year).

## Services we provide

### Grants of legal assistance

Grants of legal assistance are our most intensive form of legal assistance. A grant of legal assistance is an amount of money that Victoria Legal Aid pays for a lawyer to represent a client. We provide grants of legal assistance to people who cannot afford a lawyer, are experiencing a significant legal problem that we can assist with and who meet our eligibility criteria.

Grants of legal assistance to date

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Grants of legal assistance as at** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** |  | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| Crime | 6,567 | 6,246 | 6,447 | 6,862 |  | 7,188 | 6,630 | 7,162 | 7,111 |
| Family and Children | 3,884 | 3,754 | 4,093 | 4,222 |  | 3,905 | 4,112 | 4,120 | 4,215 |
| Civil | 306 | 263 | 228 | 223 |  | 191 | 185 | 186 | 175 |
| **Totals** | 10,757 | 10,263 | 10,768 | 11,307 |  | 11,284 | 10,927 | 11,468 | 11,499 |
| **Year to date** | 10,757 | 21,020 | 31,788 | **43,095** |  | 11,284 | 22,211 | 33,679 | **45,180** |

Performance for quarter four across all three programs was generally stable when compared to quarter three. In 2018–19, the number of grants of legal assistance grew by five per cent to 45,180. There was a 7.5 per cent increase in grants of legal assistance within the Criminal Law program which can be attributed to changes to bail legislation. An increase in child protection matters has caused an increase in the number of Family, Youth and Children’s Law grants of legal assistance, up by 2.5 per cent. A decrease in the number of infringement related matters saw a decrease of 28 per cent in the number of Civil Law related grants of legal assistance The 28 per cent decline in the number of Civil Law related grants of legal assistance is primarily attributable to a reduction of work in our infringements practice, as Fines Victoria introduces a new system for processing infringements, which has temporarily resulted in a significant drop in matters being enforced.

### Who delivers our grants?

Clients with a grant of legal assistance can be helped by a Victoria Legal Aid lawyer or a lawyer on one of our panels, including private practitioners and lawyers from community legal centres.

Panel practitioners provided 34,478 grants of legal assistance (76 per cent) in 2018–19, up five per cent.

Grants of legal assistance to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Grants of legal assistance as at** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| In-house | 2,485 (23%) | 2,532(25%) | 2,380(22%) | 2,742(24%) | 2,580(23%) | 2,432(22%) | 2,545(22%) | 2,474(21%) |
| Panel practitioner | 8,272(77%) | 7,731(75%) | 8,388(78%) | 8,565(76%) | 8,704(77%) | 8,495(78%) | 8,923(78%) | 9,027(79%) |
| **Totals** | 10,757 | 10,263 | 10,768 | **11,307** | 11,284 | 10,927 | 11,468 | **11,499** |

### Duty lawyer services

Our lawyers are on ‘duty’ at many courts and tribunals across Victoria to help people who are at court for a hearing, but do not have their own lawyer.

Duty lawyer services to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Duty lawyer services as at** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| Duty lawyer services | 24,060 | 23,075 | 22,796 | 24,325 | 24,661  | 24,627  | 24,394 | 23,215 |
| **Year to date** | 24,060 | 47,135 | 69,931 | **94,256** | 24,661 | 48,928 | 73,322 | **96,537** |

Quarter four saw a small decline in the number of duty lawyer services when compared to quarter three, however in 2018–19, we provided 97,796 services, up four per cent on 2017–18. The continuing increase in demand for duty lawyer services can be attributed to changes to bail legislation and sentencing reforms, along with an increase in the number of clients being held in custody on remand.

### Legal advice and minor assistance

Victoria Legal Aid lawyers provide legal advice and minor assistance to help people resolve their legal problems as early as possible and, in some circumstances, avoid the need to go to court.

Legal advice and minor assistance to date

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legal advice and minor assistance as at** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| Legal advice and minor assistance | 9,515 | 8,880 | 11,227 | 12,277 | 12,541 | 12,722 | 11,768 | 10,407 |
| **Year to date** | 9,515 | 18,395 | 29,622 | 41,899 | 12,524 | 25,196 | 36,410 | 47,438 |

Quarter four saw a small decline in the number of legal advice and minor assistance services when compared to quarter three. Year to date, the four per cent increase from the same time last year is largely due to an increase in the number of advice sessions relating to family law and criminal law matters that our Legal Help team conduct and the introduction of Legal Help Chat, our new online web chat service, which delivered 7,752 sessions since beginning operation in October 2018.

Legal Help provided 18,720 legal advice services, an increase of 45 per cent, helping more people with complex, high priority problems than in previous years. Receiving legal advice early is critical as it can avoid issues from escalating.

