



EVALUATION OF HELP BEFORE COURT (HB4C)

Victoria Legal Aid

April 2022

Final Report

ACKNOWLEDGMENTS

The Incus Group would like to thank the many Help Before Court clients who shared their experience of the service through interviews and surveys.

We would also like to extend our appreciation to all the other individuals who generously provided reflections, insights and data for this evaluation. These include:

- Victoria Legal Aid legal assistants, lawyers, and managers
- Victoria Legal Aid's Help Before Court project team
- Private practice lawyers delivering Help Before Court services
- Representative from Victoria Police's CBSS Disclosure Project
- Magistrates' Court of Victoria

ACRONYMS

<i>ASM</i>	<i>Administrative Services Manager</i>
<i>CBSS</i>	<i>Central Brief Storage System</i>
<i>DLS</i>	<i>Duty Lawyer Service</i>
<i>EFAS</i>	<i>Electronic Filing Appearance System</i>
<i>HB4C</i>	<i>Help Before Court</i>
<i>LASO</i>	<i>Legal Aid Services Online</i>
<i>LH</i>	<i>Legal Help</i>
<i>MCV</i>	<i>Magistrates' Court of Victoria</i>
<i>ML/DML</i>	<i>Managing Lawyer / Deputy Managing Lawyer</i>
<i>PP</i>	<i>Panel practitioners</i>
<i>QR Code</i>	<i>Quick Response code</i>
<i>SCP</i>	<i>Summary Crime Program</i>
<i>TT</i>	<i>Triage Team</i>
<i>VLA</i>	<i>Victoria Legal Aid</i>

ABOUT US

The Incus Group is a purpose-driven consultancy working with organisations to measure what matters, and convert best intentions into successful outcomes. This report was prepared by Taimur Siddiqi.

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CONTENTS

1	EXECUTIVE SUMMARY	3
2	INTRODUCTION	10
2.1	About Help Before Court (HB4C)	10
2.2	About the evaluation	13
3	IMPLEMENTATION OF HELP BEFORE COURT	19
3.1	Development and implementation	19
3.2	Overview of service model	20
4	USAGE OF HELP BEFORE COURT	21
4.1	How many clients received services from HB4C?	21
4.2	Who was supported by the service?.....	23
4.3	How did individuals reach the service?.....	25
5	EFFECTIVENESS OF HELP BEFORE COURT	28
5.1	To what extent has it met the needs of clients?	28
5.2	To what extent has it improved the experience of clients receiving duty lawyer level summary crime services?.....	34
5.3	How has it impacted upon the workload and satisfaction of VLA administrative staff, legal assistants and lawyers?	45
5.4	How well has the introduction of the triage team worked?	50
5.5	To what extent has it improved the functioning of the summary crime system?	54
6	LESSONS LEARNED FROM HELP BEFORE COURT	58
6.1	What were the enablers and barriers to success in the project?.....	58
6.2	What lessons emerge from the HB4C pilot for VLA’s service delivery?	65
6.3	Is there evidence to support the continuation / expansion of the HB4C service?.....	69
7	CONCLUSIONS AND RECOMMENDATIONS	71
	APPENDIX 1: HB4C SUMMARY OF WORK COMPLETED	77
	APPENDIX 2: ABOUT THE CLIENT EVALUATION SURVEY	79
	APPENDIX 3: HELP BEFORE COURT GENDER IMPACT ASSESSMENT	80

1 Executive summary

This is a final report for the evaluation of the Help Before Court (HB4C) pilot service, delivered by Victoria Legal Aid (VLA).

HB4C is a new service for Victorians seeking legal assistance for summary crime matters implemented in late 2020. The service was originally conceived in response to a longstanding need to reform the ‘at court’ duty lawyer model as recommended by the 2017 evaluation of VLA’s Summary Crime Program (SCP) and articulated in the subsequent *Better Justice, Every Day* Project. This need became immediate when the COVID-19 pandemic emerged in early 2020 and there was an accompanying shift to remote service delivery and adjournments of a majority of summary stream criminal matters by the Magistrates’ Court of Victoria.

The overarching aim for the project was to create a new VLA summary crime duty service model and intake pathway for people on bail or summons in the Magistrates’ Court of Victoria, to support the progress of matters before the date of their court hearings and away from physical court locations.

The Incus Group was appointed to undertake an independent evaluation of the pilot service in April 2021. An evaluation plan with a set of questions to guide the evaluation were developed by the HB4C team and evaluation consultant. The evaluation questions were answered using a ‘mixed methods’ evaluation design. This involved:

- reviewing documentation provided by HB4C team (e.g. Project plan, Discussion papers)
- reviewing data on HB4C service usage, initial client feedback and client demographics from VLA systems (e.g. HB4C intake tool, ATLAS)
- consulting with stakeholders of the service (clients, VLA legal assistants, lawyers and managers, as well as Panel practitioners and Victoria Police)

In total, the evaluation was directly informed by the view of at least 44 VLA staff and 4 external stakeholders involved with the HB4C service and over 150 clients who received the service, either by completing a survey or participating in an interview.

1.1 What does HB4C look like in practice?

A public-facing intake tool for HB4C was launched in October 2020 (<https://www.hb4c.vla.vic.gov.au>) and involves a 4-step process for individuals as outlined in the screenshot below:

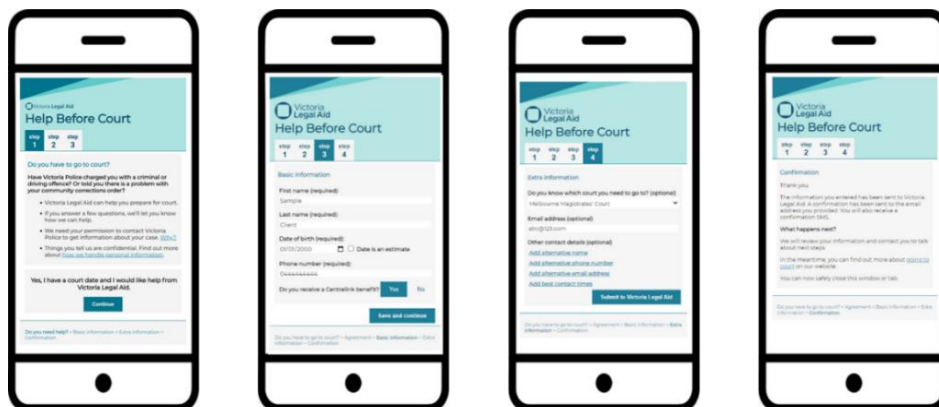


Figure A - Screenshot of HB4C website interface

Since October 2020, clients can submit a request through an HB4C online intake tool before their court date. Clients can also access HB4C services by contacting VLA through the existing pathways of Legal Help and regional offices. Most clients are then triaged by a dedicated triage team, which was established in June 2021.

Between the launch of the HB4C Online intake tool on October 7th 2020 and January 2022, **there have been approximately 17,000 requests for HB4C**. As described in the report, there were challenges with consistency and extraction of data but it is estimated **that 75% of requests (or ~11,500 individuals) received an HB4C service (legal information, advice, in-court representation)**. This equates to ~30% of SCP clients over that period.

1.2 Has HB4C been an effective alternate and complementary service model?

1.2.1 To what extent has it improved the experience of clients receiving duty lawyer level summary crime services?

HB4C was established as a pre-court service to complement the duty lawyer service and designed to improve the experience for clients and the feedback from both clients and practitioners indicates that HB4C is providing a better experience. **Overall, 81% of surveyed HB4C clients were satisfied with the HB4C service they received and between 80-90% of the survey sample felt they received a quality, timely service that met their needs.** A large majority of surveyed clients were glad they sought help before court, felt they received enough help from the service and felt less stressed about the matter while slightly over half reported that the service helped them get a better legal outcome than they expected. **85% of surveyed clients would recommend the service ‘as is’, while a further 8% would recommend it if it was improved.**

1.2.2 How has it impacted upon the workload and satisfaction of VLA administrative staff, legal assistants and lawyers?

While reform of the ‘at court’ duty lawyer model and providing pre-court assistance had been long considered at VLA, the HB4C project was implemented rapidly in response to the Magistrates’ Court’s Practice Directions around the COVID-19 pandemic that significantly altered the operations of court matters and duty lawyer services. Consequently, when HB4C was first implemented, it was experienced as challenging by VLA staff and had a negative impact on workload, particularly for administrative staff. Much of the initial challenges stemmed from intake and triage being managed by individual offices, a lack of consistent guidance or definitions around what constituted a HB4C service, and delays in receiving briefs from Victoria Police. By the time the evaluation consultations occurred in late 2021, several of these issues had been resolved, particularly through the introduction of a dedicated triage team, swifter receipt of Police briefs and sharing of best practice for HB4C. **In the evaluation consultations, staff were unanimous in the benefit of VLA provided a pre-court assistance service and when done well, it enables all the parties involved to be better prepared for court (i.e. when the request is made with enough time before court date, the client is contactable, there is timely access to the police brief and if required, prosecution team).**

1.2.3 To what extent has it improved the functioning of the summary crime system?

Determining the impact on the summary crime system from HB4C was challenging for several reasons (e.g. significant changes to the SC system due to pandemic, limited data, difficulty attributing changes to HB4C vs broader work by SCP). **Notwithstanding these considerations, stakeholders consulted for the evaluation felt that HB4C has benefitted the summary crime system in several ways:**

- **Earlier resolution of cases and fewer court events, particularly adjournments** - lawyers and managers consulted believed this occurred for some matters due to HB4C. This was supported by an analysis of 655 HB4C clients, which showed 40% of matters adjourned, compared to a 62% adjournment rate for resolved Summary Crime DLS matters in 2019.
- **Improving the summary case conferencing process** - In theory, case conferences were expected to improve as these can now take place before the day of the court appearance and because lawyers have earlier access to police briefs and can have informed discussions with their clients. In reality however, some lawyers felt that with the duty lawyer service, they had better access to the Prosecutor on the day, whereas a lack of understanding of HB4C aims and being overloaded meant that prosecutors do not prioritise proactive sessions.
- **Broader improvements to summary crime system and healthier work environment** - Almost everyone consulted felt that HB4C had relieved the substantial backlog of matters from early 2020, but it may not have reduced the pressures on the overall system so much as *redistributed* it to the triage team and lawyers delivering the service. An exception was the Victoria Police CBSS representative consulted who unequivocally felt the combination of CBSS and HB4C was a significant improvement to the summary crime system for all parties.

1.3 What has been learnt from HB4C?

The HB4C project has been a significant learning experience for VLA. The evaluation identified six main factors which enabled success in the project (e.g. a direct booking system), as well as seven challenges which are ongoing (e.g. requests close to court date) or resolved but prevented greater success (e.g. consistency across offices). In addition, there were several lessons to emerge for VLA:

- **There is an appetite for greater technology use and contact options among help-seekers** (e.g. requesting a call via online form rather than waiting on hold; lodging a request after hours). The HB4C intake tool is not VLA's first attempt utilising technology to offer assistance, however the strong uptake (600 requests/month on average) and high satisfaction of clients attest to the perceived value of this complementary and alternate pathway to assistance.
- **The value of client informed service design.** A service designer was part of the project team from the start and helped shape the project based on consultation with both clients and VLA staff. The design and delivery of the project was also informed by the views and experience of SCP clients through ongoing *Better Justice, Every Day* research into 'pain points' at court.
- **Pre-court assistance can successfully complement 'at court' duty lawyer services.** The evaluation identified cohorts of clients who appear to benefit from a pre-court service (e.g. those with complex matters, those who require interpreters), which can assist VLA in considering how it supports individuals earlier in other settings beyond SCP.
- **The importance of consistency in triage while taking a 'no wrong door' approach.** Client access and intake practices at VLA have generally evolved in an organic, decentralised manner without an overarching strategy or effective integration and this was true of HB4C as well. The project exposed how timing of a request for assistance, varying office practices, resourcing challenges and system limitations means clients do not receive a consistent, streamlined service from VLA but also demonstrated the value of a dedicated triage team.
- **The value of a proactive project management approach.** The HB4C project team approached the development and roll out of the service as a life cycle, which allowed them to be adaptive and achieve a balance between being open to feedback while progressing the project.

1.4 Is there evidence to support the continuation / expansion of the HB4C service?

Based on the evidence considered for this evaluation, there is a strong case for VLA to continue and expand the HB4C service responsibly with adequate funding. A summary of relevant findings and recommendations are provided in the table below for VLA's consideration.

Focus area	Relevant findings	Recommendations
Continuing and expanding the service	HB4C has demonstrated its viability, benefitted clients and there is a strong commitment within VLA to see the service continue and improve	1. HB4C should be continued at VLA and expanded responsibly with adequate funding.
Improving client experience and outcomes	People with a matter before court are often anxious and seeking clarity and constant communication	2. All offices should be supported to set up a direct booking system for HB4C appointments to provide certainty to clients 3. Consider ways to facilitate client engagement and understanding of their matter after the end of their service from VLA, e.g. remind clients who don't receive in-court representation to review the legal information/advice provided before their court date. 4. VLA should work with MCV as it implements its new Case Management System, to better track where a client's matter is "in the system" and communicate that to clients
	Some clients are experiencing multiple layers of intake/triage (e.g. if they eventually receive advice from a Panel practitioner after initial contact through Legal Help, they may be asked similar 'intake/eligibility' questions by Legal Help, dedicated triage team and a Panel practitioner). Inconsistencies in access, triage and intake practices are not unique to HB4C and are an ongoing area of work at VLA	5. Further work should be done between the triage team, offices who perform high volumes of HB4C intake/triage and Legal Help to streamline the triage and intake process. There is ongoing work at VLA around client access and intake so the future configuration and destination of the HB4C triage team should be considered as part of this. 6. Where applicable, ensure any intake/triage notes taken by Legal Help and/or HB4C triage team are forwarded to Panel practitioner, so they can provide a more seamless service 7. Consider the value of sharing lessons and procedures from evolving HB4C intake and triage across VLA to encourage and facilitate improved client intake and consistency of practice.
	Clients who make HB4C requests within 7 days of court matter often end up being told they can't be helped by service and/or have their matter adjourned immediately. This 7 day 'cut off period' was originally formulated when the turnaround time for CBSS briefs was slower but also to cope with availability of lawyers at short notice.	8. Consider how to ensure those seeking help close to their hearing date are supported consistently and appropriately. For example, provide instruction around <i>how</i> to locate the duty lawyer at Court, or direct Intake Form users to Legal Help or online advice on how to seek an adjournment, or consider the appropriateness of a shorter 'cut off' period.

	<p>Clients who make HB4C requests where court date is several months away are often de-prioritised and not hearing from VLA or PP for several months so become disengaged, or call back repeatedly to enquire about when a lawyer will contact them</p>	<p>9. These help-seekers are being proactive and reaching out in advance so ensure the HB4C service model works for them through better communication to manage expectations and working towards a more timely service, including the possibility of the abridgment of matters which resolve.</p>
	<p>HB4C offers the opportunity to consolidate the workload associated with a client's matter to one lawyer and provide that client with continuity of practitioner if there is subsequent work required (e.g. a court appearance, ongoing grant). This has happened but is dependent on office capacity, rostering of duty lawyers and the timing of HB4C referrals.</p>	<p>10. Continue to prioritise client continuity as a benefit of the model and empower offices to consider how their rostering for HB4C vs the at court duty lawyer service could enable this – see also recommendation 23 below</p>
	<p>HB4C appears to be utilised by slightly more females, relative to the pre-HB4C duty lawyer service, however female clients in the evaluation survey report lower levels of satisfaction and benefits from the service. In particular, female clients were less likely to agree the triage questions asked were reasonable, the lawyer did not rush them and that the service took their individual needs and circumstances into account.</p>	<p>11. The modest sample size for the evaluation survey means there is limited scope to draw conclusions and identify recommendations broadly so VLA should seek further client / help-seeker input into the service model and intake pathway design.</p>
	<p>The evaluation survey results were able to be segmented certain demographic attributes and identified notable patterns, but the modest sample size and lack of representation from some groups meant these results only provided a limited understanding of the usage and impact of HB4C on different client cohorts.</p>	<p>12. As with the previous recommendation (#11), VLA should consider how it recruits clients / help-seekers for both feedback on the service and input into the design, particularly those who were under-represented in the evaluation survey, e.g. people identifying as Aboriginal or Torres Strait Islander, people who identify as non-binary/gender diverse/trans and people who have their matter listed in regional court locations</p>
<p>Improving HB4C service for VLA personnel</p>	<p>The triage team, lawyers and managers at VLA want to provide consistent levels of service while managing their workload and job satisfaction</p>	<p>13. The HB4C Best Practice guide should be widely communicated and consistently utilised across VLA</p> <p>14. Lawyers delivering summary crime services should have a mix of HB4C and duty lawyer work, as all those consulted expressed a preference for a balance between the two</p> <p>15. The triage team have received useful technology solutions and training to perform their role, however much of this has been ad hoc and there is an opportunity for VLA to formalise the arrangements and address the workforce needs of the triage team, especially if it remains a dedicated team and not incorporated into Legal Help. In particular, consider the following (with input from Legal Help staff as appropriate):</p> <ol style="list-style-type: none"> a. identifying and assessing the requisite skills and competencies for triage and intake, and providing the necessary training and support

		<ul style="list-style-type: none"> b. co-developing best practice for intake and triage with the triage team c. planning around the team structure, role design, and progression pathways
	The 'central' intake and triage staff (e.g. triage team, Legal Help) often don't hear what happens with clients once referred internally unless there is a complaint or issues.	<p>16. Much of this is likely to be improved by the impending switch from ATLAS system to Legal Aid Services Online (LASO) and VLA should use the opportunity to raise the visibility of client pathways generally. In the meantime, consider low-cost ways to raise the visibility of matters and 'close the loop' internally, e.g. email updates from lawyers, access to shared work planners / databases (with appropriate privacy safeguards), etc.</p>
Improving HB4C service for panel practitioners	Only a small number of panel practitioners were consulted for the service and while they were very supportive of the concept and continuing the service, they identified opportunities for continuous improvement	<p>17. VLA should consider sharing the HB4C Best Practice Guide (or portions of it) with panel practitioners involved in the service to communicate VLA's practice and seek consistency from PPs.</p> <p>18. Maintain best practice of referring HB4C matters to panel practitioners at least seven days before court date and provide practitioners enough time to respond / accept matter (e.g. at least 24 hours)</p> <p>19. Triage team / VLA offices to manage client expectations by providing as much information about the service up front, e.g. what is eligible for in-court assistance, that pre-court assistance will be provided remotely, that VLA has made an assessment of the matter but a panel practitioner may conduct their own assessment, that pre-court assistance will be provided remotely, etc.</p> <p>20. Continue improvements to billing / invoicing system, which panel practitioners perceive as overly manual and time consuming currently</p>
Improving the summary crime system	Some potential improvements to the Summary Crime system from HB4C (e.g. Case conferencing) did not occur to the degree anticipated, partly due to a lack of understanding and priority towards HB4C matters among system stakeholders	<p>21. Continue promoting and communicating the intent and benefits of HB4C to Victoria Police, both through high level strategic conversations by Summary Crime Program team but also by providing consistent messaging that can be used by regional managers for their local stakeholder consultations</p>
	The adjournment rate for HB4C matters was 40% (compared to a 62% adjournment rate recorded for resolved Summary Crime DLS matters in 2019). This is a significant benefit to the system, however it was based on a modest sample of data. Additionally, stakeholders felt that adjournments initiated by lawyers/clients and prosecution team had reduced.	<p>22. Ensure ATLAS / LASO data entry and reporting functionality are able to accurately and comprehensively identify adjournments, and consider working with MCV to better track these, including the reason for the adjournment and the party seeking the adjournment.</p>

	There are concerns that HB4C is missing some clients who only interact at court with the duty lawyer service, or (if their HB4C request is too close to court date) will be directed to the duty lawyer service at court.	23. With the return to at court duty lawyer service, there is an opportunity for the Summary Crime Program to consider how best to manage the two service models (HB4C, DLS) in a complementary way for clients, but also for practitioners and other court users
Monitoring & evaluation data	While there was detailed data available on the HB4C online intake tool and for client records from ATLAS, there were several data points anticipated for the evaluation that were not available from within VLA and external sources. For example, it was not possible to analyse <i>where</i> HB4C was being used more or less, by comparing HB4C intake by VLA office against Mentions/Offences by Courts, because there were inconsistencies in how offices recorded HB4C services and challenges obtaining comparable data from MCV.	24. Continue investment in ATLAS / LASO data entry and reporting functionality to ensure more complete records (e.g. priority client characteristics consistently recorded) and easier extraction of data (e.g. through service 'tags') 25. For HB4C (and other projects), continue working with partners (i.e. MCV, Victoria Police) to identify, track and report data that are considered important for monitoring & evaluation purposes (e.g. % of adjournments where reason was for accused to seek legal advice, demographics in line with VLA priority characteristics)
	There are opportunities to build on the client feedback gathered by the service designer and for the evaluation	26. The client survey developed for the evaluation should be administered with a sample of clients annually, but incorporated into VLA's client feedback mechanisms rather than as a separate process for HB4C only 27. Provide option in client survey for clients to opt in for further in-depth interviews, which can be conducted annually with a sample of HB4C clients to better understand their survey responses and identify improvement opportunities

2 Introduction

This is a final report for the evaluation of the Help Before Court (HB4C) pilot service, delivered by Victoria Legal Aid.

2.1 About Help Before Court (HB4C)

2.1.1 Background

The Summary Crime Program (SCP) is VLA's largest service delivery program. The SCP provides representation services through the provision of grants of legal assistance, a court-based duty lawyer service (DLS) and in-office legal advice. VLA also provides assistance for summary crime matters via the Legal Help telephone and webchat service.

In April 2020, following the emergence of the COVID-19 pandemic in Australia¹, a majority of summary stream criminal matters where the accused was on bail or summons, were adjourned for an extended period². This effectively suspended VLA's existing SCP mentions duty lawyer service at court, resulting in many people who were not connected to the legal assistance they need to prepare their case³. While this created an immediate need for an alternative intake model to the duty lawyer service, there is also a longstanding need to reform the 'at court' duty lawyer model as recommended by the 2017 evaluation of VLA's Summary Crime Program and articulated in the subsequent *Better Justice, Every Day Project*⁴. For example, the 2017 evaluation highlighted that while a majority of Duty Lawyer clients were satisfied with the service, there were several areas identified by both clients and other stakeholders as sub-optimal and requiring improvement, including⁵:

- Unsustainable demand and inadequate resources, leading to long waiting periods and significant time pressures
- Police briefs unavailable or inadequate
- Challenges with court infrastructure/layout
- Inconsistent application or inadequate explanation of eligibility criteria so clients were not clear why they could not be helped and had their frustrations and anxiety compounded
- Client perceptions that the service was understaffed and lawyers were overworked/too busy, and did not provide adequate time to listen to the clients and address their matter/concerns
- A small minority of clients (15 – 20%) felt they did not receive a sufficient level of service or that the outcome of their matter did not reflect what they had been told by the duty lawyer

VLA staff, Magistrates and Victoria Police all thought it would be advantageous to have more people assessed and triaged 'earlier', allowing those eligible for legal advice or advocacy from VLA to have

¹ In Victoria, a State of Emergency was declared on 16 March 2020 and a series of restrictions around gatherings and the operations of organisations were made under the *Public Health and Wellbeing Act 2008 (Vic)*

² The extended adjournment period was eventually replaced by options for online hearings and in person hearings where necessary, by pre-arrangement. This situation varied over the course of 2020 and 2021 in response to the evolving pandemic and was reflected in the Practice Directions issued by the Chief Magistrate during that period

³ The SCP provides approximately 60,000 duty lawyer services at Magistrates' Courts annually

(<https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-annual-report-2019-2020.pdf>)

⁴ <https://www.legalaid.vic.gov.au/about-us/our-organisation/how-we-are-improving-our-services/better-justice-every-day/about>

⁵ <https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-evaluation-of-the-appropriateness-and-sustainability-of-victoria-legal-aids-summary-crime-program-report.pdf#page=154>

their matters prepared before their court hearing, as well as providing those ineligible for these services to receive legal information and appropriate referrals to other legal services earlier. This was anticipated to reduce the demand on services provided at court, provide a better client experience and avoid unnecessary adjournments, delays and costs.

In this context, Help Before Court (HB4C) was developed in late 2020. The overarching aim for the project was to create a new VLA summary crime duty service model and intake pathway for people on bail or summons in the Magistrates' Court of Victoria, to support the progress of matters before the date of their court hearings and away from physical court locations.

2.1.2 Objectives of the HB4C project

A detailed project plan was prepared by the HB4C team to implement the service in a phased manner, acknowledging that the project had to be established rapidly in a fluid environment. The project plan identified how the project aligns with several elements of VLA's Strategy 22, Corporate Plan and the Client-First Strategy.

The project plan also specified the initial objectives of the project:

- allow clients eligible for the DLS to progress matters without pressures of the at-court DLS
- help relieve the pressures caused by an at-court DLS model on the summary crime system
- help address the backlog caused by COVID-19 and the closure of court locations, and limit the deleterious impact of delay on clients and their families
- help deliver COVID-safe services and contribute to the COVID safety of Court locations
- retain more continuity of service between clients eligible for the DLS and lawyers
- help move matters out of the summary crime jurisdiction by earlier resolution and better linkages with support services
- improve the experience of clients receiving duty-lawyer level summary crime services

Further information on the background and rationale for the project, along with considerations of likely benefits, risks and dependencies across VLA are provided in the Project Plan.

