# Victoria Legal Aid 2020–21 Quarter Three Report 1 January – 31 March 2021

## Message from the CEO

A year on from the start of the COVID-19 pandemic, we have now started the transition to recovery and are focusing on a range of strategies to support courts and tribunals in working through the backlog of matters, while ensuring clients receive services that are appropriate to their needs. This will see us gradually increase our face-to-face services in line with court plans, continue to support online hearings, increase the use of pre-court assistance for family violence clients and clients charged with minor crimes, and a focus on earlier resolution in serious criminal matters. As we transition we are continuing to provide services that adapt, and evolve, to community needs. We expect to build on the benefits that have arisen from transformation of the justice system over the last 12 months, and work with our partners to improve experiences for clients across the sector. We are continuing to design and develop new systems that make the process of seeking legal assistance easier for clients. We have started to implement new software that provides a single intake solution for our Legal Help service. This will increase efficiency for our staff and allows them to spend more time focusing on client needs, ultimately improving the quality of the service for the client.

We are pleased to see the progress towards transforming our mental health system for the benefit of the community. In March, the [final report of the Royal Commission into Victoria’s Mental Health System](https://www.legalaid.vic.gov.au/about-us/news/compassion-and-respect-to-guide-creation-of-new-mental-health-system) was delivered. The report, which contains 65 recommendations to transform the way people access assistance, provides an opportunity to establish a mental health system that is driven by people with lived experiences and focuses on their rights and recovery. The report recognised the role that legal assistance provides to people facing compulsory treatment orders and that our Independent Mental Health Advocacy service (IMHA) provides crucial support to people who are at risk or subject to compulsory treatment. We will work with the State Government, our partners and consumers to implement the recommendations that will create a new, fairer mental health system.

Cultural Diversity week provided us with an opportunity to reflect on, and discuss, the systemic cultural issues within the community and the justice system. We are committed to improving ourselves - as individuals and as an organisation - to achieve racial justice within our organisation and to ultimately improve the experience of our clients. Now a year into the strategy, our [Cultural Diversity and Inclusion Strategy progress report](https://www.legalaid.vic.gov.au/about-us/news/putting-words-into-action-towards-inclusive-and-anti-racist-workplace) shows that we have made steady progress towards our goals. Key focuses have included the development of a Cultural Diversity and Anti-racism action plan, and providing our support in calling for an end to Aboriginal deaths in custody and to raise the age of criminal responsibility for children. We believe that the 30th anniversary of the findings into the Royal Commission into Aboriginal deaths in custody is a time for concrete changes to be made to reduce the over-imprisonment of First Nations people. As we move into the second year of the strategy, we will build on the work we have done and continue to tackle racism in our workplace and the justice system.

We acknowledge the recent review and findings into sexual harassment in Victorian courts. These findings provide the legal profession with an opportunity to change harmful practices and move towards safer and more inclusive workplace cultures. We support the thoughtful and evidence-based recommendations and are committed to working with our partners across the sector to increase prevention efforts, strengthen reporting systems and improve culture.

## Client Services

**Table 1.1 Clients snapshot**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Clients** | **Q3**  **2019-20** | **Q3**  **2020-21** | **Q4 2021**  **projection** | **Year-end projection** |
| Unique clients[[1]](#footnote-2) | 34,389 | 15,036 | 21,500 | 78,900 |

The number of unique clients fell in quarter three 2020–21 by 28 per cent (Table 1.1) compared to quarter three in 2019–20. This decrease is comparable to what was experienced in the previous two quarters. Duty Lawyer services are the main entry point for clients. As courts are not yet back to full capacity due to the COVID-19 pandemic, there remain fewer cases being heard, which results in a decrease in the number of duty lawyer services that we are able to provide. We anticipate numbers to increase in quarter four as courts progressively increase the number of face-to-face services. This is dependent on how quickly the justice system returns to more normal service offerings and its ability to manage the backlog brought on by the pandemic.

