# Victoria Legal Aid 2019–20 Quarter four report 1 April – 30 June 2020

## Message from the CEO

The impact of the summer bushfires and the onset of the global COVID-19 pandemic in March 2020 have had devastating consequences for the Victorian community. Emergencies such as these have the potential to both create and exacerbate existing community legal need and can unfairly impact the communities who need access to legal help the most. We have continued to provide the essential legal services that people need whilst ensuring the safety of our staff, communities and clients.

Hearings at court are currently limiting the number of people attending in-person, so where applicable our clients and staff have been appearing remotely. We have been working with our justice system partners to ensure that potential clients remain aware of the services we provide and providing our clients with support to help them remain engaged with the court process.

The rapid modernisation of the justice system in response to COVID-19 can provide many benefits and potentially increase access to justice. Our previous investments in technology have meant that the majority of our workforce were able to transition to a remote working model. Our services, such as our Legal Help phoneline and web chat, were able to continue to provide information and advice to the many Victorians seeking it.

We were able to keep pace with the justice system as it underwent a rapid technology transformation. However, not all our clients and practice partners are able to access or use technology equally. Some of our clients will benefit from a remote service model, but those who have difficulty accessing technology and remaining engaged are at risk of not receiving the appropriate help. Clients who have a disability or mental illness, live in remote areas with poor internet connections and clients who require an interpreter are at risk of not engaging in the online process as well as they could with the in-person model.

Since the onset of the pandemic we have been providing specific COVID-19 information, advice and resources for our clients and practice partners. We have also welcomed additional funding from both the Commonwealth and State governments to assist with our demand pressures for Legal Help, family mediation services, improved family violence services, enhanced case management responses in indictable crime, preparation for child protection matters, and improved ICT equipment and support for our staff. The year ahead will bring uncertainties in the justice system and in our communities, but we will continue to provide the legal assistance services that so many people need. Our progress towards being a more user-centred organisation will be led by our Client First Strategy as we remain mindful of the various realities that our clients face in this changing legal landscape.

## Snapshot of service delivery

Between April to June 2020 there were significant changes to how the justice system operates. The effects on our service delivery that we began to see in March 2020 (after a State of Emergency was declared) became more evident.

Except for ‘Sessions on our website’, we are unable to provide service or financial projections in this report. As part of the state annual budget process we usually forecast the number of services we will deliver in a financial year. However, the State Budget for 2020–21 has been delayed and consequently we are currently unable to reliably forecast our service levels or provide financial projections. We will publish our budget and service projections after the State Budget is delivered, consistent with the approach we will take with our [Corporate Plan](https://www.legalaid.vic.gov.au/about-us/our-organisation/corporate-plan).

**Table 1.1 Clients snapshot**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Clients** | **Q4****2019** | **Q4** **2020**  | **Year-end total 2020** | **Year-end projection 2020**  | **Q1 2021 projection** |
| Unique clients[[1]](#footnote-2) | 19,914 | 12,009 | 88,662 | 97,500 | N/A |

There was a decrease in the number of unique clients in 2019–20 (Table 1.1), which was mainly caused by COVID-19 service changes within VLA and the wider justice system. Our in-court duty lawyers services are the first point of contact for many of our clients. Significant reductions in state and federal court proceedings resulted in a lower number of duty lawyer services being delivered in-court compared to 2018–19 (Table 1.4). Processes to support service delivery using remote service models are also taking longer, and as a result, there was a lower than expected unique client count.

Table 1.2 Legal Help phoneline and web chat snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Legal Help**  | **Q4****2019** | **Q4****2020**  | **Year-end total 2020** | **Year-end projection 2020**  | **Q1 2021 projection** |
| Requests for Legal Help assistance | 45,653\* | 48,010 | 190,248\* | 179,600 | N/A |
| Calls and web chats answered | 29,770 | 29,574 | 123,095 | 119,800 | N/A |
| Average call duration | 18.46 mins | 21.26 | 21.50 | N/A | N/A |
| Average call wait time | 10.2 mins | 17.17 mins | 15.3 mins | 1. mins
 |  N/A |

\*These figures have been updated since the 2018-19 quarter four report to include web chat.

