# Victoria Legal Aid 2020–21 Quarter two report 1 October – 31 December 2020

## Message from the Acting CEO

As we moved to the end of 2020, Victoria’s COVID-19 restrictions continued to impact our clients and their ability to receive legal assistance. With the restrictions affecting the operation of the justice system, legal issues that many of our clients faced were being amplified by increased anxiety and frustration with not being able to have matters heard in court. Throughout this period, we continued to look for ways to assist our clients to ensure they were receiving the best service possible.

Due to the pandemic, there was a significant increase in demand for residential tenancy related enquiries. To help address this demand we launched our new specialist tenancy phoneline in late November. The phoneline allows for a more streamlined referral pathway for clients to external agencies that can assist them with their needs. The commencement of this phoneline follows on from the successful introduction of our [specialist family violence phoneline and webchat](https://www.legalaid.vic.gov.au/about-us/news/new-services-to-meet-increased-demand-for-family-violence-legal-help) earlier in the year.

We were pleased to receive [additional funding](https://www.legalaid.vic.gov.au/about-us/news/welcome-funding-for-family-violence-and-early-legal-assistance) that will help to expand programs offering pre-court legal assistance. In October, we launched our new [Help Before Court](https://hb4c.vla.vic.gov.au/indexB.html) intake tool to help address the backlog of summary crime matters resulting from the Magistrates’ Court’s reduced operations. Help Before Court also responds to the court’s approach to recovery, which focuses strongly on triage and case management. The tool is part of the larger Help Before Court project aimed at implementing a new way of providing summary crime services to our clients before their court date. The Help Before Court tool aims to help reduce the burden on the system as well as help clients arrive at court better prepared, reducing the confusion and uncertainty that they often feel. The additional funding will also allow us to expand the family violence related programs that offer pre-court legal assistance to more people across the state. These programs, run with the assistance of our partners across the sector, help to address the increased demand for family violence services resulting from the pandemic and associated restrictions, and assist family violence victims to keep safe.

Despite the challenges the pandemic has presented, we remained focus on our commitment to improve outcomes for Aboriginal and Torres Strait Islander peoples within the justice system. As part of our NAIDOC week celebrations in November, we released our mid-term report against our [Reconciliation Action Plan](https://www.legalaid.vic.gov.au/about-us/news/progressing-our-reconciliation-action-plan-benefits-our-clients-community-and-staff). We were pleased to report that we completed 80 per cent of our first-year goals. Key achievements in the first year included launching our [Cultural Learning Strategy](https://www.legalaid.vic.gov.au/about-us/our-organisation/how-we-are-improving-our-services/aboriginal-and-torres-strait-islander-cultural-learning-strategy), our [Aboriginal and Torres Strait Islander Employment Strategy](https://www.legalaid.vic.gov.au/about-us/careers/aboriginal-and-torres-strait-islander-employment/aboriginal-and-torres-strait-islander-employment-strategy), reviewing and updating our cultural protocols practices, as well as strengthening our existing relationships with our practice partners—the Victorian Aboriginal Legal Service (VALS) and Djirra. We were also able to expand our Aboriginal Engagement Officer program to Geelong and Ballarat, providing an opportunity to enhance relationships and provide vital connections between Aboriginal and Torres Strait Islander clients and legal services in those areas.

November also brought some sense of normality with the lifting of the stage four restrictions. The easing of restrictions meant that we could start planning for a transition back to the office and to the courts. Our transition plan is focused on ensuring that we are able to deliver services in a COVID-safe way for both our staff and clients, while addressing the significant backlog of cases.

## Client Services

**Table 1.1 Clients snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Clients** | **Q2****2019–20** | **Q2****2020–21** | **Q3 2020–21****Projection** |
| Unique clients[[1]](#footnote-2) | 23,398 | 16,778 | 22,271 |

The number of unique clients fell in quarter two 2020–21 by 28.3 per cent (Table 1.1) compared to quarter two in 2019–20. As courts are continuing to operate at a reduced capacity due to the COVID-19 pandemic, there are fewer cases being heard—resulting in a decrease in the number of duty lawyer services that we are able to provide. As this type of service is the main entry point for clients, it has impacted the unique client number for the quarter. As the justice system begins to return to more normal service offerings, it is expected that it will result in the number of clients we see increasing.

