EVALUATION OF THE COMMUNITY LEGAL CENTRE CHILDREN AND FAMILY LAW PILOT

Victoria Legal Aid

Final Report

September 2017
Acknowledgements

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- Victoria Legal Aid staff
- Staff from the two participating community legal centres (CLCs): Loddon Campaspe Community Legal Centre and Women’s Legal Service Victoria
- Clients of Loddon Campaspe Community Legal Centre and Women’s Legal Service Victoria
- Representatives from the Children’s Court of Victoria at Bendigo, Melbourne and Moorabbin
- Representatives from the Victorian Department of Health & Human Services in Bendigo, Melbourne and Moorabbin
- Private practice lawyers in Bendigo, Melbourne and Moorabbin
- Representatives from external agencies that work with Loddon Campaspe Community Legal Centre

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This report should be read in full and The Incus Group accepts no responsibility arising from the use of parts of this report in any other context by third parties.
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# Glossary

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATLAS</td>
<td>Victoria Legal Aid’s online grants management system for legal practitioners</td>
</tr>
<tr>
<td>CLC</td>
<td>Community Legal Centre</td>
</tr>
<tr>
<td>CLE</td>
<td>Community legal education</td>
</tr>
<tr>
<td>CLSIS</td>
<td>Community Legal Service Information System</td>
</tr>
<tr>
<td>CP</td>
<td>Child Protection</td>
</tr>
<tr>
<td>DHHS</td>
<td>Department of Health and Human Services</td>
</tr>
<tr>
<td>LCCLC</td>
<td>Loddon Campaspe Community Legal Centre</td>
</tr>
<tr>
<td>PPs</td>
<td>Private practitioners</td>
</tr>
<tr>
<td>VALS</td>
<td>Victorian Aboriginal Legal Service</td>
</tr>
<tr>
<td>VLA</td>
<td>Victoria Legal Aid</td>
</tr>
<tr>
<td>WLSV</td>
<td>Women’s Legal Service Victoria</td>
</tr>
</tbody>
</table>
1 Executive Summary

1.1 Background to Pilot

Victoria Legal Aid (VLA) supports people with a range of civil, criminal and family law legal matters, who could not otherwise afford legal services, through a mixed model of service delivery using in-house lawyers, private practitioners and to a lesser extent, community legal centres (CLCs). VLA has a significant presence in the Family Division of the Children’s Court, providing legal advice and representation services to Victorians who are involved in matters before the court. VLA currently delivers, or funds the delivery of, a suite of child protection and related legal services¹:

- Community legal education and professional legal education
- Legal information (including cold and warm referrals)
- Legal and procedural advice, through a free telephone advice line
- Minor casework assistance
- Duty lawyer services
- Casework under a grant of legal assistance.

The majority of applications to the Children’s Court are made by the Department of Health and Human Services (DHHS) for ‘emergency care’ – where a child has been removed from home and the matter is brought to court, usually on the same or the next working day. The service response, from this point, is structured around the service providers – lawyers, DHHS and the court – rather than young people and parents, who tend to first come into contact with a lawyer at court, after a case has started. These families often present with a range of underlying legal and non-legal issues, which hinder their engagement with the legal process and cannot be resolved on the day and so often transition to ongoing casework.

Despite steps taken by VLA and other actors in the system, including changes to eligibility guidelines for grants of assistance, establishing a child protection practitioner panel and initiating a major Review, a number of challenges in the system remained²:

- Continuing demand growth (grant applications, duty lawyer services, legal advices)
- VLA lawyers conflicted on matters due to prior representation of a related party
- The complexity of families presenting with multiple and interrelated legal and non-legal issues;
- Service gaps in regional areas, where demand is much harder to gauge due to limited data, but is likely to be unmet as allocation of matters is not handled by VLA and parents often proceed without legal representation
- Escalation of undetected legal issues; and
- Concern over the cost effectiveness of legal services provided by private practitioners, who deliver the majority of services under a panel arrangement.

¹ Details on VLA services can be found on its website, http://annualreport.vla.vic.gov.au/glossary
1.2 Pilot establishment and evaluation approach

One off Commonwealth funding was therefore released by VLA in 2015 to two nominated CLCs, one metro and one regional, to pilot a salaried lawyer service (as an alternative to VLA practice) in order to address priority clients’ needs in all areas of family law and child protection matters.

The overall aim of the pilot was to **address priority clients’ complex and interrelated family and children’s law issues by providing targeted, timely, and continuous services through a mixed model of service delivery using two CLCs**. A Pilot logic was developed by VLA, which outlined the planned activities and expected outputs including:

- duty lawyer services in the target Children’s Courts
- delivery of legal advice and ongoing casework
- provision of community legal education, advocacy and law reform activities
- establishing and strengthening referral pathways

The successful execution of these activities were intended to contribute to achievement of eight end-of-pilot outcomes, represented in the figure below.

![Figure A - End of pilot outcomes for children & families, CLCs and wider CP sector](image)

The Pilot was initiated in June 2015 as a two year program. Loddon Campaspe Community Legal Centre (LCCLC) was selected to service the Bendigo and circuit Children’s Courts and the Women’s Legal Service Victoria (WLSV) to service Moorabbin Children’s court and the Family Drug Treatment Court in Broadmeadows.

The expectation was that by placing salaried CLC duty lawyers in the courts, eligible clients with complex and interrelated legal needs will be provided with advice, representation and referrals on the day and then benefit from the continuity of service available from the CLC who will be funded to represent them in ongoing casework.
Additionally, in advance of the Pilot, VLA Bendigo took over responsibility of the allocation of matters from DHHS through the introduction of the ‘Form B’ (a summary information form of the emergency care matters which is provided to VLA by DHHS). This was essential to the Pilot operating as it meant VLA was then able to allocate the matter to legal providers.

The two CLCs were required to meet service delivery targets and undertake regular monitoring and reporting of agreed upon data measures to evidence the achievement of the abovementioned project outcomes. While both locations had a number of specific challenges in common (e.g. high volume of duty matters, low availability of practitioners, low engagement by clients), they also differed in terms of context, demographics and need. As such, both CLCs were given latitude around how to operate and achieve targets and desired outcomes.

1.2.1 Evaluation approach
The evaluation approach was guided by the Monitoring & Evaluation framework prepared for the Pilot by VLA. A mixed methods approach was used, which involved:

1. a mid-term reflections workshop in September 2016 with representatives from VLA Melbourne and Bendigo; Loddon Campaspe CLC and WLSV
2. direct engagement with 58 individuals, including CLC staff, clients and partners
3. a review of data and documentation provided by VLA, the two CLCs and DHHS, as well as secondary research
4. a cost analysis to determine whether there was any notional savings to the Legal Aid fund – by assessing what it would have cost to deliver the Pilot activities through private practitioners.

Further details on the methodology employed and relevant limitations are included in Section 3 of the report.

1.3 Pilot performance
1.3.1 Services delivered
Both CLCs delivered on their contracted activities and met many of their service delivery targets, particularly WLSV. Between October 2015 and February 2017, the two CLCs supported over 460 unique clients with child protection related matters through the duty lawyer service, legal advice, ongoing casework and referrals. Beyond that, 33 discrete community legal education, law reform and partnerships development activities were undertaken.

Quantitative snapshots of the work delivered by LCCLC and WLSV are presented in Tables A and B, respectively.
Table A - Services delivered by LCCLC between October 2015 - February 2017 (where applicable, green shading indicates target met, red shading indicates target not met)

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity delivered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total unique clients supported with CP matters (through casework, DL or advice)</td>
<td>223</td>
</tr>
<tr>
<td>Duty lawyer services</td>
<td></td>
</tr>
<tr>
<td>Total DL services delivered</td>
<td>222 (178 clients)</td>
</tr>
<tr>
<td>Grants and casework</td>
<td></td>
</tr>
<tr>
<td>Total unique grants approved</td>
<td>114</td>
</tr>
<tr>
<td>Total cases with CP matter identified</td>
<td>184</td>
</tr>
<tr>
<td>Advices and referrals</td>
<td></td>
</tr>
<tr>
<td>Total CP legal advices provided</td>
<td>68 (53 clients)</td>
</tr>
<tr>
<td>Total clients provided with legal referrals</td>
<td>162</td>
</tr>
<tr>
<td>Total non-legal referrals provided</td>
<td>29</td>
</tr>
<tr>
<td>CLE, community development, partnerships and law reform activities</td>
<td></td>
</tr>
<tr>
<td>Number of activities</td>
<td>21</td>
</tr>
<tr>
<td>Meetings held with key stakeholders</td>
<td>22+</td>
</tr>
<tr>
<td>CLE / law reform / advocacy hours</td>
<td>143</td>
</tr>
</tbody>
</table>

Table B - Services delivered by WLSV between October 2015 - February 2017 (where applicable, green shading indicates target met, red shading indicates target not met)

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity delivered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total unique clients supported with CP matters (through casework, DL or advice)</td>
<td>244</td>
</tr>
<tr>
<td>Duty lawyer services</td>
<td></td>
</tr>
<tr>
<td>Total DL services delivered</td>
<td>259 (179 clients)</td>
</tr>
<tr>
<td>Grants and casework</td>
<td></td>
</tr>
<tr>
<td>Total unique grants approved</td>
<td>173</td>
</tr>
<tr>
<td>Total cases with CP matter identified</td>
<td>132</td>
</tr>
<tr>
<td>Advices and referrals</td>
<td></td>
</tr>
<tr>
<td>Total CP legal advices provided</td>
<td>76 (56 clients)</td>
</tr>
<tr>
<td>Total clients provided with legal referrals</td>
<td>198</td>
</tr>
<tr>
<td>Total non-legal referrals provided</td>
<td>14</td>
</tr>
<tr>
<td>CLE, community development, partnerships and law reform activities</td>
<td></td>
</tr>
<tr>
<td>Number of activities</td>
<td>12</td>
</tr>
<tr>
<td>Meetings held with key stakeholders</td>
<td>8+</td>
</tr>
<tr>
<td>CLE / law reform / advocacy hours</td>
<td>201</td>
</tr>
</tbody>
</table>

1.3.2 Outcomes achieved

The Pilot has been very successful in achieving the desired outcomes through the work of LCCLC, WLSV and VLA.
Increased access for priority clients to legal services

The work of the two CLCs has unequivocally increased representation for VLA priority clients in the Moorabbin and Bendigo region courts. In both regions the CLCs increased the pool of duty lawyers to respond to DHHS applications and then support eligible clients through grants of legal assistance from VLA. As can be seen in Figure B below, the total number of grants in both Pilot locations increased substantially in the first year after the Pilot commenced – up 44% in Bendigo and 24% in Moorabbin.

In the case of Bendigo, the introduction of the Form B protocol coupled with LCCLC’s services meant that access had increased as well, evidenced by the growth in number of grants of legal assistance (which is provided per person in a matter) compared to number of DHHS court applications (which is per matter):

- In CY 2015, there was an average of 0.9 grants per DHHS application
- In CY 2016 (after the Pilot had been operating for 12 months), this increased to 1.3 grants per application

Figure B - Total CP Grants approved in Bendigo and Moorabbin courts vs DHHS CP Applications for Loddon and South Melbourne regions³

³ DHHS data is only available to December 2016 and by ‘CP Local Area’ – the Loddon area includes the Bendigo Children’s Court circuit while South Melbourne includes the Moorabbin Court
The demographics of LCCLC and WLSV’s grant applications revealed that the Pilot has predominantly serviced VLA’s priority clients, with both CLCs providing support predominantly to clients with a disability/experiencing homelessness/at risk of family violence and also serving significant proportions of clients identifying as Aboriginal or Torres Strait Islander and on government benefits.

**Increased access to responsive, appropriate & quality CP legal services**

It is apparent that the Pilot has provided clients with child protection and related matters access to providers of responsive, appropriate and quality legal services and helped achieve favourable final orders for individuals.

Consultations with clients and surveys undertaken by the two CLCs made it clear that clients felt they received a quality service that made them feel respected and listened to and that the CLC lawyers were patient and thorough in explaining the process and options to them. This was backed up by Court and DHHS staff who felt that the lawyers at LCCLC and WLSV were strong advocates for their clients who supported them inside and outside court.

> “The lawyer dedicates her time to you, hears what you have to say and made it easy for me to understand. The whole system is frustrating and even though I got a good outcome, it took its toll on me and I don’t know what I would’ve done without her [the lawyer’s] support.”
>  
> – LCCLC client

> “With my previous private lawyer, I was her client and paying her but I was always chasing her but with Women’s, I don’t even pay them and the service is wonderful. They always call to check on me and don’t make me feel like just a number.”
>  
> – WLSV client

> “I think WLSV have been excellent, they really go the extra mile for their clients. I know from experience how uncomfortable it can be for women to deal with male lawyers when they’ve come from an abusive situation where they have been completely disempowered.”
>  
> – DHHS staff, Moorabbin

**Increased support for other legal issues and non-legal issues**

In both regions, it was clear that the Pilot has started to provide continuity of service for individuals facing multiple legal issues and improve support for non-legal matters. Both CLCs provided legal referrals to at least 90% of their duty lawyer clients. The majority of these were referred internally for child protection matters but 19% at WLSV were referred internally for another identified legal issue, and at least 70 clients across the CLCs were supported with both child protection and another legal matter (e.g. family law).

The Pilot has also had some early success in delivering a more holistic service with clients referred for non-legal support. In the case of WLSV, this involved referring to their in-house
financial counsellor and social worker while at LCCLC this involved cross-referrals with other local service providers such as the Bendigo Community Health Service and Family Inclusion Network. The total numbers of non-legal referrals were not high and this likely reflects the high number of support services with which child protection clients are usually linked. However these are often mandated by the Court or DHHS and there was evidence from both clients and Court/DHHS staff that referrals made by the CLC lawyers were more likely to be taken up.

“One of our young mums was supported by LCCLC through her family violence issues and dealing with Centrelink, so it’s been great to have that wrap around service from them.”

– Community partner

“VLA do know about other support services but the WLSV lawyers seem to have a lot of information about supports for women and are able to provide warm referrals to connect mothers who are in difficult situations. We didn’t have this with the private practitioners or even our own lawyers.”

– VLA staff, Moorabbin

**Increased capability and capacity of the CLCs to undertake CP legal and strategic matters**

The Pilot has established child protection work as a welcome and significant addition to both LCCLC and WLSV’s service offering. In addition to training initially provided by VLA, both CLCs engaged in significant self-learning and professional development over the course of the Pilot. The two main lawyers involved in the Pilot at LCCLC had some child protection experience but have further developed their expertise and skills in the area, while the WLSV lawyers who have been involved had little CP experience and have increased their capability and seen greater linkages and benefits with their previous family law and family violence background.

“I spent the day in Bendigo court watching the proceedings and all the other lawyers had nothing on her [CLC lawyer]. You can see the confidence in her and respect she has from everyone. She has been amazing for me.”

– LCCLC client

The management at both CLCs also indicated that the Pilot has increased their ability to support many of their target clients, raised awareness of child protection and family law issues across the organisation and helped with legal education, developing stakeholder relationships and contributing to law reform, e.g. both CLCs contributed to the Commission for Children and Young People’s inquiry into permanency amendments to legislation and WLSV participated in the Family Drug Treatment Court evaluation.

“The impact of the Pilot on us has been fantastic. The lawyers feel it has helped them give better advice on IVO and family law matters. Also positioned us to work across all jurisdictions that most affected our clients and moves away from siloed services, which is one of the flaws identified by the Royal Commission into family violence.”

– WLSV management
Stronger working relationships between key legal and non-legal stakeholders in CP system
The consultations made it clear that the Pilot has had a very positive impact on the broader CP system in both the Bendigo region and at Moorabbin Court. This was due to the working style and efforts of both CLCs, but also through the introduction of the Form B protocol in Bendigo which has improved communication and reduced tensions between DHHS, VLA and other legal and non-legal providers. Both DHHS and Court staff, including Magistrates, welcomed the addition of a legal provider for clients and the working style of individual lawyers, while DHHS stakeholders commented on the philosophy and approach of the CLC as being a valuable addition in terms of more holistic support for clients but also improving the culture between practitioners, the Department and other Court stakeholders.

“There have been long standing issues with the Children’s Court in Moorabbin. There was a real appeal to bringing in another provider to help professionalise and broaden the service. The model of a CLC and the sort of people they attract is refreshing and the feedback received from my team on WLSV has been uniformly positive in this regard.”
– DHHS management

“[CLC] lawyers] have been very good at keeping the Department and Courts honest by following up on matters and not letting issues drift and remain unresolved. I would really like to see the Pilot become business as usual here.”
– DHHS staff, Bendigo

“We are all aware of the inadequacy of the process where a party is disadvantaged by the lack of representation. I am firmly of the view that Loddon Campaspe CLC provide an invaluable service to the Court and to the community”
– Bendigo Magistrate

1.3.3 Cost efficiencies delivered
A cost analysis was conducted to determine whether there was any notional savings to the Legal Aid fund by assessing what it would have cost to deliver the Pilot activities through private practitioners (who submit claims to VLA for work items and are paid accordingly). The two CLCs were provided with lump sum funding at the start of the 24 month pilot of $1.14m (inc. GST). Data analysed on costs was provided up to February 2017 and so the funding amount for comparison was calculated at $949,386.

The total value of the services delivered as costed in this analysis to Feb 2017 is $1.06m, indicating a notional saving to VLA of approximately $114,000.
This analysis demonstrate that the Pilot has been extremely cost effective as it only represents the notional saving to the Legal Aid Fund and is a conservative estimate, because it compares the value of legal services delivered over 15 months against a total funding amount over 20 months that includes one-off establishment costs (e.g. recruitment, training). It is also an

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4 Assumes funding is expended uniformly, i.e. to Feb 2017 equals 20 months of total two year funding
underestimate of the actual value of the Pilot because it does not capture the current and ongoing benefits of:

+ having two additional trained, experienced and respected legal providers in the system to continue supporting clients
+ the broader social and economic value of the ‘wrap around’ services and ways of working offered by CLCs.

The values for the cost analysis are set out in Table C below. These are based on a number of assumptions and calculations set out in Section 6 of the full report.

Table C – Pilot funding costing of services delivered to February 2017 (inc GST)

<table>
<thead>
<tr>
<th></th>
<th>ATLAS Claims (CP and non CP grants)</th>
<th>Duty lawyer services</th>
<th>All other items (CP advice, CLE/law reform/advocacy, non-grant cases)</th>
<th>Total value of services delivered</th>
<th>Funding provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pilot as a whole</td>
<td>$560,976</td>
<td>$316,809</td>
<td>$185,846</td>
<td>$1,063,631</td>
<td>$949,386</td>
</tr>
<tr>
<td>LCCLC</td>
<td>$174,542</td>
<td>$157,265</td>
<td>$140,787</td>
<td>$472,594</td>
<td>$476,926</td>
</tr>
<tr>
<td>WLSV</td>
<td>$386,434</td>
<td>$159,544</td>
<td>$45,058</td>
<td>$591,037</td>
<td>$472,460</td>
</tr>
</tbody>
</table>

Overall it is clear that in addition to the other benefits envisaged from bringing CLCs into this jurisdiction such as providing continuity of service for clients, facilitating access to better non-legal support as required and embedding a community-focused ethos into the system, there have been cost efficiencies for VLA.

1.4 Pilot effectiveness and lessons learned

It is evident from the consultations undertaken and analysis performed that the Pilot has been highly effective at achieving the overall aim of ‘addressing priority clients’ complex child protection and family law related issues through targeted, timely and continuous legal services using CLCs’. Alongside this, the Pilot has benefitted the individual CLCs involved and had a positive impact on the broader CP system in the Bendigo region and Moorabbin court.

1.4.1 Enabling and inhibiting factors

The evaluation uncovered a range of enabling factors that contributed to this:

- **CLC ethos and approach** – clients benefitted both from cross-jurisdictional support provided in terms of favourable legal outcomes, and allaying their concerns and anxieties around multiple legal issues. Their community focused nature meant that both CLCs also recognised that many of their clients face problems that need more than solely legal solutions, and worked to build relationships with local organisations to holistically address the inter-related needs of their clients.

- **Quality of individual lawyers** - the quality of the individual lawyers was repeatedly cited in consultations with clients and other stakeholders. WLSV lawyers had no prior
CP experience and have developed their practice considerably to the point where clients at Moorabbin now request their services while LCCLC were fortunate to recruit (and retain) two lawyers with experience in CP work, including court experience.

- **Teamwork and management structure** - The consultations revealed that working as a team (2 main lawyers at LCCLC with 1-2 others as support, 4 lawyers at WLSV) was an important enabler of effective outcomes at both pilot sites as it provided a support system to staff to discuss case issues and maintained continuity and consistent quality of service when staff were unavailable on court days. The management structure of a CLC was also beneficial as it meant a degree of independence and accountability beyond the practicing lawyers.

- **Knowledge of family law** - The CLC lawyers felt that their family law knowledge and experience made it easier to pick up on some of the CP work but also that the Pilot experience overall had benefitted their existing family law practice. It also aided in continuity of service as it meant the same lawyer could provide a client with support on matters of family and CP law

- **Flexibility with service delivery** – both CLCs and VLA were flexible and responsive to ensure success in the Pilot. For example, when demand was creating an unsustainable workload for WLSV, they adjusted their service delivery to avoid compromising service quality by ceasing weekly appearances at the Broadmeadows Court; while VLA Bendigo absorbed the additional administrative and legal workload from Form B

- **Pilot logic and M&E framework** – having this meant that there was a formal approach to achieving and documenting the Pilot outcomes. It ensured there were formal milestones and means with which both the CLCs and VLA could take stock of progress and identify emerging successes and challenges. Likewise, the mid-term reflections workshop provided an opportunity for all parties to come together for the first time to critically appraise the Pilot, share learnings and make adjustments.

