# Victoria Legal Aid 2016–17 midyear report

This report provides a snapshot of our first six months of operations in 2016–17.

## Snapshot of service delivery

Between 1 July 2016 and 31 December 2016, we assisted more clients primarily through grants of legal assistance, duty lawyer services and our Legal Help telephone service.

| **Clients as at** | **31 Dec 2015** | **31 Dec 2016** | **Variance** |
| --- | --- | --- | --- |
| Unique clients | 50,390 | 51,798 | 3% |
| Calls dealt with by our Legal Help telephone service | 55,911 | 59,655 | 7% |
| **Preventative and early intervention services** | **31 Dec 2015** | **31 Dec 2016** | **Variance** |
| Calls to our Legal Help telephone service | 89,797 | 89,592 | 0% |
| Information and community legal education services | 65,125 | 64,948 | 0% |
| Sessions on our website | 800,127 | 962,881 | 20% |
| **Duty lawyer services** | **31 Dec 2015** | **31 Dec 2016** | **Variance** |
| In-house and private practitioners | 42,708 | 44,871 | 5% |
| **Grants of legal assistance** | **31 Dec 2015** | **31 Dec 2016** | **Variance** |
| In-house, private practitioners and community legal centres | 18,260 | 20,295 | 11% |

## Outlook for 2016–17 and beyond

We expect to end the year assisting more clients and delivering more services than last year. We are forecasting an 11 per cent increase in grants of legal assistance (just over 4,000 grants) and a 4 per cent increase in duty lawyer services (just over 3,000 services) together with a modest increase in calls to our Legal Help telephone service.

Demand for our services is growing faster than anticipated. These increases highlight that the gap between community need and Victoria Legal Aid’s capacity to respond continues to grow. This is due to a range of community safety initiatives – additional police and child protection workers, increases in the reporting of family violence, and changes in law that increase the consequences of breaches of orders (eg more people are facing the prospect of going to jail). These changes are combined with policies that encourage more intervention from police, correctional staff and child protection officers, especially around family violence and youth justice consistent with community expectations.

The downstream impact on the delivery of legal assistance is significant and as additional police are recruited in future years, further pressure will be added.

The recent Victorian Access to Justice Review, released in October 2016, found that publicly funded legal assistance services are ‘a crucial “safety net” for the most disadvantaged members of the community’[[1]](#footnote-1) and that resources are currently stretched, with the need for more investment.

With this increased demand for our services, we are spending more money than we are receiving and we expect total expenditure to grow by $17 million. We are forecasting a deficit in the order of $8 million however, many external factors beyond Victoria Legal Aid’s control will influence the final result. We continue to monitor service levels and expenditure closely.

While Victoria Legal Aid has sufficient cash reserves to manage the forecast deficit this year, greater deficits are forecast in the future. Additional government revenue is needed to preserve existing policy settings and to avoid future tightening of eligibility guidelines and a reduction in services.

Additional funding is only part of the answer. We must also work with several our stakeholders to coordinate system reform. We will release a major evaluation of our Summary Crime program later this year, along with the results of an extensive child protection service review. Both will assist in improving the delivery of high quality and sustainable services and the efficient operation of the justice system. We look forward to advancing this work with our many stakeholders in the justice system.

## Our clients

In the six months prior to 31 December 2016, Victoria Legal Aid assisted 51,798 unique clients.[[2]](#footnote-2)

| **Unique clients as at** | **31 Dec 2013** | **31 Dec 2014** | **31 Dec 2015** | **31 Dec 2016** |
| --- | --- | --- | --- | --- |
| Unique clients | 48,531 | 50,727 | 50,390 | 51,798 |
| **Growth** | - | 5% | -1% | 3% |

Although the number of unique clients being helped by Victoria Legal Aid is only slightly increasing, our clients are presenting with a growing number of complex legal and non-legal issues.

A greater number of clients are receiving grants of legal assistance and there has been an overall reduction in clients receiving our less intensive services, such as legal advice and minor assistance.

### Disadvantage and vulnerability are increasing

Our clients are among the most disadvantaged and vulnerable in Victoria. We help young people, people from culturally and linguistically diverse backgrounds and clients with a disability, while many of our clients receive some form of government assistance or have no income at all.

Over the last six months there has been a growth in the level of disadvantage amongst our clients. We are seeing increases in clients with no income, up 2%, clients who are homeless, up 1%, clients in custody, detention or psychiatric care, up 3% and Aboriginal or Torres Strait Islander clients, up 1%.

Of the clients that Victoria Legal Aid has helped, 5% or 2,503 identified as being from Aboriginal or Torres Strait Islander background, 13% or 6,664 were in custody, detention or psychiatric care, 5% or 2,654 were homeless and 29% or 15,041 had no income[[3]](#footnote-3).

## Services we provide

### Grants of legal assistance

We provide grants of legal assistance – Victoria Legal Aid’s most intensive form of assistance – to people who cannot afford a lawyer, who are experiencing a legal problem that we can help with and who meet our eligibility criteria. 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.