We saw an increase in requests for legal assistance compared to both quarter four in 2018-19 (Table 1.2) and the previous quarter in 2019-20 (47,926), despite Legal Help reducing its operating hours by 20 per cent from mid-March to support staff working from home. Landlord and tenant matters have become the highest proportion of enquiries to Legal Help since COVID-19, followed by family violence applicants, family violence respondents, spend time with family, and specific family issue.

Our average call wait time has increased in 2019–20 and had a year-end average of 15.3 mins (Table 1.2). The average call duration has been increasing over 2019–20 and was 21.26 minutes for quarter four (Table 1.2). We have found that clients have increasingly complex legal issues, which results in advice sessions taking longer to deliver. We set up a dedicated family violence priority phone line and webchat channel to improve the safety of help-seekers during COVID-19 restrictions, manage the increase in family violence related enquiries to Legal Help and ensure that callers received assistance more quickly. Wait times for these callers reduced to below six minutes.

In 2019–20 we responded to 24 per cent of total requests for assistance through our web chat service, which has an average wait time of less than 30 seconds. A total of 26,846 people received help through web chat in 2019–20, compared to 7,758 in the nine months that webchat was operational in 2018–19 (October 2018 to June 2019).

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q4****2019** | **Q4****2020** | **Year-end total 2020** | **Year-end projection 2020**  | **Q1 2021 projection** |
| Information and community legal education services | 27,271 | 26,804 | 113,149 | 118,100 | N/A |
| Sessions on our website | 702,735 | 691,246 | 2,685,919 | 2,593,000 | 737,361 |
| Legal Advice and minor assistance | 10,407 | 9,166 | 39,032 | 41,600 | N/A |

Legal Help is the main service provider of information and advice sessions at VLA. The effect of the increased call duration (Table 1.2) is that staff are less available to take other calls. Fewer information sessions have been delivered in 2019–20 than projected as a result.

We saw an increase in access to legal information via our website in quarter four (Table 1.3). Between 19 March and 30 June 2020, 84,032 visitors accessed the COVID-19 legal information webpages. This includes 24,711 visits to VLA’s main information page, 16,661 visits to ‘COVID-19 and losing work’ and 11,199 visits to ‘COVID-19 and parenting issues’.

**Table 1.4 Court services snapshot**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Court Services** | **Q4****2019** | **Q4****2020** | **Year-end total 2020** | **Year-end projection 2020**  | **Q1 2021 projection** |
| Duty Lawyer Services | 23,215 | 12,036 | 78,478 | 89,700 | N/A |
| Grants of Legal Assistance | 11,502 | 9,575 | 45,334 | 47,500 | N/A |

The number of duty lawyer services delivered in quarter four were heavily impacted by the COVID-19 changes to service delivery. These changes resulted in a significant reduction in non-custody and non-family violence related duty lawyer services at Magistrates’ Courts delivered in 2019–20. The average number of duty lawyer services delivered per month from July 2019 to February 2020 was 7,931. In quarter four, April to June 2020, the monthly average dropped to 2,919. Family violence related duty lawyer services also reduced, however these matters were prioritised by the courts and so were less affected than other areas of law.

We continued to provide duty lawyer services for child protection, custody, and family violence intervention order (FVIO) matters at Magistrates’ and Children’s Courts across the state. We also continued to provide duty lawyer services seven days and nights a week at the Bail and Remand Court at the Melbourne Magistrates’ Court. In quarter four we helped 10 per cent more people at Bail and Remand Court and in custody through our duty lawyer service than during the same period in 2019.

After the changes to court proceedings, we received slightly fewer applications for grants of assistance in quarter four (Table 1.4). However, the large number of applications granted earlier in the year has meant that the slowdown of applications after COVID-19 has meant that the year-end total for 2019–20 is similar to that of 2018–19 (45,180).

## Outlook for 2020–21

We have published our [Corporate Plan 2020–21](https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-corporate-plan-2020-21.pdf), which marks the third year of our [four year strategic plan.](https://www.legalaid.vic.gov.au/about-us/our-organisation/strategy-2018-22) However, the extended State of Emergency and the possibility of future lockdowns to tackle community transmission of COVID-19 makes 2020–21 a difficult year to predict. Whilst a [five year funding agreemen](https://www.ag.gov.au/legal-system/le%E2%80%A6)t with the Commonwealth was signed by the State in June 2020, the State Budget has been delayed until late 2020, affecting our ability to provide projections for the 2020–21. Our underlying financial sustainability challenges also mean that there is a lot of uncertainty over what the next 12 months will look like.