2.1.3 Summary Crime Program outcomes and HB4C

The HB4C project advances and promotes a number of goals and outcomes in the broader SCP Program Logic. The Program Logic is reproduced below, with the elements expected to be addressed by HB4C highlighted:

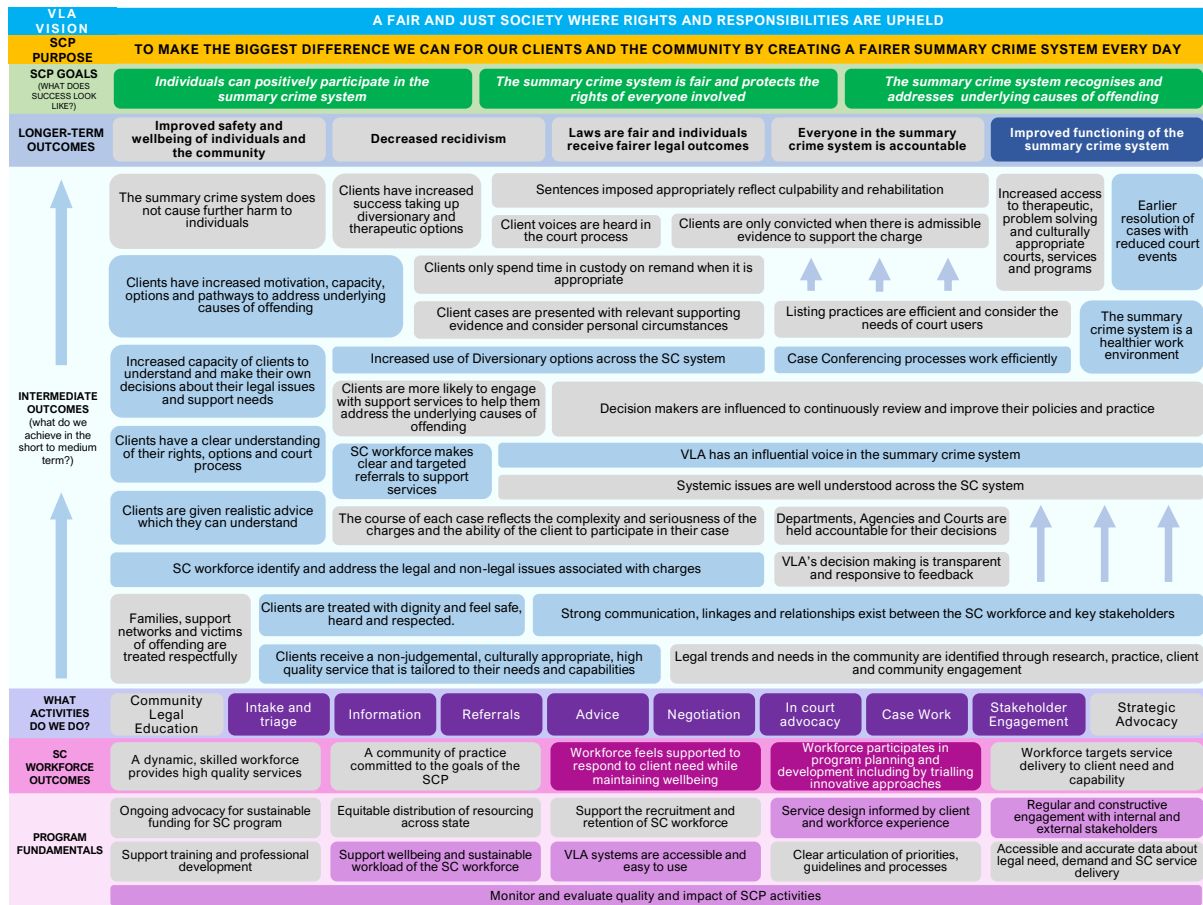


Figure 1 - Summary Crime Program (SCP) Program Logic, with relevant elements for HB4C highlighted in colour

This can be read as follows:

- The HB4C project supports the Longer-term Outcomes of the Summary Crime Program by **contributing to the improved functioning of the summary crime system.**
- This occurs through a **range of outcomes in the short to medium term**, including:
 - increasing capacity of clients to understand and make their own decisions about legal issues and support needs
 - earlier resolution of cases with reduced court events
 - VLA has an influential voice in the summary crime system
 - increased use of diversionary options across the summary crime system
 - clients have increased motivation, capacity, options and pathways to address underlying causes of offending
 - strong communication, linkages and relationships exist between the summary crime workforce and key stakeholders
- These outcomes are **facilitated through several activities** (Intake & triage, Information, Referrals, Advice, Negotiation, In Court advocacy, Case work and Stakeholder engagement)
- Implementing this project successfully relies on demonstrating **SCP fundamentals and workforce outcomes** (i.e. Trialling of innovative approaches, Ensuring service design is informed by client and workforce experience, VLA systems are accessible and easy to use)

2.2 About the evaluation

The Incus Group was appointed to undertake an independent evaluation of the pilot in April 2021. A draft evaluation plan was prepared by the HB4C team, which set out the intended purpose of the evaluation. This was updated following subsequent discussions with the evaluation consultant and the agreed aims of the evaluation are set out below:

- An understanding of the clients supported by the Help Before Court (HB4C) project and their experience with the service
- Whether HB4C provides an effective alternate and complementary service model to an in-person duty lawyer service for people seeking assistance
- The effect of the HB4C service model on rostered duty lawyer staff, in terms of workload and ability to retain client continuity in the carriage of matters
- An understanding of how introducing HB4C has affected the broader summary crime system
- The enablers and barriers to success of the project and any emerging lessons for VLA's wider service delivery

The evaluation was completed in two stages:

1. **A mid-term evaluation** – completed in August 2021. A report was submitted to the Summary Crime Program outlining progress of the HB4C pilot, presenting emerging findings and providing recommendations for data collection and evaluation questions for the remainder of the pilot.
2. **A final evaluation** – completed in March 2022. This report builds on the mid-term evaluation by answering the agreed evaluation questions through an analysis of operational data collected since HB4C commenced, consultation with a broad range of stakeholders and client perspectives.

2.2.1 Scope of evaluation

The project elements that are within scope of the evaluation are outlined in the table below:

Table 1 - Scope of evaluation

Within scope	Outside the scope of the evaluation
<ul style="list-style-type: none"> • The experience of HB4C for: <ul style="list-style-type: none"> + Clients + VLA legal assistants, ASMs and lawyers + Panel practitioners + Victoria Police prosecution + Magistrates' Court of Victoria • The inclusion of dedicated triage team 	<ul style="list-style-type: none"> • The future of HB4C intake interface with Legal Help • Uptake of referrals to non-legal services • Implementation issues that were addressed before mid-term evaluation (e.g. initial communication challenges, decentralising intake from Melbourne SCP admin team)

While the mid-term evaluation provided a 'stocktake' of the service in mid-2021, this final evaluation is focused primarily on the experiences of stakeholders of the service from mid 2021 onwards.

The evaluation was guided by a set of overarching evaluation questions listed in the table below. These questions were formulated by Victoria Legal Aid and the evaluation consultant.

Table 2 – Evaluation questions

Focus area	Guiding question
Process – what does HB4C look like in practice?	1. How many clients received services from HB4C?
	2. Who was supported by the service?
	3. How did individuals reach the service?
Effectiveness - Has HB4C been an effective alternate and complementary service model?	4. To what extent has it met the needs of clients?
	5. To what extent has it improved the experience of clients receiving duty lawyer summary crime services?
	6. How has it impacted upon the workload and satisfaction of VLA administrative staff, legal assistants and lawyers?
	7. How well has the introduction of the triage team worked?
Lessons learned – what can we learn going forward?	8. To what extent has it improved the functioning of the summary crime system?
	9. What were the enablers and barriers to success in the project?
	10. What lessons emerge from the HB4C pilot for VLA's service delivery?
	11. Is there evidence to support the continuation / expansion of the HB4C service?

2.2.2 Evaluation approach

The evaluation questions were answered using a 'mixed methods' evaluation design. This involved:

- reviewing a range of documentation provided by the Help Before Court team (e.g. Project plan, Discussion papers, co-design consultation notes)
- reviewing data on HB4C service usage, initial client feedback and client demographics from VLA systems (e.g. HB4C intake tool, ATLAS)
- consulting with stakeholders of the service:
 - bespoke surveys of clients who used the HB4C service
 - reflection workshop with HB4C project team and VLA staff involved in delivery
 - interviews with VLA legal assistants, lawyers, and managers
 - interviews with external stakeholders of HB4C

The following table summarises how each of these various information sources was used to answer the evaluation questions.

Table 3 – Data sources used to answer evaluation questions

Evaluation question	Quantitative and qualitative data sources used					
	Primary documentation and data		Consultations			
	HB4C records	ATLAS	VLA staff interviews and workshop	Panel practitioner interviews	Victoria Police interview	Client surveys and interviews
1. How many clients received services from HB4C?	✓	✓				
2. Who was supported by the service?	✓	✓				
3. How did individuals reach the service?	✓					✓
4. To what extent has it met the needs of clients?	✓	✓	✓	✓		✓
5. To what extent has it improved the experience of clients receiving duty lawyer summary crime services?			✓	✓		✓
6. How has it impacted upon the workload and satisfaction of VLA administrative staff, legal assistants and lawyers?		✓	✓			
7. To what extent has it improved the functioning of the summary crime system?	✓	✓	✓	✓	✓	
8. What were the enablers and barriers to success in the project?			✓	✓	✓	✓
9. What lessons emerge from the HB4C pilot for VLA's service delivery?		✓	✓	✓	✓	✓
10. Is there evidence to support the continuation / expansion of the HB4C service?	✓	✓	✓	✓	✓	✓

Each of the data collection sources and methods are described in detail below:

1. Review of documentation provided by the Project team

The following documents were reviewed by the evaluation consultant:

- Primary (HB4C specific) documentation
 - + HB4C Project Plan (December 2020)
 - + HB4C draft Evaluation Plan (November 2020)
 - + 2 x Consultation papers for VLA offices – HB4C Intake & Triage and Service Provision (December 2020)
 - + Summary of responses from VLA offices on consultation papers (January 2021)
 - + 38 x Diary studies completed by VLA lawyers and administrative staff from several offices (February/March 2021)
 - + 68 x client interviews about initial triage and court experience, undertaken by Service Designer (February/March 2021)
 - + 19 x Interview notes with VLA lawyers and administrative staff from several offices, undertaken by Service Designer (April/May 2021)
 - + 11 x Interviews notes with HB4C clients, undertaken by Service Designer (October/November 2021)
 - + Help Before Court Best Practice Guide (November 2021 - Draft)
- Secondary (Broader VLA) documentation
 - + VLA Client Satisfaction Survey summary findings (July 2019)
 - + VLA Outcomes Framework (May 2021)
 - + VLA Internal Audit Report Access and Intake (March 2021 – Draft)
 - + VLA Community Legal Information Strategy (March 2021 - Draft)

2. Analysis of data provided by the Project team:

- + HB4C online tool requests between October 2020 – January 2022
- + VLA (ATLAS) data on priority demographic characteristics of HB4C clients between June – December 2021
- + VLA (ATLAS) data on practitioner continuity for sample of HB4C clients between October 2020 – January 2022
- + VLA (ATLAS) data on recorded court outcomes for sample of HB4C clients between October 2020 – January 2022
- + VLA (ATLAS) Duty Lawyer Record data for 2019 as a comparator to HB4C

3. Evaluation consultations and surveys with stakeholders:

- + Mid-term reflection workshop attended by 9 VLA staff, facilitated by evaluation consultant (May 2021)
- + 16 x Interviews with VLA staff, undertaken by evaluation consultant (December 2021)
- + 4 x Interviews with external stakeholders of HB4C service, undertaken by evaluation consultant (December 2021)
- + 74 x client surveys about their experience with the HB4C service, undertaken by Triage Team (February 2022)

The consultations and surveys conducted for the evaluation are detailed in the table below.

Table 4 – Overview of consultations and surveys completed for evaluation

Stakeholder group	Consultation method	Numbers completed	Details
HB4C Clients	Phone surveys	74	<ul style="list-style-type: none"> 74 individuals who sought help through HB4C in mid-2021 151 were contacted = 49% participation rate
VLA staff	Reflection workshop	9	<ul style="list-style-type: none"> 3 HB4C project team members 4 Summary Crime Program staff 2 Regional Managers
	Interviews	16	<ul style="list-style-type: none"> 5 Triage team members 5 Lawyers 6 Managers
External stakeholders	Interviews	4	<ul style="list-style-type: none"> 3 Panel practitioners 1 Victoria Police representative

As noted, the above table only includes the consultations and surveys conducted specifically for the evaluation. There were additional consultations and surveys completed during the HB4C pilot (by the service designer and HB4C project team) which have been reviewed for the evaluation. **In total, the evaluation was directly informed by the view of at least 44 VLA staff and 4 external stakeholders involved with the HB4C service and over 150 clients who received the service, either by completing a survey or participating in an interview.**

About the client evaluation survey

A bespoke evaluation survey for clients was designed by the evaluation consultant in consultation with the HB4C project manager, senior service designer and Triage team manager. As much as possible, the survey was designed to align with existing survey instruments at VLA, e.g. the VLA Client Satisfaction Survey. This ensured consistency in wording for client feedback but also enabled comparison of results for context, where appropriate.

A sample of HB4C clients who contacted the service between July – September 2021 was selected for the survey – this date range was chosen to balance having respondents whose experience was recent enough to recall while long enough ago for their matters to have been concluded. The survey was administered over the phone by a triage team member to clients between 2nd – 22nd February 2022. **In total, 151 clients were contacted and 74 completed the survey.**

This represents a 49% participation rate in the survey and an overall sample size of ~0.8% of all individuals who received a legal service from HB4C, or ~2.5% of all individuals who made a request during the sampling period (July – September 2021).

Overall, the survey sample was representative of HB4C clients in terms of key demographics and priority characteristics (e.g. gender, disability status, Aboriginal and Torres Strait Islander status, language spoken at home/CALD status), but was skewed towards clients who had only received legal advice and those whose matters were listed in Metropolitan/Suburban courts. More detail on the survey and sample representativeness is provided in Appendix 2: About the client evaluation survey.

2.2.3 Limitations of evaluation

As with any project involving primary data collection and analysis, there were limitations that impacted the evaluation. These limitations are listed below and should be considered when reading this report:

- **Challenges with data** – It is expected that a new pilot service such as HB4C will necessitate additional, ‘offline’ data collection (e.g. usage of the HB4C online intake tool was tracked through Google Analytics; HB4C bookings were initially recorded in Microsoft Excel, etc.). However, to evaluate HB4C as a pilot required assessing HB4C specific data against broader VLA data and there were several challenges in accessing, linking and interpreting data from VLA’s client database ATLAS which made it difficult to comprehensively understand how many HB4C requests resulted in legal services, accurately identify how many individuals received HB4C services across the various VLA offices, and the proportion of HB4C clients who were ‘new’ clients for the VLA Summary Crime program. These challenges were related to both functionality/technical limitations and inconsistent practice by staff. For example:
 - ATLAS is not designed around recording pre-court service delivery for duty lawyer matters. A pre-court assistance flag was added in February 2021 to indicate clients who received pre-court advice, but this was not used consistently across all VLA offices during the life of the pilot. More substantial upgrades that would allow ATLAS to record HB4C matters more comprehensively were not financially viable as ATLAS in the process of being replaced with a new VLA-wide client management system.
 - Intake data had to be distinguished from service delivery data. Many clients accessed HB4C through new intake pathways, such as the online tool, and if they were eligible for a grant of legal aid, they were not counted as HB4C clients for services delivered.
- **Survey sample sizes** - The impact of the service on clients is based primarily on an evaluation survey with a small sample size (74 clients out of 10,000+ who have received an HB4C service). Small sample sizes for in depth evaluation surveys are not uncommon but, as discussed in Appendix 2: About the client evaluation survey, the survey sample was not a perfect representation of HB4C clients (e.g. it was skewed towards clients who spoke a language other than English and recall receiving legal advice only and self-representing). This survey sample has been bolstered by the findings from 11 interviews conducted by the HB4C service designer and the reflections of legal practitioners. Nevertheless, conclusions drawn from the client survey should be seen as reflecting the views of the 74 respondents specifically rather than all HB4C clients generally.
- **Interpreting survey findings** – The client surveys were administered over the phone with no follow up by evaluation team so responses were taken at face value. The survey itself was developed in line with existing VLA survey instruments to foster consistency in client feedback and enable comparisons with other VLA services where appropriate. For several questions, this meant using a 5 point ‘agreement’ scale with the option of ‘neither agree nor disagree’, which is difficult to interpret as respondents could be using it to signal neutrality (they do not feel strongly either way), lack of certainty (they do not know yet or at all) or irrelevance (the question was not relevant to them). There was a sizable minority of respondents (10-25%) who selected this option for multiple questions and the results are presented here without a definitive interpretation.

3 Implementation of Help Before Court

3.1 Development and implementation

Preparatory work for Help Before Court (HB4C) formally commenced in early 2020. The project has been implemented using principles of design thinking and Agile project methodology, and was intended to be rolled out in an iterative manner with phases occurring both concurrently and consecutively, in response to user feedback.

An outline of the phased approach for the project and evaluation is provided in the timeline below and further detail on work completed is provided in Appendix 1: HB4C summary of work completed.

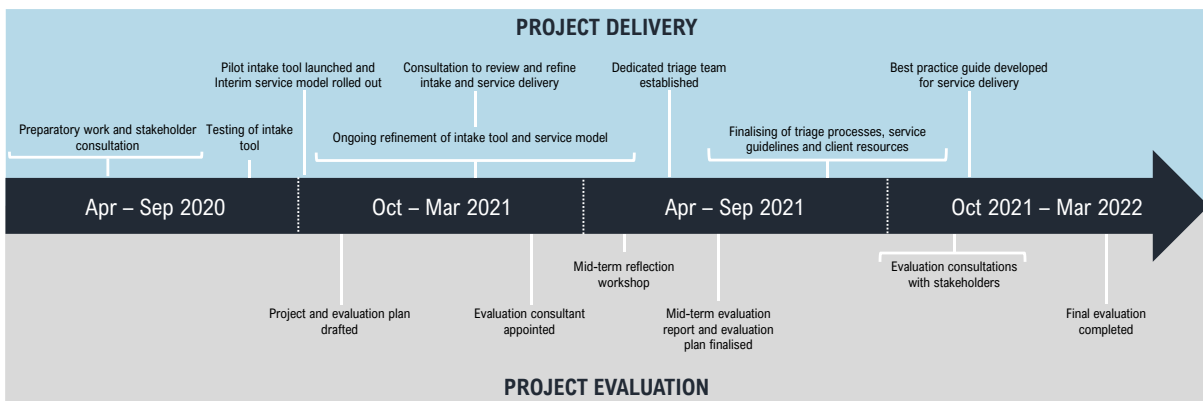


Figure 2 – Timeline of Project delivery and evaluation work

The intake tool was developed and trialled by September 2020 and launched on October 7th. The tool is a public-facing website (<https://www.hb4c.vla.vic.gov.au>) and involves a 4-step process for individuals as outlined in the screenshot below:

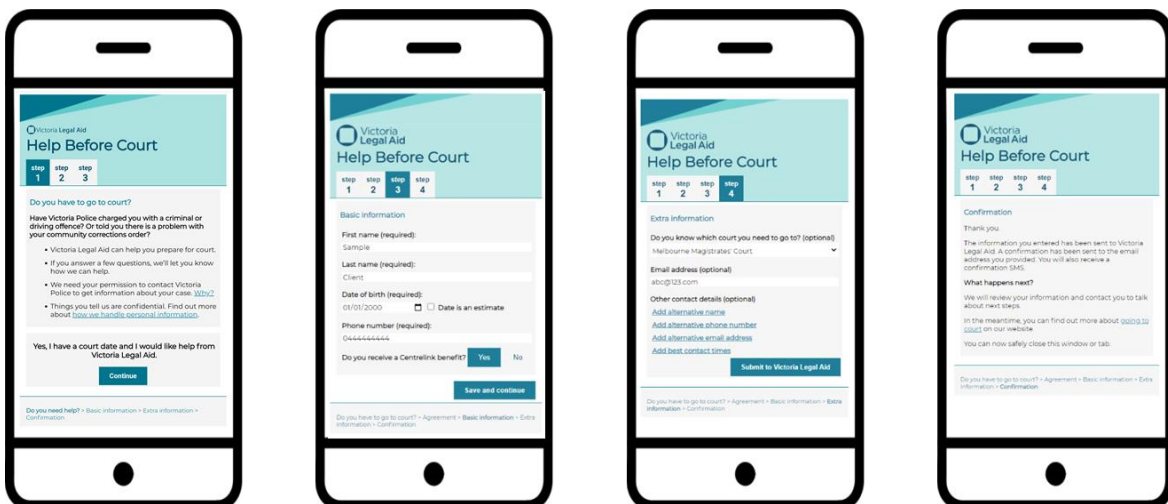


Figure 3 - Screenshot of HB4C website interface

3.2 Overview of service model

The HB4C service model is built around the aim of supporting summary crime clients *before* their hearing date. Since October 2020, clients can submit a request through an HB4C online intake tool before their court date. Most are then triaged by a dedicated triage team, which was established in June 2021. Clients can also access HB4C services by contacting VLA through the existing pathways of Legal Help and regional offices. At Legal Help, eligible clients are referred to the dedicated triage team to request police briefs and prepare the client’s matter for HB4C, whereas eligible clients contacting regional offices may be triaged locally or referred to the triage team.

All clients are assessed against the HB4C eligibility guidelines. Ineligible clients receive legal information and referrals for further legal assistance or externally to support services.

Since the launch in October 2020, several intake pathways have emerged for the HB4C online tool, including directly from the Magistrates’ Court of Victoria website. QR code posters linking to the HB4C site were distributed at VLA offices and courts, and the site was promoted on the VLA website. Clients approaching VLA offices directly were also assessed for HB4C eligibility.

A representation of the service model for HB4C is provided below, using the MCV website intake pathway and Legal Help intake pathways as examples.

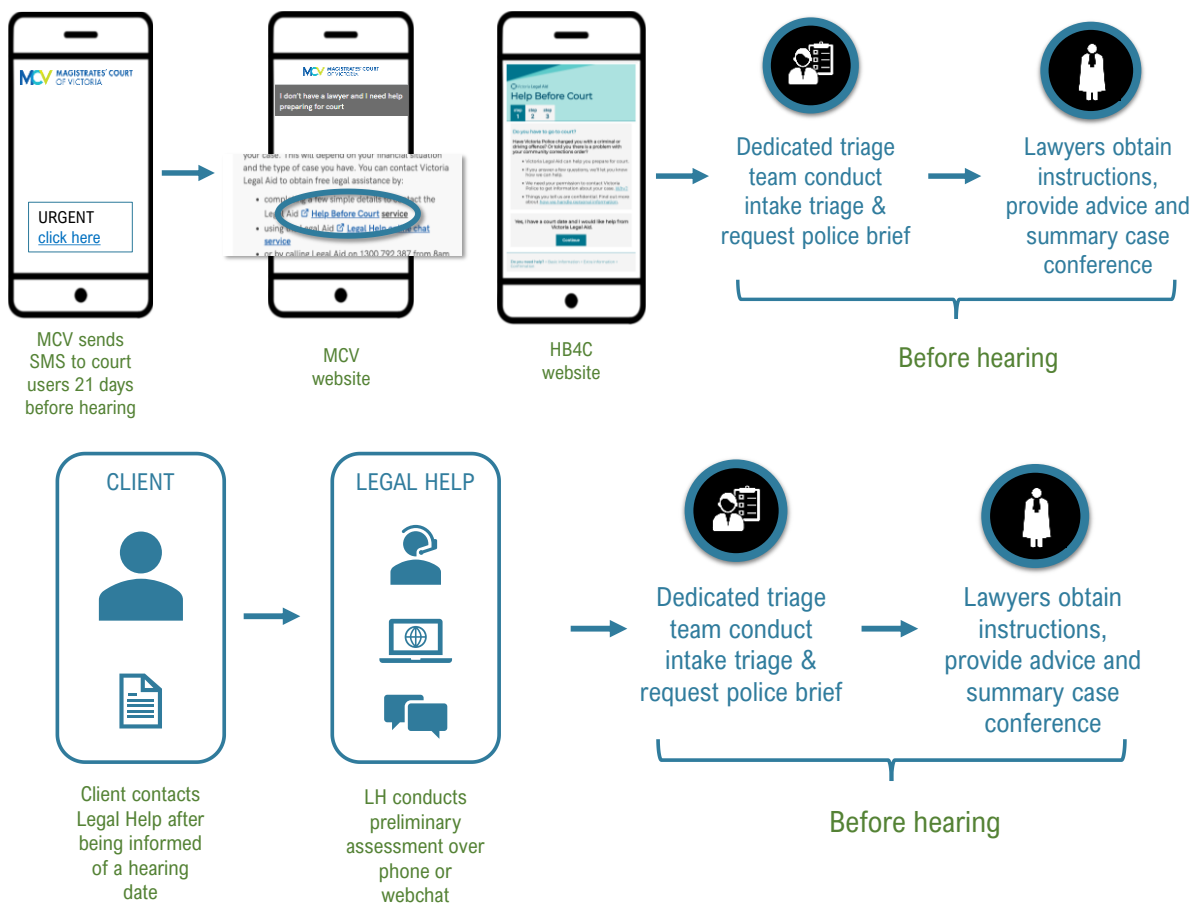


Figure 4 – Representation of HB4C service model, based on MCV website intake pathway and Legal Help intake pathways

4 Usage of Help Before Court

4.1 How many clients received services from HB4C?

4.1.1 HB4C requests and intake pathways

Between the launch of the HB4C Online intake tool on October 7th 2020 and January 2022, **there have been a total of approximately 17,000 requests for HB4C across 3 main intake channels:**

- The majority of requests (9,374 / 55%) were through the Online Intake Form
- A further 27% were from requests via the Legal Help contact centre. It should be noted that these requests were only tracked consistently from August 2021 – January 2022, once the dedicated HB4C Triage Team was established to whom Legal Help could refer requests. The number of requests via Legal Help prior to August 2021 have been extrapolated based on the average requests per day.
- The remaining 18% were via direct requests to individual VLA offices, although this is an estimated figure as HB4C requests to offices were not recorded consistently over the period of the project

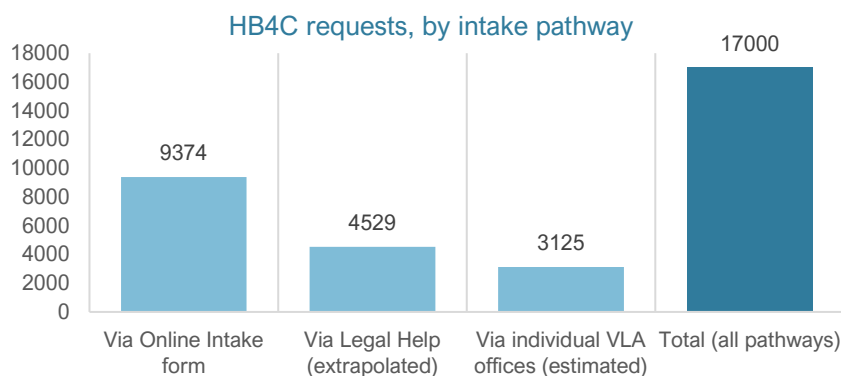


Figure 5 – Total HB4C requests, by intake pathway (October 2020 - January 2022)

Breaking down the requests further reveals that:

- This equates to an average of around 1,050 requests per month or 55 requests per working day (i.e. excluding weekends, public holidays and closure periods)
- 82% of requests were made during business hours while 18% were made after hours (i.e. on weekday evenings, weekends or public holidays)
- The number of requests fluctuated by month, however a trend can only be identified for the Online Intake form data as this was consistently captured for the entire period
 - + Requests through the Online form varied between ~350 – 750 each month. There was a small decline in May/June 2021 likely reflecting the loosening of COVID restrictions at that time, when in-person court attendance was an option. There were also declines in December 2020 and 2021, likely reflecting a holiday season reduction in court listings.
- Requests received via Legal Help were only tracked in the last 6 months of the project (August 2021 – January 2022) and indicates that these requests were more stable each month (between ~215 - 350), representing around half the number of Online Intake form requests. As data was not consistently recorded or tracked for HB4C requests via individual offices, it is not possible to determine any trends for these two pathways.

