Prisoner Legal Help evaluation report

June 2018

© 2019 Victoria Legal Aid. Reproduction without express written permission is prohibited. Written requests should be directed to Victoria Legal Aid, Corporate Affairs, Level 9, 570 Bourke Street, Melbourne Vic 3000.

Disclaimer. The material in this publication in intended as a general guide only. The information contained should not be relied upon as legal advice, and should be checked carefully before being relied upon in any context. Victoria Legal Aid expressly disclaims any liability howsoever caused to any person in respect of any legal advice given or any action taken in reliance on the contents of the publication.

Contents

[1. Acknowledgements 1](#_Toc532914399)

[2. Acronyms 1](#_Toc532914400)

[3. Executive summary 3](#_Toc532914401)

[4. Introduction 5](#_Toc532914402)

[5. Recommendations 5](#_Toc532914403)

[6. Evaluation objectives 8](#_Toc532914404)

[6.1. Background 8](#_Toc532914405)

[6.2. Evaluation plan 9](#_Toc532914406)

[6.3. Evaluation aims 9](#_Toc532914407)

[6.4. Evaluation questions 9](#_Toc532914408)

[7. Methodology 10](#_Toc532914409)

[7.1. Research design and implementation 10](#_Toc532914410)

[7.2. Quantitative data 10](#_Toc532914411)

[7.3. Qualitative data 11](#_Toc532914412)

[7.4. Limitations to methodology 12](#_Toc532914413)

[8. Ethics 12](#_Toc532914414)

[9. Data analysis and results 13](#_Toc532914415)

[9.1. Service design and implementation 13](#_Toc532914416)

[9.2. Client impact 19](#_Toc532914417)

[9.3. Effectiveness and outcomes 24](#_Toc532914418)

[9.4. Future planning and sustainability 35](#_Toc532914419)

[10. Distribution of this report 38](#_Toc532914420)

[11. Conclusion 40](#_Toc532914421)

[12. Appendixes 41](#_Toc532914422)

[Appendix 1 – PLH client survey 41](#_Toc532914423)

# Acknowledgements

Prisoner Legal Help acknowledges the many people within Victoria Legal Aid and outside who advocated and supported development and running of the service, including:

**VLA**

* Kristen Hilton
* Carman Parsons
* Monica Ferrari
* Natalie Purcell
* Jon Cina and the PLH Steering Committee (including external members)
* VLA program managers and VLA Bendigo
* Legal Help management team and Prisoner Legal Help staff

**External**

The Prisoners Working Group (formerly a working group of the Victorian Legal Assistance Forum), and the organisations that constitute the working group

Organisations with whom we consulted in the establishment stage, including: Ombudsman Victoria, the Health Complaints Commission, Financial Counselling Australia and NGO prisoner assistance providers. Interstate legal services assisting people in prison, including LawAccess (NSW), Legal Aid NSW (and its Prisoners Legal Service), Legal Aid Queensland’s Prisoner Legal Advice Service, and Prisoners’ Legal Service (Queensland).

**Corrections Victoria and pilot prisons representatives**

* Lisa Homatopoulos – Manager, Operations Directorate, Corrections Victoria
* Peter Hutchinson – Operations Manager, Intelligence Unit, Corrections Victoria
* Neville Emmy – Quality and Compliance Coordinator, Metropolitan Remand Centre
* Roslyn Smith – Operations Manager, Dame Phyllis Frost Centre
* Vanessa Lombardi – Government Functions/Teleconference Officer, G4S, Port Phillip
* Lisa Hocking – Business Support Supervisor, Loddon Prison
* Claire Yeatman – Manager, Transition and Reintegration, GEO Group Australia, Ravenhall Correctional Centre

