# Victoria Legal Aid 2020–21 Quarter One Report 1 July – 30 September 2020

## Message from the CEO

In August 2020, the Victorian Government took new steps to enforce a stage four lockdown in an effort to curb Victoria’s second wave of COVID-19. The pandemic and its restrictions have had large impacts on the previously existing social and economic difficulties that many of our client’s face. This impact has been evident in the way our clients contact us and what they are contacting us about and we are committed to ensuring the needs of our clients are met, especially during the pandemic.

The impacts of COVID on the Victorian community have reinforced our Legal Help service’s role as an essential community service. We have been able to use the COVID-19 funding we received at the end of the previous financial year to support this role by hiring additional Legal Help staff, as well as two additional Aboriginal Community Engagement officers in our Ballarat and Geelong offices.

Our Legal Help service experienced an increase in requests for information and advice, especially from people experiencing, or at risk of, family violence. In response, [we set up priority family violence phone and webchat lines](https://www.legalaid.vic.gov.au/about-us/news/new-services-to-meet-increased-demand-for-family-violence-legal-help) to make it simpler for people to get assistance and we are partnering with Women's Legal Service to provide support to women experiencing family violence. We are also experiencing a high number of people looking for information and advice on tenancy and employment issues, and our COVID-19 related pages remain the most visited on our website. We will soon be launching a priority tenancy phone line and web chat channel, and we are partnering with Tenants Victoria to assist with their intake and triage and to ensure consistent referrals. A similar initiative is also underway with JobWatch—the specialist employment law community legal centre—in response to employment related queries.

When the courts adjourned the majority of non-urgent cases in March 2020, we saw a large reduction in a point of contact to some of our clients, through reduced in-person duty lawyer services. Our duty lawyers play an essential role in access to justice, both in person and remotely, and the ongoing requirements of social distancing have meant that the majority of court cases and tribunals that are going ahead are heard virtually. We have been working with our justice system partners to ensure that potential clients can attend court both virtually and in person if this is required.

The justice system and VLA continues to adapt to providing online services. We recently launched our [Help Before Court](https://hb4c.vla.vic.gov.au/indexB.html) tool, available on the [Magistrates’ Court](https://mcv.vic.gov.au/) website, to help clients be better prepared before they go to court. We know that not all our clients can engage with online tools and are taking steps to ensure that our services are accessible over a number of platforms.

As well as changing the way we deliver our services in light of COVID-19 restrictions, we have also advocated on behalf of our clients. We have been providing regular feedback to the Department of Justice and Community Safety (DJCS) on the experiences of our lawyers and clients during COVID-19 restrictions. In quarter one 2020−21, we also made submissions to the Victorian Government’s consultations on the first [LGBTIQ Strategy](https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla_submission_to_dpc_-_victorian_lgbtiq_strategy_-_31_july_2020.pdf), the House Standing Committee on Social Policy and Legal Affairs [inquiry into family, domestic and sexual](https://www.legalaid.vic.gov.au/about-us/strategic-advocacy-and-law-reform/other-activities#20-july-sv) violence, and to the [Family Violence Reform Implementation Monitor.](https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-submission-fclc-wlsv-joint-submission-family-violence-reform-implementation-monitor-july-2020.pdf)

## Client Services

We are unable to provide service or financial projections in this report due to the delayed state budget. The state budget was announced in late November 2020, and we will publish our budget and service projections shortly.

**Table 1.1 Clients snapshot**

|  |  |  |
| --- | --- | --- |
| **Clients** | **Q1****2019-20** | **Q1****2020-21** |
| Unique clients[[1]](#footnote-2) | 34,351 | 22,466 |

There was a 34.6 per cent decrease in the number of unique clients in quarter one 2020–21 compared to quarter one in 2019–20 (Table 1.1). This decrease was mainly due to COVID-19 service changes to the justice system, which continue to impact on the number of duty lawyer services we are delivering. Assistance at court is where a large proportion of our clients come into contact with VLA for the first time. While there continues to be a lower number of hearings being held by the courts, we anticipate that unique client numbers will remain below previous years.