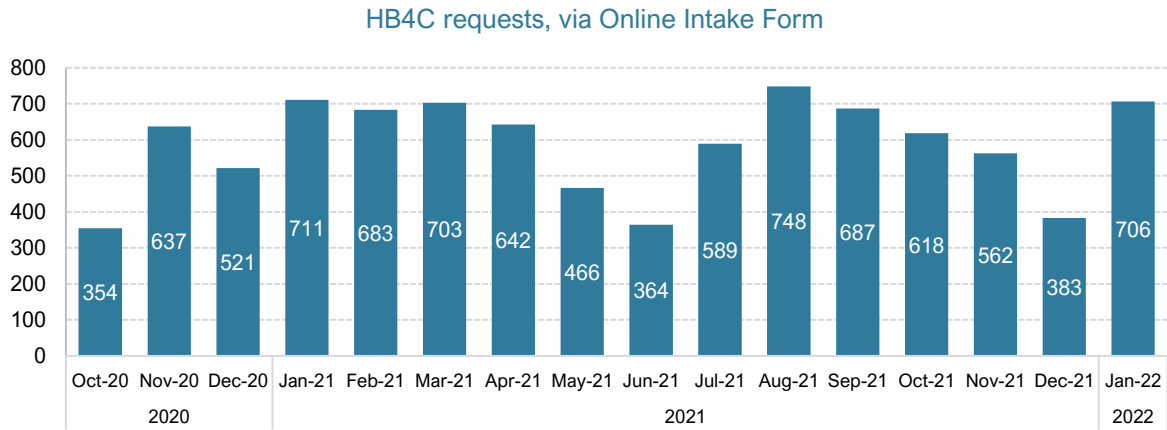


Figure 6 - HB4C requests over time, via Online Intake Form only
*Requests via Legal Help and VLA offices are not included here as a consistent, monthly breakdown was not available

4.1.2 Services provided

To understand the outcome of the HB4C requests, the HB4C project team analysed a sample of 3,751 requests made via the Online Intake Form. Approximately 8% of these requests were duplicate requests and have been excluded to focus on unique requests. The breakdown is provided in the figure below and shows that **~75% of unique requests received an HB4C service:**

- 64% of requests were eligible for HB4C assistance and referred for pre-court legal advice, while a further 11% were not eligible (e.g. based on nature of charges, their income level) but received legal information.
- The remaining 25% were not recorded as receiving an HB4C service for a variety of reasons. The two most common reasons were that the request was made too close (less than 7 days) to their court date (~15% of requests) or the client was not contactable (~8% of requests). In most cases, clients requesting HB4C too close to their court date were referred to Court or Duty lawyer service but, if they had capacity some VLA offices provided HB4C to these clients as well. There is insufficient data on how many clients received support in this manner.

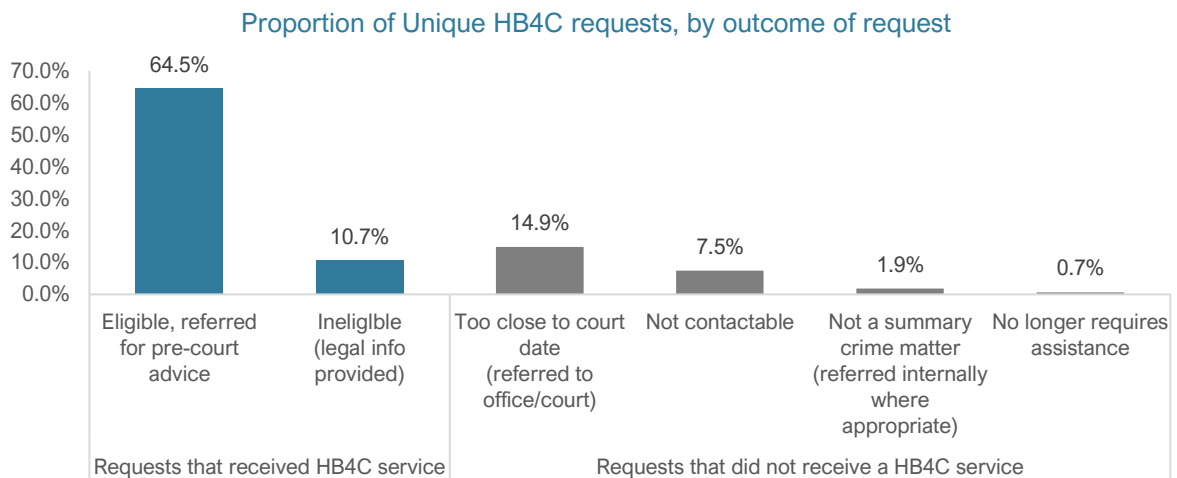


Figure 7 - Proportion of HB4C requests, by outcome of request (n=3,751)

The 8% of ‘duplicate’ requests include both existing clients with multiple matters/separate HB4C requests and those who may have made a duplicate request. Excluding these duplicate records means that approximately **15,500 unique individuals made a HB4C request** over the course of the Pilot.

Of the 64% of unique requests eligible for HB4C, 20% received Legal Advice while 80% also received in court representation. That means nearly half (47%) of all HB4C requests resulted in a Legal Advice + Representation service.

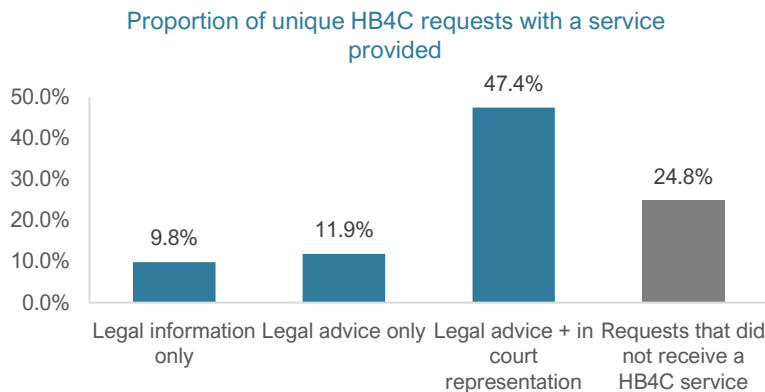


Figure 8 - Proportion of HB4C requests, by service provided (n=3,448)

It should be noted that this data is based on 40% of Online Intake Form requests and does not include requests via Legal Help or individual VLA offices so may not be representative. However, if applied to the overall number of requests, **it means that VLA’s HB4C pilot provided approximately:**

- **1,671 Information services**
- **2,019 Legal advices**
- **8,077 Legal advices + In Court representations**

4.2 Who was supported by the service?

It is estimated that 15,500 unique individuals made a HB4C request and approximately 11,500 (75%) received information, advice and/or in court representation from the service⁶.

4.2.1 Demographics and priority client characteristics

To understand who was supported by the service, the demographic data of a sample of 2,498 HB4C clients between June – December 2021 was analysed. The breakdown of demographics and priority client characteristics for this sample is provided below with a comparison to the Duty Lawyer Service at court for Summary Crime, prior to HB4C:

⁶ Only an estimate of unique individuals is possible with VLA’s existing systems, as it relies on excluding ‘duplicates’ IDs recorded by the HB4C triage team and dependent on accurate and consistent creation and recording of ATLAS IDs for all clients, i.e. clients may not have an ATLAS ID created if ineligible for legal advice or a new ID may be created for existing clients.

- 70% of HB4C clients were Male, which is slightly lower than the pre-HB4C DLS (75%) and also lower than the proportion of alleged offending Males in Victoria (78%)⁷
- 22% of HB4C clients were listed as culturally and linguistically diverse which is similar to the pre-HB4C DLS proportion (23%)
- 4% of HB4C clients identified as Aboriginal or Torres Strait Islander, which is also similar to the pre-HB4C DLS proportion (5%)
- 42% of HB4C clients disclosed a disability (intellectual or physical, including mental health issues), which is much higher than the pre-HB4C DLS proportion (28%)

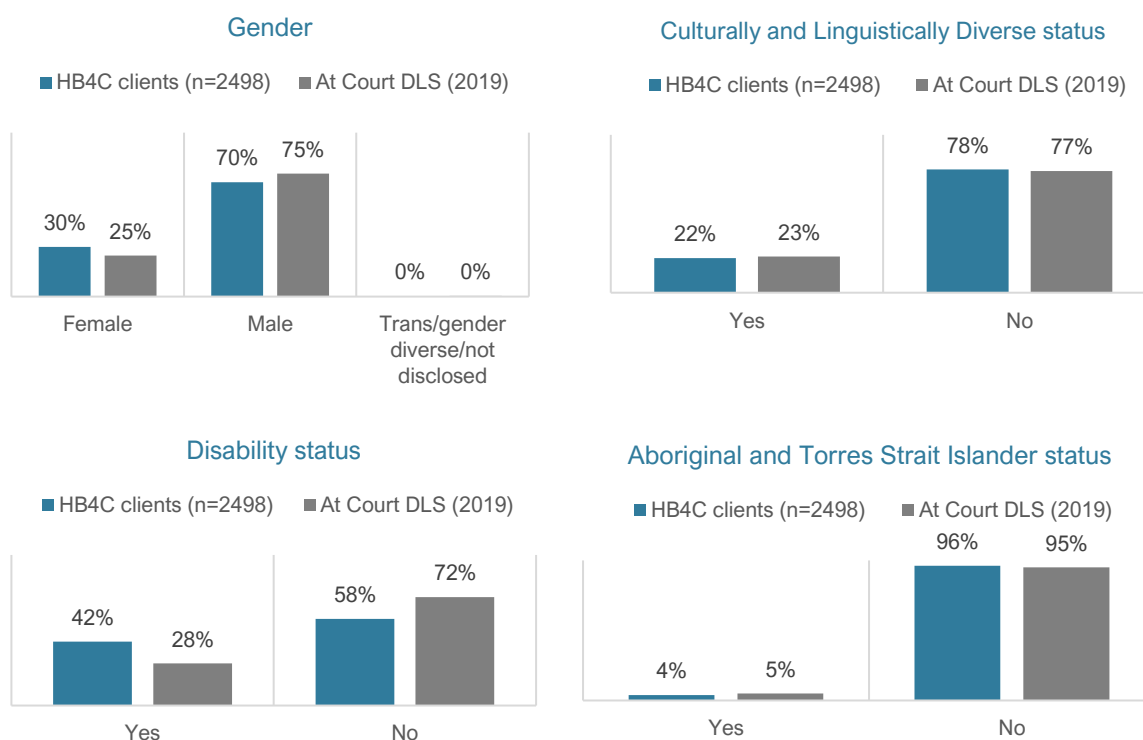


Figure 9 - Demographics of HB4C clients, compared to Summary Crime DLS prior to HB4C

Based on this comparison, it appears that HB4C has increased access for female clients and people with a disability. This is a tentative conclusion for disability status in particular, as there may be inconsistencies with how demographic data was recorded for HB4C vs at court DLS, and there is no comparable Crime Statistics Agency data on the disability status of those who have been charged with summary crime offences to distinguish if the increased proportion is a reflection of greater access or more people with a disability being charged with offences in 2020/21.

4.2.2 Types of matters/offences

Based on a sample of 4,635 clients who received HB4C services, the HB4C project team identified 190 different 'primary matters' dealt with by the HB4C service. These were then categorised against the Crime Statistics Agency offence classifications⁸ and compared against an extract of statewide pending mentions from Victoria Police at Magistrates' Court of Victoria (MCV) from August 2021.

⁷ In 2020 and 2021, males comprised approx. 78% of all alleged criminal offences in Victoria while females comprised 22% (<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-victorian-crime-data/alleged-offender-incidents-2>)

⁸ <https://www.crimestatistics.vic.gov.au/about-the-data/classifications-and-victorian-map-boundaries/offence-classification>

This analysis revealed that the Regulatory Driving Offences sub-division comprised the largest proportion of both HB4C matters and pending mentions, however they represented a smaller relative proportion of HB4C matters than mentions. Conversely, ‘Breaches of orders’ and ‘Assault and related offences’ constituted relatively larger proportions of HB4C matters than mentions.

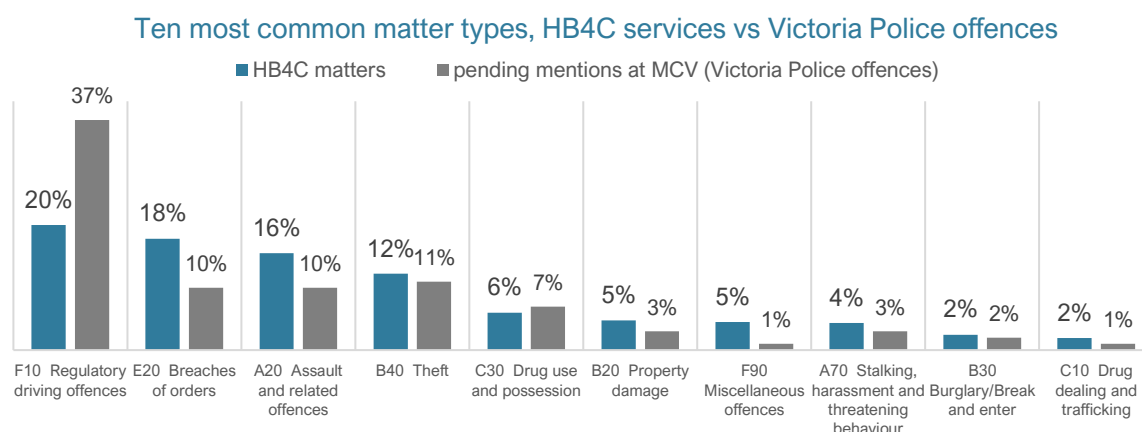


Figure 10 - Ten most common offence types dealt with by HB4C services (n=4,635) compared to pending mentions at MCV

While this comparative analysis is imperfect (the samples are not aligned temporally, for example), it suggests that HB4C is generally servicing more individuals with offences related to ‘breaches of orders’ and ‘assault’ than those with driving offences, but otherwise being utilised for various matters in line with the level of offending for those matters. This seems to reflect that HB4C guidelines are being applied and appropriately targeting legal advice and representation services to the matters which are a priority for VLA services.

4.2.3 New vs existing clients

To better understand whether HB4C was increasing access to justice, the evaluation sought to identify the proportion of HB4C clients who are “new”, i.e. have had no previous experience with VLA for criminal matters. **Challenges with insufficient and inconsistent data meant it was not possible to make a credible determination of this and further work is required to understand this in future.**

4.3 How did individuals reach the service?

4.3.1 Online intake form data

As discussed in Section 4.1.1, just over half (55%) of all HB4C service users came via the online HB4C intake tool while the majority were either referred internally via Legal Help or approaching a VLA office directly. Contacting Legal Help or a VLA office directly are pre-existing pathways for any help seeker to make contact with VLA, while obviously the HB4C online intake form was developed specifically for this project and there are three main ways users could have reached the form:

- + typing in the website directly or using a QR code located at court;
- + following a link to HB4C from another website; or
- + searching online for HB4C.

The evaluation looked at Google Analytics for traffic to the online intake form between May 2021 – January 2022 to understand how individuals reached HB4C online.

Table 5 - HB4C online intake tool traffic between May 2021 – Jan 2022, by access channel

Channel	Example	Total new users	Proportion	Average monthly users
Direct	typing in https://hb4c.vla.vic.gov.au/ or using a QR code at Court/VLA office	3019	46%	334
Referral	Following a link to HB4C from Magistrates' Court of Victoria website	1790	27%	200
	Following a link to HB4C from VLA main website	898	14%	101
Organic	Searching for 'Help Before Court' through Google or Bing	823	13%	91
All channels		6556	100%	726

This analysis revealed that approx. 6,500 unique individuals reached the HB4C online form over that nine month period, or 726 per month on average. 46% of those users reached HB4C directly via typing in the website address on their device, following a QR code or SMS link. A further 41% were 'referred' (27% followed a link from the MCV website, 14% from VLA's main website), and 13% searched for the terms 'help before court' (or similar) online. It should be noted that these are all individuals who accessed the website not just those who completed the intake form, i.e. it includes those seeking help but also general 'onlookers' visiting the site.

Generally, 'Direct' traffic indicates the strength of a service in reaching its intended audience directly, while 'Referral' traffic usually reflects indirect reach via third parties and 'Organic' traffic often means people have heard of the website or service and are typing keywords into search engines. In other words, over time a relative increase in 'Direct' traffic means that website is reaching more users directly rather than relying on other websites or use of search engines. When looking at HB4C online traffic over time, this appears to be what has happened:

Monthly traffic to HB4C online intake tool, by channel

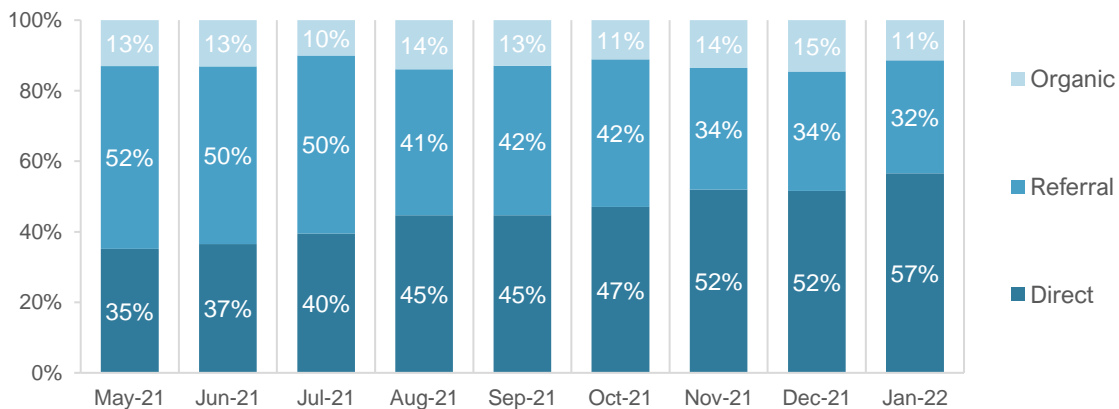


Figure 11 – Monthly traffic to HB4C online intake tool, by channel (n=6,556)

- Between May – July 2021, Referral traffic comprised at least 50% of traffic to HB4C online while Direct traffic was between 35-40%
- This steadily increased in the middle of the year and by November 2021, Direct traffic comprised over 50% while Referral traffic was ~33%, suggesting that more people were aware of the service and online form
- Organic/search engine traffic was between 10 – 15% suggesting that there is a small cohort who continue to seek out ‘help before court’ rather than following a QR Code or link

4.3.2 Evaluation survey data

The client evaluation survey also asked respondents if they remember how they found out about HB4C. This is obviously a small sample (n=74) compared to the HB4C website analytics, but provided more specific sources:

- 31% stated that they found out about HB4C via the Magistrate’s Court
- 18% stated that they found it through searching online
- 15% recall being told about it by Victoria Police
- 8% recalled being referred by another service (e.g. support service, youth worker)
- 7% stated that they found out about it only after contacting VLA

Do you remember how you first found out about HB4C?

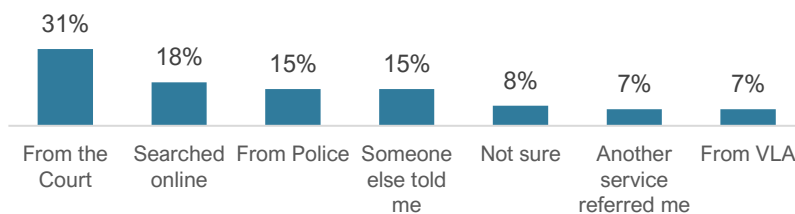


Figure 12 - Survey responses on how HB4C users discovered the service (n=74)

This evaluation survey was completed by help seekers who contacted HB4C between July-September 2021 and can be contrasted with a survey of 62 clients undertaken by the HB4C service designer in February 2021, where the vast majority (76%) of users found out about the HB4C online form via the Magistrate’s Court and less than 5% found out about it from other services or word of mouth. Notwithstanding the small sample sizes, this reflects a broadening awareness of the service over time.

5 Effectiveness of Help Before Court

5.1 To what extent has it met the needs of clients?

The Summary Crime Program Logic identified several short and longer-term outcomes for clients and most of these are relevant for the HB4C service. These are marked out in the Program Logic below.

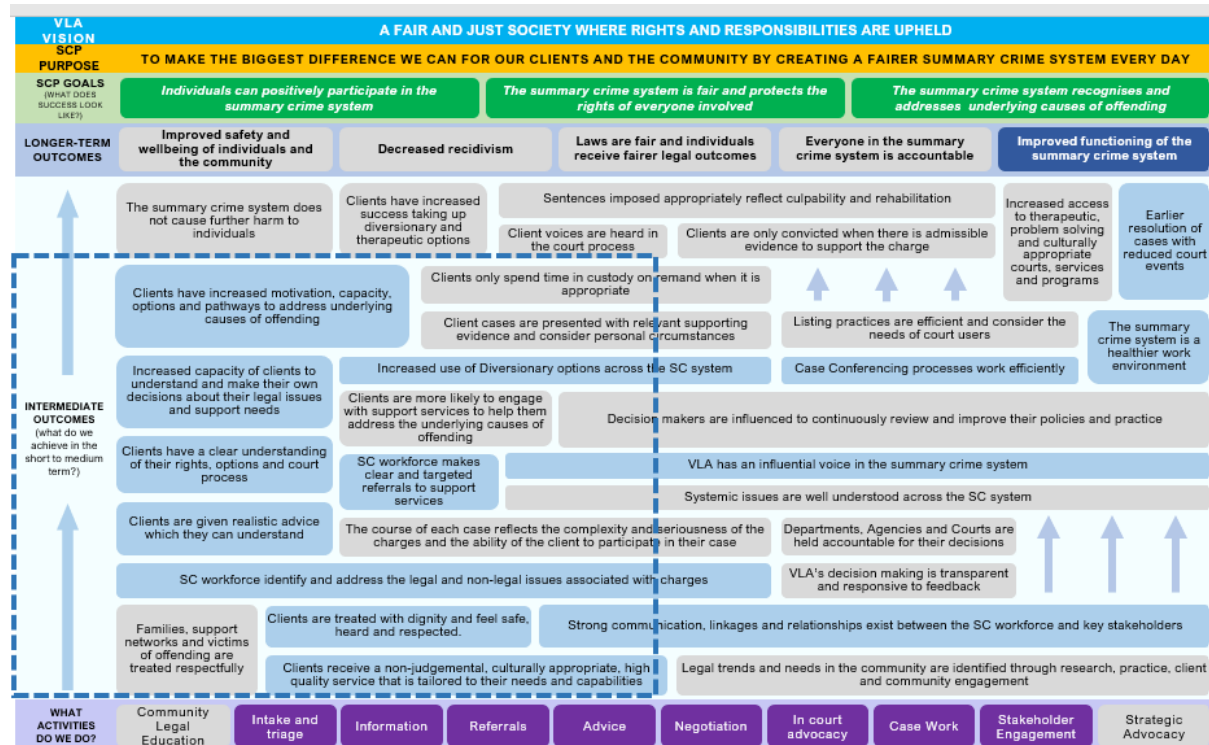


Figure 13 - Summary Crime Program Logic, with relevant elements for HB4C highlight and box around direct client outcomes

It was expected that:

- individuals would receive a high quality service tailored to their needs and capabilities, which would make them feel safe, heard and respected.
- their legal and non-legal issues would be identified and they would be provided with realistic advice and a clear understanding of their rights, options and the court process.
- This would in turn allow them to make informed decisions about their legal issues and support needs and in the longer-term, increase their motivation and capacity to address underlying causes of offending and improve their wellbeing

To understand whether the service delivered on these outcomes and met the needs of clients, the evaluation considered:

1. The HB4C utilisation data to understand the proportion of those seeking and eligible for assistance from HB4C who received assistance
2. The responses from client interviews and surveys about their experience
3. The reflections of VLA lawyers and Panel practitioners on the outcomes for clients

5.1.1 HB4C utilisation data

As detailed in section 4.1, there were over 17,000 requests for Help Before Court (HB4C) during the 16 months of the pilot and based on a sample of unique requests analysed, 64% were eligible for pre-court advice and received it. A further 11% were ineligible but received legal information, 2% were not summary crime matters and 1% were no longer required assistance.