We have seen an 11 per cent increase in grants compared to the same time last year, predominantly in the areas of summary crime and child protection. This is due to the government investment in additional front line police and child protection workers and changes in government policy.

Over the last six months we have seen 7,854 grants for summary crime, an increase of 15%, 4,168 grants for child protection matters, an increase of 14% and 1,680 grants for indictable crime, an increase of 13%.

| **Grants of legal assistance as at** | **31 Dec 2013** | **31 Dec 2014** | **31 Dec 2015** | **31 Dec 2016** |
| --- | --- | --- | --- | --- |
| Crime | 9,712 | 9,829 | 10,777 | 12,088 |
| Family and Children | 6,428 | 6,397 | 6,856 | 7,634 |
| Civil | 499 | 689 | 627 | 571 |
| **Totals** | 16,639 | 16,915 | 18,260 | 20,293 |
| **Growth** | - | 2% | 8% | 11% |

#### Spotlight – growth trends in summary crime and child protection set to continue

Additional police and child protection officers, additional family violence reports and changes in government policy have been consistent drivers of growth. Grants of assistance for child protection and summary crime have been consistently growing with the trend set to continue this year.

| **Grants of legal assistance** | **2014** | **2015** | **2015** | **2017 (F)** |
| --- | --- | --- | --- | --- |
| Child protection | 6,177 | 6,704 | 7,718 | 9,057 |
| **Growth** | - | 9% | 15% | 17% |
| Summary crime | 11,896 | 12,604 | 14,591 | 16,517 |
| **Growth** | - | 6% | 16% | 13% |

Child protection grants of assistance saw double digit growth of 15 per cent last year after an increase of 9 per cent in the prior year. The growth is set to accelerate to 17 per cent this year with the number of grants expected to rise by nearly 3,000 or 47 per cent over four years.

Grants for summary crime peaked last year with a 16 per cent growth, and we are still forecasting considerable growth this year at 13 per cent. We expect to see approximately 4,600 additional grants over four years. While not shown in the *Grants of legal assistance* graph, summary crime duty lawyer services have also seen considerable growth. In 2013–14, Victoria Legal Aid provided 40,785 summary crime duty lawyer services. Victoria Legal Aid is forecasting in excess of 59,000 summary crime duty lawyer services this year, representing a growth of 45 per cent over four years or approximately 18,000 additional services.

### Who delivers our grants?

As at 31 December 2016, 72 per cent of our grants of legal assistance were assigned to private practitioners. At the same time last year, it was 68 per cent. The growth in grants of assistance is predominantly serviced by private practitioners. This increased participation reflects their capacity to scale up quickly in response to increased demand.

| **Grants of legal assistance as at** | **31 Dec 2013** | **31 Dec 2014** | **31 Dec 2015** | **31 Dec 2016** |
| --- | --- | --- | --- | --- |
| In-house | 4,664 | 5,577 | 5,784 | 5,692 |
| Private practitioner | 11,975 | 11,338 | 12,476 | 14,601 |
| **Totals** | 16,639 | 16,915 | 18,260 | 20,293 |
| **Growth** | - | 2% | 8% | 11% |

### Duty lawyer services

Victoria Legal Aid lawyers and some private practitioners are on ‘duty’ at many courts and tribunals across Victoria to help people who are at the court or tribunal for a hearing, but do not have their own lawyer.

Our duty lawyers provide free legal information, advice and representation to clients. Duty lawyers do not represent everyone. We prioritise serious cases, including people who are in custody, or at risk of going into custody and people needing intensive support.

| **Duty lawyer services as at** | **31 Dec 2013** | **31 Dec 2014** | **31 Dec 2015** | **31 Dec 2016** |
| --- | --- | --- | --- | --- |
| Duty lawyer services | 35,150 | 40,100 | 42,708 | 44,871 |
| **Growth** | - | 14% | 7% | 5% |

Similar to grants of legal assistance, we have seen increases in duty lawyer services, in particular our summary crime and family violence related matters: 6,275 services for respondents and applicants to family violence intervention orders, an increase of 23% from 2015–16, 1,998 services for assault matters, an increase of 6% from 2015–16, and 1,184 services for criminal damage matters, an increase of 16% from 2015–16.

### 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 is provided over the phone, face-to-face at our offices or via outreach services. Minor assistance is provided where there is a need for some ongoing assistance such as providing written advice, making phone calls and negotiating on a person’s behalf.

| **Legal advice and minor assistance as at** | **31 Dec 2013** | **31 Dec 2014** | **31 Dec 2015** | **31 Dec 2016** |
| --- | --- | --- | --- | --- |
| Legal advice and minor assistance | 22,675 | 25,497 | 20,703 | 21,148 |
| **Growth** | - | 12% | -19% | 2% |

While there has been a targeted effort over the last few years to decrease minor work files to ensure we accurately capture work performed as a grant of aid, there are signs of this decrease slowing with year to date totals higher than in previous years, predominantly in criminal law. Minor work files continue to make up less than 5 per cent of the total work by Victoria Legal Aid lawyers.