Table 1.2 Legal Help phoneline and web chat snapshot

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Legal Help**  | **Service Delivery type** | **Q2****2019–20** | **Q2****2020–21** | **Q3 2020–21****Projection** |
| Requests for Legal Help assistance | Phoneline | 38,501 | 35,767 | 46,786 |
| Web chat | 5,596 | 11,022 | 8,603 |
| Number of Legal Help sessions delivered | Phoneline | 26,031 | 15,768 | 26,117 |
| Web chat | 5,376 | 9,400 | 8,001 |
| Average service duration (minutes) | Phoneline | 20:41 | 23:40 | N/A |
| Web chat | 8:32 | 10:34 | N/A |
| Average wait time (minutes) | Phoneline | 13:51 | 21:58 | 12:00 |
| Web chat | 0:14 | 0:28 | 0:30 |

Our Legal Help service continues to experience an increase in demand due to the pandemic. The total number of requests received via our phoneline and webchat increased 6 per cent compared to 2019– 20. The use of web chat has nearly doubled since 2019–20, with a 97 per cent increase in the number of requests received via this channel. Importantly, greater use of webchat also takes pressure of our phoneline. Of the requests received via web chat, we were able to respond to just over 85 per cent.

Our most complex assistance remain on our phonelines. Due to the increased complexity of advice and information that our clients are seeking, and changed operating hours to focus on staff wellbeing, the average wait time and service duration for our phoneline is higher than in 2019–20. As a result, we were unable to deliver as many information and advice sessions in quarter two 2020–21 compared to 2019–20 (Table 1.2). Information sessions delivered decreased by 21.2 per cent and legal advice sessions by 12 per cent. (Table 1.3). We anticipate that the wait time for Q3 2020–21 will decrease to 12 mins, partly due to the introduction of the new priority phone lines that will allow us to deliver a higher number of sessions, and the commencement of additional staff.

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |  |
| --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q2****2019–20** | **Q2****2020–21** | **Q3 2020–21****Projections** |
| Information sessions | 29,244 | 23,061 | 33,182 |
| Legal Advice sessions | 9,085 | 7,993 | 8,823 |
| Minor work sessions | 1,150 | 718 | 1,046 |
| Community Legal Education sessions | 106 | 38 | 4 |
| Website sessions | 646,457 | 628,732 | 720,238 |

The increase in web chat use (Table 1.2) has helped mitigate the decrease in the number of information sessions we delivered. However, the majority of our advice sessions are delivered over the phone by Legal Help. These sessions generally take up more time and restrict the number of calls our staff can answer—further reducing our ability to provide advice and information sessions. The addition of our family violence priority line has assisted in mitigating the number of information and advice sessions delivered, as well as allowing us to deliver information and advice services to these priority clients. We expect to see a further increase in the number of requests for Legal Help with 18.4 per cent more requests expected in Q3 than we received in Q2 (Table 1.2). This, combined with a reduced average wait time for clients contacting Legal Help (Table 1.2), is likely to have a positive impact on the number of advice and information sessions we are able to deliver in the upcoming quarter. We are projecting information sessions to increase by 43.9 per cent and advice sessions by 10.4 per cent (Table 1.3).

**Table 1.4 Court assistance services snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Court assistance Services** | **Q2****2019–20** | **Q2****2020–21** | **Q3 2020–21****Projections** |
| Duty Lawyer Services | 22,113 | 8,467 | 19,493 |
| Grants of Legal Assistance | 11,516 | 9,559 | 11,666 |

We resumed criminal trials in November and December, and we continue to provide duty lawyer services via Audio Visual Links (AVL) and phone support. However, due to the continued reduction in court operations our duty lawyer services are significantly down from 2019–20, with a 61.7 per cent decrease in the number of services we delivered in Q2 2020–21. Similarly, while we continue to receive, process and approve grants of legal assistance, the reduction in cases being heard at court has resulted in fewer applications being received. As the courts begin to reopen and increase capacity, we expect that both service types will increase.