That leaves approximately 21% of requests which did not receive any legal assistance via the HB4C service. A majority of these (14%) were requests made too close to the court date and it is *likely* that they still received legal assistance from VLA (either before their court date or as a duty lawyer service) while 7% were not contactable and it is *unknown* if they received any assistance from VLA, e.g. through the duty lawyer.

While this data does not consider the quality of the services or whether it met clients' needs, it does indicate that a majority of eligible help-seekers who made a request for HB4C received legal assistance. However, there is a significant minority of help seekers (~14%) whose requests are close to the court date and may not be receiving HB4C services. The triage team noted that many in this category adjourned their hearing date and resubmitted an application for HB4C, forming part of the ~8% of 'duplicate' requests in the sample. This number also likely comprises at least some help seekers submitting multiple requests because they did not hear back from the service as quickly as they expected.

5.1.2 Client perspective on quality of service and whether it met their needs

Interviews undertaken by the HB4C service designer with 68 clients in February 2021, in the first few months of HB4C, revealed that clients were primarily seeking accessible information and assistance in a timely manner, at least a few days before their Court date. They also wanted clear information about Court processes and etiquette as well as eligibility criteria for legal assistance.

These elements and the perspective of HB4C clients on the overall quality of the service and whether it met their needs were investigated in the evaluation surveys with clients. **Overall, 81% of surveyed HB4C clients were satisfied with the HB4C service they received (46% 'very satisfied')**

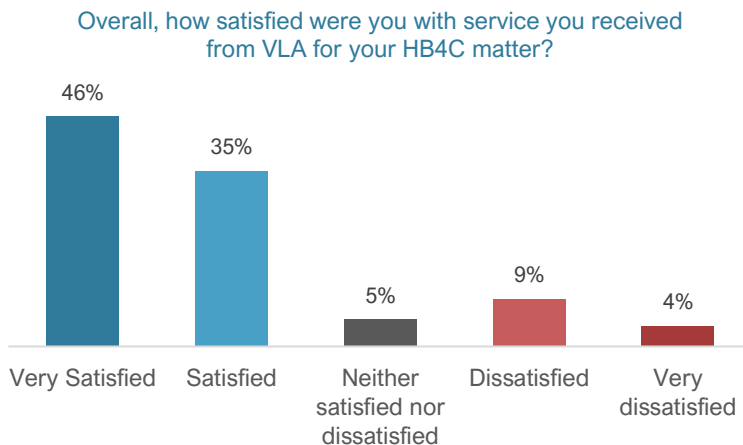


Figure 14 - Overall client satisfaction with HB4C service, based on evaluation survey sample (n=74)

When considering *which* clients were more or less satisfied, there were some patterns that emerged although it should be cautioned that these are small samples and results are unlikely to be statistically significant:

- Surveyed clients who recall only receiving ‘General information or an email’ were least likely to be satisfied overall (75%), while those who received legal advice **and** representation were likely to be most satisfied (88%).

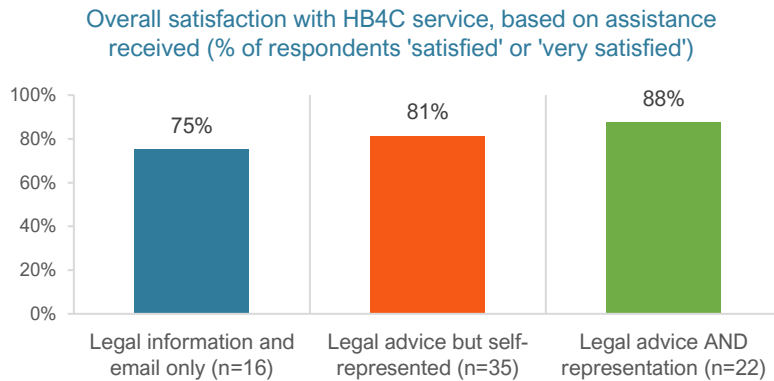


Figure 15 – Overall satisfaction with HB4C, based on assistance received (% of clients ‘satisfied’ or ‘very satisfied’)

- Male clients were more likely to report being satisfied than female clients (84% vs 62%)
- There was no difference in overall satisfaction based on disability status recorded in ATLAS
- Clients who had previously received help from VLA for a criminal matter were slightly more likely to be satisfied than those who had not (85% vs 79%)

When asked how much they agreed with whether various aspects of the service met their needs:

- 94% agreed that the people from VLA were ‘polite and respectful’
- 86% agreed that the people they spoke to ‘clearly explained what would happen next’
- Between 80-90% of those who spoke with a lawyer agreed that:
 - they were ‘able to speak to a lawyer in a reasonable time’
 - that the lawyer they spoke with ‘did not rush them’, ‘helped them understand their matter’ and ‘understand what would happen at court’
- 81% felt they had enough time after the service to prepare for Court
- 83% felt the service took their ‘individuals needs and circumstances into account’, although this statement had the largest proportion of disagreement with 16% either ‘disagreeing’ or ‘strongly disagreeing’

These results are graphed below and indicate that 80-90% of the survey sample felt they received a quality, timely service that met their needs. A selection of their open-ended responses on what was valuable about the service is also provided below.

How much do you agree with the following aspects of the HB4C service?

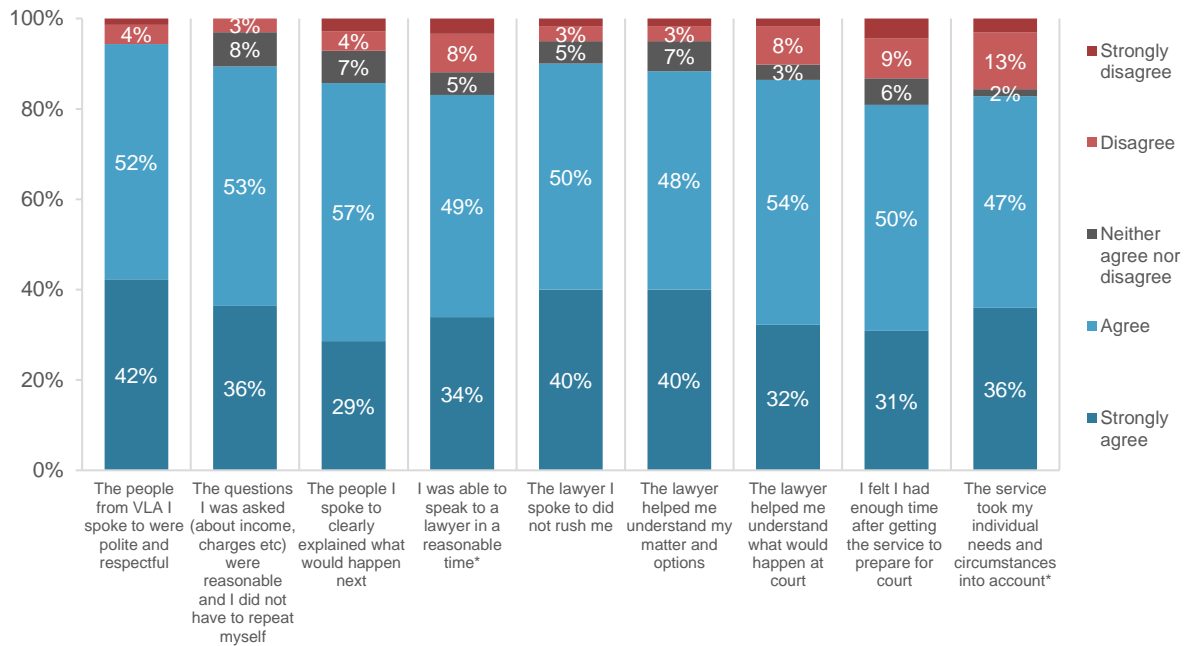


Figure 16 - Proportion of survey respondents who agreed with various quality aspects of service (n=73)

“The knowledge and reassurance. Being advised what could or could not happen from someone who knows.”

“Convenient, and they really wanted to make sure I didn't stress about it. Individual assessment and able to provide services, even for those that aren't eligible, they still help.”

“Lawyer did not just treat her matter as a case - she was given one-on-one assistance and her matter was given direct focus.”

“Information that I needed to obtain for the hearing, I was well informed in advance”

“The fact I was able to be represented and have someone that can help me defend myself in court. Also the fact someone actually listened to me”

Sample of client survey responses on most valuable aspects of HB4C

When considering *which* clients felt their needs were better met, there were a few notable patterns when segmenting results by gender, disability status and whether they had previous experience with VLA for a criminal matter.

- These three attributes were selected for segmenting results because there were insufficient data in the survey sample for Aboriginal or Torres Strait Islander status and Language spoken to segment these results. There were also no survey responses from clients who identified as non-binary / gender diverse / trans, who comprise ~0.2% of HB4C clients.

The patterns have been provided in the table below for each of the survey statements:

Table 6 – Demographic differences in whether surveyed clients felt their needs were met by HB4C service

Survey statement	Notable differences
<i>The people from VLA I spoke to were polite and respectful</i>	<ul style="list-style-type: none"> No difference based on gender Clients with no disability recorded were more likely to agree than those with a disability (100% vs 87%) No difference based on whether previously helped by VLA
<i>The questions I was asked (e.g. about income, my charges, etc.) were reasonable and I did not have to repeat myself</i>	<ul style="list-style-type: none"> Male clients more likely to agree than female clients (95% vs 67%) No difference based on disability status recorded No difference based on whether previously helped by VLA
<i>The people I spoke to clearly explained what would happen next</i>	<ul style="list-style-type: none"> Male clients more likely to agree than female clients (86% vs 71%) No difference based on disability status recorded No difference based on whether previously helped by VLA
<i>I was able to speak to a lawyer in a reasonable time</i>	<ul style="list-style-type: none"> No difference based on gender, disability status recorded or whether previously helped by VLA
<i>The lawyer I spoke to did not rush me</i>	<ul style="list-style-type: none"> Male clients more likely to agree than female clients (94% vs 75%) No difference based on disability status recorded Clients who had <u>not</u> previously received help from VLA on a criminal matter were more likely to agree (94% vs 86%)
<i>The lawyer helped me understand my matter and options</i>	<ul style="list-style-type: none"> No difference based on gender, disability status recorded or whether previously helped by VLA
<i>The lawyer helped me understand what would happen at court</i>	<ul style="list-style-type: none"> No difference based on gender, disability status recorded or whether previously helped by VLA
<i>I felt I had enough time after getting the service to prepare for court</i>	<ul style="list-style-type: none"> Female clients were less likely than male clients to feel they had enough time to prepare for court (64% vs 83%) No difference based on disability status recorded No difference based on whether previously helped by VLA
<i>The service took my individual needs and circumstances into account</i>	<ul style="list-style-type: none"> Female clients were less likely than male clients to feel service took their individual needs and circumstances into account (64% vs 86%) No difference based on disability status recorded No difference based on whether previously helped by VLA

5.1.3 Comparison of client feedback on quality of service with VLA Duty Lawyer service

As noted, these responses can be contextualised by comparing to the most relevant results from previous VLA client surveys, particularly the most recent VLA wide Client Satisfaction Survey (2019)⁹. While the Summary Crime Program specific results in the VLA Client Satisfaction Survey were used, this comparison should be treated cautiously for two reasons:

- While the HB4C evaluation survey was informed by the Client Satisfaction Survey, the wording of statements in both surveys are not identical. For example, “*I was able to speak to a lawyer*

⁹ Summary Crime sub-program specific findings were provided to the evaluation consultant while a summary is available online: <https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-2019-client-satisfaction-survey-summary.pdf>

in a reasonable time" (HB4C evaluation survey) vs *"I didn't have to wait too long to see the Duty Lawyer"* (VLA Client Satisfaction survey)

- While HB4C is meant to offer a duty lawyer level of service, the experience for clients of the at court duty lawyer and any subsequent legal service is likely to be different from the experience of a pre-court, primarily remote service such as HB4C

This comparison is provided below and, while imperfect, demonstrates that the HB4C clients surveyed are generally as, or more satisfied, with elements of HB4C than the overall Summary Crime Program.

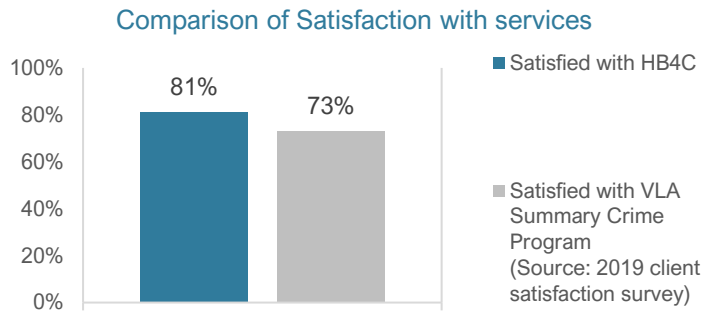
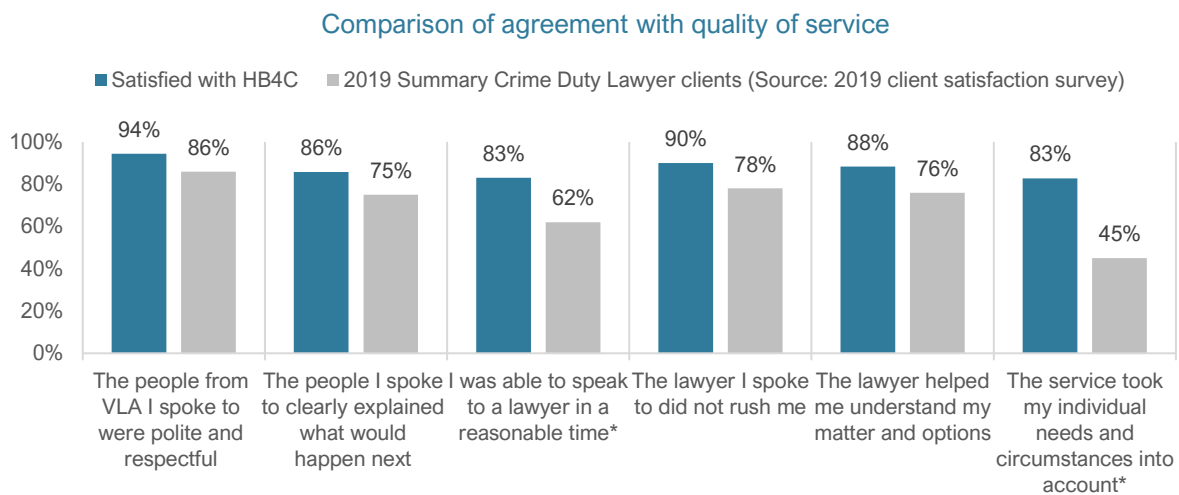


Figure 17 - Comparison of HB4C client satisfaction vs VLA Duty Lawyer service

As shown in the next chart, the gaps in results were largest between the HB4C client survey sample and the VLA Duty Lawyer survey sample in how clients felt about the timeliness of the service (how long it took to speak to a lawyer and not feeling rushed) and how responsive it was to their individual needs. This is unsurprising as clients wait at court to see the duty lawyer without set appointments and, compared to HB4C, duty lawyers often have limited time to advise a client and prepare enough to tailor their service to their individual needs and circumstances.



*These two statements in the Client Satisfaction Survey were not available for the Summary Crime Program so results for all VLA Duty Lawyer clients were used

Figure 18 - Comparison of client agreement with aspects of HB4C service vs VLA Duty Lawyer service¹⁰

¹⁰ The wording of statements in the two surveys was not identical so the most relevant comparison statement was selected, e.g. *The service took my individual needs and circumstances into account* (HB4C evaluation survey) vs *VLA met my personal and cultural needs* (Client Satisfaction Survey). For two statements, there was no relevant comparison available: *The lawyer helped me understand what would happen at court*, and *I felt I had enough time after getting the service to prepare for court*

5.2 To what extent has it improved the experience of clients receiving duty lawyer level summary crime services?

HB4C was established as a pre-court service to complement the duty lawyer service and designed to improve the experience for clients. The previous section discussed whether the service met expectations in terms of the ‘process’ of receiving assistance (e.g. time taken to speak to a lawyer, or whether the service helped clients understand their matter). In this section, the survey responses from clients and consultations with practitioners are used to understand the ‘outcomes’ from receiving assistance (e.g. whether clients’ wellbeing improved, or there was a better legal outcome for them)

The HB4C project team have collected client stories demonstrating the impact of HB4C. These indicate the benefits from clients from having decreased attendance at court, particularly for vulnerable clients, people charged with the first offence, and people who have had multiple matters on different court dates consolidated to a single hearing.

Three client stories are provided below with names changed for privacy

Felicity was 19 years old when she was charged with assault. Living with severe anxiety and attention deficit hyperactivity disorder, she found the prospect of having to go to court overwhelming.

Her carer contacted us and through Help Before Court (HB4C) was able to spend time discussing her case with Senior Lawyer, Steph Thirlwall.

“I was very upset that I would even have to attend court and was shocked to receive a summons”, Felicity said. “My mental health is not good ... I was scared the outcome would be beyond my control and ability to cope. I know lawyers are always in a rush on court days representing lots of people at once. (But HB4C) meant I was able to spend enough time talking with my carer and the lawyer.

‘My carer has found it hard at times to get people to understand that I have these difficulties and I cannot explain it properly. The HB4C process helped him to help me. ‘My carer did not have to take me to court, and he had more time to get all the reports and paperwork together for me for Steph at Legal Aid to represent me.’

Steph was able to negotiate a diversion program and as a result, Felicity did not have to appear at court.

David is an older man who lives in a regional Victoria and had been diagnosed with a number of ongoing serious mental health issues related to previous trauma. He had two outstanding cases listed six months apart. David was on bail for the second set of charges, and the fact of being on bail and needing to attend Court was impacting David’s mental health to the point that he was feeling suicidal.

A VLA lawyer providing HB4C services spoke to David before his first Court date. As a result, the lawyer was able arrange for both of David’s cases to be listed on the first court date. David pleaded guilty to all charges. **Access to pre-court assistance through HB4C meant that David’s cases could be heard together and resolved as early as possible, helping improve David’s mental health and reduce the number of Court events.**

Anthea is in her mid-40s, a survivor of extreme family violence, and suffers from post-traumatic stress disorder. She had no criminal record until a few years ago when she was convicted of several offences she committed in company with her abusive ex-partner. The Magistrate placed her on a Community Correction Order for 12 months. While under the order, Corrections Victoria charged her with breaching its conditions, alleging she did not meet the supervision requirements. She was summonsed to return to court.

She contacted Victoria Legal Aid and requested help before court. A VLA lawyer delivering HB4C called her to discuss the case. Anthea told the lawyer she disagreed with the allegations, noting that she had continually engaged with support workers. She also said that on the occasions she had not attended corrections appointments it was due to ongoing threats of family violence, about which Corrections had been notified. The lawyer sought an adjournment in Anthea's absence while they obtained evidence to support her case. They got material from her treating medical team, mental health professionals and other family violence support services. **The lawyer then sent an email to prosecutions who reviewed the additional information and decided it was appropriate to withdraw the charge. The case was discharged. Anthea did not have to return to court.**

The lawyer said:

“An extremely vulnerable client avoided having to appear in court with the outcome being the withdrawal of all charges. In addition, the client didn't have to re-tell her story to multiple duty lawyers as she was linked in with one prior to her first appearance.”

“To be able to (progress the client's case in court) in her absence was of significance given how traumatic these matters proved to be in the context of historical and ongoing family violence. To do so in her absence was only possible because of the contact made via HB4C.”

5.2.1 Client survey perspective on their experience and outcomes from HB4C service

As noted, 81% of the 74 clients who completed the evaluation survey were satisfied or very satisfied with the HB4C service overall while 11% were not satisfied.

When asked how much they agreed with how receiving the service impacted them:

- 86% were 'glad that they sought help before their court date'
- 70% felt they 'received enough help from the service'
- 78% felt 'less stressed about their matter'
- In terms of the legal outcome of their matter:
 - 63% agreed that they were 'satisfied with the legal outcome' (while 19% disagreed)
 - 55% agreed that 'the service helped them get a better legal outcome than they expected' (while 21% disagreed)
 - Client perceptions on both the legal outcome and the service's contribution were generally matched, i.e. clients who were satisfied with the legal outcome also agreed that the service helped them get a better outcome than expected while clients who were not satisfied also disagreed that the service helped them get a better outcome.
- 63% agreed that 'the service helped them connect or re-connect with a support service' (excluding those who stated 'neither agree nor disagree', which may mean it was not applicable to them)

These results are graphed below and indicate that most clients appreciated obtaining help before their court date and felt less stressed about their matter after receiving assistance, although there was a minority (15 – 20%) who were not satisfied with the legal outcome nor felt they received enough help from the HB4C service.

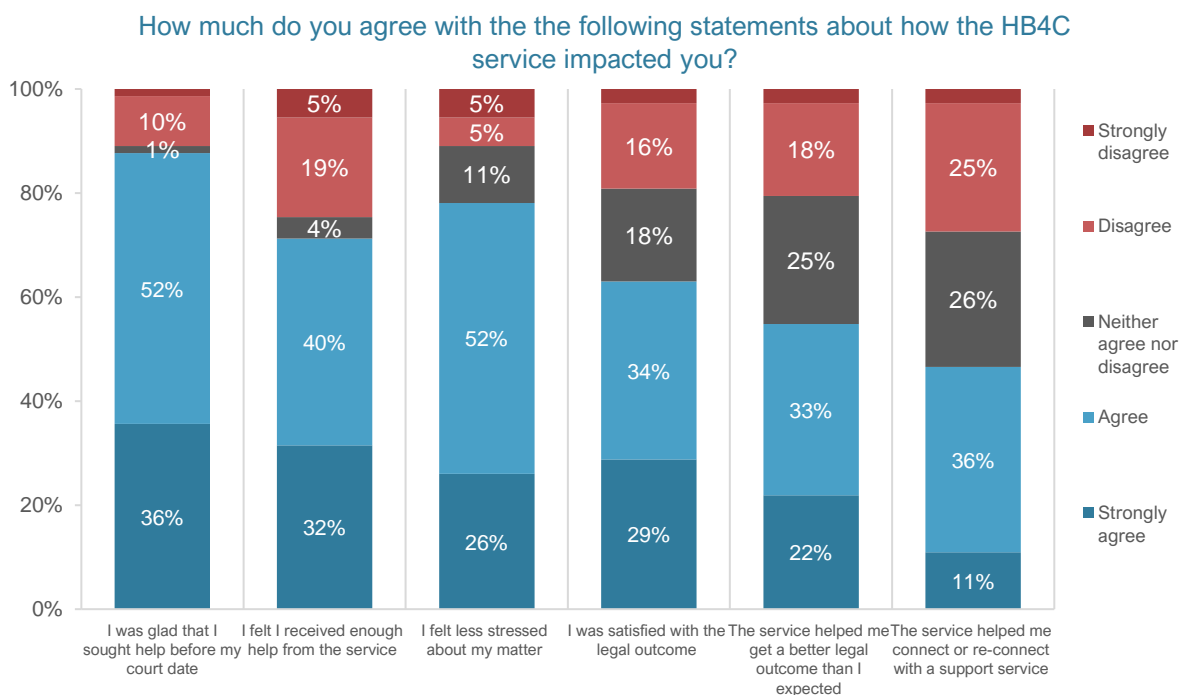


Figure 19 - Proportion of survey respondents who felt the service benefitted them (n=73)

A selection of open-ended responses illustrates how clients felt the service benefitted them.

“Being linked very quickly to a Legal Aid Lawyer who could explain everything, and she [client] had a successful outcome.”

“Took away stress from my situation, eased my anxiety. Guided and helped me through my matter.”

“When she [client] went to court she had been advised what the worse could be and what the best could be and she got the best.”

“Keeping me out of juvy [juvenile detention] and connecting me with drug and alcohol services.”

Sample of client survey responses on how HB4C benefitted them

The minority of clients who disagreed with most of the statements and were not satisfied generally faulted delays in contact from VLA and lack of follow through.

“[Client] gave up and had to go and hire a private lawyer after the matter dragging on for ages and not hearing from VLA.”

“Too unreliable. HB4C say things and do not do it. Waited for a call but never received a call.”

“Second time receiving HB4C - 5 hour wait on the phone and hung up with no-one ever responding back.”

“They did not really do anything and did not follow through with what they said they were going to do.”