There were also some challenges identified, which did not hinder the achievement of most outcomes, but affected the implementation of the Pilot and likely prevented the Pilot from reaching its full potential. These include:

- A number of assumptions initially made when designing the Pilot did not hold:
  + The demand on services was greater than anticipated - both in terms of actual client work and travel required to service circuit courts in Bendigo, as well as administrative time required by the two CLCs, and VLA Bendigo to manage the Form B protocol
  + Recruitment of an experienced CP lawyer was challenging in Melbourne and necessitated a VLA lawyer being seconded to WLSV for the first six months of delivery
  + Entering and extracting the necessary data for grant applications and ongoing monitoring and reporting from the systems used by CLCs (CLSIS) and VLA (ATLAS) was more difficult and time consuming than envisaged
• The training and shadowing opportunities for the two CLCs was insufficient, and meant both CLCs had to undertake a large amount of self-learning and felt underprepared when the Pilot commenced.
• There were cultural challenges across the CP system in Bendigo and between private practitioners and other providers at Moorabbin court. While VLA executed a communications strategy at the onset of the Pilot, it was felt that initial communications could have been handled better to address some apprehension around the Pilot.
• The funding period of two years was not long enough to contribute to improved referral processes and strengthening linkages across the sector, which often take time and relationship building and, LCCLC in particular felt that the finite period made local stakeholders reluctant to fully engage with them. For both CLCs the lack of guarantee of ongoing funding also created uncertainty for the lawyers employed in the Pilot, posing a retention risk and compromising the sustainability of the work in the two locations.

1.4.2 Lessons learned
The Pilot has demonstrated that involving CLCs in the CP jurisdiction can work well and as intended, by providing access to a wraparound service for clients that are known to experience multiple legal and non-legal challenges. The involvement of LCCLC and WLSV has been welcomed by existing actors in the CP systems in Bendigo and Moorabbin, including those who were initially apprehensive.

It is also clear that the model employed for the Pilot is transferable to CLCs in other locations where there is a need for greater CP work. To be successfully replicated in other locations and CLCs, there are some clear considerations identified from the experience at the pilot sites:
• ensuring that CLCs are well resourced in terms of having sufficient lawyers and also an effective administrative and management function
• the lawyers involved have experience and comfort in duty lawyer work, casework and active litigation; and
• in regional areas the allocation of matters will need to be managed by VLA so additional resourcing at the local VLA may be required.

Finally, the Pilot has demonstrated that involving CLCs as an additional provider of legal services could work in other areas of law beyond child protection. CLCs currently account for less than 5% of duty lawyer and grants in the Civil and Criminal divisions of VLA’s work, so there is scope for growth where there is unmet demand by the current service provision arrangements from private practitioners and VLA lawyers.

1.5 Conclusion and recommendations
The CLC Children and Family Law Pilot has trialled a unique approach to delivering child protection services. In less than two years of operation, the Pilot has demonstrated an alternative approach to practice in the challenging environment of a child protection system that is experiencing ongoing pressure from increasing demand, gaps in service provision and
legislative change. Evidence detailed in this evaluation and gathered throughout the Pilot has also shown that it has delivered on its twin outcomes of providing and increasing access to quality legal services for disadvantaged clients while introducing a new, cost effective and holistic model of service into the child protection jurisdiction. The results suggest that the model has identified a responsible way to allocate VLA funding to complement existing private and in-house practitioners, and forms the basis for the main recommendation from this evaluation: to convert the Pilot into ongoing programs of work at both LCCLC and WLSV in Bendigo and Moorabbin. The full set of recommendations are outlined in the table below.

Table D – Recommendations

<table>
<thead>
<tr>
<th>Area</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service delivery</td>
<td>1. Convert the pilot models into ongoing programs at WLSV and LCCLC</td>
</tr>
<tr>
<td></td>
<td>2. With a detailed M&amp;E framework no longer required, establish minimum service reporting and ongoing performance monitoring, linked with CLASS and ATLAS to enable easier extraction and reporting of progress</td>
</tr>
<tr>
<td></td>
<td>3. Specify and budget for the need to have resources allocated (within CLCs and VLA) to the ongoing collection and reporting of data</td>
</tr>
<tr>
<td></td>
<td>4. Work with the CLCs to formulate actions and deliverables that focus on the broader aspects of the model, e.g. pre and post-order assistance, that were not able to be fully explored in the Pilot given the demand driven environment</td>
</tr>
<tr>
<td></td>
<td>5. Consider the use of social workers and other non-lawyer staff at LCCLC</td>
</tr>
<tr>
<td></td>
<td>6. Assess the demand at Broadmeadows’ Family Drug Treatment Court and viability of extending funding to re-establish WLSV’s presence there</td>
</tr>
<tr>
<td></td>
<td>7. Work with the CLCs on availability in December over the holiday period to ensure clients have adequate representation from CLCs or other providers</td>
</tr>
<tr>
<td>Measuring social and economic impact</td>
<td>8. Work with CLCs and non-legal support services to better measure the social and economic impact of appropriate legal and non-legal support on clients and the wider CP system</td>
</tr>
<tr>
<td>Expanding the Pilot</td>
<td>9. Undertake a ‘readiness assessment’ with any potential CLCs</td>
</tr>
<tr>
<td></td>
<td>10. Consult with relevant stakeholders in the area to understand local issues, make objectives clear and establish/solidify relationships with all parties</td>
</tr>
<tr>
<td></td>
<td>11. Ensure there is a series of training modules developed and delivered by senior lawyers to all staff in advance of any service delivery, followed by sufficient shadowing and reverse shadowing and ongoing access to training and support</td>
</tr>
<tr>
<td></td>
<td>12. Establish longer-term contracts with any future CLCs (3+ years) and/or allow for extensions of contracts subject to a mid-term evaluation</td>
</tr>
<tr>
<td></td>
<td>13. Provide sufficient guidance on the use of ATLAS and application of grant guidelines, if CLC staff are expected to continue this process</td>
</tr>
<tr>
<td></td>
<td>14. Consider funding non-lawyer staff to support clients alongside lawyers and provide a more holistic service</td>
</tr>
</tbody>
</table>
2 Introduction

The Incus Group was appointed by Victoria Legal Aid (VLA) to undertake an independent evaluation of the Community Legal Centre Children and Family Law Pilot to trial the provision of duty lawyer and casework services by two community legal centres (CLCs) – one metropolitan, one regional - in high demand Children’s Courts.

2.1 Background to the Pilot

2.1.1 Victoria Legal Aid

Victoria Legal Aid (VLA) is one of eight independent legal aid commissions across the Australian States and Territories. It is a statutory authority established by the Legal Aid Act 1978 with the objectives of |

- providing legal aid in the most effective, economic, and efficient manner;
- managing its resources to make legal aid available at a reasonable cost to the community and on an equitable basis throughout Victoria;
- providing the community with improved access to justice and legal remedies; and
- pursuing innovative means of providing legal aid directed at minimising the need for individual legal services in the community.

VLA supports people with a range of civil, criminal and family law legal matters, who could not otherwise afford legal services. VLA operates a mixed model for the provision of legal aid services. In addition to providing services through in-house lawyers, legal aid funded work is also delivered by community legal centres (CLCs) and private practitioners.

2.1.2 Child protection

Victoria’s child protection system is governed by the Children, Youth and Families Act 2005 (CYFA). Key actors within the child protection system include the Department of Health and Human Services (DHHS), the Children’s Court, the Commission for Children and Young People (including the Commissioner for Aboriginal Children and Young People), Community Service Organisations (delivering child, adult and family services), kinship and foster carers and the children, young people and families responding to the system.

VLA has a significant presence in the Family Division of the Children’s Court, providing legal advice and representation services to Victorians who are involved in matters before the court. VLA currently delivers, or funds the delivery of, a suite of child protection and related legal services:

- Community legal education and professional legal education
- legal information (including cold and warm referrals)
- legal and procedural advice, through a free telephone advice line
- minor casework assistance
- duty lawyer services
- casework under a grant of legal assistance.

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5 Legal Aid Act 1978
6 Details on VLA services can be found on its website, http://annualreport.vla.vic.gov.au/glossary
Delivery of legal services often begins once proceedings are at Court. In other words, once DHHS has investigated and substantiated a child protection report and initiates legal proceedings via an application to the Children’s Court. At the first hearing date of an application, clients are usually supported by a duty lawyer at Court and further representation may be provided under a grant of legal assistance made by VLA.

Both DHHS applications and VLA grants have been trending upwards in recent years:

- In FY 2016, child protection grants of assistance in Victoria grew by 15%, following an increase of 9% in FY 2015. The growth is forecast to accelerate to 17% in 2017\(^7\). There was also a 9% increase in duty lawyer services in FY 2016\(^8\).
- In FY 2016, there were increases in child protection reports (17%), investigations (14%), substantiations (4%) and court applications (10%) across the state, compared to FY 2015. In the Loddon area specifically, substantiations increased by 25% and DHHS applications by 37% in FY 2016\(^9\).

Growth has been driven by government investment in additional child protection workers and Victorian police members responding to family violence. Public awareness of family violence and development of government policy has also led to increases in reporting of family violence incidents and notifications of children at risk of harm. Specifically, there were an additional 275 child protection practitioners employed by DHHS in 2015-16 and changes related to Court orders for the protection and permanent care of children came into effect in March 2016\(^10\).

In response to the increasing service demands on the Child Protection program at VLA, a number of steps were taken including changes to eligibility guidelines for grants of assistance, establishing a child protection panel of practitioners pursuant to Section 29a of the Legal Aid ACT 1978, and initiating a major Review into its Child Protection services. As part of the Review, a thorough overview of the broader system and current issues was prepared by VLA in 2016. Despite some of the steps taken, a number of challenges in the system remained, including\(^11\):

- continuing demand growth (grant applications, duty lawyer services, legal advices)
- VLA lawyers conflicted on matters due to prior representation of a related party
- the complexity of families presenting with multiple and interrelated legal and non legal issues;
- service gaps in regional areas, where demand is much harder to gauge due to limited data but is likely to be unmet
- escalation of undetected legal issues; and
- concern over the cost effectiveness of legal services provided by the s29a private practitioners, who deliver approximately 89% of legal services provided.

\(^7\) VLA (2017) Public performance 2016-17 mid-year report
\(^8\) VLA (2016) Child Protection Review – Environmental scan
\(^9\) Unpublished data - provided directly by DHHS
\(^10\) DHHS (2016)
There are also indications that matters are being dealt with outside the court process (based on a declining ratio of Children’s Court applications to child protection substantiations\(^\text{12}\)). While this may or may not be problematic, combined with the fact that VLA does not fund post-court assistance or representation for clients, it suggests there are a number of clients not receiving adequate legal assistance throughout their issue.

### 2.1.3 Pilot establishment

As VLA’s Child Protection Review notes\(^\text{13}\), the child protection system frequently operates as a crisis response process. The majority of applications to the Children’s Court are made for ‘emergency care’ – where a child has been removed from home and the matter is brought to court, usually on the same or the next working day. The service response, from this point, is structured around the service providers – lawyers, DHHS and the court – rather than young people and parents, who tend to first come into contact with a lawyer at court, after a case has started. The emotional impact of a child having been removed or the risk of this happening, combined with the other challenges in their lives such as family violence, makes it difficult for children and parents to properly engage with the process.

Vulnerable families involved in child protection proceedings present to the duty lawyer service at the Children’s Court with multiple legal and non-legal issues that cannot be resolved on the day and often transition to ongoing casework covering a variety of needs under one or more grants of aid. As such, the child protection duty lawyer scheme serves as an intake mechanism for a variety of legal issues including family law, family violence and ongoing child protection matters. When clients present with multiple legal issues across multiple jurisdictions, the quality of legal assistance is improved by a continuity of service\(^\text{14}\). Continuity of service also provides an opportunity for the early detection of interrelated family law and family violence issues, as well as non-legal issues. There are a number of jurisdictional gaps between the family law and child protection systems and it can be confusing and time consuming for clients to traverse both jurisdictions. In Melbourne, the majority of s29a Child Protection panel firms are not on the Family Law panel which means there is a limited number of practitioners that can provide quality services to clients facing both family law and child protection issues\(^\text{15}\).

One off Commonwealth funding was therefore released by VLA to two nominated CLCs, one metro and one regional, to pilot a salaried lawyer service (as an alternative to VLA practice) in the Family Division of the Moorabbin Children’s Court, the Family Drug Treatment Court at Broadmeadows Children’s Court, and Bendigo and regional Courts (Kyneton, Castlemaine, Echuca, Kerang, Swan Hill and Maryborough). The overall aim was to address priority clients’ needs in all areas of family law and child protection matters. The expectation was that by placing salaried CLC duty lawyers in the courts, eligible clients with complex and interrelated

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\(^{12}\) ibid

\(^{13}\) VLA (2016) Child Protection Review – Environmental scan

\(^{14}\) Curran (2014)

\(^{15}\) VLA (2016) Child Protection Review – Environmental scan
legal needs will be provided with advice, representation and referrals on the day and then benefit from the continuity of service available from the CLC who will be funded to represent them in ongoing casework.

**Loddon Campaspe Community Legal Centre (LCCLC)** was selected to service the Bendigo and circuit Children’s Courts and the **Women’s Legal Service Victoria (WLSV)** to service Moorabbin Children’s court and the Family Drug Treatment Court in Broadmeadows. Both legal services were known to be high performing, well governed and provide a range of legal services to clients that included family law, family violence, criminal and civil expertise that would benefit clients.

The Pilot was initiated in June 2015 as a two year program, following development and execution of a communications strategy by VLA. Service delivery to clients commenced after October 2015 and initially set to continue until June 2017. A lump sum payment of $1.14m (inc. GST) was made to the two CLCs to deliver the Pilot.

2.1.4 The implementing CLCs

**Loddon Campaspe CLC (LCCLC)** is a generalist CLC and part of ARC Justice, which delivers legal services and housing support & advocacy across the Loddon Mallee region in northwest Victoria. LCCLC has a team of approximately 12 staff, with between 5 and 7 lawyers, as well as staff at Goulburn Valley Community Legal Centre, supported by the broader ARC Justice team who provide corporate services support. Prior to the Pilot, the largest components of LCCLC’s work related to family law and family violence (around 65% of the nearly 1200 matters handled in 2014 and 2015).

**Women’s Legal Service Victoria (WLSV)** is a specialist CLC which works with women experiencing particular disadvantage to address legal issues, arising from relationship breakdown or violence. Legal assistance is provided to clients across Victoria, by telephone and videoconferencing, through duty lawyer services in the Magistrates’ Court and family law courts and in the form of legally assisted family dispute resolution through three providers. WLSV also provides wrap around non-legal support from a financial counsellor and a social worker. WLSV has a team of 30 staff, over half of whom are practicing lawyers and in 2015/16, assisted over 3400 women.

The locations selected for this Pilot differed in terms of context and demographics, but had a number of specific issues in common:

- High volume of duty matters which frequently convert to a grant of legal assistance
- Low volume of skilled and/or available practitioners

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16 In May 2017, an extension was agreed to continue service delivery until late 2017
18 WLSV (2016)
Moorabbin compromised by legal services simultaneously delivered to the Melbourne court
Regional circuit list in Bendigo means very few suitable practitioners in the region and long travel times
- High numbers of clients referred out by VLA to private practitioners, due to conflicts (particularly women, whom VLA cannot represent due to prior or concurrent representation of their partners)
- Historically low engagement by clients with the legal process (particularly in Bendigo)
- Inconsistent allocation of matters to lawyers in Bendigo. Unlike in metropolitan areas, where allocations are managed by VLA paralegals, matters in Bendigo were often allocated to practitioners directly by DHHS and/or parents often proceeded without legal representation. This meant that VLA Bendigo did not have sight over the number of matters in the region and whether demand for representation was being met.

2.2 Scope of evaluation

The evaluation commenced in September 2016 with the broad objectives of:
- Reviewing the two pilot sites as a whole
- Assessing the achievement of planned outcomes
- Identifying unintended outcomes and any inhibiting or enabling factors for success
- Generating lessons learned

While the Pilot was scheduled to run until June 2017, the evaluation focused on activity and data from July 2015 to February 2017 in order to perform the necessary analysis of data from the VLA and CLC systems.

2.2.1 Evaluation questions

The overarching question for the Evaluation was:
“Have we successfully addressed clients’ complex and interrelated family and children’s law issues by providing targeted, timely, and continuous services through a mixed model of service delivery using two high capacity CLCs servicing high demand Children’s Courts?”

In order to answer this, a series of focus questions were developed under key thematic areas to guide the evaluation report.

Table 1 - Evaluation questions

<table>
<thead>
<tr>
<th>Thematic area</th>
<th>Evaluation questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pilot Design, Implementation and Apppropriateness</td>
<td>1. Was the logic of the investment realistic, appropriate and relevant, and did it remain so? 2. What were the enabling and inhibiting factors at each of the Pilot sites? 3. To what extent have the agreed Service Agreement Key Performance Indicators been met?</td>
</tr>
</tbody>
</table>
Effectiveness of the Pilot

4. To what extent have the outcomes of the Pilot been achieved?
5. Did the program make the difference that was expected at the end of the investment?
6. To what extent have there been notional costs savings to the Legal Aid fund, due to contract performance?
7. What unexpected outcomes or changes (positive and negative) were brought about as a result of pilot activities?

Lessons learned

8. What has been learned from delivering a pilot that brings CLCs into the child protection legal jurisdiction?
9. Did the introduction of a new legal assistance sector partner into the child protection system influence practice more broadly?
10. What are the key transferable lessons relevant for the provision of legal services by other CLCs and other areas of VLA?
11. To what extent is the Pilot model relevant to other areas of law and other CLCs?

Sustainability

12. What is the capacity of the local CLCs to take forward the work of the Pilot? How has the Pilot contributed to strengthening this capacity?
13. What needs to be further put in place to sustain the benefits of the Pilot?
14. Is there evidence that the resourcing and commitment needed is and will be made available by partners/government?

2.2.2 Exclusions

This evaluation did not include any review or assessment of:

+ The case files of participating CLCs and how cases were run
+ Experiences of clients of VLA or any other organisations, other than WLSV and LCCLC
+ Quality of legal services delivered by VLA
+ Quality of legal services delivered by VLA’s29a child protection panel private practitioners
+ The performance of Children’s Court or Department of Health and Human Services staff
+ The social and economic benefits to clients, courts and the broader community and system – though this is briefly explored in section 0.

2.3 Report structure

The remainder of this report is structured as follows:

• Section 3 outlines the methodology employed
• Section 4 details the operations of the Pilot and how performance was to be measured
• Section 5 details the performance of the Pilot at each location and achievement of outcomes
• Section 6 provides an analysis of the cost efficiencies with the Pilot
• Section 7 discusses the effectiveness of the Pilot, including the enabling and inhibiting factors during service planning and delivery
• Section 8 outlines the lessons learned from the Pilot and its sustainability
• Section 9 provides conclusions and recommendations
3 Evaluation Methodology

The evaluation commenced in September 2016 with two distinct components:

1. **a mid-term reflection (MTR)** - to reflect on performance and challenges to date, share experiences between the organisations and identify opportunities for improvements in service delivery and data collection for the remainder of the pilot period

2. **a final evaluation** – to provide an in-depth assessment of the Pilot which considers whether agreement KPIs and targets have been met, what outcomes have been achieved, success factors and challenges in implementation, the cost effectiveness and sustainability of the service delivery model, and overall recommendations

A mixed methods approach was used, which involved running an MTR workshop, stakeholder engagement, review of data and documentation, and analysis of the costs. These are outlined further below.

The evaluation approach was developed in consultation with VLA and guided by the Monitoring & Evaluation framework prepared for the Pilot by VLA.

The evaluation was conducted in an ethical manner as per the guidelines and codes outlined in the table below.

<table>
<thead>
<tr>
<th>Evaluation activity</th>
<th>Guidelines</th>
</tr>
</thead>
</table>
| Preparing for the evaluation | + Australasian Evaluation Society (AES) Guidelines for the Ethical Conduct of Evaluations  
                              | + AES Code of Ethics                                                        |
| Conducting the evaluation   | + AES Guidelines for the Ethical Conduct of Evaluations                      |
|                             | + AES Code of Ethics                                                        |
|                             | + Informed consent of all participants                                      |
|                             | + Confidentiality of information relating to individuals                    |
| Reporting the results       | + AES Guidelines for the Ethical Conduct of Evaluations                      |

### 3.1 Mid-term reflection (MTR) workshop

The MTR was conducted in the form of a workshop with representatives from each of the three partners as identified in Table 4. The full day workshop was held on 9 September 2016 at the VLA office in Melbourne.

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria Legal Aid (Melbourne and Bendigo)</td>
<td>Bridget McAloon, Lucia Danek, Vincenzo Caltabiano, Kerryn Muscat Marcus Williams, Ara Tove Blaker, Mark Rerden</td>
</tr>
<tr>
<td>Women’s Legal Service Victoria</td>
<td>Helen Matthews, Andreia Monteiro, Caitlin Watson</td>
</tr>
<tr>
<td>Loddon Campaspe CLC</td>
<td>Clare Sauro, Christie George, Nickie King, Chris Sedgman</td>
</tr>
<tr>
<td>The Incus Group</td>
<td>Taimur Siddiqi, Arjun Ravi</td>
</tr>
</tbody>
</table>
The workshop was broken into two sets of group discussions:

1. **Implementation of the Pilot**, centred around three questions:
   a. What do the assumptions and outcomes look like in the context of each partner?
   b. What has worked well?
   c. What has been challenging?

2. **Data collection and reporting**, specifically:
   a. What data has been collected and what does it tell us?

The discussions were facilitated by The Incus Group and a summary report of the workshop was produced, including analysis of the data collected through the Pilot to date.

### 3.2 Stakeholder consultations

The Incus Group worked with VLA, WLSV and LCCLC to identify and agree upon a list of stakeholders to be consulted and prepare a stakeholder engagement plan. A total of 58 individuals were consulted as part of this evaluation as presented in Table 4. Details on those consulted are provided in Appendix A – List of stakeholders consulted. All stakeholders were engaged through a combination of in-person and face to face interviews, which were scheduled with the support and assistance of VLA, WLSV and LCCLC.