### Legal Help telephone service

Legal Help received 192,322 requests for help by phone, chat and in person. Of these, 179,352 requests were via our telephone line. This was down nine per cent from the same time last year, as a result of active demand management. Like many other helplines, when the queue reaches a pre-set size or length, we temporarily suspend intake for people with non-priority legal issues. This keeps queues manageable for clients and our staff.

In 2018–19, we answered 84 per cent of chat requests and 72 per cent of calls, as part of a total 140,224 requests for help we provided by phone, chat and in person.

The large rise in legal advice as outlined above (which typically takes 30 to 40 per cent longer to deliver than the other services Legal Help provides) increased the average length of calls. That, together with reduced staffing levels in response to our financial circumstances and a stronger focus on staff wellbeing, reduced our capacity to meet demand.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Legal Help telephone service as at** | **Q1****2018** | **Q2****2018** | **Q3****2018** | **Q4****2018** | **Q1****2019** | **Q2****2019** | **Q3****2019** | **Q4** **2019** |
| Calls to the service | 47,569 | 45,056 | 53,551 | 49,159 | 45,551 | 47,769 | 45,398 | 39,634 |
| **Year to date** | 47,569 | 92,625 | 146,176 | 195,335 | 45,551 | 93,320 | 138,718 | 192,322 |
| Calls answered | 31,685 | 30,466 | 37,347 | 35,673 | 35,572 | 38,679 | 33,427 | 29,770 |
| **Year to date** | 31,685 | 62,151 | 99,498 | 135,171 | 35,572 | 74,251 | 107,678 | 140,224 |
| Average call duration | 15:58 mins | 15:04 mins | 16:22 mins | 17:07 mins | 18:28 mins | 18:33 mins | 19:06 mins | 18.46 mins |
| Average wait time | 12 mins | 11 mins | 9.5 mins | 8.5 mins | 7.5 mins | 7.5 mins | 8.5 mins | 10.2 mins |

## Quarter four headlines for Victoria Legal Aid

* **April** – we launched our Independent Family Advocacy and Support (IFAS) pilot service was launched in Bendigo. The IFAS pilot is funded for three years, to determine if a non-legal advocacy service can help more families to engage with child protection and other services, before they have to go to court. It is running in Bendigo and the Darebin and Moreland regions of Melbourne and it welcomes referrals from other organisations.
* **May** – we held consultations with clients, staff, service providers and stakeholders involved in legal aid work to help build our first client services strategy. The Client First Strategy will enable us to become more client centred in everything we do. We also introduced a new, fairer and more transparent referral process to help more people across the state access consistent child protection legal services. The new process means we will lead and manage referrals of clients to lawyers, reflecting the current good practice in many parts of the state.
* **June** – we released our submission to the Victorian Ombudsman’s investigation into solitary confinement and young people in Victoria. The submission looks at the experience of young people in prisons, child protection settings, mental health units, immigration detention and police cells.

## Financial summary

The 2018–19 year concluded with a small statutory accounting surplus of $3 million. This is entirely due to the accounting for a three-year funding arrangement from the Legal Services Board for our Digital Legal Aid project. Excluding this item, the underlying result was a small deficit of $0.4 million. Despite a series of internal savings measures which were implemented in the second half of the year, we are forecasting significant operating deficits into the future. Because of this we are taking active steps to reverse this trend and return to financial sustainability. Both total income and expenses increased during the year, primarily associated with additional one-off initiative funding received from the State Budget and the Public Purpose Fund.

Total revenue breakdown[[6]](#footnote-6)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Revenue** | **Q1****$’m** | **Q2****$’m** | **Q3****$’m** | **Q4****$’m** | **Total****$’m** |
| Commonwealth – grants | 18.05 | 17.54 | 16.9 | 17.37 | 69.86 |
| State – grants | 31.10 | 33.72 | 32.45 | 32.4 | 129.67 |
| Public Purpose Fund | 8.38 | 7.69 | 8.03 | 11.44 | 35.54 |
| Case revenue | 1.46 | 1.19 | 1.28 | 1.55 | 5.48 |
| Other income | 0.27 | 0.27 | 0.28 | 0.49 | 1.31 |
| **Total revenue** | 59.27 | 60.41 | 58.94 | 63.25 | 241.86 |

Total expenditure breakdown6

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Expenditure** | **Q1****$’m** | **Q2****$’m** | **Q3****$’m** | **Q4****$’m**  | **Total****$’m** |
| Case expenditure | 26.84 | 26.99 | 23.27 | 28.06 | 105.16 |
| Community legal centre payments | 7.80 | 7.77 | 7.95 | 8.03 | 31.55 |
| Staff costs | 20.05 | 20.08 | 19.44 | 19.46 | 79.03 |
| Administration | 4.74 | 5.24 | 4.97 | 6.09 | 21.04 |
| Projects | 0.45 | 0.40 | 0.35 | 0.26 | 1.46 |
| **Total expenditure** | 59.88 | 60.48 | 55.98 | 61.91 | 238.24 |
| Other economic flows | 0 | (0.11) | (0.03) | (0.46) | (0.6) |
| Operating surplus/(deficit) | (0.61) | (0.18) | 2.93 | 0.88 | 3.02 |
| **Year to date** | (0.61) | (0.79) | 2.14 | 3.02 | 3.02 |