# Acronyms

**ASA** – Average speed to answer rate (call centre metric)

**CLC** – Community Legal Centre

**CRN** – Corrections Victoria Prisoner Reference Number

**CV** – Corrections Victoria

**DPFC** – Dame Phyllis Frost Centre

**IVR** – Interactive Voice Response (dial-activated phone response)

**LAR** – Legal Advice Record

**LH** – Legal Help

**LHO** – Legal Help Officer (non-lawyer roles)

**MRC** – Metropolitan Remand Centre

**PLH** – Prisoner Legal Help

**PPP** – Port Phillip Prison

**RCC** – Ravenhall Correctional Centre

**VC** – Video conference

**VLA** – Victoria Legal Aid

# Executive summary

The Prisoner Legal Help Service (PLH) is new to Victoria Legal Aid (VLA) and to Victoria. It was established to provide a more accessible legal service to more Victorian prisoners and meet VLA’s ongoing commitment to helping people who face serious legal consequences, such as imprisonment.[[1]](#footnote-1)

The service recognises that people in prison experience relatively high rates of cognitive impairment, poor education and other disadvantage.[[2]](#footnote-2) They often experience multiple incidents of unmet legal need.[[3]](#footnote-3) Failure to address legal issues increases stress and anxiety for people in prison. These hardships are barriers to them participating in their legal matters and can then make their reintegration into the community harder on release and increase the likelihood of re-offending.

Unresolved legal problems are also very costly. Those affected tend to report negative impacts on their physical and mental health, their relationships, and their productivity. In turn, this can have broader repercussions within the community and on the economy.[[4]](#footnote-4)

PLH aims to increase legal assistance in family law and civil matters; areas of significant unmet legal need in the prison population. The service also introduced centralised triage and referrals, replacing VLA’s visiting service.

PLH is a telephone service, accessed by prisoners from telephones in their recreation areas. In Stage 1, PLH operated in five Victorian prisons for 12 months,[[5]](#footnote-5) which gave us the opportunity to:

* better understand demand and the legal needs of prisoners
* gather data and reflect on the PLH service model
* establish referral agreements with other VLA programs and train staff.

The project is now preparing for Stage 2, where it will expand to provide a telephone legal service to all Victorian prisons. This evaluation is pivotal in that process, providing recommendations to guide the development of the service as it expands.

This report presents and analyses data following a four-month evaluation of Stage 1 of the project. This includes qualitative and quantitative data to review the service model, comparing its performance to the previous visiting service, considering the impact of the service and its sustainability. Over 100 staff, stakeholders and prisoners, were involved in this evaluation.

The results show that PLH has significantly increased the availability of legal services to prisoners in the five pilot prisons. PLH took over 4000 calls in its first year. The prison visiting service made an average of 1,450 prisoner attendances per year. This increase is a result of:

* the service being available from 9 am to 3 pm daily, as opposed to a weekly or fortnightly visiting service
* clear internal referral pathways supported by service agreements and strong relationships with VLA’s program areas
* specialised telephone staff who use tailored resources that support best practice legal triage, information, advice and referral across wider matter types.

Importantly PLH is reaching vulnerable prisoners such as Aboriginal and Torres Strait Islander prisoners, culturally and linguistically diverse prisoners, women, and prisoners with disabilities and lower levels of literacy. The report identifies the need to sustain this reach and extend it to include more prisoners due for release.

PLH is more time-efficient than the visiting service, replacing face-to-face triage by senior lawyers, long travel times and wait times at prisons. PLH staff spend less than half the time with callers than the time spent with prisoners in the visiting services, allowing them to assist more prisoners. PLH has effectively freed up criminal lawyers to focus on other priorities.

PLH is providing new legal services to some prisoners, with referrals being made to VLA’s Child Protection service for the first time and improved referrals into the Family Law program. PLH significantly improved the identification, triage, assistance and referral of family and civil law matters. However, the number of those inquiries remains low and there is unmet legal need across these practices areas. Inquiry rates for tenancy and civil debts were also lower than expected, and strategies are recommended to attract greater inquiries across family and civil. The results also suggest that further work should be done to support VLA’s regional offices to manage an increase in referrals post-expansion.

The service identified many systemic issues facing prisoners. Better pathways are required to progress and resolve these issues.