Sample of client survey responses on why HB4C did not benefit them

When considering *which* clients felt they benefited more or less, there were a few notable patterns when segmenting results by what assistance they received, gender, disability status and whether they had previous experience with VLA for a criminal matter. As noted previously, there were insufficient responses in the survey sample to segment results on other demographic attributes (e.g. Aboriginal or Torres Strait Islander status, Language spoken).

The patterns have been summarised and graphed below for each of the survey statements:

- **Level of assistance provided**
 - As noted earlier, clients who recall only receiving ‘General information or an email’ were less likely to be satisfied overall than those who received legal advice or legal advice + representation and there were also notable differences in the outcomes reported by level of assistance the survey respondents recall receiving
 - While nearly all clients were ‘glad they sought help before court date’, 83% of clients who received representation agreed they received enough help from HB4C (compared to 67% for both those who received only legal advice and those who received information only)
 - Clients who received legal information only and those who received representation were both more likely to feel less stressed about their matter than those who received legal advice but represented themselves in court. This likely reflects differences in the

- nature of the matter and the capability of the individual but also the inherent stress in self-representing.
- Conversely, clients who received legal advice but self-represented were most likely to be satisfied with the legal outcome (70%) AND feel the service helped them get a better legal outcome than expected (61%). Those who received legal information only were least likely to be satisfied with the legal outcome (53%) and feel the service helped them get a better outcome (46%). Again, this may reflect differences in the nature of the matter but also the expectations and quality of legal information and representation provided, especially where sentencing is relatively fixed (e.g. mandatory license loss periods for driving offences).
 - There was a noticeable difference in clients reporting that HB4C helped them with non-legal support, with 58% of survey respondents who received legal representation agreeing HB4C helped them ‘connect with a support service’ compared to ~40% for those who received legal information or advice only. This may reflect both the higher likely support needs of eligible clients and benefit of ongoing contact with a lawyer to build sufficient trust/rapport and identify support needs to make a successful referral to a support service.

Perceived benefit of the service, based on assistance provided (% of clients agreeing)

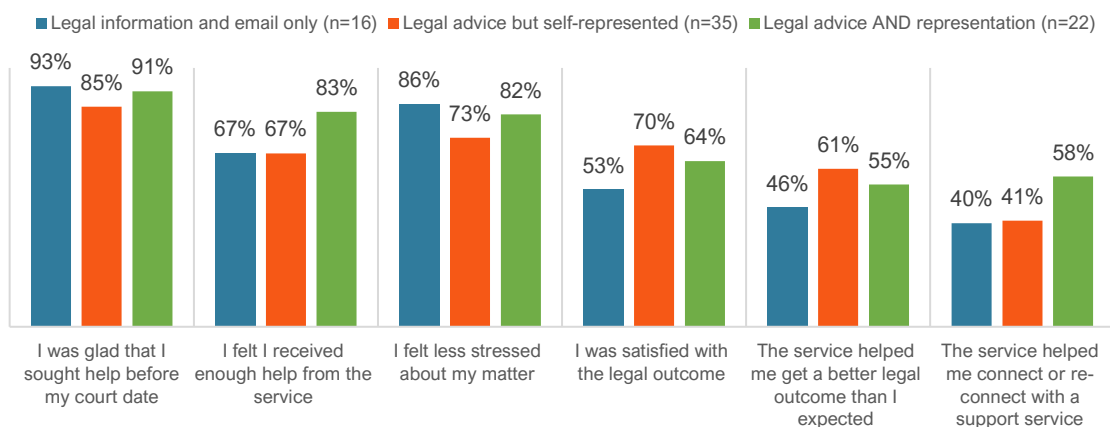


Figure 20 - Perceived benefit of the service, based on assistance provided (% of clients agreeing)

• Gender

- As discussed previously, female clients perceived less benefit from the service overall, agreeing with every statement less than male clients.
- In particular, female clients were less likely to be glad they sought help before court date (73% vs 91%), feel less stressed about their matter (53% vs 84%), be satisfied with the legal outcome (47% vs 69%) and feel the service helped them get a better legal outcome than expected (40% vs 55%).
- While these results indicate that the HB4C service could do more to benefit female clients, there was a smaller difference in agreement between female and male clients in feeling they received enough help (66% vs 73%), suggesting that there may have been differences in expectations and the particulars of matters for female clients, which were outside of the service’s control.

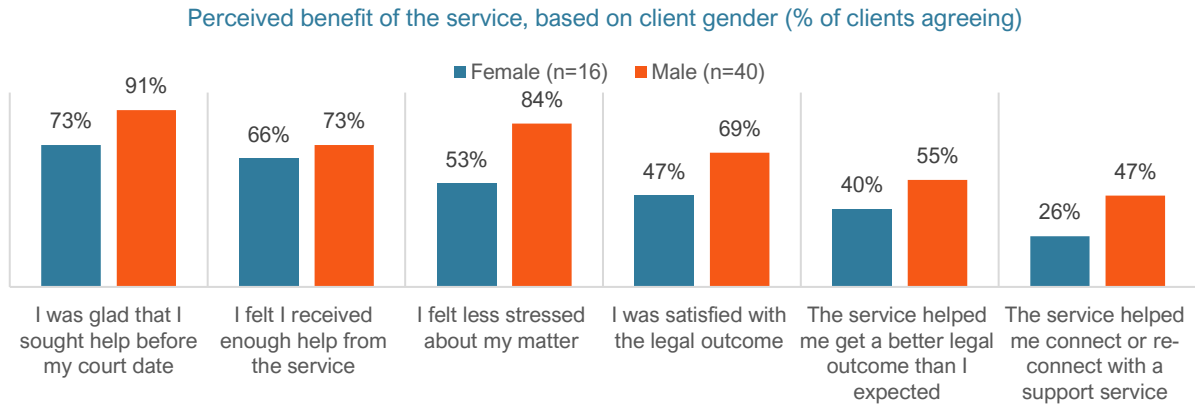


Figure 21 - Perceived benefit of the service, based on client gender (% of clients agreeing)

- **Disability status**

- Clients with a disability recorded were slightly more likely to agree that the HB4C service helped them get a better legal outcome than expected (56% vs 48%)
- Client with no disability recorded were more likely to agree that they were satisfied with the legal outcome (70% vs 56%) and that HB4C helped them connect/re-connect with a support service (48% vs 35%)
- There was no discernible difference between those with and without a disability recorded in whether they received enough help or felt less stressed about the matter

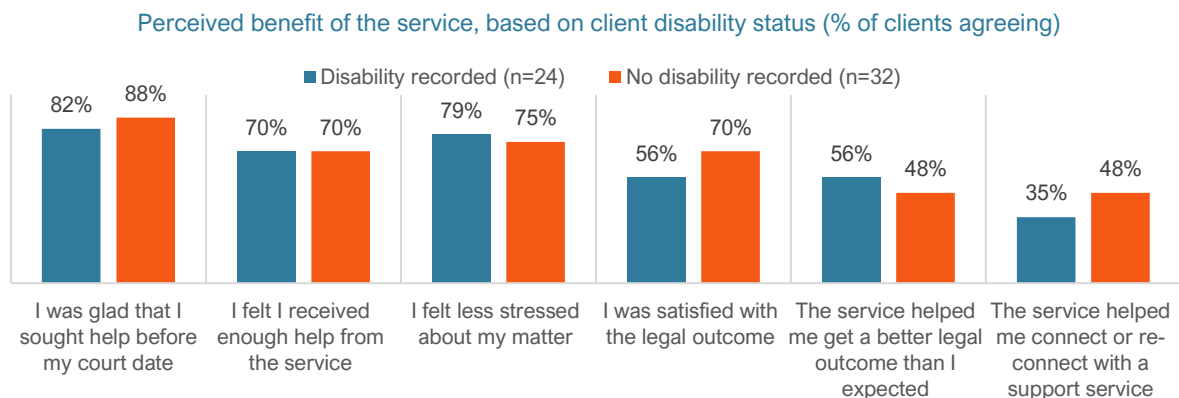


Figure 22 - Perceived benefit of the service, based on client disability status (% of clients agreeing)

- **Previous experience with VLA for criminal matter**

- Clients who had previous experience with VLA perceived greater benefit from the service than those with no prior experience, agreeing more with almost all statements except 'The service helped me connect/re-connect with a support service' suggesting they already had these connections.
- In particular, those with prior VLA experience were more likely to report they received enough help from HB4C (86% agreement vs 67%) and that HB4C helped them get a better legal outcome than expected (68% vs 50%). This may reflect a difference in service level and quality expectation among those who have previously been assisted by other VLA summary crime services.

Perceived benefit of the service, based on previous experience with VLA

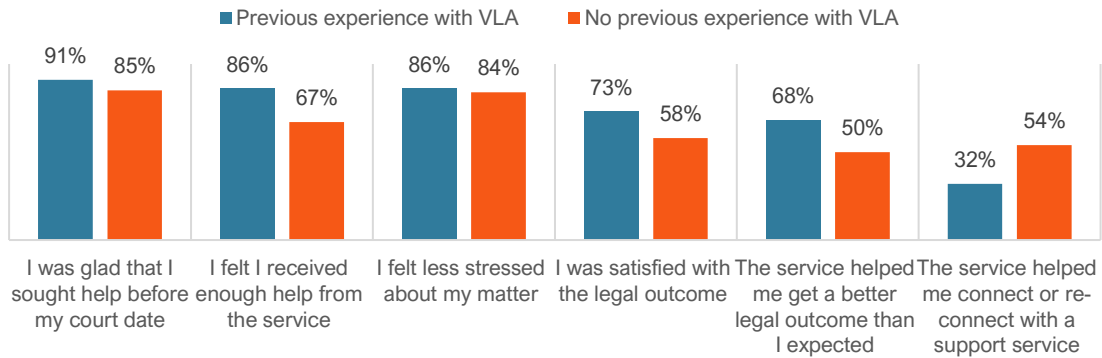


Figure 23 - Perceived benefit of the service, based on previous experience with VLA (% of clients agreeing)

Comparison with previous Duty Lawyer Service

Unlike the ‘process’ aspects of the service, there were no statements in the VLA wide Client Satisfaction survey that could be directly compared to the HB4C evaluation survey outcome statements. As noted, 25% of the survey sample had previously received assistance from VLA for a criminal matter, however they were not asked specifically if they had experience with the duty lawyer service or to compare and contrast that with HB4C. Thus, a comparison of HB4C clients’ perception of outcomes with VLA Duty Lawyer clients is not possible with the evaluation survey data.

In the 11 HB4C client interviews conducted by the service designer in November 2021, two participants had recent experience of the duty lawyer service. Both thought HB4C was an immense improvement. One noted that HB4C was “a thousand times better” than attending court for the duty lawyer service, which they described as “nerve-wracking”. They expressed how much less anxious they felt being able to go to their court appearance with a fair and informed idea of what the outcome would be as they had discussed it with their lawyer. This contrasted with their experience with the duty lawyer service, where they were effectively turning up at court “not knowing if you were going to be locked up” by the end of the day.

5.2.2 Would clients recommend the HB4C service?

Finally, to understand its overall value to client, the evaluation survey also asked them if they would recommend the HB4C service to others. **85% of clients stated they would recommend the service ‘as is’, while a further 8% would recommend it if it was improved and the remaining 7% would not recommend it.**

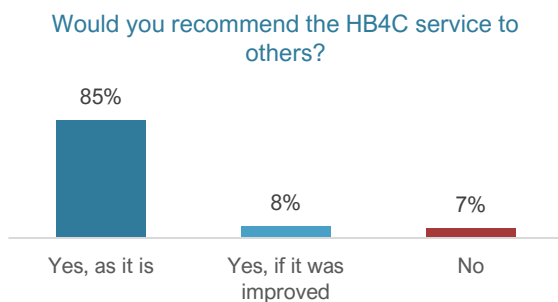


Figure 24 – Proportion of survey respondents who would recommend the HB4C service (n=72)

This result (93% recommending to some degree) is higher than the 81% of respondents who were satisfied with the service they received, suggesting that while their individual experiences varied the service users saw value and potential in the service itself. This is illustrated in the figure below comparing the recommendations of those survey respondents who were satisfied with the service overall (81% of clients) and those who were not satisfied (13%).

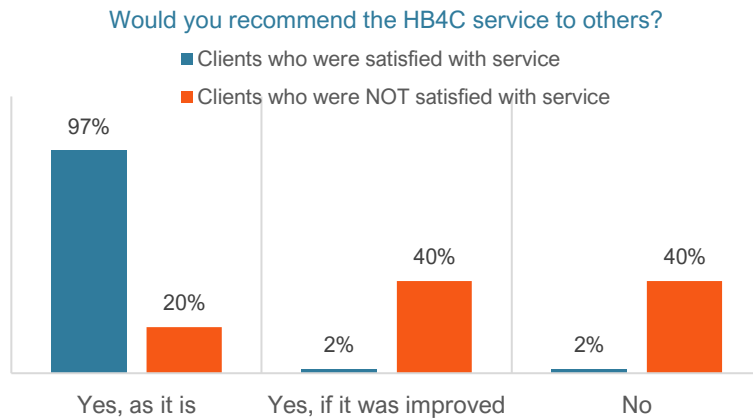


Figure 25 - Proportion of survey respondents who would recommend the HB4C service, based on satisfaction with the service (n=72)

The 93% recommendation result also compares favourably with the 2019 VLA Client Satisfaction survey, where 85% of clients surveyed stated they would recommend VLA's services to others. However, that survey did not distinguish between recommending 'as is' or 'with improvements', and the very high proportion of surveyed clients recommending HB4C 'as it is' is testament to the high quality perceived by clients.

Nevertheless, when asked how the service could be improved, around 40% of survey respondents offered suggestions mostly relating to reducing the time to be contacted / wait on the phone, expanding eligibility and providing consistent advice.

A sample of these suggestions are provided below:

"More staff for shorter wait times."

"Faster contact after initial application. By the time HB4C contacted him his court case had past and he had had to adjourn the matter."

"The eligibility assessment. The questions asked by the VLA lawyer appeared different [to triage] which resulted to HS needing a pay for a private lawyer."

"If the same lawyer would be appointed for all the future matters (like a case load). Instead of having a different lawyer for all the different hearings, but for the same matter."

"That all the crimes are dealt with and none are 'pushed under the rug'."

Sample of client survey responses on how HB4C could be improved

5.2.3 Stakeholder perspectives of client experience and outcomes from HB4C service

VLA staff and Panel practitioners consulted for the evaluation were also asked to comment on how the HB4C service impacted on client experience and outcomes.

Five individuals from the dedicated triage team were consulted and had a positive view on the potential of the HB4C service to improve client experience. They saw HB4C as an improvement to the existing duty lawyer service by providing clarity and allaying anxiety. They noted that it works particularly well where clients make contact more than 7 days before their court case and are assigned to an office which accepts direct bookings so the triage team member can inform the client their VLA office and lawyer on the call. The triage process also provided some certainty to clients about the process and what to expect at court, even if they were ineligible for legal assistance. The triage team also noted a strength of triaging clients and assisting them before court, was that they could discuss referrals for non-legal matters based on client's characteristics and needs. For example, clients who identified as Aboriginal or Torres Strait Islander were connected to VLA's Aboriginal Community Engagement (ACE) officers or clients with mental health related issues could be referred to the Independent Mental Health Advocacy (IMHA) service. These referrals would both benefit help seekers more holistically but also identify any relevant considerations for their VLA lawyer and the Court.

"Overall I think for most people it's really easy to access HB4C and beneficial service. Most clients are mainly confused about the legal process for them so really benefit from us speaking with them and explaining what the next steps in their matter is"

"Before clients would be told they had to wait hours to speak to lawyer at court, and had some brief info to read and then ended up representing themselves, whereas with HB4C they all get at least some legal information and advice and it gives them time to prepare themselves whether they self-represent or not"

"The Triage Team is linked into the ACE officers, IMHA, IFAS and Migration teams at VLA to provide referrals for non-legal matters. The benefit is when we ask about these referrals of clients, it may bring up other issues they talk to us about that we can flag with lawyer"

Triage team reflections on benefits to client experience

Despite feeling that HB4C provided a better experience than the duty lawyer service for *most* clients, the triage team were concerned that several clients were not receiving a better experience consistently due to:

- delays in responding to HB4C requests, because of pressure on triage team as well as responsiveness of VLA offices and PPs
- having to be re-triaged if they come through Legal Help, where officers conduct their own triage and means clients sometimes answer the same questions twice and become frustrated
- time pressures and resourcing at offices mean some clients still feel rushed and not receiving a personalised service that meets the expectations that the Triage team/Legal Help try to set
- clients whose court date is several months away being de-prioritised and not hearing from VLA or PP for several months so become disengaged, negating the point of HB4C, or call back repeatedly to enquire about when a lawyer will contact them

*“I believe HB4C is operating well for some clients in some situations, but could operate well for **all** clients if we had more consistency. The client experience is currently a lottery because the process varies so much across offices. It depends on whether clients get to us early enough that we can help, whether they get to an office that will take direct bookings or at least be responsive and whether they go to a VLA lawyer or Panel practitioner. Even though we [VLA] say we have priority clients, in reality many clients are helped based on when they reach us and which office.”*

“When a client reaches us through Legal Help, we have to ask triage questions again so clients get frustrated with that repetition and many of our clients have underlying issues that mean their attention and patience is already diminished so if they feel they weren’t heard or respected, it antagonises them. Legal Help should do the triage in these cases and if have their intake form, we just ask a few questions specific to HB4C”

“I don’t think a better experience for clients has happened as much as it should. I leave notes on the referral card, e.g. good time to call client or any underlying mental health issues, but feel like they hardly get read or that the admin person at the office doesn’t forward that note to the lawyer. The clients who call me back say they feel really rushed and not getting a personalised service and I worry the offices receive the clients with a mentality of needing to rush through and advise them in 29 mins.”

Triage team reflections on challenges to client experience

The VLA lawyers delivering HB4C services and VLA managers consulted for the evaluation had a mostly positive view on the benefits to clients. They thought the service worked especially well for clients who were particularly anxious or concerned and those who had non-legal issues that could be addressed prior to the first hearing and help secure better legal outcomes.

“Clients get a very good service from HB4C. I think we get a lot of diversion orders which is for their benefit. Allows clients time to collect material to better represent their case, and gives prosecution more material and time to think about their options and how to proceed”

“I think it really helps reduce client anxiety and stress, because we have the information we need and even if clients don’t get advice they want to hear, they know what’s happening and have clarity”

“With DLS on the day, we try to give them holistic service and identify mental health or alcohol support, but much more powerful when we can show up in court and say we’ve made the referral for the client and they’ve already attended a session with drug counsellor.

“The early conversations prior to court date means we can link clients with support services that could help them personally and also influence the severity of the sentence. For example, if client is willing to go their GP and get a Mental Health Plan, the Court will be more favourably disposed and not go up the sentencing scale”

VLA lawyer and manager reflections on benefit to client experience

A few lawyers were concerned that for clients with simpler matters that could be easily resolved on the day with the duty lawyer service, HB4C has raised expectations and added more time and confusion without any discernible benefit for clients.

“I don’t think any clients are negatively impacted by the service but most of our clients [in regional area] don’t want to be contacted and so for them this pre-court phone and online service is not working as well. In theory HB4C is great but in practice, don’t think client outcomes are any better than if they just turn up to DLS on the day”

“For more complex matters [HB4C] helps, but if it’s a simple cannabis possession or fine the extra pre-court time won’t make much difference”

VLA lawyer and manager reflections on challenges to client experience

It should be noted that several of these frustrations are linked to remote, online service delivery which was the default working environment for many months in 2020 and 2021, rather than as a result of HB4C specifically. The 2017 review of VLA’s Summary Crime Services also identified the management of client expectations in the duty lawyer service as an ongoing challenge and opportunity for VLA.

Two of the panel practitioners who were consulted also felt that clients received a much better experience through HB4C than the Duty Lawyer service. They felt that both lawyers and clients having time to prepare helps improve the clients’ understanding of their options, manage their expectations and level of stress around their matter. They also thought that clients with a disability or requiring interpreters in particular were benefitting from pre-court assistance, and could not identify any cohort that is disadvantaged by the HB4C service.

The third panel practitioner consulted had a more mixed view of the service’s impact on client experience. They were concerned that clients with more complex matters or vulnerabilities were the ones who would most benefit from pre-court assistance, but it did not appear that they are the ones engaging with the HB4C service and when they did, the prescribed time limits for the service are insufficient. However, this challenge is not unique to HB4C and intersects with broader grant eligibility constraints that were mentioned by all three panel practitioners who stated they had HB4C clients that they felt were complex cases and required follow up, but could not be supported because they were neither eligible for a grant of aid (e.g. matter was not serious enough for jail time) nor able to afford private legal assistance.

“Think HB4C has been hugely beneficial for clients. You can put their mind at ease. We’ve received feedback from clients who are happy with how they’ve been able to get advice before their date and not waiting all day at court worried”

“I had a referral for a family violence case in July and the client did not want to engage or talk to anyone, very difficult to deal with. I told my boss I couldn’t figure it out and she suspected there were underlying issues and it turned out he was having a lot of pressure from his parents his whole life and after a month he finally opened up to me and spoke candidly to the magistrate and I could speak to his past trauma but then the magistrate asked him if he had any mental health issues and he said he had been diagnosed with autism and so she adjourned the matter and it turned into a fully aided matter and it’s gone from being a corrections order to a bond and he went through CISP.... A duty lawyer would never have been able to pick up on this”

“A major challenge that’s not in VLA’s control is clients who are not responsive. Usually clients who get in touch early are those with no criminal history so often more anxious but proactive while those with longer history are more complex and often leave it to last minute and may not be helped”

Panel practitioner reflections on client experience with HB4C

5.3 How has it impacted upon the workload and satisfaction of VLA administrative staff, legal assistants and lawyers?

While reform of the ‘at court’ duty lawyer model and providing pre-court assistance had been long considered at VLA, the HB4C project was implemented rapidly in response to the Magistrates’ Court’s Practice Directions around the COVID-19 pandemic that significantly altered the operations of court matters and duty lawyer services. This meant the project had to be developed and rolled out with less planning and fewer resources than was ideal and in an environment of substantial change and flux at VLA, with staff adjusting to remote service delivery initiated by the COVID-19 pandemic restrictions.

Consequently, when HB4C was first implemented, it was experienced as challenging by VLA staff and had a negative impact on workload, particularly for administrative staff. As discussed in subsequent sections, this stemmed from intake and triage being managed by individual offices, a lack of consistent guidance or definitions around what constituted a HB4C service, and delays in receiving briefs from Victoria Police. Many of these issues were canvassed in the diary studies initiated by the HB4C service designer in early 2021, which found that both admin staff and lawyers found that HB4C work was taking substantially more time and effort than the previous at court duty lawyer service.

By the time the evaluation consultations occurred in late 2021, several of these initial challenges and frustrations had been resolved and so the consultations focused on the overall impact of HB4C on workload and satisfaction, and any ongoing/emerging, rather than resolved, concerns. When asked in the evaluation interviews how they would rate how well the service is working overall currently, on a scale of 1 (Very poorly) to 10 (Very well), the median score from the 16 VLA staff was 5.8:

- 12% gave a low score (1-3)
- 44% gave a moderate score (4-6)
- 44% gave a high score (7-10)

As the figure below illustrates, the lowest median score was given by Managers while the Triage Team and Lawyers were more in line with the median score provided by the 4 external stakeholders (Panel practitioners, Victoria Police representative).

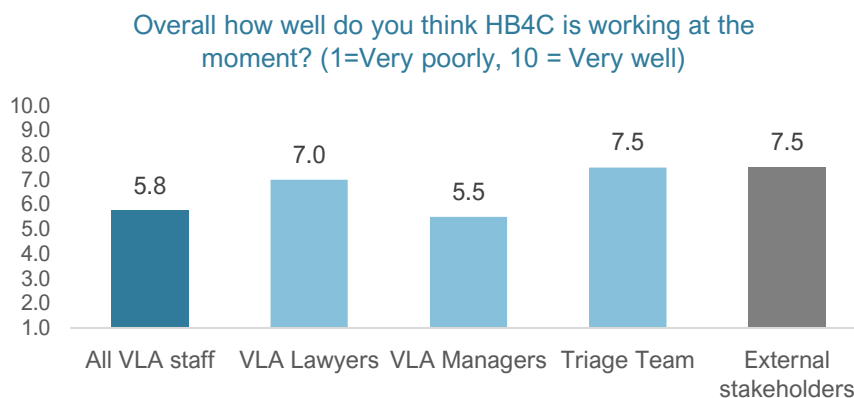


Figure 26 - Stakeholder views on how well HB4C is working presently (asked in December 2021, n=20)

The evaluation consultations delved into the reasons for these scores and identified several positive and negative impacts on staff workload and satisfaction, which stem from both HB4C specifically and other synchronous, indirect factors such as remote service delivery and local court/stakeholder dynamics.

5.3.1 Staff are glad that clients have an opportunity to engage with them and receive support prior to court

All staff consulted were unanimous in the benefit of VLA providing a pre-court assistance service. The legal assistants, lawyers and managers consulted felt it was both a necessary response to the remote service delivery shift and more aligned with a client-first approach to service delivery at VLA.

The concept of HB4C was widely lauded with several stakeholders prefacing their score of 'how well it is working' by noting that as a concept they would rate it 10 out of 10 and that low scores were a reflection of implementation challenges.