The implications of stage three and four lockdowns on the justice system in Victoria are likely to have an ongoing impact in 2020–21. There will be a large backlog of court matters as well as new cases, and it is unknown when the courts will be back at full capacity—either in-person or virtually. This makes predicting the number of services we are going to deliver in 2020–21 particularly difficult.

Our challenge for the year ahead is to ensure that clients remain aware, connected and engaged with our services whilst protecting the safety of our clients, community and staff. We are already seeing changes to the types of legal need that our clients are experiencing, such as increases in tenancy, employment and family violence enquiries. The very real possibility of a severe economic downturn will mean that more Victorians in need of legal assistance will be eligible for our services. This increased and changing need coincides with an uncertain financial future. We will continue to look for ways to overcome the current shortfalls in our baseline funding and the reductions in funding from the Public Purpose Fund.

## Financial summary

In 2019–20, Victoria Legal Aid achieved a net surplus of $17 million. However, this is not reflective of our underlying financial performance. VLA’s underlying result was a surplus of approximately $4 million reflecting the significant deferral of case and trial expenditure into future years as a result of changes in court practices because of COVID-19.

The remainder of the surplus primarily relates to the recognition of project funding for initiatives where the cost will be incurred in 2020–21 and the accounting treatment of Digital Legal Aid Project funding—where the corresponding expenditure is reflected in VLA’s Balance Sheet.

Both total income and expenses increased during the year, primarily associated with additional one-off funding received from the State and Commonwealth Governments for COVID-19 response and bushfire recovery, including increased distributions to Community Legal Centres. The increase in assets and liabilities was primarily due to an accounting standard change requiring recognition of our future lease commitments, with no impact on our underlying position.

Our financial future is challenging. We expect demand to continue to grow faster than funding, excluding the short-term impacts of court service changes, and we continue to work with the Department of Justice and Community Safety to determine sustainable funding solutions. However, if additional funding is not provided, we are on track to commence implementation of further savings measures in 2020–21. These savings measures have been developed in consultation with key stakeholders and will significantly impact the service levels we provide the Victorian community in the future.

### **Total revenue breakdown ($’000**)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Revenue** | **Q4 2019** | **Q4 2020** | **Year-end total 2019-20** | **Q1 2021 projection** | **2021 Year-end projection** |
| Commonwealth – grants | 15,809 | 16,466 | 64,466 | N/A | N/A |
| ECCCF income | 1,566 | 840 | 2,277 | N/A | N/A |
| State – grants | 32,405 | 30,282 | 142,199 | N/A | N/A |
| Public Purpose Fund | 7,035 | 7,884 | 31,539 | N/A | N/A |
| Case revenue | 1,551 | 1,070 | 5,392 | N/A | N/A |
| Other income | 489 | 86 | 783 | N/A | N/A |
| **Operating revenue** | **58,855** | **56,628** | **247,016** | N/A | N/A |
| ECCCF income (carry forward) | 0 | 3,200 | 3,200 |  |  |
| Digital Legal Aid income | 1,000 | 1,167 | 3,500 | N/A | N/A |
| COVID and Bushfire Emergency | 0 | 13,610 | 13,610 | N/A | N/A |
| **Total revenue** | **59,885** | **74,605** | **267,326** | N/A | N/A |

### Total expenditure breakdown ($,000)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Expenditure** | **Q4 2019** | **Q4 2020** | **Year-end total 2019-20** | **Q1 2021 projection** | **2021 Year-end projection** |
| Case expenditure (including ECCCF) | 27,036 | 20,878 | 101,430 | N/A | N/A |
| Community legal centre payments | 8,026 | 9,541 | 35,063 | N/A | N/A |
| Staff costs | 19,782 | 20,250 | 80,672 | N/A | N/A |
| Administration | 6,338 | 6,590 | 22,451 | N/A | N/A |
| Projects | 532 | 710 | 2,636 | N/A | N/A |
| **Total expenditure (Excluding COVID and Bushfire)** | **61,714** | **57,969** | **242,252** | N/A | N/A |
| COVID and Bushfire Emergency | 0 | 8,353 | 8,353 | N/A | N/A |
| **Total Expenditure** | **61,714** | **66,322** | **250,605** | N/A | N/A |

1. 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 or via our online web chat (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)