Corrections and prison staff identified the benefits PLH brings to prisoners, and by extension, the benefits PLH brings to prison staff, management and good order.

Demand for the service was variable with an average of 18 calls a day. There were periods of underutilisation and high demand, resulting in an average call abandonment rate of 21 per cent (one in five calls). This is linked to fluctuating staff levels, which has been addressed through increased support from LH. Further work needs to be done to establish an appropriate abandonment rate.

Prisoners and prison staff reported a high level of satisfaction with the service. Prisoners also indicated a significant reduction in stress after using the service. This positive outcome will be enhanced with improvements to call hold times and abandonment rates.

The evaluation recommends that more work is needed to measure average call handling times (including follow up work), and interval timing about demand and abandonment rates before the service expands to other Victorian prisons. The evaluation also recommends that the service should transition to a specialist line within Legal Help (LH), with multiple LH staff trained to take PLH calls. These measures will assist LH management to better determine optimal staffing for PLH to service all Victorian prisons.

The evaluation otherwise supports expansion on the basis that it has assessed the strengths and weaknesses of the pilot and provided clear direction for Stage 2 following the integration of PLH into LH.

# Introduction

Victoria Legal Aid (VLA) provides legal services to people incarcerated in Victorian prisons, as it does for other members of the community. These services include responding to legal inquires, facilitating case intakes, and providing legal information, advice and referrals.

In 2016, VLA began Stage 1 of a new program to deliver these services over the telephone, replacing a visiting service where lawyers travelled to prisons to provide legal information and advice in person. The five prisons involved in Stage 1 of PLH were the Metropolitan Remand Centre, Port Phillip Prison, the Dame Phyllis Frost Centre, Loddon and Middleton Prisons, and the Ravenhall Correctional Centre.

This report evaluates whether the PLH Stage 1 model is appropriate and sustainable, and makes 20 recommendations to inform the development and expansion of PLH to the remainder of Victorian prisons.

# Recommendations

The report makes the following recommendations:

Recommendations 1–3 are about PLH operations; to expand service hours, improve work flows and set target abandonment rates.

**Recommendation 1**

The PLH steering committee provides guidance to PLH about target call abandonment rates

**Recommendation 2**

PLH staff complete call wrap-ups immediately after taking calls

**Recommendation 3**

PLH opening hours are extended to 9 am to 4.30 pm

Recommendations 4 is about changes to PLH data collection; to support more accurate and efficient data recording.

**Recommendation 4**

ATLAS functionality is improved by:

* auto-populating client demographics after entering the client’s identifying details
* adding ‘VLA practitioner’ and ‘Procedural Information and Assistance’ as options under the ‘Referral To’ tab
* enabling staff to select more than one disability

Recommendations 5–7 are about PLH service agreements and training; to support the expansion and promotion of PLH to VLA programs and regional offices.

**Recommendation 5**

Program managers monitor the capacity of regional offices to handle an increase of referrals from PLH, especially to specialist teams like Child Protection and Family Law

**Recommendation 6**

PLH service agreements are reviewed before expanding PLH to other prisons

**Recommendation 7**

Regional managing lawyers and staff receive training about PLH and the PLH service agreements ahead of the prison expansion

Recommendations 8–9 are about service delivery; to improve the user experience.

**Recommendation 8**

PLH reviews the functionality of its answer sequence, and ensures its answer messages contain minimal relevant information only

**Recommendation 9**

PLH and the Community Legal Education program explore options to provide prisoners with key legal information

Recommendations 10–13 are about marginal cohorts, unmet legal need and stakeholder relations; to better assess and address unmet legal need.