"The real positive is not having to look at client's matter and speak to prosecution all at court in a short amount of time, allows us to understand the legal issues and prepare better"

"Clients want to know what's going to happen when they contact us and this service enables that"

"A great part of pre-court assistance is we can identify non-legal supports clients need which benefit them but also make magistrate more favourable to a reduced sentence if they can see client is engaging"

"I think our new lawyers in particular enjoy this way where you're not running around at court frantically and can actually plan and prepare"

"Before this, we had clients making appointments and they would have no paperwork so we'd be working blind and this is just more organised than other remote appointment services and more structured"

"If you ask lawyers about whether HB4C service gives clients more understanding of their matter and options compared to DLS, they'd be unanimous it's better so the sense of frustration / loss is about remote working rather than HB4C. I think HB4C actually walks the talk of being client-first when in reality much of our work doesn't do that"

VLA staff reflections on benefits of delivering HB4C services

5.3.2 The dedicated triage team has alleviated administrative burden for other parts of VLA but the triage team's work is substantial

Prior to the introduction of the dedicated triage team in mid-2021, VLA offices were managing referrals from the HB4C online intake form, direct calls to their office or via Legal Help. Consultations undertaken by the HB4C team with individual VLA offices in late 2020 revealed a significant administrative burden from the triage and intake of HB4C matters, equivalent to at least 1 FTE for most metropolitan locations and between 0.2 – 1.5 FTE for regional offices.

As expected, the introduction of a dedicated triage team for HB4C matters alleviated much of this administrative burden as relayed by VLA staff consulted for this evaluation in late 2021.

"In the regions, admin operate in a much broader role as Legal Help officers, Reception and Admin combined so having this triage team has taken a lot of pressure off our admin"

"[The triage team] has been a huge help to our workload. They book clients in directly and for those that are listed within 7 days they just contact us directly"

ASM reflections on triage team impact on workload

However, much of this administrative work has been displaced to the triage team rather than reduced overall. As shown in section 4.1.1, HB4C requests have averaged around 55 per working day. The majority of these are managed by the triage team and can involve significant work for a relatively small team (~5 FTE of Legal Assistants + 1 FTE ASM). Extra time required to deal with matters was due initially to delays in police briefs and technology limitations (which have since improved) but is also a persistently a consequence of the anxiety/expectations of the help-seeker (many have no previous experience with criminal matters), responsiveness of offices to referrals (especially if they do not have a 'direct booking' system, have capacity issues or do not prioritise HB4C matters), post-referral contact from clients (usually if they have not been contacted by lawyer).

The introduction of the triage team and the associated benefits and challenges are discussed in greater depth in section 5.4.

5.3.3 HB4C matters take longer for lawyers than comparable duty lawyer service

Most lawyers felt that HB4C matters took significantly more time and effort than the DLS. Part of this is a consequence of remote service delivery and having to 'chase' up clients rather than having them physically present at court, which some staff conflate with HB4C. However, this was also because a service prior to court means there is less time pressure and clients had higher expectations of the service and were able to follow up with lawyers/triage team members following an advice or referral. There was also a risk of 'scope creep' and practitioners over-servicing clients to meet their professional obligations and commitment to support people seeking help.

"Typically, the people who come through HB4C are more anxious about their hearing and often it's their first time in the criminal justice system, so take up more time because even if their charges are relatively minor and straightforward, they don't see it that way. Also, if they are contacting us in advance they have higher expectations of how much time we will give them"

"Clients are benefitting but at the expense of additional workload for us. Clients often end up needing more assistance remotely than when they are there in person. In reality, they often don't answer my phone calls or messages for several attempts and if I am in the EFAS system as the lawyer, am expected to explain to court why client has not engaged and don't want to throw client under the bus so can affect my reputation and put pressure on me"

"I am (and assume many lawyers at VLA are) over-servicing by spending more time on matters than guidelines suggest because you have the prior notice and want to help the clients"

"Compared to the pre-COVID duty lawyer services, it feels like everything is taking longer and going in circles. What used to be a service that could be dealt with on the day are now being held by lawyer on an ongoing basis. In our office, we have a policy of "if you touch it, you keep it" so lawyers are retaining all these matters where only slight tasks need to be done whereas before once your DL shift ended that was it and you saw them at their court date"

"If matter is referred too far out from court date, you can end up giving 2 rounds of advice because client may forget or their circumstances change (e.g. stopped engaging with counsellor, re-offended, had a child, etc.)"

VLA lawyer and manager reflections on HB4C workload

Again, the experience of matters taking longer for lawyers is intrinsically linked with remote service delivery compared to dealing with matters on the day and should be considered in the context of continuity for both practitioner and client. Many matters in the duty lawyer service may not be resolved at the end of the duty lawyer’s shift and so the client may have to return following an adjournment and speak to a different duty lawyer. In theory, HB4C can consolidate the workload associated with a client’s matter to one lawyer (assuming sufficient notice and resourcing is available), rather than spread it over multiple duty lawyers. This is then beneficial for client-lawyer continuity even though it would be experienced as more work as seeing a single matter through to resolution, compared to incrementally progressing several matters as a duty lawyer. However, this does not always occur in practice as it requires sufficient notice and resourcing.

“Main benefit for clients has been that if our lawyer or a PP has already given advice pre-court and then can see them for DLS if eligible, that’s great for continuity because DLS lawyer will change and so without HB4C client may have to see another lawyer if matter is adjourned”

“One challenge has been we have a lot of last minute referrals and our rostering means we can’t maintain continuity between lawyer who has done appointment and then appearance and clients can be disappointed by this. In previous DLS, if it gets adjourned and the client has higher needs or particularly vulnerable, we’ll try to have the same lawyer appear at the next date and that’s easier when in person at court and you can jump in and out but harder remotely”

VLA lawyer reflections on continuity

5.3.4 When done right, HB4C enables all the parties to be better prepared for court

Lawyers involved in delivering the service commented that although pre-court assistance often results in ‘scope creep’ and the average matter takes longer to deliver than a comparable duty lawyer advice, it usually means all parties are better prepared for court. The lawyers consulted noted that this was heavily dependent on several factors:

- timing of the HB4C request, i.e. enough time before court date
- access to client, i.e. client is responsive and able to discuss their matter
- access to police brief and if required, prosecution team to case conference

“Yes HB4C clients take more time but overall workload may be less because then on the day at court the client is ready to go as I’ve already dealt with them before and rest of time I can see DLS clients”

“If I can get the brief in time AND I can get a hold of the client and speak to them in advance properly, it’s brilliant but often one or both of these don’t happen for our office”

VLA lawyer reflections on HB4C aiding preparation

5.3.5 Panel practitioners are generally satisfied with the HB4C model

Some VLA offices (e.g. Melbourne, Sunshine, Gippsland) rely heavily on panel practitioners to deliver HB4C services and the VLA representatives from those offices felt that panel practitioners had generally embraced the HB4C model (based on accepting most referrals) although they did not have

much feedback from them. Only three panel practitioners were consulted directed for the evaluation, but all stated that their motivations for signing up to deliver HB4C services included further developing their relationship with VLA, being able to do more work and provide legal assistance to the community. Two of the three felt HB4C files provided them with a better workload than the duty lawyer lists, while the third preferred the sense of finality from duty lawyer days. All three would like to remain involved with HB4C and for VLA to continue the service, albeit with improvements to the timeliness and handover of client requests, e.g. providing them more than 1 week before court date and with enough background notes on the matter.

“Very happy with delivering HB4C services. It’s really good when VLA refers the client with a comprehensive package of information (client contact details, police brief/charge sheet, file notes). I used to do a lot of duty lawyering and I think this system is better because you may get 30+ clients in a single day trying to get advice and you can only spend 5 mins with them and never feel like you can deal with matter properly whereas with this system you can speak to them in advance and be more prepared. We’ve also ended up getting clients through it that go on to become private clients so has been a new income stream for our firm”

“I am a grad lawyer so have learnt a lot from HB4C and it’s good for our firm because the time I spend on matters is way more than what we are paid for them. It’s a duty lawyer list without all the pressure because you aren’t trying to do it all in 1 day and have the matter come to you in advance, although it can be frustrating when VLA will hold the file for months and then hand it to us with a week to go until court date”

“With DLS, there’s a sense of finality and urgency. It’s like an ER triage where you quickly bandage them [for minor matters] or send them to Ward [for serious matters] and you feel like you are achieving something. Whereas with HB4C it can drag on and feel like wasted time. I would like to see it continue if we received the request at least 14 days until court date so I can actually receive info and prepare, plus have VLA better manage client expectations so that clients don’t keep calling me back post-advice and then complaining to VLA when I don’t respond”

Panel practitioner reflections on delivering HB4C services

5.4 How well has the introduction of the triage team worked?

When the HB4C service first commenced, intake was managed by the Melbourne Summary Crime admin team and shortly after decentralised to each office. In general, the intake and triage process took around 15 minutes per client on average and involves the following steps:

- obtaining the court date from EFAS
- sending an email brief request to CBSS and creating a file once received
- some additional SMS contact where required (pre-filled text)
- phone contact with the client, unless determined as ineligible based on the supplied income or a review of the charges
 - if eligible: making an appointment for the rostered lawyer
 - if ineligible: sending an email with legal information and referrals
- recording notes and outcome

The intake and triage process created a significant administrative burden on VLA offices and there were challenges managing this with multiple entry points and significant numbers of clients coming via Legal Help or contacting an office directly. In response to these challenges, the HB4C project team circulated a discussion paper on HB4C intake, triage and legal service provision in December 2020 and invited reflection from all VLA regional offices. Based on the feedback, a dedicated, state-wide intake and triage team (consisting of an Administration Services Manager and 5 legal assistants) was established and operational from mid-2021.

The discussion paper identified several potential advantages and disadvantages of a dedicated intake and triage team:

Table 7 – Potential advantages and disadvantages with a dedicated triage team

Anticipated advantages	Anticipated disadvantages
<ul style="list-style-type: none"> • Standardised training, uniform procedures, and consistent client messaging • No additional administrative burdens for regional offices • Straightforward supervision • Systems level advocacy could be conducted (ie with Chief Magistrate, Victoria Police for CBSS etc) based on a standardised approach to trouble-shooting • Variations in systems and procedures would be easier to implement • Standardised materials and messaging would be easier to upgrade • Contingency planning would be easier • Data collation for monitoring and evaluation would be more consistent and transparent. 	<ul style="list-style-type: none"> • Team might be unfamiliar with regional variations relevant to the triage stage (eg to assign to a previous lawyer) which may compromise quality of referrals • Potential for a disconnect between the intake and triage and local legal service delivery • Clients with a pre-existing relationship to a local office being triaged centrally • No ability to comprehensively conflict check prior to referring • Would require pre-court appointment bookings to be accessible by the dedicated team. Otherwise, the office would need to make a second contact attempt with the client to make a pre-court appointment, and it would be difficult for the dedicated team know the capacity of regional office to manage appointments and client expectations.

The evaluation consultations with VLA staff explored these potential advantages and disadvantages and found that most advantages materialised while disadvantages were mitigated and there **was a high degree of satisfaction with the introduction and functioning of the triage team.**

Most stakeholders consulted noted that the most immediate and obvious benefit was in alleviating the administrative burden on offices, especially in regional offices where clients often contact them directly (rather than through Legal Help) and so managing additional intake through HB4C was challenging. Several offices utilise a direct booking system whereby lawyers are rostered on for HB4C duty and the triage team can book clients in with a specific lawyer at an office. This approach of pre-court appointments was praised by both the triage team and the offices who employ it. Some offices do not use this system because of rostering challenges and acknowledged that this makes it harder with triage team not being able to inform client who would be contacting them but that a separate triage team is still preferable.

The Suburban and Regional office stakeholders consulted for the evaluation did not feel the triage team's lack of familiarity with 'local' variations or circumstances had been a hindrance. One regional managing lawyer noted that their office services multiple courts over a large area and did not expect the triage team to be able to understand the nuances of service delivery and resourcing in this case with duty lawyer rostering and conflict checks, but felt that was where a booking system would help as she could keep that up to date with local knowledge.

"Triage team has been great. We refer 90%+ of our HB4C clients to Panel practitioners and we worked with HB4C project team and triage team to develop a script when they triage to obtain authorisation to refer clients to PPs, which saves us a lot of time"

"Having the briefs ready and having DLR partially done beforehand [by triage team] has been very helpful"

"The triage team has been good, alleviated the burden for our (Suburban office) admin team. They could continue as a standalone team or be housed within Legal Help but either way, would like to see them manage more legal information only matters themselves or divert to Legal Help rather than refer to offices."

"Most of the triage/intake falls on me [regional DML], reading all the briefs and deciding how to allocate and whether to refer to PPs, etc. I have been thinking about moving to booking model with triage team, because we service multiple courts over such a large area that it's a resourcing challenge as we go back to in person and the triage team won't be across those nuances"

VLA lawyer and manager reflections on the HB4C triage team

It should be acknowledged that while Legal Help is the frontline for VLA, for most individuals seeking help through HB4C, the triage team is the 'face' of VLA rather than Legal Help or individual offices. This places a responsibility on the triage team to perform in line with VLA's client-first strategy, which was commented on by several stakeholders in the evaluation consultations and the triage team was particularly conscious of this. While they have received training, the HB4C triage team (and office administrative teams) do not have access to the comprehensive level of training or technological support as Legal Help despite also having triage, referral and intake responsibilities. Obviously, the volume and breadth of Legal Help's work is greater than the HB4C triage team but VLA should ensure that the HB4C triage team is provided with a level of training and support that is commensurate with their responsibilities and workload.

The Legal Help representative consulted for the evaluation commented that initially there was confusion between the process and roles of the triage team and Legal Help intake, and the triage team seemed under-resourced and could have benefitted from greater co-ordination with Legal Help at the outset. In their view, this has mostly been resolved and that the dedicated triage team for HB4C works well. The only lingering concern was a lack of visibility on matters once Legal Help refers those to the HB4C triage team mostly because of systems limitations, e.g. lack of shared and up to date client lists.

“When they [the HB4C triage team] started, they seemed so under-resourced and wish they had worked more closely with us in the initial months. We [Legal Help] had a lot of initial concerns and frustrations as we weren’t clear about HB4C eligibility, didn’t have much visibility about what happens to help seekers after we refer to triage team and having clients contact us after completing the online HB4C intake form because they hadn’t hear back. We communicated these to the project team and they have been very responsive and working well with us now, but a real lesson for VLA to think about investing enough resources for a project like this”

Legal Help representative on the HB4C triage team

The Triage Team itself felt that the triage process was functioning well and that the legal assistants work together in a constructive, positive manner. They did identify several challenges over the past six months which have steadily improved. The most significant challenge identified was workload and having sufficient tools and support to provide the quantity and quality of service to clients that the team itself strived for. As discussed, this has been partly addressed by changes to workflow management and the introduction of a team planner that allows a single matter to be handled by several team members rather than being assigned to one individual from start to finish.

Another continuing challenge from the triage team’s perspective has been the varying responsiveness of offices to HB4C referrals and focus on volume/process rather than client experience, which some team members felt would improve with the Best Practice Guide but also reflects underlying, persistent challenges at VLA such as technology/systems limitations, some offices not accepting HB4C referrals due to capacity, and a perceived unwillingness to address emerging issues until they escalate in severity.

“The team is collaborative and working well together, and we have received amazing technology and tools from the HB4C project manager to manage intake. However, there are still some ongoing challenges after we triage with technology (e.g. client data being lost, booking system not working), delays and resistance with referrals to some offices (e.g. because of capacity or because ‘difficult’ clients are perceived as inconvenient) and responding to client concerns and frustrations we identify in a timely, appropriate manner”

“With the new planner system, things have improved but it helped that most of us worked on matters individually before because we learnt every task... it’s imperative for each team member to be really committed, realise we are client-first and know how the whole process works because otherwise the whole workflow falls down. Like in an F1 race at a pit stop, if someone is dawdling or makes a mistake, the car will be affected”

Triage team member reflections on the HB4C intake and triage process

Finally, as canvassed in the earlier sections on the client evaluation survey, the sample of help seekers who contacted HB4C but received legal information or general information only (i.e. likely interacted only with the triage team) reported satisfaction and benefits from the service. 74% were satisfied with the service overall, which was lower than the satisfaction of those who received legal advice and representation, but 87% also reported feeling less stressed about their matter which was higher than for those who received legal advice and representation.

Additional interviews by the service designer with a sample of 11 help seekers about their experience with HB4C also found a high level of satisfaction with the professionalism and care of the triage team and that it was an efficient process. There was, however, frustration expressed by some who were hoping to speak with a lawyer after completing the intake form and felt the call from the triage team was “all disclaimer” and they were not expecting to be assessed before legal help could be provided. While some degree of ‘triage’ is inevitable in any service, this may have been particularly confusing or exasperating for clients who had already had an intake call with Legal Help and there are opportunities for VLA to further streamline this.

5.5 To what extent has it improved the functioning of the summary crime system?

There are several ways in which it was envisaged HB4C could contribute to the improved functioning of the summary crime system overall:

- more efficient case conferencing
- earlier resolution of cases with reduced court events, including fewer adjournments
- broader improvements to system and healthier work environment

Determining the impact on the summary crime system and isolating HB4C from the general shift to remote service delivery because of COVID-19 restrictions has been challenging for several reasons. Firstly, there was limited ‘system’ data available over an extended period that could be parsed for trends, e.g. number of adjournments or court events. Secondly, even with limited data there was no way to definitively link it directly to HB4C matters. Thirdly, there has been other work the VLA summary crime program has done around the HB4C project period which have influenced the functioning of the system, such as the introduction of access to police briefs held in the Central Brief Storage System (CBSS) at Victoria Police in late 2019, which improved the sharing of police briefs, and a pilot program for administrative adjournments at Melbourne Magistrates’ Court in late 2021.

Notwithstanding these considerations, stakeholders consulted for the evaluation felt that HB4C has benefitted the summary crime system.

5.5.1 Improving the summary case conferencing process

In theory, case conferences were supposed to improve as these can now take place before the day of the court appearance and because lawyers have earlier access to police briefs and can have informed discussions with their clients, which is partly a function of HB4C but also the CBSS at Victoria Police. In reality however, the lawyers and managers consulted did not feel that case conferencing had improved significantly since HB4C was implemented. Lawyers felt that with the duty lawyer service, they had access to the Prosecutor on the day and could speak to them while seeing their client, whereas now case conferencing has to be booked in advance and Victoria Police may not understand what HB4C is trying to do, prosecutors are often overloaded and do not prioritise these proactive sessions. Other lawyers felt that their local prosecution team had embraced the pre-court case conferencing and that was more a reflection of the pre-existing relationships and dynamics. In other words, there is not a uniform understanding of the aims of HB4C and there are cultural and resourcing barriers that are preventing the theoretical benefits to case conferencing from being realised.

“Huge source of frustration and stress for team is access to case conferencing because with duty lawyer you used to get access to VicPol prosecutor on the day but now hard to get them to prioritise the matter unless court date is impending”

Regional office managing lawyer

“Getting briefs earlier and more consistently has been a real benefit but prosecution here is so used to working through case conferencing on the day, they are struggling with this new pre-court system.”

Suburban office ASM

“Case conferencing going really well but that’s a reflection of Prosecution where I practice, not really much to do with HB4C”

Regional office lawyer

5.5.2 Earlier resolution of cases and reduced court events

Most stakeholders consulted were more confident that HB4C has had a positive impact on reducing court events, especially influencing the number and nature of adjournments.

- The lawyers and managers consulted believed there were fewer court events for *some* matters because of HB4C, for example:
 - where the pre-court assistance could identify matters that can be dealt with easily without needing to be heard at court at all
 - matters that are particularly complex and can be worked through early so that everyone is better prepared at the first court appearance
 - matters where all the material required to request a diversion order can be gathered before the first appearance and so only 1 adjournment is required (to contact the victim) rather than 2 or more which would have been the norm with DLS
- There was also a widespread sense among those consulted that HB4C has resulted in fewer adjournments requested by lawyers or prosecution, because the parties were better prepared, clients could make a more informed decision on how to plead and/or case conferencing had occurred with a positive outcome. However, it was noted that MCV is still adjourning matters at a high rate because of backlogs and challenges of remote court appearances so stakeholders could not comment if the *overall* number of adjournments have been reduced.

"I think having clients getting heard beforehand and compiling the support material has meant fewer adjournments and some clients never having to go through court hearing at all. I had a client who was a teenager, charged for assault and was so stressed about going to court and being sentenced. With HB4C, I was able to get documents from their medical professionals and secure a diversion and he didn't have to go to court"

VLA lawyer

"When I can speak to people in advance and assure them that they won't face jail and just a fine, they will often show up rather than worry and avoid court. We have had clients try to adjourn their matter to after Christmas so they can spend it with family thinking they are going to jail."

VLA lawyer

"I think adjournments have reduced for the matters that are at least 1 week from court date"

"I think matters are finalising more often and quicker with this system compared to DLS where things get adjourned or not finalised on the day and that slows things down"

Panel practitioner

- As noted, limitations in data availability and linkages at VLA make it difficult to quantitatively assess the impact of HB4C on the number or proportion of adjournments for matters, especially as there are several possible reasons for adjournments that may be necessary and/or outside of the ability of the project to influence (e.g. sentencing). However, the assessment of lawyers and managers consulted appears to be supported by the data available. **The HB4C project team was able to analyse the records of 655 HB4C clients and**

identified approx. 40% of matters being adjourned¹¹. This compares favourably with a 62% adjournment rate recorded for resolved Summary Crime DLS matters in 2019 (pre-HB4C).

While acknowledging the modest sample for the HB4C figure and the caveats noted above, this represents a significant benefit to the system.

- As noted in section 5.2.1, of the HB4C clients surveyed, those who recall receiving legal advice and self-represented, reported were both more satisfied with the legal outcome AND felt HB4C helped them get a better legal outcome, than those clients who received either information only or legal representation. This suggests the service is assisting individuals who end up self-representing and while no magistrates were consulted directly for this evaluation, one magistrate provided feedback at a Criminal Court User meeting commending HB4C for equipping self-represented litigants to better handle their matters.
- The Victoria Police representative consulted credited HB4C for reducing court events by catalysing the Central Brief Storage System (CBSS) to facilitate electronic sharing of police briefs in a timely manner. As noted, CBSS was developed in 2019 prior to HB4C but the introduction of HB4C accelerated its uptake and meant Victoria Police was providing briefs to VLA lawyers and Panel practitioners in time and thus reducing both delays to court events and financial penalties on Victoria Police for matters being adjourned due to delays in brief disclosure.

“At a Criminal Court User meeting, one of the Magistrates said she was very impressed by the HB4C [and Early Resolution Service for family violence matters] services provided by VLA. Her Honour said she sat in a traffic list recently... and self-represented litigants seemed well equipped to handle their matters. Her Honour said this is a noticeable impact of the pre-court assistance they have received and want to congratulate VLA on this.”

VLA Manager relaying feedback from a Magistrate

“I was surprised by how hard it would have been for VLA and lawyers to obtain brief in a timely manner pre-CBSS. After this was set up, briefs are now stored centrally and made it easier for lawyers to obtain and everyone has jumped on this, went from 10 requests/day mostly from VLA to 150+/day within months from private firms too.”

Victoria Police representative

5.5.3 Broader improvements to summary crime system and healthier work environment

When considering broader improvements to the system including better legal outcomes and working relationships, the opinions of stakeholders consulted were mixed. Almost everyone felt that the pressures on the duty lawyer service, backlog of summary crime matters in the Magistrates’ Court and the introduction of remote working arrangements in early 2020 necessitated a service such as HB4C. Most stakeholders also saw significant benefits to the client experience compared to the duty lawyer service, but some were concerned that HB4C had not have reduced the pressures on the overall system so much as *redistributed* it to the triage team and lawyers delivering the service. Again, this was also difficult to disentangle from remote service delivery and not a direct consequence of HB4C itself.

¹¹ Where the outcome of a matter was recorded as a ‘Mention hearing’, this was used as a proxy for adjournments

“There is no access to justice when you are seeing 30-40 clients as a duty lawyer giving them 5 mins of time. This is a much better system”

Panel practitioner

HB4C has been a tool to finally get PPs, MCV and Vic Police to engage in a different way which everyone used to say they wanted but always fell back on how they used to do things. On the day, there’s so much pressure on everyone including police and yet they feel that’s the best way to work so often the VLA lawyer or Panel practitioner is the only part of the system that is doing work before court”

VLA associate director

“Hard to comment [on system improvements] because it’s all caught up with remote service delivery. I think over time there has been a lot of scope creep for VLA’s work trying to do more for clients in a remote setting”

VLA regional managing lawyer

“Don’t think HB4C relieves stress on overall system, just reallocated to Panel practitioners and VLA triage team”

Panel practitioner

The Victoria Police representative consulted for the evaluation felt HB4C was a significant improvement to the criminal justice system and the project had improved an already productive working relationship between the VLA Summary Crime Program and Victoria Police at an operational and strategic level. All three panel practitioners also felt that the project had helped deepen their working relationship with VLA, but one also noted that it helped her develop a stronger relationship with Victoria Police because of the pre-court interactions.

“I would score HB4C as 8/9 out of 10, working very well from our perspective and seems to have helped the system quite a bit. Gives clients a chance to look over their matter and put together a correct plea, and not having to redo hearings because client pleads guilty and then wants to contest. Together with CBSS, HB4C will really benefit the court and summary crime system over time so want to see it continue.

I feel like VLA is part of the team, can just pick up the phone and call them and there are no artificial borders... we’re helping each other out They always let us know when we’re falling behind and ask what they can do to make our lives easier so constructive engagement on both sides.”