**Table 4 - Numbers of stakeholders consulted**

<table>
<thead>
<tr>
<th>Stakeholder groups</th>
<th>Number of individuals consulted – relevant to WLSV</th>
<th>Number of individuals consulted – relevant to LCCLC</th>
<th>Number of individuals consulted – relevant to both CLCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria Legal Aid</td>
<td>3</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Women’s Legal Service Victoria (WLSV)</td>
<td>8</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Loddon Campaspe Community Legal Centre (LCCLC)</td>
<td>-</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td>Clients of WLSV and LCCLC</td>
<td>4</td>
<td>7</td>
<td>-</td>
</tr>
<tr>
<td>Department of Health and Human Services</td>
<td>3</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Children’s Court of Victoria</td>
<td>2</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>Magistrates</td>
<td>1</td>
<td>1</td>
<td>-</td>
</tr>
<tr>
<td>Private practitioners</td>
<td>2</td>
<td>2</td>
<td>-</td>
</tr>
<tr>
<td>External community and legal partners</td>
<td>-</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

An information and permission letter was provided to each individual to obtain informed consent (see Appendix B - Example consent form). In addition, at the onset of each interview, the interviewer explained the purpose and the voluntary nature of the interview.

It was agreed that only adult clients were to be consulted, due to the ethical and logistical challenges of interviewing minors.
3.3 Review of data and documentation

There were six main forms of data and documentation reviewed as part of this evaluation. These are set out in Table 5.

Table 5 - Data and documentation reviewed

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Service agreements</td>
<td>Service agreements between VLA and the two participating CLCs, including performance targets</td>
</tr>
<tr>
<td>2.</td>
<td>Performance monitoring data</td>
<td>Data collected and reported from CLSIS, in line with the Monitoring &amp; Evaluation framework Qualitative reflections of staff</td>
</tr>
<tr>
<td>3.</td>
<td>Grants of legal assistance</td>
<td>Numbers, costs and demographic information associated with grant applications submitted and approved for two CLCs</td>
</tr>
<tr>
<td>4.</td>
<td>Allocations of duty lawyers</td>
<td>Individual allocations of clients to VLA lawyers, private practitioners and CLCs were recorded after the Pilot commenced</td>
</tr>
<tr>
<td>5.</td>
<td>Case studies of client experiences</td>
<td>Experiences of clients prepared by the CLCs</td>
</tr>
<tr>
<td>7.</td>
<td>Child Protection substantiations and applications</td>
<td>Numbers of incident substantiations and court applications (initiations) by DHHS in: + Loddon local area + Southern Melbourne local area</td>
</tr>
</tbody>
</table>

In addition, a range of literature was reviewed and a list of references is provided in section 10.

Information collected from all sources was collated, synthesis and analysed in line with the M&E Matrix and to answer the set of evaluation questions.
3.4 Cost analysis

A cost analysis was conducted to determine whether there was any notional savings to the Legal Aid fund by assessing what it would have cost to deliver the Pilot activities through private practitioners.

The analysis relied on data submitted by the CLCs for grants of assistance submitted by the CLCs, additional activity data provided by the CLCs, and fees and notional costs specified in the VLA Handbook for lawyers\textsuperscript{19} and VLA Financial Performance Model to estimate the costs associated with the performance of the CLC and determine whether there were any notional savings to the Legal Aid Fund. The analysis did not seek to calculate the internal and actual costs to either the CLCs or VLA of delivering the Pilot, e.g. in terms of resourcing, training, etc.

The following items were costed for each CLC and therefore Pilot as a whole:

1. Child Protection grants approved
2. Other family law grants approved
3. Duty lawyer services provided
4. Child Protection advices provided
5. Community Legal Education / Law reform / advocacy work performed
6. Child Protection casework performed outside of a grant

The full set of inputs, assumptions and analysis is presented in section 6.1.

3.5 Limitations

As with any project involving primary research and evaluation, there were limitations in the project that should be considered. Table 6 outlines these limitations and the potential impact on the process and findings.

Table 6 – Project limitations

<table>
<thead>
<tr>
<th>Limitation</th>
<th>Area of potential impact</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Inconsistencies between CLSIS and ATLAS | Process & findings | • Data sets were extracted throughout the Pilot from both CLSIS (by the CLCs) and ATLAS (by VLA) for reporting purposes, which were used to inform the evaluation. The two systems are intended for different purposes but the lack of compatibility between the two meant there was duplication of data entry and extraction, which made analyses and reporting challenging for the evaluation.  
• This was mitigated by the support provided by VLA’s Reporting Team and guidance from LCCLC and WLSV staff to the evaluation team |
| Discrepancies in ATLAS data for claims | Process & findings | • Claims were meant to be submitted by each CLC for all grants approved and there were discrepancies in how this was submitted and recorded as CLCs learnt the system. This meant that the calculation of notional costs for grants was not straightforward and required some extrapolation and manual completion.  
• The final claims data was compared against averages for PPs and VLA in-house lawyers in Bendigo and Moorabbin and considered a reasonable representation of the notional costs |
| Limited consultation with CLC clients | Findings | • Fewer clients were able to be consulted than anticipated. While acknowledging the challenges of trying to contact clients and discuss matters peripheral to their case, the lack of sufficient consultation with clients limits the depth of understanding around how clients felt they were supported by the CLC lawyer.  
• This was mitigated by the provision of survey data and case studies prepared by the CLCs to provide a broader overview of client issues and support provided. |
| Limited data for baseline | Findings | • While there was extensive data related to grants of assistance in the locations where the Pilot was run, there was limited pre and post-Pilot data for the outcomes measures. For example, limitations in CLSIS meant that secondary matters could not be easily recorded and data capture around referrals was usually restricted to numbers and destinations but not whether they were taken up or what occurred as a result.  
• This made it difficult to determine whether there were any ‘increases’ in some outcomes, e.g. access to responsive, appropriate and quality legal services, and uptake of non-legal referrals |
4 How the Pilot has operated

The Pilot commenced in June 2015 with agreements signed between VLA and the two participating CLCs, Loddon Campaspe Community Legal Centre (LCCLC) and the Women’s Legal Service Victoria (WLSV). A total of $1.14 million was provided in a lump sum payment to the two CLCs upon execution of the agreements.

The agreements stipulated the following:

- **Range of child protection, family law and related legal services to be provided**
  - At court duty lawyer services
  - Advice and information services
  - Casework services (mostly in accordance with VLA grant guidelines)
  - Referrals (legal and non-legal)
  - Community legal education, community development and law reform

- **Clients**
  - VLA priority client groups were to be targeted\(^{20}\)

- **Targets for service levels**
  - For both CLCs: Duty lawyer, grants of assistance and community legal education/community development/law reform activities
  - For LCCLC only: Legal advices

- **Training**
  - VLA to provide CLC staff access to appropriate training

- **Monitoring & reporting requirements**
  - A range of information about activities undertaken to be recorded and reported through CLSIS and ATLAS systems
  - An evaluation to be conducted

- **Timeframes of the Pilot**
  - June 2015 to June 2017 = Entire project period
  - June to September 2015 = Establishment phase including recruitment
  - October 2015 to June 2017 = Service delivery phase (service targets in effect)

---

\(^{20}\) According to VLA’s guidelines, these are children, Indigenous Australians, and people experiencing one or more of the following indicators of disadvantage: low income, in custody, at risk of family violence, homelessness, language or cultural barriers, a disability or mental illness.
4.1 Pilot operations and context

4.1.1 Bendigo region - Loddon Campaspe CLC
Children and Family law matters are addressed through a circuit court system in Bendigo. The first appearance is usually at the Bendigo Children’s Court and then adjourned to one of six satellite courts: Castlemaine, Echuca, Kerang, Kyneton, Maryborough, Swan Hill.

Form B Protocol
As noted, DHHS protection applications tend to be ‘removal by emergency care’, i.e. the matter is brought to court usually within a day of a child being removed. In Metropolitan courts, this information is provided by DHHS to the courts and the allocation of duty lawyers to matters is managed by VLA paralegals at court. In Bendigo, like other regional areas, this was not the case and matters were allocated to practitioners directly by DHHS compromising independence, and/or parents often proceeded without legal representation or were only referred to someone when they arrived at court. In the lead up to the Pilot, this was amended by the introduction of a ‘Summary Information Form’, also known as the ‘Form B’ Protocol. This form is completed by DHHS and provided to VLA Bendigo which then allocates the matter to legal providers. The Form B protocol has been in place since December 2015.

Prior to the Pilot, Loddon Campaspe CLC (LCCLC) had substantial experience in generalist legal practice (inclusive of family law and family violence matters) but with more limited experience in child protection matters. In 2014, LCCLC commenced a Health-Justice Partnership with the Bendigo Community Health Service whereby a LCCLC lawyer was embedded within the Health Service’s site in Kangaroo Flat. As part of this, LCCLC’s child protection practice began to grow as the Health Justice Partnership lawyer assisted CP clients, managed court applications and started receiving referrals from both health/family workers and local private lawyers. Consequently, this lawyer at LCCLC was put forward for the Pilot so that when it commenced, there was a lawyer in place who had experience with child protection work, existing relationships with local stakeholders and knowledge of the landscape. A second lawyer was recruited at the onset of the Pilot, also with child protection experience, and two other lawyers have been supporting CP files part-time since late 2016, covering leave and servicing some of the satellite courts.

4.1.2 Metropolitan region - Women’s Legal Service Victoria
Child protection and related matters are addressed in the Family Divisions of the various metropolitan Children’s Courts. For this Pilot, the relevant Courts were the Moorabbin Justice Service Centre, the Family Drug Treatment Court in Broadmeadows and the Melbourne Children’s Court (primarily for conciliation conferences).

WLSV also had substantial experience in family law and family violence matters but had not previously practiced in the child protection jurisdiction. As part of the Pilot, WLSV sought to recruit two lawyers to deliver the Pilot but were unable to recruit a senior lawyer with
experience. As a result, they recruited a more junior lawyer and a lawyer from VLA with child protection experience was seconded to WLSV from November 2015 to May 2016. Three more family lawyers at WLSV became involved with the Pilot – one of whom had child protection experience from the UK and another who subsequently left for the bar – and by late 2016, there were 4 lawyers delivering services under the Pilot.

Both CLCs were contracted to provide a range of child protection, family law and related legal services and were provided with latitude around how to operate and deliver their services given the contextual differences in each location and these are explored in the table below and maps of the two locations on the following pages.

Table 7- Summary of resourcing and contracted activities for the Pilot, by site

<table>
<thead>
<tr>
<th>Activity</th>
<th>Loddon Campaspe CLC</th>
<th>Women’s Legal Service Victoria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total staff working on Pilot – FTE*</td>
<td>2.9</td>
<td>2.4</td>
</tr>
<tr>
<td>Lawyers working on Pilot – FTE*</td>
<td>1.8</td>
<td>1.8</td>
</tr>
<tr>
<td>Lawyers working primarily on Pilot – Individuals*</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Delivery of duty lawyer services in each target court</td>
<td>Bendigo Children’s Court + Circuit courts: Castlemaine Echuca, Kerang, Kyneton, Maryborough and Swan Hill</td>
<td>Moorabbin Justice Centre + Broadmeadows Family Drug Treatment Court (until July 2016)</td>
</tr>
<tr>
<td>Delivery of ongoing casework, legal advice and information, and legal and non-legal referrals Provision of CLE, partnerships and law reform activities</td>
<td>Bendigo and broader Loddon Mallee region</td>
<td>Metropolitan Melbourne region</td>
</tr>
</tbody>
</table>

*The number and FTE staff working on the Pilot fluctuated slightly throughout the Pilot – these figures are approximations of the average resourcing

Aside from direct legal service provision stated in the table above, staff at both CLCs were provided with access to opportunities for training and professional development through VLA staff and resources where possible. In addition, they were also required to undertake and provide (usually) quarterly monitoring and reporting of agreed upon data measures to evidence the achievement of the abovementioned project outcomes.
Loddon Campaspe CLC – Bendigo region

Bendigo context
Children and Family law matters are addressed through a circuit court system in Bendigo. Matters are currently listed every fortnight and the first appearance is usually in Bendigo Children’s Court and then adjourned to satellite courts across the region, which run on a monthly basis for mentions.

Loddon Campaspe CLC provided duty lawyer services and appeared for clients at Bendigo Children’s Court. LCCLC also travel to the six satellite courts satellite areas to visit clients and, attend conciliation conferences and contested hearings.

Operational context
There is a limited pool of child protection practitioners in the Bendigo region and the majority of child protection matters are allocated to, and handled by, 4 private practitioners, the Victorian Aboriginal Legal Service, VLA and LCCLC.

Since Dec 2015, matters are primarily allocated through VLA with DHHS notifying VLA through a ‘Form B’ protocol. Prior to this, matters were either allocated to practitioners directly by DHHS, matters were being dealt with without legal representation for parents, or clients were referred when they arrived at Court.

Extensive travel is required between court locations. At all courts, limited space and no dedicated rooms mean lawyers discuss matters with clients in the stairwell outside the courtroom in Bendigo or outside the building in the satellite courts.

Often LCCLC lawyers are required to be in multiple locations at the same time, e.g. attending duty service at Court in Bendigo and a conciliation conference in Swan Hill.

Loddon Campaspe CLC profile
Loddon Campaspe CLC commenced preparatory work on the Pilot from June 2015 and started delivering contracted services from October 2015.

Loddon Campaspe CLC serviced the broader Loddon Mallee region by delivering casework, legal and procedural advice, information, and legal and non-legal referrals as well as duty lawyer services.

LCCLC also provides community legal education / law reform and advocacy work across the region and attended meetings and trainings in Melbourne for the Pilot.

On average, a total staff of approx. 2.9 FTE was allocated to the Pilot, comprising:

+ 1.9 FTE of lawyers / 2 individuals (from late 2016 onwards, there was an additional lawyer working on matters, 0.5 FTE)
+ A further 0.5 FTE of paralegal support
+ A further 0.5 FTE of administration/management/finance support
Women’s Legal Service Victoria – Metropolitan region

Metropolitan context
Child protection and related matters are addressed in the Family Divisions of the various Children’s Courts. For this Pilot, the relevant Courts were at Moorabbin Justice Service Centre, the Family Drug Treatment Court in Broadmeadows and the Melbourne Children’s Court or conferencing centre. Matters may be listed at either Melbourne or Moorabbin but there may be subsequent transfers to, or conferences at either court, for example if a parent is in prison or because conciliation conferences were mostly at Melbourne until late 2016 when they began to be held in Moorabbin as well.

Operational context
There is a large pool of child protection practitioners in the metropolitan area, particularly servicing the Melbourne Children’s Court. VLA operate a dedicated counter at the Courts and allocate all matters to practitioners.

Historically there have been inconsistent and irregular duty lawyer appearances by private practitioners, due to logistics (practitioners are mostly based near the CBD) a perception that there were fewer matters listed in Moorabbin.

WLSV were contracted to provide duty lawyer services at Moorabbin 4 days per week and 1 day per week at the Family Drug Treatment Court in Broadmeadows, which is an Australian first Pilot. From June 2016, WLSV ceased its duty lawyer service at Broadmeadows and reduced to 3 days at Moorabbin, due to an unsustainable volume of casework flowing from Moorabbin and insufficient workload at Broadmeadows. WLSV continued to attend to matters as required at Moorabbin and Melbourne Children’s Court throughout the week. This can often mean there are days where a lawyer is required for duty at Moorabbin, to attend a conciliation in Moorabbin and to attend another conference in Melbourne.

Women’s Legal Service Victoria profile
WLSV commenced preparatory work on the Pilot from July 2015 and started delivering contracted services from November 2015.

WLSV is based in Melbourne CBD but provides a range of services to women across the state, through casework, legal advice, information, and legal and non-legal referrals as well as duty lawyer services. WLSV also have an in-house financial counsellor and, since November 2016, a social worker. WLSV also provided community legal education / law reform and advocacy work, delivered training to other providers, attended Court user meetings and made written submissions on topics connected to the Pilot.

On average, a total staff of approx. 2.4 FTE was allocated to the Pilot, comprising:
+ Approx. 1.8 FTE of lawyers / 4 individuals (1 full-time and 3 part-time since mid 2016)
+ Estimated up to 0.5 FTE administration/management support
+ Estimated 0.1 FTE financial counsellor/social worker

Moorabbin Court
At Moorabbin Court, there is a dedicated office for VLA and space for private practitioners but WLSV were not able to access any secure rooms due to limited space and cooperation from the Court. This meant having sensitive client conversations in open areas and either storing files/laptops in cars or carrying them at all times until mid-2016, when WLSV began sharing a room with the Salvation Army.
4.2 Pilot logic

After the Pilot had commenced, a logic model was developed to outline the causal links between activities to be delivered and the outcomes sought. The overall aim of the Pilot was to: **address priority clients’ complex child protection and interrelated family law issues by providing targeted, early intervention, and continuous services through a mixed model of service delivery using two high capacity CLCs servicing two high demand Children’s Courts.**

The logic identified the key assumptions underpinning the Pilot as well as the planned activities and expected outputs, intermediate and end-of-pilot outcomes that would ensure the overall aim was achieved.

The planned activities and outputs included:

- Salaried lawyer hired in each CLC and other staff as locally decided based on need and funding available
- Delivery of duty lawyer services in each target court
- Delivery of legal advice and information services
- Establish referral pathways where needed, and strengthen utilisation of existing pathways
- Delivery of ongoing casework
- Provision of CLE, community development, partnerships and law reform activities
- Professional development training provided to staff in each CLC
- Ongoing meetings and influencing of key stakeholders.

The successful execution of these activities were intended to contribute to achievement of eight end-of-pilot outcomes as summarised in the figure below. The complete logic is provided as Appendix C – Logic Model of CLC Family and Children’s Law Pilot.
As a Pilot program, it was deemed critical to ensure the process, outcomes and lessons were captured and evaluated. A comprehensive M&E plan and framework were established by VLA and used to measure progress. The M&E Framework identified a series of indicators and ongoing data collection needs to both evidence the outcomes in the Pilot logic and track service performance and progress against the agreed service targets outlined in the service contracts. The framework provided the basis of the reporting template that was populated by both CLCs on a quarterly basis using their CLSIS data. The M&E framework acted as a blueprint for the evaluation and the Mid-Term Reflections workshop was used to unpack the framework and help provide consensus around what each outcome meant and the associated indicators to measure performance, as detailed in the table below.

For some outcomes, additional potential indicators were identified but not explored due to a lack of clear data (e.g. number of clients that seek legal advice and then do not go into litigation, successful referral uptake data from non-legal providers) or falling outside of the scope of the evaluation (e.g. assessing how well cases were run by the CLCs).

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| Increased access for priority clients to legal services | Changes for children and families |
| Increased access to responsive, appropriate & quality CP legal services | Changes for CLCs |
| Increased timely identification & support for other legal issues | Sector level changes |
| Increased targeted & appropriate referrals into non-legal support services | |
| Increased professional capability of targeted CLCs to undertake CP legal matters | |
| Increased capacity for CLC staff to undertake other strategic CP activities | |
| Stronger working relationships between DHHS, CLCs, VLA, the court & other key legal & non-legal providers | |
| Cost efficiencies achieved through delivering services through CLCs | |

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Figure 1 - End of pilot outcomes for children & families, CLCs and wider CP sector

4.3 Monitoring & Evaluation (M&E) Plan and Framework

For some outcomes, additional potential indicators were identified but not explored due to a lack of clear data (e.g. number of clients that seek legal advice and then do not go into litigation, successful referral uptake data from non-legal providers) or falling outside of the scope of the evaluation (e.g. assessing how well cases were run by the CLCs).
### Table 8 - Outcome descriptions and indicators

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Outcome description</th>
<th>Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Increased access for priority clients to legal services</td>
<td>While there is considerable overlap between CLC client groups and VLA’s priority groups, CLCs tend to have broader definitions to support all individuals experiencing disadvantage (or at least within specific sub-groups, e.g. youth or women, for some specialist CLCs). Child protection clients, however, tend to almost always be a priority client for VLA and so it was likely that the two CLCs would be meeting this requirement. In order to determine whether the Pilot increased access for priority clients, and not simply responded to increased demand, it was necessary to understand trends around court applications and grants of legal assistance prior to the Pilot and since it commenced.</td>
<td>+ Number of grants of assistance vs number of DHHS applications + Priority client demographic characteristics + For LCCLC/Bendigo only – Form B allocations</td>
</tr>
<tr>
<td>2. Increased access to responsive, appropriate &amp; quality CP legal services</td>
<td>This was considered the most critical outcome as the purpose of the Pilot was to provide continuity of effective, timely and targeted legal services. Unlike outcome #1, which could be mostly evidenced through quantitative, objective measures, this outcome relied more on subjective assessments from clients and the other stakeholders. There was consensus that quality and appropriate services should be judged from the perspective of the client. An important consideration for this outcome is that the emotional impact of the process, confusion at court and other potential challenges around income, disability and family violence makes it difficult for children, young people and parents to properly engage with their lawyer and often they can be grateful simply for help being available and/or have no other way of comparing. As such, the views of other stakeholders were considered, and a comparison of select final orders (Family reunification, Family preservation, Care by secretary, Permanent care) for CP cases, was also used to assess this outcome.</td>
<td>+ Qualitative assessment of client views, from consultation findings and survey results from LCCLC, WLSV and VLA + Qualitative assessment of views of other stakeholders (community partners, Magistrates and Court staff, DHHS staff) from consultation findings + Final orders for grants of assistance</td>
</tr>
</tbody>
</table>

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22 VLA (2016) Child Protection Review – Consultation and Options Paper
23 Further detail on final orders is available here: [http://www.cpmanual.vic.gov.au/advice-and-protocols/information-sheets/orders](http://www.cpmanual.vic.gov.au/advice-and-protocols/information-sheets/orders). It should be noted that multiple factors can affect final orders, beyond the quality of legal service provided, and so this comparative analysis is not intended to compare providers but rather to illustrate the final orders as another indication of whether the CLC lawyers have advocated for, and helped achieve, favourable outcomes for their clients.
### 3. Increased timely identification & support for other legal issues

This outcome is about providing a more holistic service and consistent representation by identifying and providing support for related legal matters beyond the presenting issue. This is dependent on the expertise of the lawyer in other areas of law but also on being able to spend sufficient time with a client to identify other issues. It also depends upon the clients having the emotional headspace and trust/ability to disclose and discuss other matters beyond the presenting issue. This was measured by the numbers of legal referrals made by CLCs (both internally and externally) for non-CP matters, as well as the views of clients and CLC staff.