Table 1.2 Legal Help phoneline and web chat snapshot

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Legal Help** | **Service Delivery type** | **Q3**  **2019-20** | **Q3**  **2020-21** | **Q4 2021**  **projection** | **Year-end projection** |
| Requests for Legal Help assistance | Phoneline | 39,621 | 39,497 | 40,700 | 159,600 |
| Web chat | 7,595 | 11,886 | 11,500 | 41,500 |
| Number of Legal Help sessions delivered | Phoneline | 22,244 | 19,301 | 18,500 | 88,300 |
| Web chat | 7,015 | 10,387 | 11,500 | 37,600 |
| Average service duration (minutes) | Phoneline | 22:45 | 23:12 | n/a | n/a |
| Web chat | 10:24 | 10:07 | n/a | n/a |
| Average wait time (minutes) | Phoneline | 16:57 | 20:25 | 23:00 | 18:00 |
| Web chat | 0:14 | 0:28 | 0:30 | 0:30 |

Our Legal Help service received 9 per cent more requests for assistance in quarter three 2020–21 compared to quarter three in 2019–20. The increases in requests is a trend that has been experienced throughout the year, and we anticipate it will continue into quarter four. The use of webchat increased by 57 per cent compared to quarter three 2019–20 (Table 1.2). The webchat service has a lower wait time than the phoneline at 0.28 seconds, however just over 76 per cent of requests were received via our phone line. These requests are usually the most complex and require more time on the phone to assist the client. The average service duration of a request received on the phone line is 23.12 minutes, compared to 10.07 minutes for webchat (Table 1.2). The increased complexity and continued focus on supporting staff to manage both the challenges of remote working and the increased demand for Legal Help has meant the wait time for the service has increased in quarter three to 20:25 minutes (Table 1.2). We expect the timeliness to temporarily decrease further in Q4 due to these ongoing challenges, and as we transition all of our staff to a new more efficient intake software. These essential service design changes will lead to a reduction in wait time in the future.

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q3**  **2019-20** | **Q3**  **2020-21** | **Q4 2021**  **projection** | **Year-end projection** |
| Information sessions | 27,663 | 26,783 | 22,900 | 105,800 |
| Legal Advice sessions | 8,828 | 6,880 | 7,600 | 32,700 |
| Minor work sessions | 1,078 | 889 | 1,200 | 3,500 |
| Community Legal Education sessions | 52 | 39 | 40 | 160 |
| Website sessions | 666,360 | 651,614 | 759,300 | 3,021,200 |

Compared to the same period last year, information sessions delivered decreased by 3 per cent and legal advice sessions by 22 per cent (Table 1.3), as a result of the increased wait time and service duration experienced by clients accessing the Legal Help. We anticipate that once implementation is completed on the Legal Help Intake Solution, greater efficiencies will be seen that will assist in reducing wait time and being able to assist a greater number of client requests.

Prior to the pandemic, The Community Legal Education (CLE) program and regional offices delivered preventative CLE sessions in person. During peak COVID-19 restrictions these sessions were delivered remotely and primarily by staff in the CLE program. As a result, the total number of sessions delivered in quarter three was down by 25 per cent compared to quarter three in 2019–20 (Table 1.3). The CLE program adapted and expanded its community engagement activities to include developing online teacher training and creating video content for young people in youth detention. Demand for in-person CLE sessions is growing and CLE is in discussion with the Department of Education and Training around the delivery of mandatory education on sexual consent.

**Table 1.4 Court assistance services snapshot**

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| --- | --- | --- | --- | --- |
| **Court assistance Services** | **Q3**  **2019-20** | **Q3**  **2020-21** | **Q4 2021**  **Projection** | **Year-end projection** |
| Duty Lawyer Services | 19,986 | 11,807 | 23,900 | 56,000 |
| Grants of Legal Assistance | 12,344 | 9,782 | 11,700 | 42,100 |

VLA continues to meet the demand of current court levels, however as courts are continuing to work at reduced capacity, there remains fewer cases being heard. As a result, the number of duty lawyer services provided in quarter three 2020-21 was down compared to quarter three 2019–20 by 41 per cent. The development of alternative service methods that the State Government under the Justice Recovery Plan (such as [Help Before Court](https://www.legalaid.vic.gov.au/about-us/news/help-before-court-opportunity-to-rethink-summary-crime-hearings) and Pre-Court Family Violence services) have helped to increase the level of services that VLA can provide. Grants of legal assistance were also down from quarter three 2019-20 by 21 per cent (Table 1.4). This is also a result of the courts remaining at a reduced capacity throughout the quarter, as well as the closure of the courts and private practitioners over the new year period. Service levels are expected to increase as courts return to more normal service delivery. Services are expected to return to pre-COVID levels from 2021–22.