## Performance against Victorian Government service targets[[7]](#footnote-7)

Our results against quarterly targets for Victoria Legal Aid’s output measures under Budget Paper No. 3

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Output measure** | **Q1 Target** | **Q1 Actual** | **Q2 Target**  | **Q2 Actual** | **Q3 Target** | **Q3 Actual**  | **Q4 Target** | **Q4 Actual**  |
| Community legal education and information services (ex-family violence related services) | 34,039–35,289 | 26,712 | 64,444–66,944 | 53,884 | 93,338–97,088 | 76,128 | 123,500–128,500 | 97,705 |
| Community legal education and information services (family violence related services) | 3,003 | 5,889 | 5,933 | 11,957 | 8,886 | 19,918 | 11,700 | 25,056 |
| Duty lawyer services (ex-family violence related services) | 14,753–15,278 | 16,023 | 29,582–30,632 | 34,744 | 45,193–46,768 | 52,177 | 60,800–62,900 | 72,518 |
| Grants of legal assistance (ex-family violence related services) | 8,195 | 8,169 | 15,971 | 16,109 | 24,059 | 24,355 | 32,900 | 32,610 |
| Legal advice and minor assistance (ex-family violence related services) | 8,940 | 10,147 | 17,550 | 20,875 | 26,217 | 30,525 | 34,800 | 39,838 |
| Family violence legal services | 8,835 | 10,813 | 17,747 | 22,476 | 26,968 | 33,476 | 36,300 | 45,448 |
| Number of unique clients | 32,631 | 34,995 | 54,784 | 59,797 | 74,181 | 80,147 | 96,300 | 100,061 |
| Client satisfaction with services provided by Victoria Legal Aid | - | - | - | - | - | - | 80 per cent | 70 per cent |
| Average call wait time to the Legal Help phone line | < 10 mins | 7.5 mins | <10 mins | 7.5 mins | <10 mins | 8.5 mins | <10 mins | 10 mins 21 secs  |

The published target for community legal education and information services (excluding family violence related services) included some family violence related services. As a result, the 2018–19 actual is significantly below (21 per cent) the published target. Based on the revised 2018–19 target of 110,000, the year-end total of 97,705 is 11 per cent below expected service levels. The decline can be attributed to an increase in legal advice sessions, which take longer and are more complex.

Similarly, the published 2018–19 target for family violence related community legal education and information services excluded some family violence related services, resulting in a year-end figure that is significantly above the published target. Based on a revised figure of 26,000, we ended four per cent below our target on 25,056.

The figures for family violence legal services include duty lawyer services, grants of legal assistance and legal advice and minor assistance for clients in cases where family violence has been identified as a contributing factor. The higher than predicted number of for family violence legal services provided during 2018–19 is due to the ongoing increased focus on delivering legal services to people affected by family violence, including earlier legal advice.

Client satisfactions levels have remained consistent at 70 per cent since 2017. We are currently working on a Client First Strategy which aims to improve the experience of clients across our services.

See pages 3–6 for an explanation on all performance measures.

1. Please note the Q4 client count includes private practitioner duty lawyer figures. This is a manual adjustment that is done once a year, at the end of the financial year. [↑](#footnote-ref-1)
2. A unique client is an individual who has accessed one or more of our legal services and a client lawyer relationship was formed. We count our unique clients the first time we see them in the year. This definition does not include those clients who received information over the phone (Legal Help), from our website, in person at a court counter or those who attended one of our community legal education sessions. [↑](#footnote-ref-2)
3. Please note the Q4 client count includes private practitioner duty lawyer figures. This is a manual adjustment that is done once a year, at the end of the financial year. [↑](#footnote-ref-3)
4. A unique client is an individual who has accessed one or more of our legal services and a client lawyer relationship was formed. We count our unique clients the first time we see them in the year. This definition does not include those clients who received information over the phone (Legal Help), from our website, in person at a court counter or those who attended one of our community legal education sessions. [↑](#footnote-ref-4)
5. This is based on the Australian Bureau of Statistics definition of people from culturally and linguistically diverse backgrounds. It includes people who speak a language other than English at home and people who were born in a non-English speaking country. [↑](#footnote-ref-5)
6. Total Revenue and Expenditure include Commonwealth CLC Funding and Expenditure. [↑](#footnote-ref-6)
7. Performance is reported cumulatively. [↑](#footnote-ref-7)