+ Number of legal referrals made (total, for CP, for other legal issues)
+ Number of CP clients being supported with other legal issues
+ Qualitative assessment of client experiences, from consultation findings and CLC case studies
+ Qualitative assessment of CLC views

### 4. Increased targeted & appropriate referrals into non-legal support services

This outcome is about ensuring that clients were directed to non-legal support services that they required, as both CLCs were expected to have existing relationships with non-legal community supports. Consultation findings and discussions with project partners indicated that clients in the CP system tend to be reasonably well connected with support services, compared to some other jurisdictions, and also experience ‘referral fatigue’ as a result of mandated referrals from DHHS/Courts referrals.

+ Number of non-legal referrals made
+ Qualitative assessment of client experiences, from consultation findings and survey results
+ Qualitative assessment of views of other stakeholders (CLC staff, community partners, Court staff)

### 5. Increased professional capability of targeted CLCs to undertake CP legal matters

In order to deliver the desired outcomes for children and families, it was essential for the two CLCs to develop their professional capability to undertake child protection legal work. As noted, neither CLC has substantial CP experience prior to the Pilot and the combination of training/professional development provided by VLA and ongoing work was intended to build the skills and knowledge of the lawyers working on the Pilot directly but also the CLC more broadly.

+ Numbers of clients being supported for CP matters
+ Professional development undertaken by CLC staff
+ Qualitative assessment of views of CLC management, clients, and other stakeholders (Court, DHHS staff, PPs)

### 6. Increased capacity for CLC staff to undertake other strategic CP activities

This was intended to flow from the increased professional development and increased involvement of the CLCs to undertake more strategic work in the CP jurisdiction outside of duty lawyer, advice and casework services. This was intended to encompass community legal education, partnership development and law reform work and targets were set to encourage this.

+ CLE, community development, partnerships and law reform activities
### 7. Stronger working relationships between DHHS, CLCs, VLA, the court & other key legal & non-legal service providers in CP system

A desired outcome of further involving the two CLCs in the Bendigo and Moorabbin regions was to strengthen and expand linkages across the CP system and improve working relationships for the common benefit of children and families, and all stakeholders. The nature and structure of CLCs was intended to facilitate this by bringing a different approach to addressing matters. In the case of Bendigo, this was also an opportunity to improve channels of communication across DHHS, VLA and the Courts.

- Qualitative assessment of views of stakeholders (Court staff, DHHS staff, community partners, VLA) from consultation findings
- For LCCLC only – effectiveness of Form B protocol

### 8. Cost efficiencies achieved through delivering services through CLCs

As the majority of CP legal work was being performed by private practitioners, who are funded on a fee basis (i.e. paid a set fee for each service performed), the Pilot was an opportunity to determine if an alternate model of payment (i.e. salaried lawyers at a CLC) could deliver cost efficiencies for the Legal Aid Fund.

- See sections 3.4 and 6:
  - Quantity of services delivered (see sections 3.4 and 6)
  - Various notional costs
5 Pilot performance and achievement of outcomes

This section outlines the performance of the Pilot in terms of the services delivered, the reporting against the M&E framework, and the consultations findings. These are presented by CLC and each outcome in turn.

5.1 Loddon Campaspe CLC

A quantitative snapshot of the work delivered by the Loddon Campaspe CLC (LCCLC) is presented in Table 9.

Table 9 - Services delivered by LCCLC (October 2015 - February 2017)

<table>
<thead>
<tr>
<th>Item</th>
<th>Target (where applicable)</th>
<th>Quantity delivered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total unique clients supported with CP matters (through casework, DL or advice)</td>
<td></td>
<td>223</td>
</tr>
<tr>
<td>Duty lawyer services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total DL services delivered</td>
<td>170</td>
<td>222</td>
</tr>
<tr>
<td>Total DL clients</td>
<td></td>
<td>178</td>
</tr>
<tr>
<td>Source of DL referrals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ 70% VLA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ 13% DHHS/At Court</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ 17% other (existing clients / external partners)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grants and casework</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total unique grants approved</td>
<td>136</td>
<td>114</td>
</tr>
<tr>
<td>Child protection grants approved</td>
<td></td>
<td>105</td>
</tr>
<tr>
<td>Other related grants approved (family law/family violence)</td>
<td></td>
<td>9</td>
</tr>
<tr>
<td>Grant approval rate</td>
<td></td>
<td>93%</td>
</tr>
<tr>
<td>Total cases with CP matter identified</td>
<td>184</td>
<td>70</td>
</tr>
<tr>
<td>Total CP cases outside of a grant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advices and referrals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CP legal advices provided</td>
<td>170</td>
<td>68 (53 clients)</td>
</tr>
<tr>
<td>Total clients provided with legal referrals</td>
<td></td>
<td>162</td>
</tr>
<tr>
<td>Destination of legal referrals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ 85% internally into CLC for CP casework</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ 3% internally for other identified legal issue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ 2% referred externally for legal issue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total non-legal referrals provided</td>
<td></td>
<td>29</td>
</tr>
<tr>
<td>CLE, community development, partnerships and law reform activities*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of activities reported quarterly</td>
<td>18</td>
<td>21</td>
</tr>
<tr>
<td>Meetings held with other key stakeholders (legal and non-legal)</td>
<td></td>
<td>22+</td>
</tr>
<tr>
<td>CLE / law reform / advocacy hours (based on estimate by CLC)</td>
<td></td>
<td>143</td>
</tr>
</tbody>
</table>

*Some of these activities commenced prior to October 2015 and both the quantity and hours are likely to be underestimates given the informal meetings and phone conversations that have occurred.
5.1.1 Duty lawyer services, grants of legal assistance and DHHS Court applications in Bendigo

The monthly breakdown of duty lawyer services is presented in the chart below.

**Figure 2** - Number of duty lawyer services provided by LCCLC, per month

LCCLC significantly exceeded its total target for provision of duty lawyer services over the seventeen months under consideration, and met or exceeded its monthly target in all but four months. Through the provision of 222 DL services, they supported 178 individuals. Given the myriad contextual challenges discussed in sections 2.1.4 and 4.1 (i.e. geographical distances between courts, low engagement/attendance by clients, the evolving allocation process through Form B), this is a very strong performance.

A monthly breakdown of the grant work is presented in the chart below.

**Figure 3** - Grants of legal assistance approved for LCCLC, per month, by legal issue (CP vs other issues)

LCCLC had a total of 114 grants approved between October 2015 and February 2017, meeting or exceeding the monthly target of 8 in seven of those 17 months. The low number of approved grants in October and November 2015 were to be expected as the Form B protocol
between DHHS and VLA Bendigo only commenced in December 2015. There was also a spike in DHHS applications to the Bendigo Children’s Court in December 2015, which dropped off in early 2016 as can be seen in Figure 4.

![Graph showing DHHS Applications to Bendigo Children’s Court](image)

The grants approved by VLA and protection applications by DHHS continued to increase over 2016 and from August – December 2016, LCCLC consistently exceeded their target even as protection applications dropped between October – December 2016, a reflection of LCCLC’s growing presence in the CP jurisdiction resulting in grants from self-referrals (i.e. existing clients) and referrals from outside of VLA and DHHS/Bendigo Children’s Court.

LCCLC did not meet its grant targets overall or most months, but, as noted in Table 9, it performed a large amount of casework for CP clients outside of the grant process. This was due to a combination of factors identified by the CLC including difficulties obtaining the requisite financial information from clients, ongoing staff familiarisation with ATLAS and the stricter eligibility criteria of grants compared to where LCCLC would see merit in providing casework. Alongside this, a more accurate representation of the work performed is the number of ongoing grants over the Pilot period which is presented in Figure 5. Ongoing grants continued to rise throughout the first 12 months of the Pilot. It should be noted that this is both a function of the amount of cases and the length of time before grants are closed by CLCs. Private practitioners are more likely to close a grant after a final order is made, in order to be paid, while CLCs have the flexibility to leave files open and would look to support the client beyond the final order.

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24 DHHS data is available by ‘CP Local Area’ and the Loddon area includes the Bendigo Children’s Court circuit.
5.1.2 Outcome # 1 - Increased access for priority clients to legal services

The Pilot has been highly successful in increasing access to legal representation for priority clients in the Bendigo region.

Number of grants

In calendar year 2015, there were a total of 369 Court applications and 325 grants - an average of 0.9 grants per application, which was the lowest in Victoria and low even for regional areas. Some of the factors behind this are explored in the VLA Child Protection Review but include a dearth of qualified practitioners, client disengagement and inconsistencies in the process and resource availability around allocation of lawyers\(^{25}\).

In calendar year 2016, after the pilot had commenced, the total number of grants increased by 44% while DHHS applications only increased by 1% resulting in the number of grants per application increasing to 1.3 – still lower than other regions but a significant rise.

As Figure 6 illustrates, the total number of grants have increased for both VLA (by 88%) and private practitioners (15%) since the Pilot commenced. Given that DHHS protection applications have grown at a slower rate over this period, this is strong indication that the Form B protocol and involvement of LCCLC have helped significantly increase access to child protection legal services in the Bendigo region.

**Priority demographic characteristics**

The second aspect of this outcome relates to priority clients for VLA. While VLA has stricter eligibility guidelines and specific priority groups compared to CLCs, who tend to support all individuals experiencing disadvantage, there was broad alignment between the profile of clients supported by the two CLCs and VLA’s expectations. A comparison of CP grants with four priority demographic characteristics identified shows that the Pilot has predominantly serviced VLA’s priority clients.

Table 10 - Proportion of CP grants with priority demographic characteristic identified in Bendigo region, October 2015 - February 2017

<table>
<thead>
<tr>
<th></th>
<th>LCCLC</th>
<th>PPs</th>
<th>VLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability</td>
<td>40%</td>
<td>11%</td>
<td>19%</td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islander</td>
<td>14%</td>
<td>12%</td>
<td>6%</td>
</tr>
<tr>
<td>Government benefit</td>
<td>73%</td>
<td>35%</td>
<td>68%</td>
</tr>
<tr>
<td>Homeless</td>
<td>7%</td>
<td>1%</td>
<td>5%</td>
</tr>
<tr>
<td>Family violence indicator*</td>
<td>59%</td>
<td>25%</td>
<td>27%</td>
</tr>
</tbody>
</table>

*family violence indicator was added to applications in 2016 and only recorded for 60-70% of grants since then and data for PPs is only available in total not by region

Since the Pilot commenced, CP grants for Loddon Campaspe CLC have been more likely to be for clients with an identified disability, who identify as Aboriginal or Torres Strait Islander, are on a government benefit (indicator of low income), are experiencing homelessness or at risk of/experiencing family violence. Obviously the majority of LCCLC clients are also located in regional areas, which have been identified as areas of additional disadvantage and risk for children and higher need26.

Looking at the change over time in grants with priority demographic characteristics further reinforces the impact of the Pilot.

26 Department of Education (2011)
Figure 7 - Priority demographics over time in Bendigo region, total grants and proportion by provider

27 FY 2017 projected data is based on applying basic linear extrapolation to the number of grants with the proportions by provider remaining steady, i.e. if the number of grants with homelessness identified were 20 after eight months, they would be (20 *12/8 =) 30 for the full year
As these charts demonstrate, the total number of grants for clients on government benefits and those experiencing homelessness appear to be increasing while remaining steady for clients with a disability or identifying as Aboriginal or Torres Strait Islander. They also show that:

- LCCLC are serving higher proportion of clients with disability and on low income (government benefit) than VLA or PPs were previously
- LCCLC appears to have displaced VLA Bendigo in terms of service of Indigenous clients (who may now also be served by VALS)

Clearly Loddon Campaspe CLC is providing legal assistance to VLA priority clients through the approved child protection grants but also through its casework outside of grants with the following breakdown for all child protection clients at LCCLC:

- 39% have a disability
- 81% have no or low income
- 14% identify as Aboriginal or Torres Strait Islander

Form B allocations

Since the Form B protocol commenced in December 2015, VLA Bendigo has been coordinating allocation of lawyers for Court applications and the data indicates that LCCLC was primarily allocated mothers but also some fathers and children.

While there is no pre-Pilot data to compare, stakeholders in the region were unanimous in their belief that the Form B protocol, instigated by the Pilot, has been critical in increasing representation for parents in particular by shifting the allocation process from DHHS to VLA, and the addition of LCCLC as a provider that isn’t conflicted out of matters, which other private practitioners and VLA often were.

“If the Pilot did nothing else but get the Form B process set up, it should be considered a success. There was limited communication between the Department and VLA and not enough parties represented before the CLC started.”

— Bendigo Children’s Court stakeholder
Despite this, the VLA allocations data indicates that between December 2015 and February 2017, while all children that required representation were allocated a lawyer, 8-9% of mothers and fathers remained unallocated even where they required a lawyer, i.e. excluding those that were incarcerated, deceased or had signed consent orders. This is due to availability and conflicts and reflects the ongoing unmet need in the region.

5.1.3 Outcome #2 - Increased access to responsive, appropriate & quality CP legal services

It is apparent that the Pilot has provided clients with child protection and related matters access to providers of responsive, appropriate and quality legal services in the Bendigo region and helping achieve favourable final orders for clients.

Views of clients

LCCLC clients expressed favourable opinions of the service they received at Court and beyond. All seven clients interviewed for the evaluation felt the lawyers were better than they expected in general and from a legal aid appointed lawyer (most had experience with other lawyers previously). The most common themes to emerge were that clients felt listened to, the CLC lawyers were patient and thorough in explaining the process and options, and they went above and beyond to help.

“The court experience was very new to me but the lawyer always briefed me on what to expect and it was a long process but in the end we got what we wanted and she really fought for my rights as a parent”

“The lawyer dedicates her time to you, hears what you have to say and made it easy for me to understand. The whole system is frustrating and even though I got a good outcome, it took its toll on me and I don’t know what I would’ve done without her [the lawyer’s] support.”

– LCCLC clients

This view is backed up by results from a survey conducted by LCCLC with 30 of its CP clients in early 201728, which found that:

- 93% felt respected and listened to by their lawyer
- 87% found the advice provided was easy to understand
- 80% reported being happy or very happy with the help received

These results compare favourably with a 2015 VLA survey which found that 86% of its Child Protection clients (n=44) were satisfied or very satisfied with the service overall and between 81-90% found the service helpful29.

The LCCLC survey also identified that 10 of the clients surveyed (33%) felt they had received a successful outcome from the legal support provided by LCCLC while only one felt they had an

29 VLA (2015) – Client Satisfaction survey – child protection clients (unpublished) – note the CP client sub-group constituted a small sample within overall Client Satisfaction Survey and so may not be representative of VLA CP clients as a whole
unsuccessful outcome, and 9 others (30%) felt they had become more informed about their options and/or about the court process as a result.

**Meredith’s story**

Meredith was referred to LCCLC by a local homelessness support organisation in late 2015. She currently has access to her children three hours per week and is working with the CLC lawyer to change this arrangement and appeal DHHS’s decision.

When the original arrangement was made by DHHS, Meredith acknowledges that she was experiencing substance misuse and housing issues and also had a violent ex-partner but has since turned things around for herself by attending counselling sessions and TAFE courses.

Meredith felt the CLC had done a terrific job in explaining the Court processes and communicating with her even when DHHS was not communicative or clear about the process. With the lawyer being organised and responsive to her needs, Meredith felt that she was on the front foot for the first time in her life.

“I really felt like the lawyer was on my side and made me feel proud of myself for a change and that I wasn’t a terrible person and that things would be okay”

**Views of other stakeholders**

There was a positive appraisal of the quality of service provided to clients from the majority of stakeholders consulted. A consistent theme was that the lawyers at LCCLC are strong advocates for their client, take a collaborative, collegiate approach and spend time working through clients’ options.

“The CLC lawyers seem to be more flexible and proactive at supporting clients than other lawyers. This is a complex system but it’s not about whether someone is guilty or not guilty, it’s about the safety and wellbeing of the child and the CLCs see this as paramount. If we feel the family aren’t taking a matter seriously, I can ask the CLC lawyers to help us approach them.”

- DHHS staff

Amongst some of the DHHS and Court based stakeholders, there was some concern that at times the CLC lawyers would push for an outcome for their client, such as family reunification, that may not be in the best interests of the child(ren) but on balance, they felt that the CLC lawyers were always professional, communicative and looking for favourable outcomes for all parties and were particularly good at explaining the processes and options to clients, e.g. that sometimes delays in cases were unavoidable for procedural reasons and not deliberate moves on the Department’s part.

The sentiment that the quality of the service offered by LCCLC was very high was shared by the vast majority of stakeholders consulted.

“We are all aware of the inadequacy of the process where a party is disadvantaged by the lack of representation. I am firmly of the view that Loddon Campaspe CLC provide an invaluable service to the Court and to the community”

- Bendigo Magistrate

“Having the CLC on board has been a very welcome development because we feel comfortable providing warm referrals to them for our non-Aboriginal clients.”

- VALS
Final orders for cases
The final orders for closed grants of assistance were analysed for LCCLC cases and compared to the final orders for other CP clients in the Bendigo region since the Pilot commenced, to help understand if their work was translating to different orders compared to the status quo.

Over the Pilot period, an analysis of all closed grants in Bendigo revealed that LCCLC has been advocating for and helping their clients achieve favourable outcomes, as:

+ LCCLC grants had higher proportions of family reunification and preservation orders than private practitioners’ grants and lower proportions of care by secretary orders
  - 64% of closed LCCLC grants resulted in a family reunification or preservation order compared to 31% for private practitioners
  - 11% of closed LCCLC grants resulted in a care by secretary or permanent care order compared to 21% for private practitioners
+ LCCLC grants with family preservation orders were also higher than VLA in-house grants but similar proportions for the other three orders

As noted, LCCLC represents mothers, who are usually the primary carers, more often than fathers and children and this may affect these figures. For example, analysis by client gender indicated that both private practitioner and VLA grants resulted in higher percentages of family reunification orders for mothers and family preservation orders for fathers. The figures, however, were still favourable for LCCLC grants:

+ **Looking only at grants for mothers**, 73% of LCCLC’s closed grants ended in a family preservation or reunification order compared to 46% for private practitioners
+ Although a very small number, 3 out of 7 (43%) LCCLC’s closed grants for fathers ended in a family preservation or reunification order and 43% of private practitioners’ closed grants for fathers also had a family preservation or reunification order
Legislative changes that came into effect in March 2016\(^\text{30}\) mean order types have been renamed in ATLAS and preclude a meaningful trend analysis of final orders prior to the Pilot to determine how much might be attributable to the Pilot itself and whether these select orders have changed proportionally for all providers.

5.1.4 Outcome #3 - Increased timely identification and support for other legal issues
While it was not possible to properly assess how timely the support was, it is evident that the Pilot has helped provide CP clients with support for their other legal issues and is a work in progress.

Number of legal referrals made
Between October 2015 and February 2017, LCCLC lawyers provided legal referrals to nearly 90% of all clients, particularly those that were assisted as part of the duty lawyer service to continue their engagement with the CLC. Specifically:

+ 85% of clients receiving duty lawyer services, were referred internally for CP casework
+ A further 3% were referred internally for other identified legal issues (e.g. family law)
+ 2% were referred to another legal service provider

Overall, at least 14 clients were supported with both CP and another legal matter. This number is likely an underestimate as CLSIS does not enable easy recording of secondary matters and so this information was not captured consistently by LCCLC throughout the Pilot.

Views of clients and other stakeholders
Most of the other matters related to intervention orders and other family/civil law matters but one client was also supported with minor criminal matters.

Katrina’s story*

LCCLC represented Katrina in relation to an application by DHHS, having received her matter as a referral from VLA. The main protective concerns were her mental health issues and significant family violence directed at her and her five children from the children’s father. A police Intervention Order was already in place protecting Katrina and her children. When seeing Katrina about her Children’s Court matter in the office, she disclosed that she was incredibly worried about two minor criminal charges.

The CLC lawyer wrote to police about these charges, suggesting that there was significant overlap in the offences charged and that she should only be charged with one offence. Police ultimately withdrew one offence and Katrina plead guilty to the remaining matter, receiving a modest fine with no conviction recorded. Katrina expressed a great deal of relief that one lawyer was able to assist her with both her Children’s Court and summary crime matters. The facts in mitigation for the summary crime matter included much of the detail that Katrina had already disclosed to LCCLC in relation to the children’s court matter.

*This case study was adapted from material prepared by LCCLC and provided to VLA as part of the Pilot

This view was echoed by the community partners that were consulted, who stated that the existing relationship with LCCLC (on other matters of law) meant they were comfortable referring their clients with child protection and other issues to LCCLC knowing they could provide a broader service.

“One of our young mums was supported by LCCLC through her family violence issues and dealing with Centrelink, so it’s been great to have that wrap around service from them.”

– Community partner

Similarly, other practitioners and Department staff feel there has been a benefit to having the CLC’s breadth of service.

“It’s really important to have the ability to support a family around all their legal issues as family don’t understand the difference between a CP lawyer or criminal lawyer and prefer to have one they can work with so in that respect, the CLC has been useful addition.”