Table 1.2 Legal Help phoneline and web chat snapshot

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| --- | --- | --- | --- |
| **Legal Help**  | **Service Delivery type** | **Q1****2019-20** | **Q1****2020-21** |
| Requests for Legal Help assistance | Phoneline | 40,623 | 38,457 |
| Web chat | 6,082 | 12,274 |
| Number of Legal Help sessions delivered | Phoneline | 25,080 | 19,082 |
| Web chat | 5,277 | 11,287 |
| Average service duration (minutes) | Phoneline | 18:42 | 24:43 |
| Web chat | 9:10 | 9:39 |
| Average wait time (minutes) | Phoneline | 14:54 | 20:36 |
| Web chat | 0:14 | 0:28 |

Legal Help is the main provider of information and advice sessions at VLA. During COVID -19 we have seen an increase in demand for our Legal Help service and have opened new targeted phonelines and web chats for specific legal issues, such as family violence, so that clients can access information and advice as quickly as possible. The use of web chat has more than doubled since 2019–20, increasing by 101.8 per cent. In quarter one 2019–20 only 13 per cent of those requests for assistance to Legal Help were made via web chat. In quarter one 2020–21, 24 per cent of those requests were made via web chat.

As average service duration and wait times continue to rise for our phoneline service, due to the complexity of information and advice being sought by our clients and the impacts of COVID-19 on our clients and staff, web chat has allowed us to deliver a consistent number of Legal Help sessions in quarter one 2020–21 (30,369) as in 2019-20 (30,357). Multiple information and/or advice sessions can be delivered in a single phoneline or web chat service.

Whilst web chat has allowed us to mitigate a reduction in services delivered whilst our operating hours have varied due to COVID-19, compared to quarter one 2019−20 there has been a 11.9 per cent decrease in the number of information sessions delivered, and a 8.4 per cent decrease in advice sessions (Table 1.3). Demand for our Legal Help services has increased (Table 1.2) and we are not currently able to meet this increased demand.

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |
| --- | --- | --- |
| **Early Intervention and Preventative services** | **Q1****2019-20** | **Q1****2020-21** |
| Information sessions | 29,741 | 26,200 |
| Legal Advice sessions | 9,231 | 8,453 |
| Minor work sessions | 1,253 | 441 |
| Community Legal Education sessions | 108 | 36 |
| Website sessions | 681,856 | 791,021 |

Whilst web chat has been able to mitigate a decrease in the number of information sessions delivered, advice sessions can only be delivered by a VLA lawyer over the phone and take longer to deliver than an information session. Although fewer advice sessions were delivered compared to 2019−20 (Table 1.3), these sessions are proportionately taking up more time on the phoneline. In addition, the information sessions that the phoneline receives tend to be more complex than those delivered by web chat. This increasing complexity contributes to the longer average service duration for the phone line and has meant that staff are less available to answer other calls, reducing our overall capacity to deliver advice and information sessions.

VLA provides in person Community Legal Education (CLE) to targeted cohorts of our clients and the community. These Education sessions help deliver tailored information to help educate the community both on the law and the justice system. COVID-19 has meant that we have not been able to deliver these sessions in person and have seen a 66.7 per cent decrease in sessions delivered since 2019–20. We have shifted to delivering CLE on online platforms with positive results so far.

**Table 1.4 Court assistance services snapshot**

|  |  |  |
| --- | --- | --- |
| **Court assistance Services** | **Q1****2019-20** | **Q1****2020-21** |
| Duty Lawyer Services | 24,349 | 8,170 |
| Grants of Legal Assistance | 11,895 | 9,562 |

Duty Lawyer services are significantly below quarter one 2019–20, with a 66.5 per cent decrease in the number of services delivered in quarter one 2020–21. The courts are still running at a reduced capacity and delivering most of their services online. As courts adjust their practices to hear more cases and address the cases that were adjourned, we anticipate that duty lawyer services will rise in future quarters. Similarly, although we continue to process and approve the grants of aid that we receive, reduced court listings mean that we are receiving fewer requests for grants of legal assistance, accounting for the 19.6 per cent drop in grants compared to quarter one 2019–20.