## Outlook for 2020–21

The start of 2021 will see Victoria move closer to COVID-normal. In line with government directions, we will be able to have up to 25 per cent of our staff return to the office from mid-January and up to 50 per cent from early February 2021. This is a significant step in our transition towards a return to more normal service delivery. As the courts begin to reopen and increase capacity, we predict that we will see an increase in services as the significant backlog is addressed. This predicted increase in service levels will be compounded by the increasingly complex nature of issues being felt by our clients as a result of the pandemic. Additional funding we received in the State Budget will help us to manage existing and projected demand.

We will continue to work with the courts, panel practitioners and other sector partners to develop strategies to address the backlog. We will also continue to look at ways to design and deliver our services that allow us to pivot as needed and continue to provide services for the Victorian community.

## Financial Summary

Our operating position for Q2 was a surplus of $1.3 million, primarily resulting from the impact of the pandemic on our operations. Our revenue for this period declined slightly from the prior year due to timing differences. Additional funding was provided to VLA through the State Budget and the Justice Recovery Plan, which will allow us to work closely with our justice sector partners to address the significant backlog of cases and offset the revenue reduction from the Public Purpose Fund.

Case related expenditure of $22.9 million was a significant reduction on the previous year, due to the continued impacts of the pandemic on court operations. This reduction is primarily a deferral of expenditure, and when we spend these funds depends on how the courts address the backlog of cases.

Our response to the pandemic and the 2019–20 summer bushfires continues to progress well, with expenditure of $3 million in the quarter—largely in line with the revenues received. This expenditure has allowed us to continue to meet the needs of our staff and clients in this difficult environment.

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Revenue** | **Q2 2019–20** | **Q2 2020–21** | **Q3 2020–21****Projection** |
| Commonwealth – grants | 16,196 | 17,937 | 19,541 |
| Expensive Commonwealth Criminal Cases Fund income (ECCCF) | 583 | 610 | 915 |
| State – grants | 37,093 | 34,524 | 44,707 |
| Public Purpose Fund | 7,884 | 5,384 | 5,385 |
| Case revenue | 1,679 | 1,374 | 1,379 |
| Other income | 200 | 62 | 84 |
| **Operating revenue** | **63,635** | **59,891** | **72,011** |
| Digital Legal Aid income | 1,167 | 876 | 875 |
| COVID and Bushfire Emergency | 0 | 2,646 | 2,646 |
| **Total revenue** | **64,802** | **63,413** | **75,532** |

### Total expenditure breakdown ($,000)

|  |  |  |  |
| --- | --- | --- | --- |
| **Expenditure** | **Q2 2019–20** | **Q2 2020–21** | **Q3 2020–21****Projection** |
| Case expenditure (including ECCCF) | 27,950 | 22,916 | 27,844 |
| Community legal centre payments | 8,262 | 10,181 | 12,421 |
| Staff costs | 20,438 | 20,854 | 23,009 |
| Administration | 4,779 | 4,330 | 5,506 |
| Projects | (28) | 0 | 0 |
| **Total expenditure (Excluding COVID and Bushfire)** | **61,401** | **58,281** | **68,780** |
| Depreciation and Revaluation | 837 | 679 | 700 |
| Digital Legal Aid | 822 | 207 | 500 |
| COVID and Bushfire Emergency | 0 | 2,995 | 4,199 |
| **Total Expenditure** | **63,060** | **62,162** | **74,178** |

1. A unique client is an individual who has accessed one or more of our legal services and a client lawyer relationship was formed. We count our unique clients the first time we see them in the year. This definition does not include those clients who received information over the phone or via our online web chat (Legal Help), from our website, in person at a court counter or those who attended one of our community legal education sessions. [↑](#footnote-ref-2)