**Recommendation 10**

PLH works with existing service providers and the Community Legal Education program to investigate how it can best reach the most marginalised prisoner cohorts, and those about to be released, including by liaising with key personnel and agencies working in prison, and through client engagement

**Recommendation 11**

The PLH manager consults with interstate services and existing service providers about family and civil inquiries, to identify service gaps for PLH, and their approach to promotion and service response

**Recommendation 12**

PLH explores its capacity to apply a limited legal health check (for civil and family law matters) in the course of prisoner calls to the service

**Recommendation 13**

PLH works with existing service providers and the Community Legal Education program to further develop its knowledge of, and relationships with, prison staff, prisoner peer educators, allied prisoner support agencies, legal practitioners, government agencies and court services to promote the service, identify unmet (family and civil) legal need, and develop referral relationships

Recommendation 14 is about systemic issues affecting prisoners; to better disseminate and advocate systemic prisoner issues.

**Recommendation 14**

The PLH manager attends VLA Policy Officer and Prisoner Working Group (PWG) meetings, and meets with program managers to brief them on systemic prisoner issues

Recommendations 15–18 are about PLH operations; focusing on integration of PLH into LH, assessing client demand and maintaining appropriate staff levels to meet that demand.

**Recommendation 15**

PLH integrate with LH, becoming a specialist LH line, aligning with LH’s workforce and call management practices, and refining the PLH Integration Plan to support this process

**Recommendation 16**

Further analysis of PLH call metrics and integration with LH is completed before expansion

**Recommendation 17**

PLH budgets for the equivalent of four full time agents and one manager to service all Victorian prisons

**Recommendation 18**

VLA monitors prisoner populations and PLH demand as indicators of additional PLH budgetary need

Recommendation 19 is about payment of PLH call costs.

**Recommendation 19**

PLH re-engage with Corrections Victoria about responsibility for PLH call costs

Recommendation 20 is about expansion.

**Recommendation 20**

PLH expands to the remaining Victorian prisons after integrating as a specialist LH line

# Evaluation objectives

1. Background

PLH was established to better meet the legal needs of Victorian prisoners. It was informed by VLA’s experience in delivering a visiting service to Victorian prisons and a need, acknowledged across the legal assistance sector, for increased and better coordinated legal services to prisoners.

In late 2013, the Victorian Legal Assistance Forum (VLAF) established a prisoner working group, whose participants included VLA, financial counsellors, the Prison Legal Education and Assistance Project, the Federation of Community Legal Centres, and individual community legal centres (CLCs) including the Mental Health Legal Centre, Victorian Aboriginal Legal Service, Djirra (formerly the Aboriginal Family Violence Protection Legal Service), Justice Connect (formerly PILCH), Darebin CLC and Brimbank Melton CLC. In 2015, the working group prepared a report, *A sector-wide approach to the legal need of Victorian Prisoners*, which identified a pressing need for a prisoner phone line, which would allow for centralised triage across all services and more immediate assistance and referral to the right services.

In 2015, the Victorian Ombudsman released a report[[6]](#footnote-6) following a major investigation into the rehabilitation and reintegration of prisoners. The report noted that significant growth in prisoner numbers, substantial changes to the parole system and other factors had led to an overburdened system. It made recommendations directed towards the provision of improved access to services and programs for prisoners, and whole of government to work to reduce incarceration and recidivism. Justice Connect and the Brimbank Melton CLC also released reports focusing on prisoner legal need around public housing and debt.[[7]](#footnote-7)

In late 2015, VLA’s Board approved a three-year project to pilot a telephone service for prisoners, providing triage, information, advice and referral. Project funding started in May 2016 and PLH started taking calls on 28 February 2017. With the support of Corrections Victoria, PLH opened in four prisons, with a fifth added in November 2017.[[8]](#footnote-8) The service operates within VLA’s LH service located in the Access and Equity directorate. The service employs four staff, including a manager. A steering committee and the project sponsor, Jon Cina, Associate Director, Access and Equity, oversee the project.

Prisoners can call the service from 9 am to 3 pm Monday to Friday, replacing VLA’s visiting service, where lawyers travelled to prisons to provide legal information and advice in person. The service is promoted on posters in pilot prisons and by prison staff. Prisoners can make free 12-minute calls from phones in recreation areas. In the first year of service PLH took just over 4,000 calls, mostly providing legal and procedural information on criminal matters, as well as some civil and family law matters.