Victoria Police representative

“Being part of HB4C has improved my relationships with VLA and Vic Police too because we’re having more interactions and have developed rapport”

Panel practitioner

6 Lessons learned from Help Before Court

6.1 What were the enablers and barriers to success in the project?

6.1.1 Enabling factors

There were six main factors identified which have enabled the project to achieve the success to date that it has:

1. **Establishment of multiple intake pathways** – a significant enabler of success for the project has been the establishment of multiple intake pathways. The current pathways include:
 - + accessing the HB4C website directly
 - + referrals from Legal Help
 - + direct contact with a local office
 - + referrals from Magistrates' Court via SMS, and a direct link to HB4C on MCV website
 - + flyer with QR code link to online tool at Court locations and support services
 - + Victoria Police charge sheet for Children's Court matters, with QR code link to online tool¹²

This helped ensure that people who need assistance have multiple opportunities to be informed of the service and multiple pathways to obtain support. This can be seen in the update data with a total of 17,000 HB4C requests, nearly 45% of which came from pathways other than the online intake form, representing matters from across the state and a variety of offences.

2. **Direct booking system** – several offices have a direct booking system whereby lawyers are rostered on for HB4C service. The HB4C Triage Team can access this to book a client into an office, which means that in the initial triage call eligible clients can be told the office and name of lawyer they will hear from. The Triage Team were unanimous in identifying this as critical to providing a seamless service for clients.

“Direct booking is amazing because I can tell a client exactly who they will hear from and when, but if I have to book a pre-court advice request with office that doesn't have this, all I can say is you will get a call at some point from some lawyer”

Triage team member

3. **Victoria Police's Central Brief Storage System (CBSS)** – as noted, the CBSS emerged in late 2019 and was not a consequence of HB4C but was an essential pre-condition. HB4C could not have functioned without the advance sharing of police briefs and the development and rollout of HB4C also catalysed CBSS through 2020 and 2021. Feedback from VLA administrative staff in early 2021 (prior to the introduction of the triage team) indicated that while CBSS was operational, there was delays obtaining briefs and a significant backlog which was undermining the delivery of HB4C. This was confirmed by the Victoria Police representative who noted that there was a sharp increase in brief requests and took time for Police to recruit and establish prioritisation processes to manage this. By providing a central and dedicated point of contact at VLA for CBSS, the triage team also appear to have contributed to improving the timely delivery of briefs.

¹² While this is a new intake pathway enabled by HB4C, it should be noted that these matters go directly to VLA's Youth Crime team rather than HB4C triage team

“Initially had challenges getting brief in time but that’s sorted now both from CBSS and Prosecutors becoming used to the process and so if we don’t get brief from CBSS, the prosecutor is now happy to provide it to us whereas before they wouldn’t and just defer to informant or CBSS”

VLA Lawyer

I was surprised by how hard it would have been for VLA and solicitors to obtain brief in a timely manner pre CBSS. After this was set up, briefs are now stored centrally and made it easier for solicitors and victims to obtain. Everyone has jumped on this now though, gone from 10 requests/day to over 200/day now.

Victoria Police representative

4. **Understanding and buy-in for alternate models from the work of *Better Justice, Every Day*** – as discussed in the introduction, the concept of a pre-court legal assistance service had been considered by VLA under the *Better Justice, Every Day* (BJED) project. The BJED project, launched in response to the findings and recommendations of the 2017 Summary Crime Program evaluation, led to substantial work undertaken by VLA’s Summary Crime Program between 2018 – 2020, including development of a Program Purpose (which involved extensive consultation within VLA and with external stakeholders). The Program Purpose work meant that there was a shared understanding within SCP of the long-term vision and goals of the Program, and actions that would be undertaken to progress these. It also led to ongoing stakeholder engagement work, e.g. through the High Level Summary Crime System Reform Group and with Victoria Police (see previous factor #3). As a result, BJED had laid the ‘groundwork’ for the introduction of a pre-court assistance service at VLA and meant there was more buy-in than there otherwise would have been.

5. **Commitment and effectiveness of HB4C project and triage teams** - The consultations revealed the critical role played by both the HB4C project team and the dedicated triage team in making the project a success. The project team appears to have been nimble and responsive to both internal stakeholders (trriage team, Legal Help, lawyers and legal assistants) and external stakeholders (client feedback, Victoria Police), ensuring that the service was constantly being improved.

“Project team have done an excellent job, considering it was all pulled together in a rapid timeframe before it was even funded because they had to do it. I have been really impressed with their approach, having a working group from people across the organisation so there is an understanding of what the practice is really like; they are very receptive to feedback and meeting regularly to tweak things, e.g. sending around the Best Practice Guide for everyone to comment on and incorporating the myriad views”

VLA Managing Lawyer

“The project team really drove this in a way that made it work in a way some of our other projects don’t. We have other pilots which have tried to be a lot more collaborative and participatory but have been floundering whereas HB4C maybe didn’t consult enough but just pushed ahead with here’s the model, here are the tools, here’s how we are proceeding. It got the balance right between driving a project forward while not being paralysed by over consulting. Emblematic of tension VLA faces all the time about spending too much time on developing and not enough implementing.”

VLA Associate Director

The introduction of the dedicated team triage was pinpointed by most VLA staff as crucial to reducing the burden on offices and making the service more seamless for clients and practitioners.

“Having all the briefs in advance and having client triaged properly has been very helpful because when you read the referral before appointment you’ve got a good idea where the matter is going”

VLA Lawyer

The HB4C project and triage teams also collaborated extensively to ensure the ‘front line’ of the service was strengthened. For example, when the triage team workload became unsustainable in late 2021 and was affecting timeliness of client service and team morale, the HB4C project and triage teams worked together to introduce a workflow planner system to manage requests as a team. Instead of a whole client matter being assigned to an individual, they are now broken up and worked on by multiple members of the team to relieve the burden on individuals having to manage a matter from start to finish.

6. **Support across the sector** – engagement with MCV by the SCP indicates that MCV staff are highly supportive of the project and would like to see it continue. As noted, MCV has included a link to the HB4C tool on its website, in Practice Directions and in flyers in Court buildings promoting the service with a website link and QR code.

In addition to the collaboration around CBSS, Victoria Police have incorporated the link and QR code for HB4C on new charge sheet cover pages for Children’s Court matters since 24 May 2021. This has resulted in 99 requests through the intake tool by 31 January 2022. Victoria Police have expressed support for also including the QR code on adult charge sheets as well, but further work is required between them, VLA and MCV for this to eventuate.

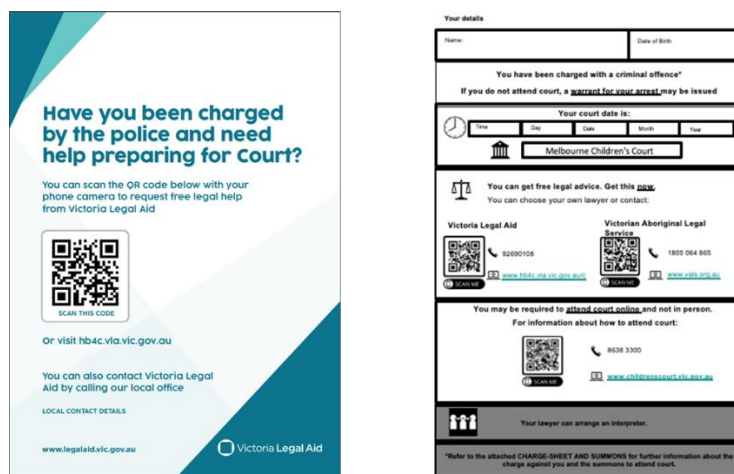


Figure 27 - Examples of HB4C being shared by sector stakeholders (Left = Flyer at MCV buildings, Right = Victoria Police charge sheet cover page)

6.1.2 Barriers and challenges

The project has been a significant learning experience for VLA and several challenges have also emerged over the period of the project. Many of these have been addressed (e.g. refining the online tool, decentralising intake, finalising best practice guidelines) but there are several worth noting that have either prevented greater success or are ongoing and these are discussed here. It should be acknowledged that many of these issues are not unique to HB4C (e.g. managing staff wellbeing and client expectations with remote service delivery, system limitations)

- 1. Managing staff workload and wellbeing** – in the initial months there was a significant backlog of matters for the administrative teams at VLA offices to work through, partly caused by delays in receiving briefs from Police / the Central Brief Storage System (CBSS). This was evidenced in the diary studies initiated by the service designer, which also noted that several lawyers found the work takes substantial effort when the service first commenced. Much of this has since been rectified but it meant a significant workload burden for VLA staff in the initial months and they still face challenges with unresponsive clients, unrealistic expectations and delays to police briefs.

While all the lawyers consulted saw the need and benefit for pre-court assistance, they generally expressed a preference for a mix of HB4C and at court/remote duty lawyer work for their own workload management and wellbeing. The triage team were also concerned about the volume of work required and how it risks creating a ‘bottleneck’ for matters but also compromising their ability to deliver a client-first service.

“I can’t have any sensible conversation with the client until I receive the brief and there are often delays with those locally. I get the contact details for the client with a referral but most of our clients in our regional area don’t have phones, change their numbers or don’t want to be contacted so if I call and leave a message, may not know it’s the right person so all very time consuming. If I do get through I then have to manage their expectations because the clients sign up to HB4C thinking we can help them with everything under the sun”.

VLA Lawyer

“The new planner system has improved workflow but there’s only a small team of us, some of whom are still doing 12+ hour days and sometimes feel we cannot deliver work at the level we want to for our clients.”

Triage team member

- 2. Consistency across offices** – given the challenging environment in which HB4C was introduced, it was anticipated that there would be interim processes for intake, triage and service provision which would evolve and be finalised and made consistent over time. This has meant that each office implemented the HB4C service in its own way and there were no consistent processes across offices. While this is not unexpected and provided latitude for offices to adopt practices suited to its context, some staff felt VLA could have been more prescriptive about processes to mitigate against unnecessary time being spent on minor tasks, for example. There was also a missed opportunity to share and establish good practice (e.g. number of times to follow up clients, calling clients after every Webex appearance) and ensure consistent processes, especially where clients have multiple matters which mean they liaise with more than 1 VLA office. Much of this *should* be addressed by the Best Practice Guide that has been developed in late 2021 but it may be that offices and practitioners have settled on processes and practices that suit their context and so continue with those.

- 3. Clients whose court dates are within one week or several months away** – many of the VLA staff consulted, particularly the triage team, were concerned about the level of service to both clients who contact too close to their court date or with a court date that is many months away. The former group are told they cannot be helped by HB4C and to use DLS but may end up adjourning their matter and return to contact HB4C. The latter group with court date several months away are de-prioritised and sometimes do not hear from VLA or PP for several months, so triage team ends up receiving call backs and have to manage their expectations because they have no assigned lawyer or office to call, or prefer to speak with triage team with whom they have already liaised.

“I am concerned about how we are treating HB4C requests with court date less than 7 days away and those that are several months away.. The ones that are too close get a text telling them they can’t be helped. Some are referred to mentions list, some essentially dropped but then some offices contact them to offer DLS. It’s confusing for clients and they become stuck in a loop. There are a growing number of clients whose court date is several months away and this is a challenge because some offices are resisting these referrals. Have raised this as an issue but no clear resolution so eventually devised a text to send to these clients to at least manage expectations but not sure it is clearly communicating to people seeking help what VLA is offering”

Triage team member

“Another challenge is getting a court date – we had an HB4C referral where next court date is in 7 months away but ideal practice is to speak with client asap and try to get an earlier court date but hard so then our predicament is speak to client early to engage but then they may forget advice by time of court date or something else may happen in between...”

VLA lawyer

- 4. Post referral and post advice support** – A challenge that was raised by the triage team soon after they commenced was the issue of ‘call backs’ where clients who had not heard from their assigned lawyer would call the triage team. It was not envisaged that the triage team would provide ongoing post-referral support but the triage team noted that a small portion (5-10%) of referred clients were calling back because they had not heard from the VLA lawyer or Panel practitioner in the expected timeframe and this was a risk as VLA was not meeting service expectations. The HB4C project team initiated a study into the ‘call backs’ and found that call backs were having a modest impact on the triage team’s workload but a larger impact on their satisfaction. While some call backs are inevitable and often reflected the client’s rapport and trust of the team member who triaged them, the triage team felt they also reflected a failing in VLA’s client-centred service delivery if vulnerable and confused clients were having to follow up to receive a service they were promised. The triage team members consulted for the evaluation in late 2021 felt that while the call back study could have focused more on client experience rather than the triage team’s performance/workload, call backs from clients were declining and unlikely to be an ongoing challenge.

A more significant challenge for the service is clients who have received advice and are ineligible for representation but continue to contact the VLA lawyer or Panel practitioner post-advice. Stakeholders consulted for the evaluation, especially the VLA ASMs and Panel practitioners, raised this as both adding to workload and compromising client service.

“I do not think call-backs have much effect on my job satisfaction. I would rather the client calls back and receives assistance than be missed, and at this stage I do not think call-backs add a substantial amount to my workload or stress.”

“They call us because they feel comfortable with us as a point of contact but it can be demoralising when clients call back and advise they have not received the help I promised them. This places the burden of receiving the service on them, when the onus should lie with the organisation.”

Triage team member reflections on post-referral support

“I manage the HB4C referrals out to Panel practitioners in our area and a few times per week I get contact from a client who is still confused after advice or hasn’t heard back from the practitioner”

VLA ASM reflection on post referral and advice support

“I have so many clients that are complex so lots of follow up and can’t get them onto an ongoing grant because of VLA eligibility guidelines. When client keeps calling me back post-advice, I stop answering and inform VLA to note that on their file note”

Panel practitioner reflection on post advice support

- 5. Streamlining the intake process** – while multiple intake pathways allow clients to determine the best way for them to access help, it has also meant ‘doubling up’ where clients are triaged multiple times (e.g. by Legal Help and/or HB4C triage team and/or VLA office admin), or client has used the HB4C online intake tool AND contacted an office directly for same or multiple matters. The multiple intake pathways, combined with data collection and extraction limitations, have also made it difficult to accurately monitor utilisation of the service and determine what happens for people seeking help (i.e. those deemed ineligible and referred to Law Institute of Victoria or even back to Legal Help).

“I approach the role as a client-first approach but feel like some clients are given a bit of a run around. Two offices in particular have similar issues: clients get referred to a lawyer at the office, and then happen to have multiple matters so go back to HB4C intake tool whereas I would have thought the initial lawyer would have helped them but instead 1 client had 3 different lawyers. I usually do a court check to see if they have other matters and LH does ask them but sometimes clients will not think of future matters.”

Triage team member

“HB4C should continue provided the systems are in place to support and we have a deep exploration of how we apply our client-first strategy... who should we market this service to? What are the criteria we are going to apply? This needs to be clearly defined and need to create more efficiencies in the way people come through the system. Still too much uncertainty with what happens to clients who are ineligible for HB4C”

Legal Help representative

- 6. Managing client complaints** – the triage team and some VLA lawyers raised a concern around how client complaints are managed, both about VLA staff and about any Panel practitioners. There were examples provided in the evaluation consultations of complaints that were not handled well or consistently in various settings, e.g. client complaints to triage team or VLA office about responsiveness or inconsistent advice from a Panel practitioner, a client complaint towards the triage team, a client contacting LH to complain they had not heard back from HB4C in time, etc. While processes have been developed for the triage team specifically, there continues to be some ambiguity around how client complaints are managed appropriately and consistently and this is not covered in the Best Practice Guide.

“Another thing I am concerned about is our complaints process, who do clients complain to about a PP helping them with HB4C... we should have this clarified because clients have a right to a different lawyer and clients may not know that. A client complained that the PP said they couldn’t help under VLA guidelines any more but could do a private fee arrangement and when our DML looked at it, they agreed and had to explain that to client but what would we have done if we disagreed?”

VLA lawyer

“We had no formal procedure around client complaints and felt this was not prioritised until there was a serious complaint, but even now feel we could have more training or clarity around how these are managed”

Triage team member

- 7. Recording and extraction of data within VLA** – limitations around consistent recording of data and extraction of data are often identified during the evaluation process for projects and it is no different for HB4C. As outlined in several areas of the report, the evaluation analysis was hindered by issues with data availability, consistency and integrity. This is partly due to longstanding issues at VLA with ATLAS (which are being addressed by Digital Legal Aid and the shift to a LASO), but are also a function of the new technology and service type brought about by the HB4C project. Together this resulted in difficulty extracting reliable data for several items, e.g.

- Identifying HB4C clients who were ‘new’ to VLA
- Distinguishing HB4C referrals to in-house lawyers vs Panel practitioners
- Identifying clients whose HB4C request was ‘too close to court date’ for HB4C intake but who still received pre-court assistance through a VLA office or Legal Help
- The resolution / outcome of HB4C matters (not only the legal outcome but how the matter flowed through VLA)

This obviously limited the evaluation analysis and reporting, but issues with inconsistent recording and difficult extraction of data have also hindered the ability of the HB4C project to monitor its impact and understand the journey of clients who received HB4C service.

6.2 What lessons emerge from the HB4C pilot for VLA's service delivery?

6.2.1 The appetite for greater technology use and contact options among help-seekers (e.g. requesting a call via online form rather than waiting on hold; lodging a request after hours)

The 2017 review of VLA's Summary Crime Program identified that increased use of technology could 'provide enhanced service options... and repair key aspects of the [summary crime] system'¹³. Since then, Digital Legal Aid has been an ongoing program of work to make it easier for people to access the assistance they need through new or improved digital services, while Legal Help Online and Streamlinefines are two relatively recent examples of ways in which VLA has harnessed greater technology use to support clients. The HB4C website and intake form are thus not VLA's first or only foray into utilising technology to offer help-seekers means of obtaining assistance, however it has confirmed the need and appetite for greater technology use and contact options among people seeking help with criminal matters. While the shift to remote service delivery prompted by pandemic restrictions at courts meant that there would need to be greater use of technology (e.g. videoconferencing), it was not inevitable that there would be a strong uptake of people seeking assistance before court or successfully completing an online intake form. Yet the usage figures discussed in section 4.1.1 (average of 600/month with nearly 20% out of hours) and high client satisfaction with the tool itself, attest to the perceived value for help seekers of this complementary and alternate pathway to assistance.

6.2.2 The value of client informed service design

HB4C appears to have benefitted from a relatively high level of input from dedicated service design staff at VLA and real time changes in response to feedback from help seekers. A service designer was part of the project team from the inception of the project and consulted with both clients and VLA staff to understand the initial impact of the HB4C service on client experience and staff workload / satisfaction. This involved phone and in person interviews with clients, as well as interviews and diary studies with legal assistants and lawyers from several VLA offices. These findings were then used to refine the triage and intake process for clients while developing consistent practice guidelines for staff.

Ideally client/help-seeker input informs the design of a service *before* it is implemented but as noted, the HB4C project had to be developed and rolled out rapidly in a challenging environment. As such, much of the service designer consultation with clients occurred *after* the project had already commenced. However, this feedback from clients was used to refine the HB4C services, particularly the intake tool and triage. Importantly, the project overall was informed by the views and experience of Summary Crime Program clients through ongoing *Better Justice, Every Day* research. For example, client research conducted by VLA pre-COVID 19 on the duty lawyer service identified several 'pain points' (see extract in figure below). Many of these related to the physical experience at court (e.g. not knowing where to, lack of seating and privacy) and remote service delivery from both MCV and VLA generally and HB4C specifically alleviates some of these. Other pain points related to the process itself (e.g. 'wanting to discuss withdrawal of charges with the prosecutors', 'not understanding the court process') were more explicitly addressed in the design and delivery of HB4C.

¹³ <https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-evaluation-of-the-appropriateness-and-sustainability-of-victoria-legal-aids-summary-crime-program-report.pdf#page=289>

Client Pain Points



Figure 28 - *Better Justice, Every Day* research into client 'pain points' with at court duty lawyer service

The value of client-informed design can be seen in the mostly positive feedback of clients about the service, through both in-depth interviews and the evaluation surveys.

The HB4C project also highlights the importance of understanding the variety of potential service users and ensuring the design caters to their varying needs, rather than requiring them to adapt to the service. While this can be part of a broader human-centred design process¹⁴, it can also be a case of segmenting potential users to ensure equitable access and opportunities when designing the service. One way in which VLA is doing this is through Gender Impact Assessments (GIA), which help organisations “think critically about how policies, programs and services will meet the different needs of women, men and gender diverse people... to make sure all have equal access to opportunities and resources”¹⁵. VLA has committed to complete a GIA for ‘policies, programs and services which have a direct and significant impact on the public’ and identified HB4C as one such service, so the HB4C team completed an assessment for the service in January 2022 – see Appendix 3: Help Before Court Gender Impact Assessment. The assessment confirmed that there was a higher proportion of female clients seeking help through the HB4C intake tool than the previous at court duty lawyer service, and identified potential advantages and disadvantages of the service based on gender (e.g. allowing people with caring responsibilities to nominate a preferred time for a call or avoid having to attend court). This assessment was completed several months after the service commenced however, and client survey results suggest that female clients were less satisfied with the service than male clients. The evaluation was not able to determine the causes for this, but earlier service design consultation targeted at female help-seekers may have identified ways to improve the service experience and outcomes for this cohort.

¹⁴ <https://www.vic.gov.au/human-centred-design-playbook>

¹⁵ <https://www.genderequalitycommission.vic.gov.au/gender-impact-assessments>

6.2.3 Pre-court assistance can successfully complement ‘at court’ duty lawyer services, especially for certain cohorts

The evaluation consultations identified several cohorts of clients that appear to benefit from a pre-court assistance service. There are also some clients who are disadvantaged by it (particularly the remote delivery element) and may be better served through an at-court duty lawyer service OR alternate service delivery mechanism. These are summarised in the table below.

Table 8 – Clients who may benefit from or be disadvantaged by a remote pre-court assistance service

Clients who are likely to benefit	Clients who may be disadvantaged
<ul style="list-style-type: none"> • Clients with more complex matters and vulnerabilities, or likely to receive a diversion order, who would benefit from obtaining supporting documentation in advance • Clients with an intellectual disability who require more time, support or privacy than can be provided in a duty service context • Clients with restrictions to mobility (e.g. access to transport, physical disability) • Clients who require interpreters • Clients who are particularly anxious about their matter • Clients with ‘minor’ matters or no experience with criminal justice system who do not require representation and simply need someone to speak to before their court appearance to obtain legal information and relieve anxiety 	<ul style="list-style-type: none"> • Clients with limited technological access or capability • Clients whose personal circumstances make them less likely to engage with remote legal assistance through calls they have to plan in advance, rather than if they have to simply appear at court on a designated day • Clients who may not be able to establish rapport or disclose details remotely, e.g. victims of family violence who cannot speak freely from home • Clients whose court date is more than a few months away – these would be better served by a pre-court service rather than ‘on the day’ service but are not being assisted as well by HB4C as currently constituted and resourced • Clients who may exceed income threshold for VLA service, but have other priority characteristics that mean they are ‘borderline’ eligible so may not qualify for HB4C but would have been helped by duty lawyer on the day, based on their discretion/availability

Several staff consulted commended the pre-court assistance model and thought VLA should use the learnings from this project and other early intervention and wraparound service projects to expand how it supports clients both in terms of timing and services.

“I know HB4C is meant to be online/remote service and that helps most clients but I am a big believer in that community hub model and we have so many clients with multiple legal and non legal issues so I think it could benefit some clients by having a HB4C service at court in person”
VLA Lawyer

“We should use this project as a lens to thinking about all services at Legal Aid and whether our starting point with clients should be sooner and if that would enhance the client experience”
VLA Managing lawyer

6.2.4 The importance of consistency in triage while taking a ‘no wrong door’ approach

Over the life of the project, triage for users of the HB4C online form has shifted from the Summary Crime Melbourne admin team to local office admin teams to a dedicated HB4C triage team. Additionally, triage and intake for HB4C matters were also conducted by Legal Help and individual offices throughout the project period. Consultations conducted for the evaluation and by the service designer during the project identified the potential risks to clients, and frustrations of help seekers facing multiple layers of triage and the intake/referral ‘roundabout’.

Client access and intake practices at VLA have evolved in an organic, decentralised manner over time and while Legal Help has developed robust processes, there is a lack of overarching strategy and integration around triage, referral and intake across VLA. As a result, there are inefficiencies, expectations (within VLA and among help-seekers) are not aligned and client access does not operate in line with the ‘no wrong door’ principle, i.e. the experience of help seekers is consistent regardless of the channel/intake point through which they access VLA’s services. This is an area of ongoing work for VLA broadly but HB4C typifies this inconsistency as a project which aims to improve the intake experience but has been implemented without a high degree of co-ordination with existing access/intake channels. It has also exposed how timing of a request for assistance, varying office practices, resourcing challenges and system limitations means clients do not receive a consistent, streamlined service from VLA.

Conversely, HB4C has also demonstrated that a dedicated triage team can be set up relatively quickly and not be centrally located (i.e. not Melbourne-centric), yet develop and execute consistent triage and intake practices that have been well received by most clients and lawyers. The project has therefore reinforced the importance of triage and intake which is consistent and responsive to help-seekers, and that this can be done by a dedicated team without most of the disadvantages to client experience/service quality that were initially feared – see section 5.4.

“HB4C has shown the importance of Intake and Triage being done well, shows VLA this can be done in a dedicated way across regions where intake involves working across every area of law. People are very sceptical of contacting 1800 / Melbourne-centred numbers in regions because they don’t know where they’ll end up... So ideally HB4C Dedicated Triage Team could be spread out across regions to also build their local relationships and awareness to enhance the service”

VLA Associate Director

6.2.5 The value of a proactive project management approach

The HB4C project team utilised principles of Agile project management to design and deliver the project¹⁶. This meant approaching the development and roll out of the service as a life cycle, with a broad vision that left space for iterations and refinements in response to ongoing learning. While several stakeholders acknowledged that the HB4C service was put together rapidly and was often chaotic in the early months, the project team has been very responsive to input but also adaptive and proactive with progressing the project. As a result, one of the interviewees commented that VLA could learn from how this project managed to consult with internal and external stakeholders and be receptive to feedback while continuing to implement and refine the service.