– DHHS staff, Bendigo

“Obviously there’s a difference between how CLCs are funded and how we are paid to run our business, which means the CLCs can work differently. But LCCLC has been proactive in expanding service outreach and offer a broader range of services that are important for CP clients”

– Private practitioner

5.1.5  Outcome #4 - Increased targeted and appropriate referrals into non-legal support services

While it was not possible to fully assess the uptake of referrals, it is clear that LCCLC has built strong networks with other community service providers in the region and provides clients with referrals to non-legal support services, and there is some evidence that their referrals are more likely to be taken up.

Number of non-legal referrals made

Approximately 29 non-legal referrals were made for CP clients between October 2015 and February 2017. Most of these were for housing, financial support, counselling or other community services.

It should be noted that LCCLC is part of ARC Justice, which also provides housing support services so this means essentially in-house housing support referrals. Also in Bendigo, there are limited support services available which made it challenging to make referrals, though easier to identify and develop relationships with these services.

Views of clients and other stakeholders

Only one of the clients consulted for this evaluation was provided with a non-legal referral, although all stated that they were comfortable discussing any issues with their LCCLC lawyer and would bring up other legal or non-legal issues if they had any. The one client that did receive a referral indicated that the relationship she had developed with her lawyer convinced her to take up the referral.
A survey undertaken by LCCLC of its clients indicated that, as noted before, many CP clients do not require any more support as nearly 50% of those surveyed responded that they were already engaged with all the requisite services. Of the eight clients surveyed that remember being provided a referral, three took it up.

The low uptake of referrals is not unexpected as noted, however stakeholders consulted for the evaluation seemed to think that LCCLC staff were particularly diligent in making appropriate referrals and ensure clients received the additional support they needed.

5.1.6 Outcome #5 - Increased professional capability of CLC to undertake CP legal matters

The Pilot has established CP work as a significant component of LCCLC’s service offering and developed their CP expertise and capability substantially.

Number of clients being supported for CP matters

Between October 2015 and February 2017, LCCLC provided the following CP legal support:

- Duty lawyer services to 178 clients
- Casework through a grant of assistance to 105 clients
- Casework to a further 70 clients
- 68 legal advices to 53 clients

Overall, LCCLC lawyers supported 223 unique clients with CP legal matters and this represents around 15% of their total clients over this period.

Professional development undertaken by LCCLC

Over the course of the Pilot, the staff involved with the Pilot participated in a series of professional development and training activities, including:

- Shadowing the VLA Melbourne CP team – total of 6 days
- In house training with VLA training videos – total of 1 day
- ATLAS training – total of 7 hours
- Family law training by VLA – 2 days
- Family law training by WLSV – 4 days
- Family law and violence refreshers – 2 day
- DHHS and Court forums – 3 days
- Family law conferences / forums – 3 days
Views of LCCLC
There has been a substantial increase in CP work at the CLC and there was acknowledgement from LCCLC management that CP work has become a focus of their practice and that lawyers not involved with the Pilot are more aware of child protection and its implications with their clients. It was clear that LCCLC felt the Pilot had helped establish CP work as a major part of their service and facilitated capacity within the CLC and development of local relationships beyond. It was also clear that while greater training at the outset would have been valuable, the lawyers involved in the Pilot have spent significant time developing their knowledge and skills in this area.

Views of clients and other stakeholders
While no formal assessment of self-reported improvements in staff skills or confidence has been undertaken, it was evident from the feedback from clients and other stakeholders in the Bendigo region that the lawyers involved in the Pilot have exhibited a high degree of capability to undertake CP matters.

“I spent the day in Bendigo court watching the proceedings and all the other lawyers had nothing on her [CLC lawyer]. You can see the confidence in her and respect she has from everyone. She has been amazing for me."
– LCCLC client

“The CLC lawyers have a great understanding of the jurisdiction and are good to work with – when barristers come in from Melbourne, they often need to be briefed about not just the matter but also background on the Court and jurisdiction sometimes and the CLC lawyers brief them very well.”
– DHHS staff, Bendigo

5.1.7 Outcome #6 - Increased capacity for CLC staff to undertake other strategic CP activities
LCCLC staff were involved in a range of strategic activities relating to child protection in the Bendigo region and demonstrated both their capability and interest in contributing to community legal education and law reform in this area

CLE, community development and law reform activities
Since the Pilot commenced, LCCLC participated in 21 relevant activities including:

+ CLE provided on CP law changes to Northern District Community Health / Bendigo Community Health Services / Centre for Non Violence
+ National child protection week events in Sep 2016
+ Bendigo Koori Community Justice information day in Dec 2016
+ Contribution to Law Institute of Victoria submission to CCYP Permanency Amendment Inquiry
This exceeded the target of 18 that had been set and in addition, LCCLC staff organised and attended a range of meetings to develop relationships and partnerships across the CP system. In its entirety, this work involved an estimated 140+ hours of work (i.e. 4 working weeks) on the part of LCCLC staff. Some of the work was a natural consequence of increasing legal work in child protection, but much of it was proactive work to contribute to law reform submissions and deliver CLE to an array of audiences (e.g. community services, prisoners at Tarrengower prison).

It was apparent that while this work was valued by the CLC, it was time consuming and difficult to focus on strategic activities given the targets attached to duty lawyer and grant services and the general amount and nature of legal work required (i.e. responding to emergency applications). Despite this, LCCLC has clearly demonstrated its capability and capacity to contribute to the broader CP jurisdiction.

5.1.8 Outcome #7 - Stronger working relationships between DHHS, CLCs, VLA, the court & other key legal & non-legal service providers in CP system

It is apparent that the Pilot has strengthened linkages across the CP system in Bendigo, primarily through the introduction of the Form B protocol but also due to the efforts and working style of LCCLC.

Views of stakeholders
All stakeholders consulted, even those initially wary of the introduction of a CLC to the sector, were very positive about the impact LCCLC has had on the CP system and relationships more broadly. While all stakeholders acknowledge that LCCLC have improved representation for clients, they also point to their breadth of service and professional manner as being conducive to the system overall.

“There are systemic issues in the Bendigo region and low level of legal knowledge so parents were often signing DHHS orders without advice so legal education is really important and the CLC has done this. They provided information and sat on a panel for a Stronger communities, Safer Children event last year - We’ve had good feedback about it.”

— VALS

“The CLC lawyers are clearly strong advocates for their clients both inside and outside the courtroom. They have been very good at keeping the Department and Courts honest by following up on matters and not letting issues drift and remain unresolved. I would really like to see the Pilot become business as usual here.”

— DHHS staff, Bendigo

“All the LCCLC lawyers are very professional and easy to deal with. Having them here has meant more conciliation conferences have been able to proceed because previously clients were not represented and there would be multiple adjournments but having them in the room means clients are more able to make decisions and feel reassured.”

— Children’s Court staff, Bendigo
Given the acknowledged longstanding challenges in the Bendigo region, the improvement in relationships between stakeholders from the Pilot being initiated is a significant result and likely to have long lasting benefits to the system.

**Effectiveness of Form B protocol**
As noted already, the Form B protocol has substantially increased access to legal representation for families in Bendigo. This is a result of improved communication with DHHS and the work of VLA Bendigo to contact all parties and ensure they are represented, as well as the availability of LCCLC (as an additional provider) to take on matters.

Stakeholders in the region, including DHHS and the Courts, noted that there were tensions and lack of transparency in the region prior to the introduction of the Form B protocol, and that the use of this form has improved the allocations process.

> “The Form B system has improved things a lot for VLA and being able to see more of the cases – there wasn’t much communication between DHS and VLA before and as a result there was insufficient representation for parents but now this has sped up things at court and put less pressure on the duty lawyer.”
> — Children’s Court staff, Bendigo

Since the Form B protocol commenced in December 2015, VLA Bendigo data indicates that 316 Form Bs have been received and processed. As DHHS data for Loddon region includes the Mildura and non-emergency applications which are not covered by Form B, it was not possible to isolate exactly how many ‘emergency care applications’ were made by DHHS in Bendigo over that period. However it is likely that this represents the majority of matters in Bendigo and confirms that the Form B protocol has been a success.

> “The introduction of the Form B allocation process, coupled with the Pilot Project and the enthusiasm of local Private Practitioners to be part of the Duty Lawyer referral scheme has meant that… participation and access to justice for all parties in a child protection proceeding has increased in the Loddon Campaspe area.”
> — VLA staff, Bendigo

**5.1.9 Outcome #8 – Cost efficiencies achieved through delivering services**
This outcome is explored in Section 6 - Cost analysis
5.2 Women’s Legal Service Victoria

A quantitative snapshot of the work delivered by the Women’s Legal Service Victoria (WLSV) is presented in the table below.

Table 11 - Services delivered by WLSV (October 2015 - February 2017)

<table>
<thead>
<tr>
<th>Item</th>
<th>Target (where applicable)</th>
<th>Quantity delivered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total unique clients supported with CP matters (through casework, DL or advice)</td>
<td>244</td>
<td></td>
</tr>
<tr>
<td><strong>Duty lawyer services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total DL services delivered</td>
<td>250</td>
<td>259</td>
</tr>
<tr>
<td>Total DL clients</td>
<td></td>
<td>179</td>
</tr>
<tr>
<td>Source of DL referrals</td>
<td>+ 89% VLA</td>
<td>+ 11% other (existing clients / private practitioners / external partners)</td>
</tr>
<tr>
<td><strong>Grants and casework</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total unique grants approved</td>
<td>172</td>
<td>173</td>
</tr>
<tr>
<td>Child protection grants approved</td>
<td></td>
<td>132</td>
</tr>
<tr>
<td>Other related grants approved (family law/family violence)</td>
<td></td>
<td>41</td>
</tr>
<tr>
<td>Grant approval rate</td>
<td></td>
<td>94%</td>
</tr>
<tr>
<td><strong>Total cases with CP matter identified</strong></td>
<td></td>
<td>132</td>
</tr>
<tr>
<td>Total CP cases outside of a grant</td>
<td></td>
<td>58</td>
</tr>
<tr>
<td><strong>Advices and referrals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CP legal advices provided</td>
<td>76 (56 clients)</td>
<td></td>
</tr>
<tr>
<td>Total clients provided with legal referrals</td>
<td>198</td>
<td></td>
</tr>
<tr>
<td>Destination of legal referrals</td>
<td>+ 70% internally into CLC for CP casework</td>
<td>+ 19% internally for other identified legal issue + 6% referred externally for legal issue</td>
</tr>
<tr>
<td><strong>Total non-legal referrals provided</strong></td>
<td></td>
<td>14*</td>
</tr>
<tr>
<td>CLE, community development, partnerships and law reform activities*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of activities</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Meetings held with other key stakeholders (legal and non-legal)</td>
<td></td>
<td>8+</td>
</tr>
<tr>
<td>CLE / law reform / advocacy hours (based on estimate by CLC)</td>
<td></td>
<td>201</td>
</tr>
</tbody>
</table>

* Non-legal referrals at WLSV included referrals to in-house social worker and financial counsellor and were not captured consistently throughout the Pilot so this figure is likely an underestimate

**Some of these activities commenced prior to October 2015 and both the quantity and hours are likely to be underestimates given the informal meetings and phone conversations that have occurred
5.2.1 Duty lawyer services, grants of legal assistance and DHHS Court applications

The monthly breakdown of duty lawyer services is presented in the chart below\(^{31}\).

![Number of duty lawyer services provided by WLSV, per month](chart1.png)

**Figure 10 - Number of duty lawyer services provided by WLSV, per month**

WLSV slightly exceeded its total target for provision of duty lawyer services over the seventeen months under consideration, and met or exceeded its monthly target in all but the first three months. Through the provision of 259 DL services, they supported 179 individuals. Given the contextual challenges discussed in sections 2.1.4 and 4.1 (i.e. low engagement/attendance by clients, the occasional need for lawyers to be present at multiple courts for conferences), this is a good performance.

A monthly breakdown of the grant work is presented in the chart below\(^{32}\).

![Grants of legal assistance approved for WLSV, per month, by legal issue (CP vs other issues)](chart2.png)

**Figure 11 - Grants of legal assistance approved for WLSV, per month, by legal issue (CP vs other issues)**

\(^{31}\) It was agreed between VLA and WLSV to reduce their duty lawyer services from 5 days per week to 3 days per week from July 2016 onwards, in recognition of an unsustainable workload – this meant the targets of duty lawyer appearances reduced proportionally from 18/month to 12/month

\(^{32}\) Given the duty lawyer service is the predominant source of CP clients and grant applications, it was also agreed that the targets for approved grants would be reduced from 12/month to 8/month
WLSV had a total of 173 grants approved between October 2015 and February 2017, meeting or exceeding the monthly targets in 11 of those 17 months. The low number of approved grants (particularly no CP grants) between October 2015 and January 2016 were to be expected given the difficulties in recruiting a senior CP lawyer, the time being devoted to training and WLSV becoming accustomed to the ATLAS and grant processes. Unlike in the Bendigo region, DHHS applications and grants in Moorabbin were far more consistent and correlated, as can be seen in Figure 12.

![Figure 12 – Total CP grants at Moorabbin Children’s Court vs DHHS Applications in Southern Melbourne](image)

WLSV met its overall grant approval target and the number of ongoing grants over the Pilot period also reflects the amount of work performed. This is presented in Figure 13. Ongoing grants rose significantly between January to May 2016, reflecting their five days of duty lawyer services per week across the courts at Moorabbin (4 days) and Broadmeadows (1 day), and consequent volume of work. In June 2016, as noted, WLSV reduced their duty lawyer services to three days per week at Moorabbin only and appeared at Moorabbin, Broadmeadows and Melbourne Children’s Court as needed for scheduled court work. As a result, they were able to moderate their workload and maintain a more consistent and sustainable caseload of around 45 ongoing CP cases.

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33 DHHS data is available by ‘CP Local Area’ and Southern Melbourne area includes Moorabbin Children’s Court.
5.2.2 Outcome # 1 - Increased access for priority clients to legal services

The Pilot has clearly helped provided greater legal representation for priority clients in the metropolitan region but it is not clear whether it has increased access overall or simply met increasing demand.

Number of grants

In calendar year 2015, there were a total of 432 Court applications in Moorabbin and 1054 grants - an average of 2.4 grants per application. In calendar year 2016, after the pilot had commenced, the total number of grants increased by 34% while applications increased by 36%, meaning the number of grants per application remained at 2.4.

As Figure 14 illustrates, the proportions of grants for the various legal providers have shifted since the Pilot commenced but there has been an overall increase for both VLA (48%) and private practitioners (20%) between 2016 and 2015. As the number of grants and number of DHHS applications have increased at the same rate, it is not clear whether the Pilot has increased access or simply met increased demand.
Priority demographic characteristics

The second aspect of this outcome relates to priority clients for VLA. While VLA has different eligibility guidelines for assistance and more specific priority groups compared to CLCs, there was broad alignment between the profile of clients supported by the two CLCs and VLA’s expectations. A comparison of CP grants with four priority demographic characteristics identified shows that the Pilot has predominantly serviced VLA’s priority clients.

Table 12 - Proportion of CP grants with priority demographic characteristic identified in Moorabbin, October 2015 - February 2017

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>WLSV</th>
<th>PPs</th>
<th>VLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability</td>
<td>32%</td>
<td>15%</td>
<td>18%</td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islander</td>
<td>7%</td>
<td>6%</td>
<td>5%</td>
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<tr>
<td>Government benefit</td>
<td>93%</td>
<td>58%</td>
<td>45%</td>
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<tr>
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<td>4%</td>
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</table>

*Family violence indicator was added to applications in 2016 and only recorded for 60-70% of grants since then and data for PPs is only available in total not by region

Since the Pilot commenced, CP grants for WLSV have been substantially more likely to be for clients with an identified disability, are on a government benefit (indicator of low income), are experiencing homelessness or at risk of/experiencing family violence. The proportion of CP grants for WLSV clients identifying as Aboriginal or Torres Strait Islander is approximately the same as other providers in Moorabbin.

Looking at the change over time in grants with priority demographic characteristics further reinforces the impact of the Pilot. As the charts in Figure 15 below demonstrate, the total number of grants for clients on government benefits and those experiencing homelessness appear to be increasing while remaining steady for clients with a disability or identifying as Aboriginal or Torres Strait Islander. They also show that WLSV are serving a higher proportion of clients with disability, on low income (government benefit) and experiencing homelessness than VLA or PPs were previously. This suggests that rather than displacing service to these clients from other legal providers, WLSV has increased access for these priority groups.
Figure 15 - Priority demographics over time in Moorabbin court, total grants and proportion by provider

34 FY 2017 projected data is based on applying basic linear extrapolation to the number of grants with the proportions by provider remaining steady, i.e. if the number of grants with homelessness identified were 20 after eight months, they would be (20 * 12/8 =) 30 for the full year
5.2.3 Outcome #2 - Increased access to responsive, appropriate & quality CP legal services

It is apparent that the Pilot has provided clients with child protection and related matters access to providers of responsive, appropriate and quality legal services in the Moorabbin court and helping achieve favourable final orders for clients.

Views of clients

WLSV clients expressed a positive opinion on the service they received at Court and beyond. The most common themes to emerge were similar to those for LCCLC clients in that WLSV clients felt respected and listened to, found the CLC lawyers to be supportive and compassionate, and that they went above and beyond to help.

Three of the clients interviewed had previous experience with other legal aid and private lawyers and felt the lawyers were better than they had previously received or expected.

“‘She [WLSV lawyer] left no stone unturned. I felt like I got everything I needed in terms of understanding my options and what was happening.’”

“I was so afraid of doing anything wrong so I’d call DHHS often and couldn’t reach them so I’d call the Women’s lawyer and she’d help. Even now after the case is over she’ll sometimes call to see how I’m doing and to let her know if I need anything.”

“With my previous private lawyer, I was her client and paying her but I was always chasing her but with Women’s, I don’t even pay them and the service is wonderful. They always call to check on me and don’t make me feel like just a number.”

– WLSV clients

Given the sample of clients consulted was quite low, the evaluation also considered case studies prepared by WLSV and client survey results. These views were backed up by these two sources of information and in particular, the results from a survey of 14 CP clients conducted by WLSV in 2016, which found that:

- 86% were satisfied or very satisfied with the quality of legal assistance they were provided – with the remaining 14% moderately satisfied and none not satisfied
- 100% found the advice provided was easy to understand
- 100% felt respected and listened to at most times or all times

These results also compare favourably with a 2015 VLA survey which found that 86% of its Child Protection clients (n=44) were satisfied or very satisfied with the service overall and between 81-90% found the service helpful.

35 WLSV staff (personal communication, 10 March 2017)
Another component of appropriateness specific to WLSV’s services is that it is staffed exclusively by women and provides services to women only. The clients consulted did not state that they would have been troubled by a male lawyer but upon reflection, having a female lawyer made them more comfortable, particularly if there were other family violence and IVO issues.

“Another component of appropriateness specific to WLSV’s services is that it is staffed exclusively by women and provides services to women only. The clients consulted did not state that they would have been troubled by a male lawyer but upon reflection, having a female lawyer made them more comfortable, particularly if there were other family violence and IVO issues.”

Views of other stakeholders
There was a very positive view of the team of WLSV lawyers expressed by the majority of stakeholders consulted. A consistent theme was that the lawyers were focused on the best interests of their client and the broader case, and are understanding and collaborative with everyone, and spend time supporting clients inside and outside court.

The staff at Moorabbin, in particular felt that the service they provided was needed given the increasing demand and appropriate given the number of vulnerable women in the system.

“All practitioners here are good but I think we are all quite pleased when we find out that it’s a WLSV lawyer representing a vulnerable woman. It’s clear that their main motivation is better client outcomes and I can’t think of any cases they ran where they should have settled, their approach always seems appropriate.”

- DHHS staff, Moorabbin

“I think WLSV have been excellent, they really go the extra mile for their clients. I know from experience how uncomfortable it can be for women to deal with male lawyers when they’ve come from an abusive situation where they have been completely disempowered.”

- DHHS staff, Moorabbin
Final orders for cases
The final orders for closed grants of assistance were analysed for WLSV cases and compared to the final orders for other CP clients at the Moorabbin court since the Pilot commenced to help understand if their work was translating to different orders to the status quo.

An analysis of all closed grants for adult women revealed that WLSV has been advocating for and helping their clients achieve favourable outcomes, as:

+ WLSV grants for adult women had higher proportions of family reunification and preservation orders than private practitioners’ grants and lower proportions of care by secretary orders
  - 71% of closed WLSV grants resulted in a family reunification or preservation order compared to 51% for private practitioners
  - 1% of closed WLSV grants resulted in a care by secretary or permanent care order compared to 9% for private practitioners
+ WLSV grants with family preservation and reunification orders were also slightly higher than VLA in-house grants

Figure 16 - Select final orders for Moorabbin Children’s court (% of closed grants for adult women), by provider, between Oct 2015 – Feb 2017

As noted, legislative changes that came into effect in March 2016 mean order types have been renamed in ATLAS and preclude a meaningful trend analysis of final orders prior to the Pilot to determine how much might be attributable to the Pilot itself and whether these select orders have changed proportionally for all providers.

5.2.4 Outcome #3 - Increased timely identification and support for other legal issues
While it was not possible to properly assess how timely the support was, it is clear that the work of WLSV has provided CP clients with cross-jurisdictional support for their other legal issues.

Number of legal referrals made
Between October 2015 and February 2017, WLSV lawyers provided legal referrals to around 90% of all clients, particularly those that were assisted as part of the duty lawyer service to continue their engagement with the CLC. Specifically:

+ 70% of duty clients were referred internally for CP casework
+ A further 19% were referred internally for other identified legal issues (e.g. family law)
+ 6% were referred to another legal provider

Overall, at least 38 clients were supported with both CP and another legal matter. This number is likely an underestimate as CLSIS does not enable easy recording of secondary matters and so this information was not captured consistently by WLSV throughout the Pilot.