The PLH pilot adopted a phased approach to implementation. Stage 1 focused on developing and testing a service model, establishing referral pathways, recruiting and training staff, gathering data, operating the service in limited prisons, and evaluating the service. This report evaluates whether the Stage 1 model is appropriate and sustainable, and makes 20 recommendations to inform the development and expansion of PLH to the remainder of Victorian prisons (Stage 2). There will be a final evaluation to inform VLA’s ongoing service to prisoners.

1. Evaluation plan

An evaluation plan was prepared and approved by the steering committee. The evaluation plan sets out the framework for this evaluation and report.

1. Evaluation aims

This evaluation aims to:

* assess the effectiveness, strengths and weaknesses of Stage 1 to inform decision making about Stage 2
* provide opportunities for all stakeholders to give feedback and contribute to the development of Stage 1 and Stage 2
* support continuous improvement of the service model and design, through assessing qualitative and quantitative data and making recommendations to inform decision making about Stage 2.

These aims respond to the objectives of Stage 1 of the PLH service, described in the project plan, which are to:

* provide a main triage point for Victorian prisoners with legal enquiries by developing a telephone-based service and associated referral pathways to ongoing legal assistance
* improve coordination of legal services and referral pathways for Victorian prisoners with legal needs
* increase access to civil and family law services for Victorian prisoners
* record evidence of unmet legal information, education and advice needs of Victorian prisoners (and where possible, provide data and/or work with partner agencies and colleagues to address unmet needs)
* identify the key features of an effective and sustainable triage, information, advice and referral service for Victorian prisoners to inform future service provision.

1. Evaluation questions

The following questions were developed to guide the evaluation process:

1. Service design and implementation
2. Were staffing levels and hours of access sufficient to meet demand?
3. How useful were intake and triage tools for assessing and recording a service response?
4. How effective were internal referral agreements and processes?
5. Client impact
6. Do prisoners value the service?
7. Does the service impact prisoners’ sense of wellbeing?
8. How could the user experience be improved?
9. Effectiveness and outcomes
10. Did the service improve access to legal help for prisoners?
11. Was the service more efficient than the previous visiting service?
12. Did the service provide increased assistance in family and civil law for prisoners?
13. Did the service improve the collection and use of data on systemic issues for prisoners?
14. Future planning and sustainability

What changes or recommendations can be made to successfully continue or expand the service to the remaining Victorian prisons?

# Methodology

1. Research design and implementation

The evaluation applied mixed methods, including:

* quantitative data from VLA databases and record-keeping
* qualitative data from a prisoner client survey, stakeholder interviews, a VLA staff reflections workshop, PLH staff and Legal Help (LH) management focus groups, and steering committee feedback.

1. Quantitative data

Quantitative data was drawn from the following sources.

### ATLAS

PLH staff enter data about every call into ATLAS, VLA’s case-management database. This includes caller demographics, whether the caller was on remand or sentenced, their prison location, their legal matter type, our service response and referral targets. The amount of data collected depends on the service response, eg client demographics aren’t collected where the service is a referral only.

The data is presented in four reports that were developed during the pilot establishment in consultation with VLA’s Reporting and Legal Practice teams.

### Legal Advice Records (LARs)

The Reporting team compiled data, completed for each prisoner contact, from the previous prison visiting services. Going back eight years, the LARs provided baseline data about the number of legal services offered in each of the pilot prisons, disaggregated by legal matter type and referral response. While not as detailed as the PLH ATLAS data, the LARs allowed comparisons of service numbers and family and civil law inquiries.

### Prison visit records

Additional quantitative data was collected about the pre-PLH visiting service at three of the Stage 1 prisons. This included the number of prisoners asking to be seen, how many prisoners were ‘triaged out’, how many were actually seen, and the time spent at various stages in delivering that service.