## Outlook for 2020–21

As Victoria gets closer to reaching COVID normal, the courts will be open but will be required to have a [COVID-Safe Plan](https://www.courts.vic.gov.au/resources/csv-covidsafe-plan). Remote hearings will still be required where possible to ensure that physical distancing practices can be used for any in person attendance at courts and tribunals. We will continue to support the delivery of both remote and in person court services.

Adjourned court hearings at Magistrates’ Courts are beginning to resume across regional Victoria in October 2020 and in metropolitan Melbourne in November 2020. A limited number of Melbourne-based criminal jury trials are also planned to resume in the County and Supreme Courts, circumstances permitting, from Mid-November 2020. There is a significant backlog of cases, and additional new initiations, and we will continue to work with our justice system partners to ensure that our clients can access all our services to support them at court. We are also preparing for a potential increase in services as the courts begin to address the backlog. This includes close consultation with courts, our sector partners, and panel practitioners and considering new ways of working with our partners to get the work done within our financial resources.

We will also carefully consider the COVID-safe changes we will make to our own services as they become available in person across regional and metro Melbourne. We are putting plans in place to ensure that our staff, clients and communities remain safe as we work towards COVID normal.

## Financial Summary

Our operating position in quarter one was a modest surplus of $0.66 million, primarily resulting from the impact of COVID-19 on our operations. Our revenue has been impacted due to a $10 million reduction in funding from the Public Purpose Fund in 2020–21. This is due to interest cuts over the last 12 months, which has reduced the revenue available for distribution to a number of agencies including VLA.

Case related expenditure, our largest expenditure, was $23 million. This is a significant reduction from the same period last year due to the continued impacts of COVID-19 on court operations. This reduction is primarily a deferral of expenditure and is subject to the approach taken with the courts to address the backlog of cases. We anticipate that case-related expenditure will increase if and as COVID-19 restrictions ease and courts increase activity.

Our response to COVID-19 and the summer bushfires has progressed well in the quarter, with expenditure of $2.7 million funded through the revenues received in the prior financial year. This expenditure places us in a good position 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 we are working with government to determine sustainable funding solutions, 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.

The financial projections for the rest of 2020–21 depend on the outcomes of the State Budget, which will be incorporated into the next quarterly report.

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

|  |  |  |
| --- | --- | --- |
| **Revenue** | **Q1 2019-20** | **Q1 2020-21** |
| Commonwealth – grants | 16,103 | 17,884 |
| ECCCF income | 674 | 0 |
| State – grants | 36,904 | 34,629 |
| Public Purpose Fund | 7,884 | 5,385 |
| Case revenue | 1,506 | 1,127 |
| Other income | 265 | 99 |
| **Operating revenue** | **63,336** | **59,124** |
| Digital Legal Aid income | 1,167 | 875 |
| COVID and Bushfire Emergency | 0 | 2,646 |
| **Total revenue** |  | **62,645** |

### Total expenditure breakdown ($,000)

|  |  |  |
| --- | --- | --- |
| **Expenditure** | **Q1 2019-20** | **Q1 2020-21** |
| Case expenditure (including ECCCF) | 27,532 | 23,007 |
| Community legal centre payments | 8,263 | 10,305 |
| Staff costs | 20,163 | 20,822 |
| Administration | 4,938 | 4,280 |
| Projects | 17 | 0 |
| **Total expenditure (Excluding COVID and Bushfire)** | **60,913** | **58,414** |
| Depreciation and Revaluation | 479 | 581 |
| Digital Legal Aid | 190 | 279 |
| COVID and Bushfire Emergency | 0 | 2,712 |
| **Total Expenditure** | **61,582** | **61,986** |

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)