Views of clients and other stakeholders
Most of the other matters related to intervention orders and other family/civil law matters and for these clients, continuity of service and cross-jurisdictional support appears to have had a positive impact based on a review of client case studies provided by WLSV. Some of the stakeholders consulted identified the multifaceted nature of cases and additional legal issues often faced by clients that would benefit from a more holistic legal service and continuity, especially with individual lawyers. As with LCCLC, WLSV lawyers do their own appearances for clients, working as a team to manage files as necessary.

5.2.5 Outcome #4 - Increased targeted and appropriate referrals into non-legal support services
While it was not possible to fully assess the uptake of referrals, it is clear that WLSV has utilised both its in-house non-legal support functions and its strong networks with other service providers in the region to provide clients with warm referrals to non-legal support services, and there is some evidence that their referrals are more likely to be taken up.

Number of non-legal referrals made
An estimated 14 non-legal referrals were made for CP clients between October 2015 and February 2017. Most of these were to WLSV’s in-house financial counsellor and social worker for financial support, accommodation support or AOD counselling.

38 For reasons of confidentiality, these cannot be republished here
As noted, the number of CP clients that receive and take up non-legal referrals from legal practitioners is low given the multiple referrals that are both provided and mandated by DHHS, the Courts and other providers. This is evidenced by the 2016 WLSV client survey results which found that 7% of CP clients had received and followed up a non-legal referral39.

Views of clients and other stakeholders

Three of the four clients consulted for this evaluation stated that they were provided with either a warm referral to another support service or information about one. They did not confirm that they had followed up on the referrals but indicated that they appreciated the information and trusted the advice of the lawyer about where to go if they needed further support.

Specific case studies prepared by WLSV did highlight a number of occasions where their lawyer and social worker acted in concert to achieve a better outcome for clients40.

As noted, the crisis nature of many CP cases makes it particularly challenging for clients to address other matters (legal and non-legal). This sentiment was echoed by the WLSV financial counsellor and social worker who remarked on the difficulties in supporting these clients in the first instance when they were preoccupied with their legal case but that, in the social worker’s case, speaking with clients alongside the lawyer went a long way towards addressing some of their anxieties and frustrations about the case.

“Since November 2016, I’ve been trying to come to court with the lawyers and I think it puts a lot of the clients at ease if I’m there alongside their lawyer and us working together to connect them with the right service, which can be more appealing than if a Court or DHHS orders them.”

-WLSV social worker

“It’s often a little easier to engage with other family law clients than with CP clients who are usually more disadvantaged and disempowered and their financial issues can seem less pressing.”

-WLSV financial counsellor

As noted, DHHS and Court personnel also commented on the benefits they perceive from WLSV providing wrap around services.

“Having someone sit with you when you call Safe Steps and then go on to advocate for you in Court is immensely valuable.”

-DHHS staff, Moorabbin

“VLA do know about other support services but the WLSV lawyers seem to have a lot of information about supports for women and are able to provide warm referrals to connect mothers who are in difficult situations. We didn’t have this with the private practitioners or even our own lawyers.”

-VLA staff, Moorabbin

39 WLSV staff (personal communication, 10 March 2017)
40 For reasons of confidentiality, these cannot be republished here
5.2.6 Outcome #5 - Increased professional capability of CLC to undertake CP legal matters

The Pilot has established CP work as a major component of WLSV’s work and contributed substantially to their CP capability and broader family law practice.

Number of clients being supported for CP matters

Prior to the Pilot, WLSV did not provide any CP services. Since initiating the Pilot, WLSV has provided the following CP legal support:

- Duty lawyer services to 179 clients
- Casework through a grant of assistance to 132 CP clients
  - 38 cases of which involved both CP and a related legal matter
- 76 CP legal advices to 56 clients

Overall, LCCLC lawyers supported 244 unique clients with CP legal matters and in terms of clients, this represents around 10-15% of total clients over this period but in terms of ongoing cases, child protection represents over 40% of WLSV’s active case files in all areas. Clearly the capacity of WLSV to undertake CP legal work has increased significantly as a result of the pilot.

Professional development undertaken by WLSV

In addition to having a VLA lawyer seconded for the first six months of the Pilot to set up the CP practice, WLSV staff involved with the Pilot have participated in a series of professional development and training activities, including:

- Shadowing with VLA Melbourne CP team – approx. 20 days
- Legal education training through WLSV – 25+ hours
- Ethics CPD at Children’s Court – 2 days
- ATLAS training

Views of WLSV

WLSV management has welcomed the increased CP work as a valuable addition to their existing services and allowed them to provide a critical service for women. The Pilot is seen as benefitting the lawyers involved, who primarily had a family law background, improving both their skills/knowledge and their ability to provide a continuous service for their intervention order and family law clients who have a child protection matter. The Pilot has also improved understanding of the CP jurisdiction across WLSV, whereby other staff are better able to identify CP issues and/or provide advice as required, e.g. through the night telephone service.

There was, however, a perception that the initial level of training provided was insufficient. For example, there was no reverse shadowing with VLA prior to the Pilot as there were concerns around confidentiality and while a senior VLA lawyer was seconded, much of her time required attention to client work rather than mentoring and training the WLSV team. As a result, the lawyers involved in the Pilot spent significant overtime developing their knowledge in the area while performing their work. WLSV has largely self-managed this learning process and maintained its own shadowing and reverse shadowing regime to train their lawyers and
feel they are operating capably and effectively individually and as a team support their clients with CP and related legal matters.

“The training could have been handled a lot better. Not sure everyone recognised how much court work is involved and therefore how little time that leaves for training and getting up to speed with the legislation. By the time the VLA seconded lawyer arrived, there was little time to shadow first and then reverse shadow so a lot of on the job training but the WLSV lawyers were very good and excellent with clients.”

- VLA staff

“Initially I was concerned about getting CP questions from clients but have become much more confident and the Pilot has made me a better lawyer overall and I’ve been well supported by the team”

- WLSV lawyer

Views of clients and other stakeholders

Again, while no formal assessment of self-reported improvements in staff skills or confidence has been undertaken, feedback from clients indicated a high degree of satisfaction with the abilities of WLSV lawyers supporting them on their CP matters. This can also be inferred from WLSV’s client survey which, as noted, found that 86% of their CP clients were satisfied or very satisfied with the service they received. In comparison, the same survey results for WLSV’s clients overall found an 83% satisfaction rate. In other words, WLSV’s CP clients (albeit a small sample) expressed a slightly higher satisfaction rate than WLSV’s other clients which can be seen as a positive indicator of their ability to provide quality CP legal support.

The other stakeholders consulted also felt that WLSV had much to learn swiftly and initially lacked some of the confidence and expertise, but that they had improved significantly over the course of the Pilot and were now performing very well.

“It was really important to me to make it clear that I was working on my issues and the kids needed a stable home environment but DHHS did not seem to care. The Women’s lawyer pushed this view and even the Magistrate said he initially sided with DHHS but after hearing our side, he changed his mind so we were very happy”

- WLSV client

 “[WLSV] bring a different approach to matters. I sometimes felt that they don’t push back on the Department enough but it’s obviously how they approach matters. I have definitely seen a rapid growth in [WLSV’s] strength and knowledge around CP work and confidence in processes at this court, which only comes with exposure. It’s been wonderful having them here and advocating strongly and courteously for their clients.”

- DHHS staff, Moorabbin

“At the start the lawyers were clearly unprepared and inexperienced. I know it wasn’t their fault and they have become much better and had a steep learning curve.”

- Private practitioner, Moorabbin
5.2.7 Outcome #6 - Increased capacity for CLC staff to undertake other strategic CP activities

WLSV has been involved in a range of strategic CP activities as a result of the Pilot and demonstrated both their capability and interest in contributing to community legal education and law reform in this area.

CLE, community development and law reform activities

Since the Pilot commenced, WLSV participated in at least 12 relevant activities including:

- CP training to LINK partner - Wimmera United Care in June 2016
- Seminar on ‘Safe & Protected, Multi-disciplinary approach to Family Violence’ in October 2016
- Delivering the Muslim Women’s Legal Training to approximately 20 participants in July 2016
- Submissions to CCYP Permanency Amendments Inquiry; Family Drug Treatment Court Evaluation; VLA CP Review

This exceeded the target of 6 that had been set and in addition, WLSV participated in regular Moorabbin Court User’s meetings and made presentations at the Broadmeadows Family Drug Treatment Court. In its entirety, this work involved an estimated 200 hours of work (i.e. over 5 working weeks) on the part of WLSV staff. As with LCCLC, this work was a natural consequence of increasing legal work in child protection and part of WLSV’s broader ethos, but much of it was proactive work that demonstrated WLSV’s ability and interest in undertaking broader strategic work.

5.2.8 Outcome #7 - Stronger working relationships between DHHS, CLCs, VLA, the court & other key legal & non-legal service providers in CP system

It is apparent that the Pilot has had a positive impact at the Moorabbin court through the efforts and working style of WLSV.

Views of stakeholders

Most of the stakeholders consulted were very positive about the impact WLSV has had on the CP system and Moorabbin court specifically. There was considerable feedback about the challenging nature of CP work specifically and some of the practices at the Moorabbin court, notably a small pool of legal practitioners and vexing cases. Both VLA staff and private practitioners pointed out that, prior to the pilot, private practitioners were not attending consistently and that the Pilot has helped improve this and speed up processes at Court.
One private practitioner suggested the best measure of the CLC lawyer’s performance would be whether they had progressed any matters to contested hearing, testing DHHS accountability throughout the court process, however DHHS lawyers indicated that WLSV did not contest cases without merit and tended to work more collaboratively with the Department whilst advocating for their client to reach a better outcome. This suggests WLSV is having an impact on the operational culture at Court.

Some DHHS stakeholders also commented on the philosophy and approach of the CLC as being a valuable addition to the culture. They identified that clients were being provided with more holistic support but also meant that the jurisdiction was being ‘opened up’ beyond the narrow pool of practitioners that can sometimes create a toxic culture between practitioners, the Department and other stakeholders.

5.2.9 Outcome #8 – Cost efficiencies achieved through delivering services

This outcome is explored in Section 6 - Cost analysis
6 Cost analysis

The cost analysis was conducted to determine whether there was any notional savings to the Legal Aid fund by assessing what it would have cost to deliver the Pilot activities through private practitioners.

6.1 Inputs and assumptions

The cost analysis was based on the following inputs and activities conducted up to the end of February 2017.

Table 13 – Inputs to cost analysis

<table>
<thead>
<tr>
<th>Items costed</th>
<th>Inputs</th>
<th>Covered by Legal Aid Fund</th>
</tr>
</thead>
</table>
| 1. Child Protection grants approved for each CLC | + Number of grants approved  
+ Claims submitted for work done against grants | Yes                        |
| 2. Other family law grants approved for each CLC | + Number of grants approved  
+ Claims submitted for work done against grants | Yes                        |
| 3. Duty lawyer services provided by each CLC     | + Number of duty lawyer services  
+ Duty lawyer fees payable to private practitioners | Yes                        |
| 4. Child Protection advices provided by each CLC | + Number of CP advices provided  
+ VLA in-house rates (according to VLA financial performance model) | No, as private practitioners are not funded to perform this work |
| 5. Community Legal Education / Law reform / advocacy work performed by each CLC | + Estimated hours spent on these activities  
+ VLA in-house rates (according to VLA financial performance model) | No, as private practitioners are not funded to perform this work |
| 6. Child Protection casework outside of a grant performed by each CLC | + Number of cases outside of approved grants  
+ Average of claims for approved grants | Potentially, as some of this casework may have been eligible for a grant but also some would not have been |

The following assumptions and notes accompany the analysis:

+ All figures are GST inclusive unless otherwise indicated
+ All grants claims are based on actuals where submitted and where not available, extrapolations based on actuals
+ All rates are based on the 2016 VLA fee schedule\(^{41}\) – primarily an hourly rate of $151 and all fees used are listed in Appendix D – Fees and rates applied.
+ Duty lawyer services are costed on the assumption that:

o 40% of services involved 1 allocated matter or less and paid the minimum rate (2.5 hours for metro and regional)
o 60% of services were paid the max rate (5 hours for metro and 6 hours for regional)
+ Advices are costed at 45 mins on average – this is likely to be a conservative assumption
  o Advices only relate to CP legal advices (instances, not individuals) – both CLCs also provided other family law advices but these were not recorded consistently and only CP advices were assigned contractual performance targets – this therefore slightly underestimates the value of services delivered by the CLCs
+ CLE/law reform/advocacy work is based on estimates of hours spent by each CLC and an additional 20% loading to account for additional relationship building work and incidental discussions that have occurred over the Pilot period
+ Travel time has not been factored in, except for LCCLC for their CLE/law reform/advocacy work based on estimates provided by them- this is likely to be a conservative estimate

### 6.2 Funding and value of services delivered

A total of $1.14m (inc GST) was provided to fund the two CLCs for services over the 24 month period from July 2015 – June 2017. In order to compare with the data analysed, the funding to end February 2017 has been calculated as equivalent to $949,386 as shown in the table below.

**Table 14 – Pilot funding by site (inc GST)**

<table>
<thead>
<tr>
<th></th>
<th>Total funding</th>
<th>Total funding to Feb 2017*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pilot as a whole</strong></td>
<td>$1,139,263</td>
<td>$949,386</td>
</tr>
<tr>
<td><strong>LCCLC</strong></td>
<td>$572,311</td>
<td>$476,926</td>
</tr>
<tr>
<td><strong>WLSV</strong></td>
<td>$566,952</td>
<td>$472,460</td>
</tr>
</tbody>
</table>

*Assumes funding is expended uniformly, i.e. to Feb 2017 equals 20 months of total two year funding

The total value of the services delivered as costed in this analysis to Feb 2017 is $1.06m (£1.06m), indicating a notional saving to VLA of around $114,000.

**Table 15 – Pilot value of services delivered – overall costing (inc GST)**

<table>
<thead>
<tr>
<th></th>
<th>ATLAS Claims (CP and non CP grants)</th>
<th>Duty lawyer services</th>
<th>All other items (CP advices, CLE/law reform/advocacy, non-grant cases)</th>
<th>Total to Feb 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Pilot as a whole</strong></td>
<td>$560,976</td>
<td>$316,809</td>
<td>$185,846</td>
<td>$1,063,631</td>
</tr>
<tr>
<td><strong>LCCLC</strong></td>
<td>$174,542</td>
<td>$157,265</td>
<td>$140,787</td>
<td>$472,594</td>
</tr>
</tbody>
</table>

42 The VLA financial performance model assumes advices take 15 mins (+ 15 mins for preparation/follow up) and advices with individuals with a disability or interpreter are likely to take 60+mins (inclusive of prep/follow up) – given the large proportion of clients with disability supported by the CLCs, it was assumed that the average advice would take between 30 – 60 mins in total.
This suggests the Pilot has been extremely cost effective, as it is comparing the value of legal services delivered over a 15 month period against the entire funding to February 2017. In other words, it includes one-off establishment costs (e.g. recruitment and training) and assumes the funding is expended uniformly from July 2015 when the services being costed did not primarily commence until October 2015 and December 2015 for LCCLC and WLSV respectively. It also highlights the amount of preparatory, training and administrative work undertaken by all project partners which was not funded and/or absorbed internally but has now become business-as-usual, i.e. there are additional trained and experienced child protection lawyers in the system going forward.

Finally, this costing only represents the notional saving to the Legal Aid Fund in terms of legal services delivered. This Pilot, however, was set up to pay for the additional ‘wrap-around’ services and way of working offered by CLCs which other legal practitioners do not provide. The $114,000 of savings does not capture the value of these broader benefits to clients and the system.

The notional costing for both CLCs and the Pilot as whole is presented in the tables and graphs below, noting that there is no comparison being made between the two CLCs as the demand, targets and contexts in both locations were completely different.

Table 16 – Pilot value of services delivered – breakdown of costing to Feb 2017

<table>
<thead>
<tr>
<th>Item</th>
<th>LCCLC</th>
<th>WLSV</th>
<th>Pilot as a whole</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Quantity</td>
<td>Notional cost ($)</td>
<td>Quantity</td>
</tr>
<tr>
<td>CP grants</td>
<td>105</td>
<td>160,762</td>
<td>132</td>
</tr>
<tr>
<td>Other grants</td>
<td>9</td>
<td>13,780</td>
<td>41</td>
</tr>
<tr>
<td>DL services</td>
<td>222</td>
<td>157,265</td>
<td>259</td>
</tr>
<tr>
<td>CP advices</td>
<td>68</td>
<td>7,701</td>
<td>76</td>
</tr>
<tr>
<td>CLE / Law reform / advocacy hours</td>
<td>172</td>
<td>25,912</td>
<td>241</td>
</tr>
<tr>
<td>Non grant CP cases</td>
<td>70</td>
<td>107,175</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>$472,594</td>
<td>$591,037</td>
<td>$1,063,631</td>
</tr>
</tbody>
</table>
Figure 17 - Costing of actual services delivered by the Pilot as a whole to Feb 2017

The overall amounts varied between the CLCs as expected given the difference in quantity of services delivered and some of the assumptions involved in the analysis (e.g. higher rates for duty lawyer services in Bendigo):

- For LCCLC, the total value of services delivered of $472,594 was essentially equal to the funding provided.
- For WLSV, the total value of services delivered of $591,037 was substantially higher (25%) than the funding provided.

This is to be expected given that equivalent funding was provided to both CLCs, however the targets (and consequently activity expected) for grants and duty lawyer services were higher for WLSV, recognising the contextual differences between metropolitan and regional locations.

Figure 18 - Costing of actual services delivered by LCCLC to Feb 2017
As noted in Table 13, not all the items costed here can be compared against delivery by private practitioners as PPs are not funded to provide some of those items, namely legal advices, CLE/law reform/advocacy work and clients assisted outside of a grant. In that regard, a more reasonable comparison would be to solely look at the grants and duty lawyer services provided.

This is shown in the table below, where the total value of these services is $877,785 which is $71,600 less than the funding provided to February 2017 ($949,386). This restricted view still indicates the Pilot has been cost effective as it is again comparing service delivery against the entire funding, which includes costs associated with establishing the Pilot, and does not account for the addition of two trained, experienced and respected legal providers in the CP system to support clients going forward.

### Table 17 – Pilot value of services delivered – Approved grants and duty lawyer services only

<table>
<thead>
<tr>
<th></th>
<th>Approved grants</th>
<th>Duty lawyer services</th>
<th>Total to Feb 2017</th>
<th>Funding provided (to Feb 2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pilot as a whole</td>
<td>$560,976</td>
<td>$316,809</td>
<td>$877,785</td>
<td>$949,386</td>
</tr>
<tr>
<td>LCCLC</td>
<td>$174,542</td>
<td>$157,265</td>
<td>$331,807</td>
<td>$476,926</td>
</tr>
<tr>
<td>WLSV</td>
<td>$386,434</td>
<td>$159,544</td>
<td>$545,978</td>
<td>$472,460</td>
</tr>
</tbody>
</table>

Also the numbers would have been higher but there was mutual agreement between VLA and WLSV to reduce the latter’s targets for approved grants and duty lawyer services from July 2016 onwards, in recognition of an unsustainable workload.

Overall, it is clear that in addition to the other benefits envisaged from bringing CLCs into this jurisdiction such as providing continuity of service for clients, facilitating access to better non-legal support as required and embedding a community-focused ethos into the system, there have been cost efficiencies for VLA.
6.3 CLC costs and broader savings and benefits

It is important to note that this cost analysis does not:

1. Provide an indication of how much it cost the CLCs to deliver these services. It is an analysis of what it would have cost VLA to fund these services through a private practitioner and allow a comparison with the funding provided. Both CLCs have made some estimates as to what it has cost them to deliver the Pilot in terms of resourcing. It was not within the scope of this evaluation to assess this but these estimates are presented in Appendix E – Estimates of the cost to CLCs to deliver the Pilot and are crucial to understanding what was required to deliver the Pilot. For example, the actual administrative and management resources required by both CLCs were greater than anticipated, given the amount of legal work required to meet service targets. It was also not within the scope of this evaluation to comment on the relative merits of the funding model applied (i.e. salaried lawyers vs fee-based services) but remuneration / payment should be seen in the light of both attracting / retaining skilled practitioners for child protection services and the challenges of relatively low practitioner fees for child protection work.43

2. Provide a monetary indication of the broader savings and benefits that have flowed from the Pilot to individual clients, the broader community and the child protection system. This was not within the scope of the evaluation to consider. There is substantial data and research estimating the costs associated with the child protection system in terms of child abuse and neglect, family violence, self-represented litigants, court finalisations and out of home care. For example:

- The Productivity Commission’s Inquiry into Access to Justice Arrangements estimated that annual costs of family violence to government are between $5000 - $7000 per victim and the total annual social costs are between $35,000 - $36,750 per victim.44
- In 2011, Deloitte Access Economics calculated that the wellbeing cost to an individual from child abuse and neglect in Victoria is around $39,000 while the financial cost to society over a person’s lifetime was up to $293,000 per person - in terms of costs associated with health services, productivity loss, housing, and crime.45
- The Children’s Court of Victoria estimated that 33.7% of contested hearings in the family division involved a self-represented litigant in 201546
- The 2016 Access to Justice Review by the Department of Justice and Regulation conducted a survey of self-represented litigants and found

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43 As noted in the Access to Justice Review (2016), VLA has identified that private practitioner fees for child protection work have increased by less than CPI over the past decade, and low fees / inadequate fee structure present the dual risks of not attracting sufficiently skilled practitioners and poor quality work from practitioners endlessly extending matters and/or carrying too many files.
45 Deloitte Access Economics (2011)
46 Department of Justice (2016), p.473
that 68% represented themselves because they could not afford a lawyer and/or did not qualify for legal aid.

- It is conservatively estimated that, on average, a three day contested hearing costs the Children’s Court of Victoria $9,250 and DHHS $3,300, while a conciliation conference costs CCV less than $2,000 and DHHS approx. $680.

- The Report on Government Services calculates that the real recurrent expenditure on all out of home care services in Victoria was $50,702 per child in 2015-16.

- The Report on Government Services calculates that the real recurrent expenditure in the Victorian Children’s Court (civil cases) was $2,279 per finalisation in 2015-16.