### Legal Help telephone service

Our free Legal Help telephone service is a major access and triage point for legal aid services. The top five matters dealt with by our Legal Help telephone service between 1 July 2016 to 31 December 2016 were: Spending time with children (4,331), Property settlement in family law matters (3,354), Infringements (3,193), Family violence (3,193), the law in general (2,285).

| **Legal Help telephone service as at** | **31 Dec 2013** | **31 Dec 2014** | **31 Dec 2015** | **31 Dec 2016** |
| --- | --- | --- | --- | --- |
| Calls to the service | 77,011 | 79,095 | 89,797 | 89,592 |
| **Growth** | - | 3% | 14% | 0% |
| Calls answered | 49,111 | 54,604 | 55,911 | 59,655 |
| **Growth** | - | 11% | 2% | 7% |
| Answer rate | 57% | 70% | 62% | 67% |
| Average call duration | 7m 51s | 7m 38s | 6m 49s | 9m 15s |

Our callback facility increases the accessibility of our service by making it possible for clients to request that we return their call, meaning that they don’t need to wait in the queue or try us again at another time.

The number of information services we provide are lower than projected, down 6%, due to an increase in average call duration and some callers not answering our call-backs to them. We are pleased to see an improvement in our call answer rates following the appointment of new staff and the implementation of new telephony software.

## Other Victoria Legal Aid headlines for 2016–17

* **September** – Victoria Legal Aid’s Independent Mental Health Advocacy team celebrated its first year providing services in 34 mental health outposts across Victoria.
* **October** – The Victorian Access to Justice Review report was released recognising the importance of a fair and accessible justice system and the need for more investment from both State and Commonwealth governments to overcome ‘stretched’ services.
* **October** – Victoria Legal Aid released a consultation and options paper for our Child Protection Legal Aid Services Review to help inform options for improving legally aided child protection services.
* **November** – Victoria Legal Aid, Peninsula Community Legal Centre and Hume Riverina Community Legal Service launched new pilots to provide a continuing family law service for parents first dealing with a family violence intervention order.
* **December** – Launched a Health Justice Partnership with Sunraysia Community Health Service in the Mallee region.

## Financial summary

For the first six months, we operated (as expected) with a $2.1 million deficit.

Case-related payments which include payments to private practitioners, barristers, medical experts and interpreters, as well as to third parties for services provided for cases run by Victoria Legal Aid lawyers, increased by $6 million or 17 per cent. This growth can be attributed to payments relating to criminal and family and children’s law, which is a direct result of the increased demand for grants of legal assistance.

### Revenue

| **Year to date** | **As at 31 Dec 2015 ($’m)** | **As at 31 Dec 2016 ($’m)** | **Variance** |
| --- | --- | --- | --- |
| Commonwealth – grants | 30.0 | 30.4 | 1% |
| State – grants | 45.0 | 47.3 | 5% |
| Public Purpose Fund | 14.2 | 14.6 | 3% |
| Case revenue | 3.0 | 2.1 | -30% |
| Other income | 0.7 | 1.0 | 43% |
| **Total revenue** | 92.8 | 95.5 | 3% |

### Expenditure

| **Year to date** | **As at 31 Dec 2015 ($’m)** | **As at 31 Dec 2016 ($’m)** | **Variance** |
| --- | --- | --- | --- |
| Case expenditure | 34.6 | 40.6 | 17% |
| Community legal centre payments | 13.8 | 14.4 | 4% |
| Staff costs | 30.7 | 32.5 | 6% |
| Administration | 10.7 | 10.2 | -4% |
| **Total expenditure** | 89.7 | 97.7 | 9% |
| Other economic flows | 0.3 | 0.1 | - |
| Operating surplus/(deficit) | 3.4 | (2.1) | - |

## Performance against Victorian Government service targets

### Our results against targets up to 31 December 2016 for Victoria Legal Aid’s output measures under Budget Paper No. 3

| **Output measure** | **Annual Target** | **Target** | **Actual** | **Variance** |
| --- | --- | --- | --- | --- |
| Community legal education and information services | 135,000–140,000 | 69,100–72,000 | 64,948 | -6% |
| Duty lawyer services | 83,000–85,000 | 41,100–42,100 | 44,871 | 7% |
| Grants of legal assistance | 35,000 | 17,100 | 20,293 | 19% |
| Legal advice and minor assistance | 42,000 | 21,600 | 20,887 | -3% |
| Number of unique clients\* | 84,000 | 50,200 | 51,798 | 3% |
| Applications for legal assistance processed within 15 days | 95% | 95% | 96% | 1% |

1. Department of Justice and Regulation, Access to Justice Review (2016), 4. [↑](#footnote-ref-1)
2. A unique client is an individual who accessed one or more of our legal services. This does not include people

   for whom a client-lawyer relationship was not formed, who received information via the telephone, website or

   in-person at court or at a public counter, who participated in community legal education sessions, or clients

   from community legal centres. [↑](#footnote-ref-2)
3. Clients with no income are defined as young people, people in custody, detention or psychiatric care, and people not receiving a form of government benefit at the time the legal service was delivered. [↑](#footnote-ref-3)