“The project team really drove this and made it work in a way some of our other projects don’t. We have other pilots which have tried to be a lot more collaborative and participatory but have been floundering whereas HB4C maybe didn’t consult enough but just pushed ahead with here’s the model, here are the tools, here’s how we are proceeding. It got the balance right between driving a project forward while not being paralysed by over consulting. Emblematic of tension VLA faces all the time about spending too much time on developing and not enough implementing.”

VLA Associate Director

¹⁶ <https://www.apm.org.uk/resources/find-a-resource/agile-project-management/>

6.3 Is there evidence to support the continuation / expansion of the HB4C service?

Based on the evidence considered for this evaluation, there is a strong case for continuing and expanding the service:

6.3.1 Strong uptake of the service

Over 15,000 individuals have used HB4C since it launched in October 2020. Nearly 10,000 requests have been made through the HB4C online tool and a further 7,600 matters have come through Legal Help and directly via offices. 75% of these requests (~12,000 individuals) were assisted with legal information, advice and/or representation. Usage has remained steady since the launch and requests have been for matters from across all Magistrates' Courts and for a variety of offences. This was a new approach for VLA and while there was no target/expectation of requests, these numbers represent a sizable proportion of VLA's Adult Summary Crime Program matters. Over the same period as HB4C (October 2020 – January 2022), 37,725 clients received a service from VLA's Adult Summary Crime program, which means the nearly 12,000 individuals who received an HB4C service comprised ~30% of the program¹⁷.

6.3.2 High client satisfaction with the service

As discussed in previous sections, 81% of HB4C clients who were surveyed were satisfied with the overall service and 93% would recommend the service to others, including 85% who would recommend it "as it is", i.e. without improvements.

Importantly, 88% of clients surveyed were 'glad they sought help before their court date' and for a range of areas, levels of satisfaction were equal or higher to those with earlier client surveys of summary crime duty lawyer and casework services.

6.3.3 Pre-court service model has been tested and delivered benefits for clients and summary crime system

Insufficient access to basic legal advice is not only an impediment to individual help seekers' access to justice but is a significant ongoing impost on the summary crime system. In a recent research report into unrepresented accused in the MCV by the Australasian Institute of Judicial Administration, 757 criminal matters were observed in late 2019 and nearly half (47%) resulted in an adjournment¹⁸:

- 30% were adjournments for represented clients, while the remaining 17% were adjournments for unrepresented accused. The research also found that 22% of the adjournments for unrepresented accused were so they could obtain legal advice.
- There are no clear or consistent figures on the proportion of unrepresented vs represented accused in criminal proceedings in Victoria but the research estimates it could be as high as 40-50% of matters, and there are between 130,000 - 160,000 cases initiated in the MCV criminal division annually¹⁹.
- While some of these were adjournments for sentencing, contest mention and other necessary procedures, this represents a significant amount of work for the court which could be reduced by having more matters better prepared *before* court, as HB4C is seeking to address.

¹⁷ This is based on a sub-program report run on April 11^h 2022 and includes grants, advice, inhouse duty lawyer, minor work, pre-court/post court assistance.

¹⁸ <https://ajia.org.au/wp-content/uploads/2021/11/Unrepresented-Accused-in-the-Magistrates-Court-of-Victoria-2021-Antolak-Saper-Clough-Naylor.pdf>

¹⁹ <https://www.mcv.vic.gov.au/news-and-resources/publications/annual-report-2020-2021>

HB4C has successfully tested a pre-court assistance service model which has been positively received by a majority of clients, who felt the service provided them with sufficient help to prepare for court. It has also been welcomed by the Magistrates' Court of Victoria, Victoria Police and legal practitioners. At a system level, there is further monitoring and data collection required to definitively confirm its impact on reducing court events and adjournments but HB4C appears to be resulting in relatively fewer adjournments where matters are picked up at least 7 days before the court date (40% of HB4C matters adjourned vs 62% for the summary crime program in 2019).

6.3.4 Desire among VLA staff to see the service be refined and continue

All VLA staff consulted were strongly supportive of the concept of HB4C. While many felt the service needed improvements, it had demonstrated a viable way of meeting the needs of clients and wanted to see it continue.

"Without question I want this to continue and should use this as a lens to thinking about all services at Legal Aid and whether our starting point with clients should be sooner and if that would enhance the client experience"

VLA Managing lawyer

"No one really wants the Court to go back to what it was pre-Covid and pre-HB4C so there's a change management piece there to ensure we continue to operate with this model"

Triage team member

"There's some work needed to clarify the roles of TT, Legal Help and regional admin/intake and a bit more comms to local stakeholders about what's happening next with project, but yes it should continue. It should become the way we provide pre-court assistance but VLA needs to adequately resource it."

VLA Associate Director

6.3.5 Support from Victoria Police, Panel practitioners and Magistrates' Court of Victoria

As canvassed in earlier sections, the Victoria Police representative and three Panel practitioners consulted for this evaluation are very supportive of HB4C continuing. Victoria Police has also incorporated the HB4C link and QR code on new charge sheet cover pages for Children's Court matters in mid-2021 and VLA is working with Victoria Police to expand this to adult charge sheet cover pages in the future.

As noted, the Magistrates' Court of Victoria has included a link to the HB4C tool on its website, in Practice Directions and on VLA flyers in Court buildings promoting the service with a website link and QR code. Engagement with MCV stakeholders by the Summary Crime Program team indicates that MCV staff are highly supportive of the HB4C service and would like to see it continue. A 2021 report by the Australasian Institute of Judicial Administration also quoted Magistrates as supportive of the model so that *"that matters can progress as opposed to immediately adjourning it to get information and instructions"*²⁰

²⁰ <https://ajia.org.au/wp-content/uploads/2021/11/Unrepresented-Accused-in-the-Magistrates-Court-of-Victoria-2021-Antolak-Saper-Clough-Naylor.pdf#page=38>

7 Conclusions and recommendations

The HB4C service was established rapidly in a fluid environment. The onset of COVID-19 pandemic restrictions on the Magistrates Court of Victoria catalysed the need for a virtual, pre-court service and it has been used by nearly 12,000 individuals to date. Approximately 85% of these individuals received a substantive service in the form of legal advice and/or representation in court. This is a sizable proportion (~30%) of all Summary Crime Program matters and represents significant uptake for a newly developed service. It has also a marked change in ways of working for the Summary Crime Program, with a service model to progress and resolve matters for clients prior to their court date.

The HB4C project has been continually iterating since its inception including through adjustments to the triage and intake process, and adapting to conditions ‘on the ground’ when determining resourcing and service provision at individual offices.

As a pilot service developed rapidly during an emerging pandemic, there were several initial challenges encountered that were addressed as the pilot progressed and importantly it uncovered several success factors and lessons for VLA and the broader legal assistance sector.

There has been significant investment in the service, and it has become entrenched at VLA with a strong commitment to refine and expand the service.

Based on the analyses presented in the preceding sections, VLA should continue the HB4C service.

There are opportunities to improve the service itself, as well as to better evaluate its success going forward and a set of recommendations for VLA’s consideration are provided in the table below. The evaluation acknowledges that many lessons have already been incorporated into the project or are being implemented at the time of this report. The development of the HB4C Best Practice Guide in late 2021 was a particularly important step, although this has not yet been rolled out. Widespread promotion and adherence to the Guide should be a priority for VLA to address many of the remaining opportunities for improving the service for clients, staff and the broader summary crime system.

Table 9 – Recommendations for VLA

Focus area	Relevant findings	Recommendations
Continuing and expanding the service	HB4C has demonstrated its viability, benefitted clients and there is a strong commitment within VLA to see the service continue and improve	1. HB4C should be continued at VLA and expanded responsibly with adequate funding

Improving client experience and outcomes	<p>People with a matter before court are often anxious and seeking clarity and constant communication</p>	<ol style="list-style-type: none"> 2. All offices should be supported to set up a direct booking system for HB4C appointments to provide certainty to clients 3. Consider ways to facilitate client engagement and understanding of their matter after the end of their service from VLA, e.g. remind clients who don't receive in-court representation to review the legal information/advice provided before their court date. 4. Work with MCV as it implements its new Case Management System, to better track where a client's matter is "in the system" and communicate that to clients
	<p>Some clients are experiencing multiple layers of intake/triage (e.g. if they eventually receive advice from a Panel practitioner after initial contact through Legal Help, they may be asked similar 'intake/eligibility' questions by Legal Help, dedicated triage team and a Panel practitioner). Inconsistencies in access, triage and intake practices are not unique to HB4C and are an ongoing area of work at VLA</p>	<ol style="list-style-type: none"> 5. Further work should be done between the triage team, offices who perform high volumes of HB4C intake/triage and Legal Help to streamline the triage and intake process. There is ongoing work at VLA around client access and intake so the future configuration and destination of the HB4C triage team should be considered as part of this. 6. Where applicable, ensure any intake/triage notes taken by Legal Help and/or HB4C triage team are forwarded to Panel practitioner, so they can provide a more seamless service 7. Consider the value of sharing lessons and procedures from evolving HB4C intake and triage across VLA to encourage and facilitate improved client intake and consistency of practice.
	<p>Clients who make HB4C requests within 7 days of court matter often end up being told they can't be helped by service and/or have their matter adjourned immediately. This 7 day 'cut off period' was originally formulated when the turnaround time for CBSS briefs was slower but also to cope with availability of lawyers at short notice.</p>	<ol style="list-style-type: none"> 8. Consider how to ensure those seeking help close to their hearing date are supported consistently and appropriately. For example, provide instruction around how to locate the duty lawyer at Court, or direct Intake Form users to Legal Help or online advice on how to seek an adjournment, or consider the appropriateness of a shorter 'cut off' period.
	<p>Clients who make HB4C requests where court date is several months away are often de-prioritised and not hearing from VLA or PP for several months so become disengaged, or call back repeatedly to enquire about when a lawyer will contact them</p>	<ol style="list-style-type: none"> 9. These help-seekers are being proactive and reaching out in advance so ensure the HB4C service model works for them through better communication to manage expectations and working towards a more timely service, including the possibility of the abridgment of matters which resolve.

	<p>HB4C offers the opportunity to consolidate the workload associated with a client’s matter to one lawyer and provide that client with continuity of practitioner if there is subsequent work required (e.g. a court appearance, ongoing grant). This has happened but is dependent on office capacity, rostering of duty lawyers and the timing of HB4C referrals, i.e. if HB4C referral reaches office within few days of the court date, the office’s rostering system may mean the lawyer who has completed HB4C advice may not be rostered to appear on the court date.</p>	<p>10. Continue to prioritise client continuity as a benefit of the model and empower offices to consider how their rostering for HB4C vs the at court duty lawyer service could enable this – see also recommendation 23 below</p>
	<p>HB4C appears to be utilised by slightly more females, relative to the pre-HB4C duty lawyer service, however female clients in the evaluation survey report lower levels of satisfaction and benefits from the service. In particular, female clients were less likely to agree the triage questions asked were reasonable, the lawyer did not rush them and that the service took their individual needs and circumstances into account. Men make up the majority of clients for HB4C (and Summary Crime matters overall) so the previous/existing DLS approach may have been more tailored for men and this has carried over into HB4C service delivery.</p>	<p>11. The modest sample size for the evaluation survey means there is limited scope to draw conclusions and identify recommendations broadly so VLA should seek further client / help-seeker input into the service model and intake pathway design.</p>
	<p>The evaluation survey results were able to be segmented certain demographic attributes and identified notable patterns, but the modest sample size and lack of representation from some groups meant these results only provided a limited understanding of the usage and impact of HB4C on different client cohorts.</p>	<p>12. As with the previous recommendation (#11), VLA should consider how it recruits clients / help-seekers for both feedback on the service and input into the design, particularly those who were under-represented in the evaluation survey, e.g. people identifying as Aboriginal or Torres Strait Islander, people who identify as non-binary/gender diverse/trans and people who have their matter listed in regional court locations</p>

<p>Improving HB4C service for VLA personnel</p>	<p>The triage team, lawyers and managers at VLA want to provide consistent levels of service while managing their workload and job satisfaction</p>	<p>13. The HB4C Best Practice guide should be widely communicated and consistently utilised across VLA</p> <p>14. Lawyers delivering SCP services should have a mix of HB4C and duty lawyer work, as all those consulted expressed a preference for a balance between the two</p> <p>15. The triage team have received useful technology solutions and training to perform their role, however much of this has been ad hoc and there is an opportunity for VLA to formalise the arrangements and address the workforce needs of the triage team, especially if it remains a dedicated team and not incorporated into Legal Help. In particular, consider the following (with input from Legal Help staff as appropriate):</p> <ul style="list-style-type: none"> a. identifying and assessing the requisite skills and competencies for triage and intake, and providing the necessary training and support b. co-developing best practice for intake and triage with the triage team c. planning around the team structure, role design, and progression pathways
	<p>The 'central' intake and triage staff (e.g. triage team, Legal Help) often don't hear what happens with clients once referred internally unless there is a complaint or issues.</p>	<p>16. Much of this is likely to be improved by the impending switch from ATLAS system to Legal Aid Services Online (LASO) and VLA should use the opportunity to raise the visibility of client pathways generally. In the meantime, consider low-cost ways to raise the visibility of matters and 'close the loop' internally, e.g. email updates from lawyers, access to shared work planners / databases (with appropriate privacy safeguards), etc.</p>
<p>Improving HB4C service for Panel practitioners</p>	<p>Only a small number of Panel practitioners were consulted for the service and while they were very supportive of the concept and continuing the service, they identified opportunities for continuous improvement</p>	<p>17. VLA should consider sharing the HB4C Best Practice Guide (or portions of it) with Panel practitioners involved in the service to communicate VLA's practice and seek consistency from PPs.</p> <p>18. Maintain best practice of referring HB4C matters to Panel practitioners at least seven days before court date and provide practitioners enough time to respond / accept matter (e.g. at least 24 hours)</p> <p>19. Triage team / VLA offices to manage client expectations by providing as much information about the service up front, e.g. what is eligible for in-court assistance, that pre-court assistance will be provided remotely, that VLA has made an assessment of the matter but a panel practitioner may conduct their own assessment, that pre-court assistance will be provided remotely, etc.</p>

		20. Continue improvements to billing / invoicing system, which Panel practitioners perceive as overly manual and time consuming currently
Improving the summary crime system	Some potential improvements to the Summary Crime system from HB4C (e.g. Case conferencing) did not occur to the degree anticipated, partly due to a lack of understanding and priority towards HB4C matters among system stakeholders	21. Continue promoting and communicating the intent and benefits of HB4C to Victoria Police, both through high level strategic conversations by Summary Crime Program team but also by providing consistent messaging that can be used by regional managers for their local stakeholder consultations
	The adjournment rate for HB4C matters was 40% (compared to a 62% adjournment rate recorded for resolved Summary Crime DLS matters in 2019). This is a significant benefit to the system, however it was based on a modest sample of data. Additionally, stakeholders felt that adjournments initiated by lawyers/clients and prosecution team had reduced.	22. Ensure ATLAS / LASO data entry and reporting functionality are able to accurately and comprehensively identify adjournments, and consider working with MCV to better track these, including the reason for the adjournment and the party seeking the adjournment.
	There are concerns that HB4C is missing some clients who only interact at court with the duty lawyer service, or (if their HB4C request is too close to court date) will be directed to the duty lawyer service at court.	23. With the return to at court duty lawyer service, there is an opportunity for the Summary Crime Program to consider how best to manage the two service models (HB4C, DLS) in a complementary way for clients, but also for practitioners and other court users
Monitoring & evaluation data	While there was detailed data available on the HB4C online intake tool and for client records from ATLAS, there were several data points anticipated for the evaluation that were not available from within VLA and external sources. For example, it was not possible to analyse <i>where</i> HB4C was being used more or less, by comparing HB4C intake by VLA office against Mentions/Offences by Courts, because there were inconsistencies in how offices recorded HB4C services and challenges obtaining comparable data from MCV.	24. Continue investment in ATLAS / LASO data entry and reporting functionality to ensure more complete records (e.g. priority client characteristics consistently recorded) and easier extraction of data (e.g. through service 'tags') 25. For HB4C (and other projects), continue working with partners (i.e. MCV, Victoria Police) to identify, track and report data that are considered important for monitoring & evaluation purposes (e.g. % of adjournments where reason was for accused to seek legal advice, demographics in line with VLA priority characteristics)

	<p>There are opportunities to build on the client feedback gathered by the service designer and for the evaluation</p>	<p>26. The client survey developed for the evaluation should be administered with a sample of clients annually, but incorporated into VLA's client feedback mechanisms rather than as a separate process for HB4C only</p> <p>27. Provide option in client survey for clients to opt in for further in-depth interviews, which can be conducted annually with a sample of HB4C clients to better understand their survey responses and identify improvement opportunities</p>
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Appendix 1: HB4C summary of work completed

Phase	Timing
<p>1. Preparatory work</p> <p>Internal preparatory work within VLA, including:</p> <ul style="list-style-type: none"> + Consultation with relevant internal stakeholders to understand the problem to be solved + Established project team and Working Group + Initial Project Sponsor meetings + Close stakeholder engagement to design and deliver completed phases 	April – September 2020
<p>2. Engagement with MCV</p> <p>Early discussions with MCV explained the purpose of the new intake pathway and the integration of the intake tool with MCV measures to engage court users, reduce its backlog, and resolve matters online.</p>	May 2020 - ongoing
<p>3. Version 1 of intake tool</p> <p>The intake tool is a public-facing website that collects information from clients seeking help from the summary crime DLS. It was developed by Digital Legal Aid to a stage where it met all VLA compliance and data security requirements.</p>	April - September 2020
<p>4. Pilot intake tool with Legal Help</p> <p>A controlled sample of potentially eligible summary crime DLS clients (up to 35) were directed through the intake tool in order to understand and develop appropriate intake procedures and tools.</p>	September 2020
<p>5. Commence intake from MCV site to intake tool</p> <p>Interim intake and triage initially performed by Summary Crime Melbourne (SCM) administrative services team and then decentralised to individual VLA offices</p>	October 2020
<p>6. Develop and rollout interim service model</p> <p>An interim service model was developed for assisting clients to support VLA offices and SCM until the final service model was prepared. It included:</p> <ul style="list-style-type: none"> + an intake process for handling requests for help through the intake tool + triage instructions + referral protocol + Help Before Court guidelines + guidance on rostering at offices + client resources, such as email template with information and referrals, and SMS communications to support engagement 	October – November 2020

<p>7. Refining service model</p> <ul style="list-style-type: none"> + HB4C project team circulated consultation papers to VLA regional offices and invited reflections on the resourcing ramifications of HB4C intake, triage and legal service provision + Several refinements have been made to the model, including decentralising the intake to establishing a dedicated triage team + Plans to consult around service guidelines and best practice HB4C duty lawyer service delivery 	<p>December 2020 – May 2021</p>
<p>8. Improving client intake pathways</p> <ul style="list-style-type: none"> + The HB4C project team consulted with regional VLA offices around establishing a dedicated intake and triage team and to improve client intake pathways from intake points across the VLA, and plan to make recommendations for BAU beyond the life of the project + Dedicated intake and triage team introduced in June 2021 and triage processes continually monitored and refined 	<p>January 2021 –Ongoing</p>
<p>9. Integration with current DLS</p> <ul style="list-style-type: none"> + MCV has issued a number of Practice Directions that have impacted court attendance in person, and accordingly the ability to deliver in-person duty lawyer services. VLA will continue to resource in person duty lawyer services when in-person attendance is possible, so arrangements are being made for HB4C to complement the delivery of DLS where physical attendance at court is required 	<p>May 2021 – November 2021</p>
<p>10. Developing client resources</p> <ul style="list-style-type: none"> + Working with the Community Legal Education team to develop appropriate information resources for clients that support understanding of their matter and court processes to be delivered over the course of HB4C service delivery 	<p>May 2021 – November 2021</p>
<p>11. Finalising service guidelines</p> <ul style="list-style-type: none"> + Reviewing interim service guidelines using staff feedback and finalise prepare service guidelines for review/approval by the VLA Board + Compare draft guidelines against Client Priority and Capability Policy to identify any areas for improvement in relation to priority client characteristics + Use original service guidance notes and feedback from practitioners to develop a ‘Best Practice Guide’ for lawyers delivering HB4C services 	<p>July 2021 – Ongoing</p>

Appendix 2: About the client evaluation survey

A sample of HB4C clients who contacted the service between July – September 2021 was selected for the survey – this date range was chosen to balance having respondents whose experience was recent enough to recall while long enough ago for their matters to have been concluded.

The survey was administered over the phone by a triage team member to clients between 2nd – 22nd February 2022. The triage team member sent an SMS to all clients in advance requesting them to indicate if they would like to participate or not in the survey.

In total, 151 clients were contacted and 74 completed the survey. This represents a 49% participation rate in the survey, which is a relatively high response rate, although it represents a small sample size of ~0.8% of all individuals who received a legal service from HB4C, or ~2.5% of all individuals who made a request during the sampling period (July – September 2021).

- Overall, the survey sample was representative of HB4C clients in terms of gender and disability status, however it was less representative of other demographics and it should be noted that demographic details for clients were recorded from their ATLAS record *before* the survey was administered and there were details missing from ATLAS records for 15-20% of the surveyed clients.
 - In particular, for 46% of surveyed clients their language spoken at home was not recorded in ATLAS and this was the one demographic where the survey sample was not representative: where their language spoken was known, 35% spoke a language other than English compared to 22% of all HB4C clients recorded as having a CALD status.
 - There were no responses from clients who identified as non-binary / gender diverse / trans, who comprise ~0.2% of HB4C clients
 - The survey underrepresented clients who identified as Aboriginal or Torres Strait Islander (4% of clients vs 1% of survey sample)
- The sample was also not representative based on legal assistance provided. Where HB4C clients received a legal service beyond information, 20% involved advice only and 80% advice + representation while for the survey sample, 55% recall receiving advice only and 45% recall receiving representation as well.
- All Metropolitan Magistrates' Courts were represented in the survey sample as were 7 Regional courts (Bairnsdale, Bendigo, Colac, Echuca, Geelong, Mildura, and Swan Hill); however the sample skewed towards Metropolitan courts with only 12% of respondents having their matter listed in a Regional Court while approx, 20-25% of HB4C matters have been listed in a Regional Court
- Of the clients who completed the survey, 25% recall previously receiving help from VLA for a criminal matter while 73% had not previously received help (2% were not sure). As noted, there is no clear data available on the split of 'new' vs 'existing' VLA clients who accessed HB4C but it is likely that the sample overrepresented clients who had no previous experience with VLA.

Appendix 3: Help Before Court Gender Impact Assessment

Template 1 – Define the issues and challenge assumptions *(Completed by HB4C project team in January 2022)*

What is the issue the policy, program or service is aiming to address?

To support people charged in the summary crime duty lawyer system on bail or summons to progress and/or resolve their matter before their first court hearing date and away from physical court locations.

By doing so HB4C aims to better assist these clients and the summary crime system (lawyers, prosecutors and courts) by removing the pressures of the at-court DL system, providing earlier resolution of matters and better linkages to support services, and retaining continuity of service between DL clients and lawyers.

Key questions

Are the people who are targeted and impacted by the policy, program or service included in the decision-making?

The project to date included 2 client surveys at conducted different stages of the project, as well as a series of in-depth interviews (1 hr each) with individual clients. The project also obtained client stories from lawyers about their experience.

Do you think that people of different genders access this policy, program or service at the same rate?

Intake data shows a higher rate of people who identified as a woman sought help through HB4C (30%) than through the previous at-court DL service (25%). There was also a small increase in people who may identify as non-binary (0.4% under HB4C compared to 0.1% at court). Higher rates of people with a disability also accessed the service (38% HB4C compared to 28% at court).

Do you think that everyone who accesses this policy, program or service has the same needs from it? Think through in a practical sense how people of different genders might benefit from this

A major impact of HB4C on clients is reducing the instances whereby they need to go to court in person. Clients also are provided with an appointment time with their lawyer wherever possible. This is expected to particularly benefit:

More information needed?

Yes

Yes

Yes

- people who care for children or who have challenges attending court in person (eg work commitments or accessibility considerations)
- young people and people with little or no experience of the court system (in terms of avoiding unnecessary exposure to the criminal justice system at court)
- people who experience significant stress by appearing at court (such as those with mental health issues) who can avoid the detrimental impact of court hearings that do not significantly advance the progress of their matter
- People at risk of serious health impacts from COVID-19

The project's client research to date supports the conclusion that many people in these circumstances have already benefited from HB4C.

In addition, by introducing better linkages to support services and supporting continuity of service between clients and their lawyers, people with complex needs are expected to benefit.

Do the different social roles and responsibilities that people take on affect the way people access and use this policy, program or service?

Yes

Anybody with roles/responsibilities that make it difficult for them to make the time to go to court may benefit from using HB4C, including:

- those having the responsibility for the care for children
- those having a part-time job (noting many in full-time work may not be eligible for VLA services under the income test).

What additional needs might there be for people with disabilities, or from different cultural identities, ages, gender identities, sexual orientations or religions?

Yes

The HB4C service is primarily delivered by phone and over a period of time, so this may not best suit people with certain disabilities (eg hearing, cognitive impairment) or people with a cultural preference for in-person communication. For these people, at-court service may be preferable, and this assessment in conjunction with the client is made early on in the HB4C triage process.

What will you focus on in your assessment so that you consider how gender shapes the issue?

- How gendered roles and responsibilities around care-giving and part-time work affect how people access HB4C
- How other intersecting factors such as age, disability or cultural background may influence access to or participation in HB4C
- Gaps in stakeholder engagement from different communities accessing HB4C
- Exploring further client research options such as a lived experience group to answer these questions