Using these figures, if the CLCs work had increased the number of cases with favourable outcomes for clients by 5% compared to business as usual could mean, for example:

- $1,800 in avoided costs to society annually per individual from preventing family violence, according to the Productivity Commission report
- $1,950 in lifetime wellbeing benefits for a young person, from avoided child abuse and neglect, according to the Deloitte report
- $14,650 in lifetime financial savings for government per individual, according to Productivity commission report
- Over $9,000 in notional savings to the Children’s Court and DHHS for every conciliation conference that is successfully settled and avoids a three day contested hearing and around $4,000 if a contested hearing is shortened by one day
- $2,535 in notional savings to out of home care services and $114 in notional savings from court finalisations per individual, according to RoGS

Going forward, many of the data systems established for this Pilot can be used to measure these additional benefits from the work of the LCCLC and WLSV and for VLA funded services more broadly. This would enable a more direct estimate of the savings and benefits for individuals, communities and the State.

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48 HOI (2016)
49 Productivity Commission (2017a), p.16.53
50 Productivity Commission (2017b), p.7A.32
51 This is illustrative only and based on calculating 5% of the value of the figures for various costs in the previous list, noting that they are not all mutually exclusive
7 Effectiveness of the Pilot

It is evident from the information and analysis presented in sections 5 and 6 that the Pilot has been highly effective at achieving the overall aim of addressing priority clients’ complex child protection and family law related issues through targeted, timely and continuous legal services using CLCs.

The evaluation has outlined what the Pilot has achieved through detailed analysis of the performance of both CLCs and this section delves into the factors that affected the design and implementation of the Pilot and enabled or inhibited the delivery and effectiveness of services.

7.1 Pilot Design, Implementation and Appropriateness

The two CLCs were involved and invited to participate in the design of the Pilot. This included development of the service agreements and associated performance targets, as well as the logic model and outcomes envisaged for the Pilot. These outcomes were predicated upon a set of assumptions identified in the logic model and the appropriateness of the pilot from design to implementation is explored in this section.

7.1.1 Design and implementation - Assumptions vs reality

As noted, the desires outcomes for the Pilot were broadly achieved in both locations. It was evident however that some of the original assumptions did not hold and while this did not affect the achievement of outcomes, understanding how the assumptions fared in reality helps identify areas of weakness and opportunities for improvement in the model, particularly if future expansion is considered.

Financial resources and staffing adequate to adjust service delivery to meet local need – there are enough lawyers on the ground

While financial resources and resultant staffing being inadequate do not directly impede targets, they make achieving overall pilot outcomes challenging. It was clear that while there was flexibility and adjustments made to meet local need, resources on the ground were stretched. Time and resources associated with tasks, data entry, travel and client communications that were not adequately resourced at the start stretched staff at both CLCs and VLA Bendigo. Notably the amount of court based work required and the ‘emergency’ nature of most cases meant a large amount of court based work for both CLCs. This often meant managing a simultaneous presence at multiple courts, which made it challenging to provide a holistic service and high level of engagement with clients, and also meant less time for other vital functions such as building relationships, timely identification of issues and being able to meet the training needs of staff related to the pilot activities.

“It is hard to meet and provide wraparound outcomes when you are focused on the courtroom and responding to emergency applications.”
- WLSV lawyer
Demand, although expected to continue to increase, will not significantly outstrip supply in pilot period.

Within a few months of the Pilot commencing, it was clear that there was a mismatch between the actual demand and supply in both regions, albeit in different ways:

- For WLSV, the increased workload made being at court for 5 days of the week unsustainable for WLSV staff. This necessitated an adjustment to service delivery, which meant maintaining a presence at the Moorabbin court for 3 days a week and ceasing regular appearances at the Broadmeadows court.
- The introduction of the new allocation system in Bendigo, while beneficial in providing more parents with timely legal advice, meant the number of grant cases for VLA Bendigo to manage increased substantially - nearly 90% between 2015 and 2016.
- The quantity of CP matters as well as regional travel requirement to cover circuit court needs has also meant that LCCLC lawyers are placed in a situation where they have had to decline work due to insufficient resourcing. Considering the limited legal resources available in regional areas, this meant some parents were left unallocated and without legal advice and representation – 8-9% according to VLA Bendigo data for the Pilot period.

This is related to the previous assumption around adequate resourcing to meet service needs and ultimately these assumptions not holding meant that the full potential of the Pilot was not able to be realised.

CLSIS and ATLAS will capture the reporting data needed

Both CLSIS and ATLAS did provide much of the reporting data needed for monitoring progress and evaluating the Pilot, however there were limitations with both systems.

With ATLAS, the data required for the ongoing monitoring was straightforward but additional manual processes were required by VLA to record and extract grants data.

With CLSIS, there were limitations in recording and extracting some information, e.g. where there was an additional matter beyond the presenting legal issues for a client. Both CLCs employed workarounds for this by adding additional fields and codes to facilitate easier reporting but it meant extracting and consolidating data for progress reports was less efficient than it could have been had the reporting template and items requested been better linked with CLSIS exports.

Protocol between DHHS and VLA is effective and operational, and all DHHS staff adhere

The Form B protocol between DHHS and VLA with respect to allocations has been a major success and was essential for the Pilot to operate in the Bendigo region. The direct result of this is that clients who fell through the system without representation are now being serviced and the protocol appears to be operating effectively.

Communication between all parties is fluid and effective in a short space of time

Fluid communication has developed during the course of the pilot to date amongst all parties directly involved in the Pilot, as well as between the CLCs, VLA, Department and Court staff and private practitioners, leading to the development of cordial and mutually respectful relationships. There could have also been more communication between the CLCs to share learnings however, given the similar requirements on achieving outcomes and their shared
role in implementing the pilot in two separate regions. Yet there was no significant contact between many WLSV and LCCLC pilot staff until the mid-term reflections workshop.

“We [WLSV and LCCLC] were all going through the same issues and it would have been good to be introduced to them earlier. We could’ve been sharing some knowledge of our experience in court and would have really helped as we could have supported each other”

– WLSV lawyer

Transferral of knowledge from VLA seconded lawyer at WLSV is adequate to equip WLSV staff to take on expanded CP legal roles

A senior lawyer was seconded to WLSV for six months due to difficulties recruiting an adequate candidate at the initiation of the pilot. Whilst the transferal of knowledge from the seconded lawyer to staff at WLSV was helpful in getting the pilot going and achieving the stated outcomes, this was delayed and the process was hindered due to underestimating the amount of work required and competing client demands:

+ With little input from the seconded lawyer during pilot design, there was ambiguity with respect to the type of support required to be provided and knowledge transfer requirements
+ Given the actual caseload on the inception of the pilot, the seconded lawyer was spending a large amount of time conducting casework and at court which hindered the ability to provide formal training to WLSV lawyers

“The first few months were very challenging. There were weeks where we would be at Court handling cases and not able to do proper training or office-based work. Things worked out because of the dedication of everyone to make it work”

– VLA seconded lawyer

This also had an impact on CP lawyers at the VLA Melbourne office as they had to provide more ongoing support than was originally envisaged and had not been resourced.

Recruitment is completed in a timely manner and there is a full complement of appropriately skilled staff at each CLC

The pilot was initiated under the assumption that a pool of qualified lawyers would be readily available to be recruited at each of the sites and this was vital to the achievement of the pilot’s intended outcomes. It was clear that both CLCs had been fortunate to recruit (and retain) the staff that they had and for the majority of the pilot, have operated a full complement of skilled staff. However, engagement with each of the sites revealed that recruiting and retaining candidates with the appropriate expertise requirements was a challenge, as there is a relatively small pool of appropriately trained lawyers in the Child Protection sphere and for those candidates who were available, only full-time positions were attractive and the salaries offered were not considered competitive. The issue of salaries is a challenge across the jurisdiction and also due to pay parity structures within the CLCs, which meant that CP lawyers had to be paid at a similar rate to other lawyers. In the case of WLSV, this necessitated the seconded lawyer from VLA and they also had a lawyer involved in the Pilot leave to join the Bar a few months in.
7.2 Service delivery - enabling and inhibiting factors

The successful delivery of services and achievement of outcomes through the Pilot were enabled and inhibited by a range of factors and these are discussed in this section.

7.2.1 Enabling and success factors

There were six main enabling factors identified:

1. CLC ethos and approach (continuity of service)
2. Quality of individual lawyers
3. Teamwork and management structure
4. Knowledge of family law
5. Flexibility with service delivery (from CLCs and VLA)
6. Having a Pilot logic and M&E framework and conducting an MTR workshop

CLC ethos and approach

The underlying philosophy of the CLC and ability to provide continuity and breadth of service was revealed to be a key factor as to why they have been able to appropriately and effectively achieve the intended outcomes of the pilot for clients and the sector. As identified in section 5, a number of clients of both LCCLC and WLSV benefitted both from cross-jurisdictional support provided in terms of favourable legal outcomes, and allaying their concerns and anxieties around multiple legal issues by forming a relationship with clients rather than referring them to another provider for a legal matter, when many clients may not understand why different lawyers are required nor want to repeat their stories. Their community focused nature meant that both CLCs also recognised that many of their clients face problems that need more than solely legal solutions, and have worked to build relationships with local organisations within their communities to holistically address the interrelated needs of their clients. They have thus been able to link clients in with appropriate health, financial counselling and accommodation support services. These partnerships also worked the other way, whereby their community partners are better versed with CP legal issues and can refer clients to the CLCs when they identify a need for legal support.

While VLA lawyers also have access to such services, feedback from VLA suggested that WLSV lawyers are more savvy about using referrals and this is an area where VLA are learning from them. Additionally, the consultation suggested that private practitioners do not see non-legal referrals as part of their role and if they do provide them, it is usually not a “warm referral.” In order to most effectively serve a client’s needs it is important that they are not only informed of appropriate referrals but also supported to take them up.

“I recently referred a mum who was really stressed and has multiple issues so I took her in and the LCCLC lawyer allayed it all and now the client is comfortable continuing with her so I won’t need to go back”

- Community partner, Bendigo
The structure of the Pilot funding model, which allowed for some work outside of ATLAS grants, meant that CLC lawyers could also continue to operate with a focus on quality, not only quantity, and thereby provide ongoing and flexible support to clients both at and outside court. Engagement with clients, community partners and Court staff made it clear that individuals prefer to come back to the same service. The CLCs rarely engage other firms to act as agents when they are not available, which while putting strain on their ability to service multiple courts, means they can maintain continuity for clients with individual lawyers. The CLCs also sought to limit the number of cases they handle at any given time. For example, WLSV lawyers maintain a maximum workload of five files per day at court.

Quality of CLC Lawyers
There was unanimous feedback from key stakeholders at court that the CLC lawyers were able to navigate a steep learning curve under challenging circumstances. They were required to become acquainted with distinct CP practice protocols and develop technical expertise to deliver outcomes for clients. The quality of the individual lawyers was repeatedly cited in consultations with clients and other stakeholders. WLSV lawyers, in particular, had no prior CP experience and have developed their practice considerably to the point where clients at Moorabbin now request their services while LCCLC were fortunate to recruit (and retain) two lawyers with experience in CP work, including court experience. This was an important factor in building the capacity of the team.

Effective teamwork and management
CLC lawyers operate within legal teams with access to other multi-disciplinary staff specialising in various other community service areas such as social work, financial and other areas of counselling. The consultations revealed that working this way was an important enabler of effective outcomes at both pilot sites as it provided a support system to staff to discuss case issues and maintained continuity and consistent quality of service when staff were unavailable on court days. In LCCLC’s case, for example, the nature of the regional court system and large catchment area, lawyers often had to spend extended days in court and
travel long distances to serve their target client which the team were able to do while keeping up the quality of service provision.

Central to effective teamwork was also keeping case files and notes up to date and clear communication channels amongst the team. A team approach also provides moral support to lawyers both in and out of court during periods of high case loads.

In addition, having an in-house financial counsellor and social worker (at WLSV) working in tandem with the lawyer (at WLSV), and co-locating with housing support and a community health service (at LCCLC), means there is a multidisciplinary team on hand to support the clients that need this.

The management structure of a CLC is also beneficial as, unlike most private practitioners where the principal lawyer and director of the firm were often the same person or people, the CLCs had a management team separate from the practitioners. This was highlighted in particular by a DHHS representative that stated it provided greater accountability and made it easier to address any concerns.

“Knowledge of Family Law

The CLC lawyers at both pilot locations had a family law background prior to building their capacity in the CP practice. Consultation with stakeholders made it clear that most CP cases involved elements of family law issues and the lawyers’ prior knowledge in this practice area benefitted clients as they were able to approach cases in a different way to how CP specialist private practitioners would. The CLC lawyers also readily acknowledged that their family law knowledge and experience made it easier to pick up on some of the CP work but also that undertaking CP matters and the Pilot experience overall had benefitted their existing family law practice. It also aided in continuity of service as it meant the same lawyer could provide a client with support on matters of family and CP law.

“CLCs have a strong family law background which has been especially useful in effectively dealing with vulnerable women clients involved in family violence settings and many who find it difficult engaging with the legal system.”

- VLA staff, Melbourne

Flexibility with service delivery

As noted, many of the assumptions for the Pilot logic did not hold but both VLA and CLCs were flexible enough to respond to this and meet the needs on the ground and ensure outcomes were achieved.

In the case of WLSV, they consulted with VLA to adjust their service delivery arrangements at Moorabbin and Broadmeadows courts to recognise the workload impact on the quality of services. In the Bendigo region, LCCLC made themselves available to respond to allocations from VLA Bendigo and servicing the regional courts. VLA Bendigo also responded by
absorbing the influx of work from the introduction of the Form B protocol in terms of both increased administration and client work. Overall, both the CLCs and VLA demonstrated a high degree of flexibility around service delivery and performance, recognising the need for this in a complex pilot, and this was instrumental in the Pilot achieving many of its longer-term outcomes without undue concern for whether short-term targets were consistently met.

Having a Pilot Logic, M&E framework and MTR workshop
While there were concerns among the CLCs about the development of the pilot logic, the M&E framework and associated reporting requirements, it was clear that these were essential to achieving and documenting the Pilot outcomes. The Pilot logic itself, as noted, was comprehensive in articulating the desired outcomes at various levels (for children and families, the two CLCs, the broader CP system) and the M&E framework identified a range of useful metrics and indicators of success. The M&E framework meant that VLA was able to monitor the performance of the Pilot, and the CLCs had formal milestones and means with which to take stock of their progress and communicate emerging successes and challenges to VLA. It also facilitated the mid-term and final evaluations by collating data throughout the Pilot. The MTR workshop was also an important factor as it provided an opportunity for all three parties (WLSV, LCCLC and VLA Melbourne/Bendigo) to come together for the first time and reflect on the Pilot. This resulted in an honest and critical appraisal by the stakeholders of achievements and challenges.

7.2.2 Inhibiting factors and challenges
Beyond some of the assumptions that did not hold (as covered in section 7.1.1), there were some challenges and inhibiting factors identified. These did not hinder the achievement of most of the desired outcomes, but affected the implementation of the Pilot and likely prevented it from reaching its full potential:

1. Insufficient training and shadowing
2. Existing cultures and operations in CP system
3. Funding period
4. Administrative burden

Insufficient training
Many stakeholders felt the amount of training provided to both CLCs was not adequate and both VLA and the CLCs noted that it was not sufficiently considered in the Pilot design. As a result, there were gaps in the level of training provided to lawyers at both participating CLCs during the start of the project. For example, LCCLC’s shadowing opportunities were limited and much of their training was self-directed using videos and presentations provided by VLA, which was useful from a theoretical perspective but not practically. While the lack of formal training was clearly overcome over time through the work of individual lawyers, it represented a risk to vulnerable clients in the initial months.
Existing culture and operations at Court
Both locations posed cultural and operational challenges to service delivery in the lead up to the Pilot. In the Bendigo region, there was limited communication between DHHS and the VLA office and feedback from stakeholders that the culture around child protection matters was often challenging with many parents not receiving access to representation. At Moorabbin, the cultural challenges were related more to the perceived hostility of private practitioners. Although VLA developed and executed a comprehensive communications strategy, there was limited knowledge of the Pilot roll-out among many of the system stakeholders consulted (DHHS lawyers, private practitioners and court staff). The CLCs experienced expressions of concern from private practitioners about the impact the new model would have on their work and in some instances, animosity due to concerns surrounding their ability to sustain their casework. The lawyers at WLSV and LCCLC were required to explain the Pilot to relevant court stakeholders while trying to establish their presence to ensure a collegial work environment. This eventually occurred but the CLCs felt that a more collaborative approach to initial communications could have facilitated a better start to the Pilot.

Funding period
The consultation revealed that both CLCs felt that as the Pilot progressed they started to see more clients with both family law/family violence and child protection issues, and clients with multiple legal needs more broadly, but the Pilot was not long enough to capitalise on this and is not captured in the reporting data\(^5\). LCCLC staff also found it challenging at times to engage with other service providers as the Pilot had a finite period and some providers were reluctant to refer clients to them as there was a chance that the program would not continue. There was also concern from the management of both CLCs (and VLA) about the risk of losing the lawyers involved in the Pilot given that funding was only for two years. While acknowledging that Pilots will always be finite and subject to evaluation for further funding, some of the desired outcomes (e.g. improved referral processes and strengthening linkages across the sector) were unlikely to be achieved in the two year period of the Pilot.

Administrative burden
As part of the Pilot requirements, and to determine any efficiencies delivered, it was essential for CLCs to apply for grants of legal assistance for their CP clients and submit claims in the same manner as other practitioners. This was done through VLA’s ATLAS system. The use of ATLAS, and applying for grants in general, was a new requirement for CLC staff and both CLCs felt they were not provided with sufficient training on ATLAS usage. The quarterly reporting template provided by VLA to the CLCs was also considered cumbersome and they, particularly WLSV, found it challenging to complete.

\(^5\) The cut off for data analysed in this evaluation was February 2017, so only captured 15 months of service delivery
While acknowledging the administrative burden on the CLCs meant resources may have been diverted from service delivery\(^{53}\), having a detailed framework and reporting template in place is vital for a Pilot and it is to be expected that the CLCs adapt to this. Similarly, it was necessary to use ATLAS to enable a proper evaluation of the Pilot costs and therefore potential for moving it to an ongoing program.

Also, unlike private practitioners, submitted claims were not to be paid out for the two CLCs, as they had already received lump sum funding. This meant that VLA administrative staff had to develop manual procedures to ensure processed claims were not paid and occasionally errors were made in how this occurred.

### 7.2.3 Unintended outcomes

The Pilot logic developed provided both a blueprint for rigorous monitoring and comprehensive picture of the expected and desired outcomes. The evaluation has outlined the extent these outcomes were achieved and did not uncover any material unintended outcomes, either positive or negative.

However, two unexpected outcomes were identified:

1. The additional work flow for VLA Bendigo due to the introduction of the Form B protocol. While effective in being able to allocate lawyers to previously unrepresented clients, the newly introduced Form B system placed an additional administrative task on VLA Bendigo, but also substantially increased work for VLA in responding to the increased demand for representation, with the same number of resources they had before the pilot was initiated. Again, this was not caused by the Pilot but was essential to the delivery of the Pilot and not fully considered in the design or implementation.

2. CLCs were able to assist clients outside of a grant of legal assistance due to the Pilot agreements and their eligibility criteria being less strict than VLA’s. While improving outcomes for those clients, VLA Bendigo expressed concern that this resulted in a level of disparity in access to legal services between parties in the same legal proceedings, given VLA in-house lawyers and other practitioners are constrained by the VLA grant guidelines.

As noted, both of these were not considered material unintended outcomes but are important to manage going forward, with the current CLCs (particularly #2) and if expanding to other areas (particularly #1).

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\(^{53}\) WLSV estimated at least 1-2 hours per file for their lawyers on ATLAS and 2-3 days to prepare the quarterly reports while LCCLC estimated up to 5 days of lawyer time to prepare each report, and significant administration and lawyer time for ATLAS.
Lessons learned

8.1 Involving CLCs in child protection legal jurisdiction

The Pilot has demonstrated that involving CLCs in the CP jurisdiction can work well and as intended, by providing access to a wraparound service for clients that are known to experience multiple legal and non-legal challenges.

As noted, one of the outcomes was to build ‘stronger working relationships across the CP system’ and it was clear from the consultations that the two CLCs progressed this by establishing and building relationships, attending meetings and approaching cases differently to common practice in the jurisdiction.

Court representatives and staff at DHHS in particular, commented favourably on the impact that LCCLC and WLSV have had on the system, notably their approach to negotiations, problem solving and focus on outcomes for their clients and case as a whole. All stakeholders consulted who expressed apprehension at the introduction of CLCs and practitioners with limited experience in CP, felt that the Pilot had been successful nonetheless and their initial concerns had mostly been allayed by the work of individual lawyers.

Overall, the involvement of LCCLC and WLSV has been welcomed by existing actors in the CP systems in Bendigo and Moorabbin, respectively, and demonstrated that CLCs can deliver services in this jurisdiction.

8.2 Relevance and applicability of the model to other areas

8.2.1 Expansion to other locations and CLCs

It is clear that the model employed for the Pilot is transferable to CLCs in other locations. To be successfully replicated in other locations and CLCs, a number of considerations have been identified from the experience at the pilot sites.

Well resourced CLCs

CLCs are varied in their resourcing and skillset so it is important to consider these aspects when choosing which one and where to expand to. One of the key findings was the unexpected number of clients that came through on inception of the pilot so it is important that the CLC is adequately resourced to cope with the volume of work. WLSV has had a team of four lawyers working on the pilot and recommended that CLCs engaged to do child protection work should have an overall casework team of at least six lawyers as well as a proportion of child protection to other work of not more than 1:2. While LCCLC did not feel there needed to be a minimum number of practitioners, it seems that WLSV’s recommendations are reasonable as multiple lawyers (numbers dependent on local demand) would enable concurrent delivery of duty lawyer services, attending to ongoing cases at court(s) and being able to support each other in a challenging area of law. Ensuring the team are also not working solely on CP matters would also be beneficial in terms of maintaining expertise in other areas of law and reducing the likelihood of requiring to brief
external counsel to appear at court appearances, interim hearings and conferences. The pilot also demonstrated that with an increase in cases comes with an administrative component. Potential CLCs therefore need to be high functioning with a broader team of appropriate administrative and managerial staff support to appropriately respond to the work and likely peaks and troughs.