## Outlook for 2020–21

As we approach the end of the year, the removal of restrictions on density levels in offices means that we will be able to have more staff returning to the office, courts, tribunals and other outreach locations across the state to support our clients. We will also start the expansion of our pre-court services in family violence and minor criminal matters. Developed with our partners, our pre-court services are an important service delivery shift that helps clients receive the information and advice they need earlier in the process. Clients are better prepared for their day in court and allows for their experience to be as simple and swift as possible.

We have also started to redesign our website to ensure that information is easily accessible and appropriate for clients and have recently started the transition to digital files. This work is an important step in improving the service that we provide to our clients.

Quarter four will also see us turn our attention to planning for 2021-22 and development of our next Corporate Plan. Much of the plan will be dependent on the outcome of the state budget in late May.

## Financial Summary

Our operating position for quarter three was a surplus of $10.6 million, primarily resulting from the continued delays in court activities due to COVID-19 impacting the timing of case expenditure, which has been largely deferred to future years. In addition, we received short-term funding in the quarter through the State Budget and the Justice Recovery Plan to assist the courts in addressing the backlog of cases within the system during 2021. Our final surplus position will be dependent on the level of ‘ramp up’ in court activity over the final quarter, with any surplus used to meet existing case commitments and supporting the courts to address the backlog during 2021.

Our financial future remains challenging. We expect demand to continue to grow faster than funding as courts ramp up activities, as well as dealing with the financial impacts of deferred case expenditure in future years. While the 2020–21 State Budget provided one-off funding to address the backlog of cases, we will continue to work with the government to determine sustainable funding solutions to meet ongoing demand pressures and any further reductions in the Public Purpose Fund. If additional funding in future years is not provided, then we must start to implement the delayed saving measures to be financially sustainable. These savings measures, developed in consultation with key stakeholders, will significantly impact the service levels we will be able to provide the Victorian community in the future.

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

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| --- | --- | --- | --- | --- |
| **Revenue** |  | **Q3 2019-20** | **Q3 2020-21** | **Q4 2020-21 Projection** |
| Commonwealth – grants |  | 16,000 | 18,280 | 18,210 |
| ECCCF income |  | 240 | 915 | 915 |
| State – grants |  | 37,920 | 44,442 | 53,701 |
| Public Purpose Fund |  | 8,380 | 5,385 | 5,385 |
| Case revenue |  | 1,460 | 1,037 | 1,380 |
| Other income |  | 270 | 79 | 57 |
| **Operating revenue** |  | **59,270** | **70,138** | **79,648** |
| Digital Legal Aid income |  | 0 | 875 | 875 |
| COVID |  | 0 | 2,522 | 2,573 |
| **Total revenue** |  | **59,270** | **73,535** | **83,096** |

### Total expenditure breakdown ($,000)

|  |  |  |  |
| --- | --- | --- | --- |
| **Expenditure** | **Q3 2019-20** | **Q3 2020-21** | **Q4 2020-21 Projection** |
| Case expenditure (including ECCCF) | (26,840) | (24,774) | (33,279) | |
| Community legal centre payments | (7,800) | (10,597) | (10,638) | |
| Staff costs | (19,982) | (20,237) | (22,498) | |
| Administration | (4,128) | (4,380) | (7,560) | |
| Projects | (450) | 0 | (233) | |
| **Total expenditure (Excluding COVID and Bushfire)** | **(59,200)** | **(59,988)** | **(74,208)** | |
| Depreciation and Revaluation | (601) | (41) | (442) | |
| Digital Legal Aid | (79) | (181) | (295) | |
| COVID | 0 | (2,700) | (3,831) | |
| **Total Expenditure** | **(59,880)** | **(62,910)** | **(78,776)** | |

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)