**Staff expertise**
The skillset required by the CLC and lawyers is an important consideration should the pilot be expanded. Specifically, the CLC should have lawyers with experience and comfort in:
- Duty lawyer work
- Casework; and
- Active litigation

Although many CLCs are experienced in providing FV duty lawyer services, the emergency nature and frequent mentions in CP work, combined with managing ongoing casework can prove challenging. The requirement for CLC lawyers to engage in casework and representing clients at court also means that existing organisational expertise is an important consideration. Both CLCs had experience in all of these areas but still found themselves adapting to a large active caseload and this was helped by their strong managerial support system.

Active litigation experience, beyond provision of advice and casework, is also crucial, as is the nature of the litigation. The majority of CLC lawyers participating in the pilot came from a family law and family violence background and while experience in this was clearly beneficial from an advice and casework service perspective, it may also be valuable to have litigation experience in other areas of law such as criminal law. Criminal law represents a comparable jurisdiction to CP in that cases are being brought by the State and some of the stakeholders consulted indicated that some experience in criminal matters would provide the skills required to successfully navigate CP procedures and protocols.

**Allocation of matters in regional locations**
As noted, a significant oversight and unexpected outcome of the Pilot has been the impact on the VLA Bendigo office from the ‘Form B’ protocol. This meant VLA Bendigo regained responsibility of allocating lawyers to clients, which were previously being allocated by the Bendigo DHHS. As other regional locations also experience inconsistency in allocation of CP matters54, it would be necessary to establish a similar protocol in those locations as well. This will have an administrative burden on the local VLA office and potentially result in an increased caseload from increased access for clients. Therefore the resourcing and CP capability at local VLA offices should be considered if the model is expanded to locations, particularly regional, where VLA is not primarily involved in the allocation of matter.

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8.2.2 Applicability to other areas of law
While the majority of stakeholders consulted were primarily involved in the child protection and family law jurisdictions, they were also asked about whether this model (involving CLCs as duty lawyers and to provide casework) could be applied in other jurisdictions. There was no indication from stakeholders consulted or from the analysis undertaken that the model would not work in other areas of law, provided the lessons learned (e.g. sufficient up front training and understanding of the jurisdiction) were heeded.

“There are so many issues out there in regional areas, not just family law or child protection, and not enough lawyers. This is a good model and bringing other CLCs on board would work.”
- Community partner, Bendigo

“I think involving CLCs in this manner is a responsible way of allocating VLA funding and feel it would increase accountability for all providers and be a benefit to have the CLCs complement VLA and PP lawyers in other geographies and areas of law”
- DHHS management

Currently CLCs account for less than 5% of duty lawyer and grants in the Civil and Criminal divisions of VLA’s work\(^{55}\) so there is ample scope for growth of CLCs, acknowledging that these should be prioritised in geographies and jurisdictions where there is unmet demand by the current service provision arrangements from private practitioners and VLA lawyers.

8.3 Sustainability of the Pilot
LCCLC and WLSV have made significant leaps in their knowledge and practice and started to establish strong relationships and are well placed to continue the work, with a streamlining of the administration and reporting and continued funding. During the consultations, both CLCs expressed a strong willingness to continue the Pilot noting how it had resulted in CP work becoming a substantial component of their practice and developed the capacity of its staff to undertake both legal matters but also work within VLA systems\(^{56}\). All stakeholders consulted, from DHHS staff to community partners, indicated that they felt there was a continuing need for the services and wanted to see the Pilot become established.

Two factors which emerged during the Pilot and consultations which were not necessarily inhibiting factors to performance, but should be considered were the retention of staff and availability during holiday periods.

\(^{55}\) Department of Justice (2016)
\(^{56}\) It is noted that WLSV has submitted a funding request to VLA outlining the funding required to continue to deliver their current services at the Moorabbin Court, as well as an expanded service to Melbourne and Broadmeadows
8.3.1 Retention of skilled staff

A corollary of the difficulties in recruiting skilled staff is that it is crucial to retain those staff. The two year term of the pilot resulting in contractual rather than ongoing employment, the remuneration involved, and the challenging nature of CP work represented a continuing risk to the retention of lawyers. This could compromise the ongoing delivery of the Pilot and the acquired knowledge and skills base of the CLC. Both CLCs expressed this concern and it was acknowledged at the mid-term reflections workshop that this should have been better addressed. It should be noted that this speaks to a wider challenge within the CLC sector in relation to remuneration and pay parity, both with VLA and private practice but also within CLCs. Additionally, in LCCLC’s case, difficulties in retention of staff in regional and rural areas is well acknowledged. There has been research into attracting and retaining community sector staff generally and in rural/regional contexts. In addition to the obvious strategies of providing greater remuneration and employment certainty, other options trialled include:

- Financial incentives such as:
  - Bonus payments based on years served
  - Additional paid leave
  - Subsidising housing or relocation/travel costs (for RRR centres)
- Job enrichment through:
  - Obtaining greater input from lawyer into their position description
  - More flexible work arrangements
  - Co-locating with other services (legal or non-legal)
  - Facilitating secondments to other CLCs or private firms
  - Coordinating and funding professional networking & development opportunities
  - Assigning mentors from outside the CLC

8.3.2 Availability over December holiday period

A number of individuals consulted in both Bendigo and Moorabbin pointed out that while VLA and private practitioners maintain some staff during holiday periods (e.g. over Christmas), CLCs close down and often there are more cases around this time due to family pressures. Both WLSV and LCCLC indicated that they ensured there was a lawyer available during holiday periods and so for future work, this should be managed with all providers to ensure that clients receive adequate representation.

In order to continue the Pilot work at both locations, VLA and the CLCs should:

- Establish sufficient certainty on funding arrangements and appropriate remuneration to enable retention of existing lawyers and recruitment of additional ones as required
- Amend the monitoring requirements to reflect the work is now ongoing and no longer a pilot and ensure service delivery targets are in line with what is needed going forward and experience to date (e.g. recognising that while many of the targets were reached through significant overtime, there was also additional administrative work that will no longer be required)

57 See for example Law Institute of Victoria (2009); DPCD (2010)
9  Conclusion and recommendations

The CLC Children’s Law Pilot has trialled a unique approach to delivering child protection services. In less than two years of operation, the Pilot has demonstrated an alternative approach to practice in the challenging environment of a child protection system that is experiencing ongoing pressure from increasing demand, gaps in service provision and legislative change. Evidence detailed in this evaluation and gathered throughout the Pilot has also shown that it has delivered on its twin outcomes of providing and increasing access to quality legal services for disadvantaged clients while introducing a new, cost effective and holistic model of service into the child protection jurisdiction.

The two regions targeted, Bendigo and Moorabbin, have different contexts and needs but the rationale for the Pilot has been demonstrated in terms of meeting demand and increasing access. The CLCs have responded to the needs and achieved the outcomes envisaged for the Pilot and while some of the service delivery targets were not met, this is understandable given the incomplete understanding of the landscape (particularly in Bendigo) and challenges with assumptions identified when contracts were established. The results suggest that the model has identified a responsible way to allocate VLA funding to complement existing private and in-house practitioners, and presents a strong case for moving from a ‘pilot’ to a ‘program’ and retaining the model in the Bendigo region and Moorabbin court. The evaluation has also highlighted many of the success factors and transferable lessons of the model employed.

9.1  Recommendations

Many of the improvement opportunities in the design of the Pilot and challenges associated with delivery have already been addressed during the first 12 months of the Pilot. Additionally, one of the more significant ongoing challenges – the administrative burden for VLA and CLCs required because of the ATLAS claim process - may dissipate if the pilot becomes an ongoing program and is funded as a salaried practice. This means there are limited recommendations to be made to address delivery of services. A number of recommendations, however, have been made to enable improved monitoring and reporting of broader social and economic impact and, at VLA’s discretion, future expansion of the Pilot.

9.1.1  Service delivery with existing CLCs

1. Convert the pilot models into ongoing programs at WLSV and LCCLC
2. Recognising that the pilot has concluded, a detailed M&E framework will no longer be required and instead there should be some minimum service reporting and ongoing performance monitoring, linked with CLASS and ATLAS to enable easier extraction and input of data and any associated calculations
3. Specify and budget for the need to have resources allocated (within CLCs and VLA) to the ongoing collection and reporting of data
4. Work with the CLCs to formulate actions/deliverables and create space for the broader aspects of the model (e.g. pre and post-order assistance, CLE and community development), which were not able to be fully explored in the Pilot given the demand driven environment.

5. Consider the use of social workers and other non-lawyer staff at LCCLC, to work with clients and address the concurrent non-legal issues experienced by most CP clients.

6. Assess the demand at Broadmeadows’ Family Drug Treatment Court and viability of extending funding to re-establish WLSV’s presence there.

7. Work with the CLCs on availability in December over the holiday period to ensure clients have adequate representation from the CLCs or other providers.

9.1.2 Measuring social and economic impact

8. Building on the work done in this Pilot to establish data systems and partnerships with CLCs, work with CLCs and non-legal support services to establish ways to better track and measure the social and economic impact of appropriate legal and non-legal support on clients and the wider CP system, as highlighted in section 0.

9.1.3 Expanding the Pilot to other areas

9. Undertake a ‘readiness assessment’ with any potential CLCs, including on the basis of the criteria identified in section 8.2.

10. Consult with relevant stakeholders in the area to understand local issues, make objectives clear and establish/solidify relationships with all parties (the CLCs, local VLA, Court and Department staff, other practitioners, community partners).

11. Ensure there is a series of training modules developed and delivered by senior lawyers to all staff in advance of any service delivery, followed by sufficient shadowing and reverse shadowing and ongoing access to training and support (e.g. a contact point at VLA or refresher modules) – involve the current CP lawyers at LCCLC and WLSV in the development of material and co-delivery of training where possible.

12. Establish longer-term contracts with any future CLCs (3+ years) and/or allow for extensions of contracts subject to a mid-term evaluation, with sufficient notice to provide certainty to the CLC (in terms of funding and retention) and also to help develop relationships with other partners in the region.

13. Provide sufficient guidance (both hands on and written material) on the use of ATLAS and application of grant guidelines, if CLC staff are expected to continue this process.

14. As occurs at WLSV, consider funding non-lawyer staff (e.g. social workers, financial counsellors) to support clients alongside lawyers and provide a more holistic service.

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58 This has been recommended by WLSV directly to VLA in a proposal in April 2017.

59 This may align with the Department of Justice’s Access to Justice Review recommendation for VLA to develop its financial performance model into a more thorough tool to demonstrate value for money (Department of Justice, 2016, p.425).
10 References


## Appendix A – List of stakeholders consulted

<table>
<thead>
<tr>
<th>Stakeholder group / organisation</th>
<th>Details</th>
</tr>
</thead>
</table>
| Victoria Legal Aid               | 1 x Executive Director, Family, Youth and Children’s Law  
|                                  | 3 x Program and Project Managers, Child Protection  
|                                  | 3 x Child Protection Lawyers, Melbourne  
|                                  | 1 x Legal Practice manager, Bendigo  
|                                  | 2 x Child Protection Lawyers, Bendigo  
|                                  | 2 x Paralegals, Moorabbin and Melbourne  
|                                  | 1 x Administrative Services Manager, Bendigo  
|                                  | 1 x Assignments Manager, Melbourne |
| Women’s Legal Service Victoria (WLSV) | 1 x CEO  
|                                   | 5 x Lawyers  
|                                   | 1 x Social worker  
|                                   | 1 x Financial counsellor |
| Loddon Campaspe Community Legal Centre (LCCLC) | 1 x EO  
|                                                   | 1 x Legal practice manager  
|                                                   | 3 x Lawyers |
| Clients of WLSV and LCCLC         | 4 x women, WLSV  
|                                   | 5 x women and 2 x men, LCCLC |
| Department of Health and Human Services | 1 x Assistant Director (Litigation), Legal Services Branch  
|                                                   | 2 x Solicitors, Moorabbin  
|                                                   | 1 x Solicitor, Bendigo  
|                                                   | 1 x Court officer  
|                                                   | 2 x Senior caseworks, Bendigo |
| Children’s Court of Victoria      | 1 x Court registrar, Moorabbin  
|                                   | 1 x Conference registrar, Melbourne  
|                                   | 1 x Conference registrar, Bendigo  
|                                   | 1 x Conference intake officer, Bendigo |
| Magistrates                       | 1 x Magistrate, Moorabbin  
|                                   | 1 x Magistrate, Bendigo |
| Private practitioners             | 2 x lawyers, Bendigo region  
|                                   | 2 x lawyers, Moorabbin and Melbourne |
| External community and legal partners | Bendigo Community Health Services  
|                                   | Family Inclusion Network  
|                                   | Victorian Aboriginal Legal Service |
Appendix B - Example consent form

Evaluation of Community Legal Centre Family and Children’s Law Pilot program – Women’s Legal Services Victoria

We would like you to help us with a project to find out more about the children and family law related legal services provided by Women’s Legal Services Victoria (WLSV).

Why do we want to talk to you?

WLSV is participating in a pilot program with Victoria Legal Aid (VLA), exploring a new approach to delivering these services. We want to talk to you because you have received services from WLSV as part of this pilot program. Your feedback on the services you have received is crucial to understanding whether the services have had an impact on individuals and families and how it can be improved.

Background to project

The Incus Group has been appointed by Victoria Legal Aid to conduct an evaluation of the pilot program. The Incus Group is an external consultancy and specialise in helping organisations better understand the impact of their services.

As part of the evaluation, consultants from The Incus Group will be speaking directly with individuals who have received legal support to find out their thoughts on the service. They will also speak with WLSV and VLA staff, Court representatives and other organisations that are involved in the Pilot to understand the broader impacts (not about specific individuals).

Participation and consent

Your participation in an interview with The Incus Group is voluntary and will not affect the services you receive from WLSV or VLA in any way.

Everything you say during the interview will be kept private and confidential and no information identifying you will be included in the evaluation report.

If you are willing to participate, we would be grateful if you could indicate your consent below.

NAME: 

SIGNATURE: 

DATE: 

I consent to participate in a brief interview for this evaluation ☐
I understand the my participation in this interview will have no effect on any service that is being provided to me ☐

Evaluator: The Incus Group
Contact details: Taimur Siddiqi, 0401 303 662, taimur@theincusgroup.com
# Appendix C – Logic Model of CLC Family and Children’s Law Pilot

## Logic Model

### Pilot Aim
To address priority clients’ complex and interrelated family and children’s law issues by providing targeted, timely, and continuous services through a mixed model of service delivery using two high capacity CLCs servicing high demand Children’s Courts.

### End of pilot outcomes

| Increased access to a continuum of effective, timely and integrated family and children’s legal services for vulnerable Victorian families, to the point that family clients reach a just resolution of their issues |
| Legal service need changes for clients and families |
| Increased access to responsive, appropriate & quality CLC legal services |
| Increased timely identification & support for other legal issues |
| Increased targeted & appropriate referrals into non-legal services |
| Increased professional capability of targeted CLC to undertake CLC legal matters |
| Increased capacity for CLC staff to undertake other strategic CLC activities |
| Strengthened working relationships between CLCs, CLC, VLA, the court & other key legal & non-legal service providers in the OP system |
| Cost efficiencies achieved through delivering services through CLC |

### Intermediate outcomes

- Increased availability of targeted legal education, information, advice and representation services for families
- Improved referral processes for families to legal and non-legal services
- Streamlined and improved process for clients when they attend court
- Expanded duty lawyer services in key locations
- Increased knowledge by CLC staff on OP system, their role within the system, and how to best support clients
- Strengthened and expanded linkages across the sector

### Outputs

- Staff employed at each CLC according to the CLC's needs and capacity (and funding available)
- Delivery of duty lawyer services in each target court
- Delivery of legal advice and information services
- Strengthened and developed communication and utilization of referral pathways
- Delivery of ongoing casework (including grant guided casework in family law, family violence and related child protection matters)
- Provision of CLC, community development, partnerships and law reform activities
- Evaluation of the pilot by external evaluators

### Activities

- Service agreements for family and children's law services with the nominated CLCs finalized
- Funding for equivalent 0.5 FTE for 24 months for each CLC to be staffed according to the CLC’s needs and capacity – nominated lawyer hired in each of CLC and VLA and other staff as locally decided
- Duty and flexible services to provide duty lawyer services at Bedford Children’s Court and Ararat Children’s Court (and other key locations as per needs of each CLC); Justice services;
- Ongoing casework in all areas of family law and children’s law; CLC, Community development, law reform services
- Professional development activities to keep CLC in the loop of current legal issues

### Assumptions

- External resources and staffing adequate to adjust service delivery to meet local need – there are enough lawyers on the ground
- Demand, although expected to continue to increase, will not significantly outstrip supply in pilot period
- Cuts and shifts will capture the reporting data needed
- Protocol between CLC and VLA is effective and operational, and all staff in both organisations

### Notes

- All outcomes and changes are aimed at improving the quality and accessibility of legal services for families and children.
Appendix D – Fees and rates applied

The following rates are based on the 2016 VLA Handbook for lawyers, VLA Financial performance model and correspondence with VLA.

The costing analysis (and evaluation overall) was focused on activities delivered between October 2015 – February 2017, which meant that there were two months in 2015 and two months in 2017 where the rates would have been 1-2% lower and higher, respectively, therefore there is no net effect on the costings from using the 2016 rates.

<table>
<thead>
<tr>
<th>Item</th>
<th>2016 rate (inc. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard hourly rate</td>
<td>$151</td>
</tr>
<tr>
<td>Duty Lawyer</td>
<td></td>
</tr>
<tr>
<td>Min (1 matter only)</td>
<td>$378</td>
</tr>
<tr>
<td>Max (5 hours) – Metro</td>
<td>$755</td>
</tr>
<tr>
<td>Max (6 hours) – Regional</td>
<td>$906</td>
</tr>
<tr>
<td>Advices</td>
<td></td>
</tr>
<tr>
<td>45 min</td>
<td>$113</td>
</tr>
<tr>
<td>CLE / law reform / advocacy</td>
<td></td>
</tr>
<tr>
<td>Based on hourly rate</td>
<td></td>
</tr>
<tr>
<td>Non grant cases (i.e. CP cases assisted outside of a grant)</td>
<td></td>
</tr>
<tr>
<td>Average claim per grant approved - LCCLC</td>
<td>$1,531</td>
</tr>
<tr>
<td>Average claim per grant approved – WLSV</td>
<td>$2,234</td>
</tr>
</tbody>
</table>
Appendix E – Estimates of the cost to CLCs to deliver the Pilot

The following estimates were provided to us by each CLC of the resourcing required to deliver the Pilot services. Unlike the cost analysis presented in section 6, which outlined the cost to VLA and value of services delivered, these estimates provide an indication of the costs of service delivery to the individual CLCs in terms of lawyer salaries, management and administration time and travel/corporate costs.

10.1 WLSV

The following table outlines the annual expected resourcing requirements for WLSV to deliver the existing suite of services at Moorabbin court as outlined in a detailed funding proposal to VLA:\(^{60}\).

<table>
<thead>
<tr>
<th>Case Work and Advice (inclusive of on costs and overheads)</th>
<th>EFT</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Lawyer</td>
<td>0.8</td>
<td>$104,000</td>
</tr>
<tr>
<td>Junior Lawyer</td>
<td>1</td>
<td>$120,000</td>
</tr>
<tr>
<td>Admin</td>
<td>0.4</td>
<td>$36,000</td>
</tr>
<tr>
<td>Project Supervision</td>
<td>0.08</td>
<td>$6,000</td>
</tr>
<tr>
<td>Travel Expenses</td>
<td></td>
<td>$6,000</td>
</tr>
<tr>
<td>Total Case Work and Advice</td>
<td></td>
<td>$272,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CLE and Law Reform</th>
<th>Hrs</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLE @ $68.50/hour</td>
<td>100</td>
<td>$6,850</td>
</tr>
<tr>
<td>Law Reform @ $68.5/hour</td>
<td>40</td>
<td>$2,740</td>
</tr>
<tr>
<td>Total for CLE / Law reform</td>
<td></td>
<td>$9,590</td>
</tr>
</tbody>
</table>

The amount of $281,590 is likely to be an underestimate as it does not include some of the additional time spent at both Moorabbin and Broadmeadows Court in the first nine months of the Pilot.

\(^{60}\) WLSV (2017)
10.2 LCCLC

LCCLC provided an estimate to The Incus Group of the legal and paralegal FTE used to deliver the Pilot and associated admin/management costs and overheads. The WLSV salary figures were applied to the FTE to enable a comparison, noting that actual salaries may in fact differ between the two CLCs.

<table>
<thead>
<tr>
<th>Case Work, Advice, CLE &amp; Law Reform</th>
<th>EFT</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyers (excl. on costs and overheads)*</td>
<td>2.5</td>
<td>$250,000</td>
</tr>
<tr>
<td>Admin (excl. on costs and overheads)**</td>
<td>0.6</td>
<td>$43,200</td>
</tr>
<tr>
<td>Supervision/Management/Reception – apportioned to Pilot</td>
<td></td>
<td>$57,200</td>
</tr>
<tr>
<td>Corporate Costs / vehicle / rent – apportioned to Pilot</td>
<td></td>
<td>$65,850</td>
</tr>
</tbody>
</table>

**Total annual cost** $416,250

*FTE salaries are calculated based on 80% of salaries used in WLSV modelling, to exclude on costs

**Paralegal/admin support calculated based on 80% of admin salary used in WLSV modelling, to exclude on costs