These reports were developed during the establishment stage, in anticipation of evaluation questions about the comparative efficiency of the visiting service and PLH. The Melbourne adult crime and PLH teams collected data over two months, immediately before PLH opened.

### LiveOps

Data was also drawn from LiveOps (the call management software used by PLH) such as call abandonment rates and call handling times. Call handling is comprised of talk time, post-call data entry and immediate follow up work (called ‘wrap-up’).

LiveOps does not record wrap-up unless it occurs immediately after a call. Unlike LH, PLH staff frequently defer wrap-up until the line closes at 3 pm. As a result, this report draws on anecdotal observations to report on its call handling times.

1. Qualitative data

### Surveying prisoners

A client satisfaction survey was developed in consultation with PLH staff, and Bridget McAloon and Rosy Jolic from VLA’s Evaluation team. Corrections Victoria (CV) and contacts at the pilot prisons provided feedback. CV supported the survey in correspondence with prison management.

The survey had a series of yes/no questions, multiple choice questions and free text fields (see [Appendix 1](#_Appendix_1_–)). It elicited information about how many times clients had used the service, whether or not they found it useful and the reasons for that. It asked if the client would recommend the service. The survey also asked about clients’ legal stress levels before and after they contacted PLH, overall satisfaction, and any recommendations for improvement.

PLH first sought to deliver the survey over the phone. This quickly proved impractical within the 12-minute limit on phone calls, and only seven surveys were taken in this manner. A written version was then developed and sent with a self-addressed envelope to all discrete users of the service between 30 October and 17 November 2017. One hundred and fifty surveys were sent and 48 were received in reply. Data was entered manually into Survey Monkey. A total of 55 surveys were entered.

Staff from Loddon Prison also surveyed prisoners against the evaluation questions and returned comments from 21 respondents.

### Stakeholder interviews

Stakeholder interviews were conducted with CV and staff representatives from the four pilot prisons. CV and prison staff were briefed on PLH data and then provided feedback to selected evaluation questions. The questions focused on perceived client satisfaction, accessibility and efficiency, as well as unexpected outcomes and recommendations for sustainability.

PLH was one of three VLA practices that were studied by second and third year RMIT students undertaking a human centred design class as part of the Bachelor of Industrial Design program. Students researched the service, observed data entry and listened to calls with double-headsets. They made pictorial and video presentations of their design solutions. This work was used to inform recommendations.

We also met with the Prisoner Working Group (PWG) to get feedback about how the service assisted or interacted with the service of its members (largely, CLCs, financial counsellors and prisoner educators).

### Reflections workshop

Some 20 VLA staff – including managers and key personnel from program groups Assignments, Reporting and Evaluation – participated in a VLA reflections workshop. Staff were presented with service and evaluation data, followed by group work and a facilitated discussion addressing evaluation questions about effectiveness, outcomes, and future planning and sustainability.

### PLH staff focus group

We held a PLH staff focus group to gather insights about the service, including anecdotal data about the effectiveness of resources and referrals.

### PLH management focus group

We held a PLH management focus group. This session focused on planning and sustainability for integrating PLH into LH.

### PLH Steering Committee and VLA staff

A draft of this report was provided to the PLH Steering Committee. A summary was also posted on the VLA Yammer page. Steering committee members and other VLA staff provided feedback during and after the meeting.

1. Limitations to methodology

The methodology had some limitations that may have impacted on the results of this study.

Limitations to PLH LiveOps data are noted at [7.2](#seventwo) and addressed at Recommendations 15 and 16.

We were also unable to find a reliable method of tracking certain data in ATLAS. For example, there was no clear way to record referrals to VLA staff that weren’t new client appointments, or to record matters where PLH provided something less than ‘legal information’ (such as providing their lawyer’s contact details or looking up their court date) and there was no referral. This limited our ability to report on certain referrals within VLA, and PLH follow up work, respectively.

The client survey was necessarily short, with simple questions in plain language. Conducting it by mail meant we couldn’t actively ask questions in response to earlier answers, which might have elicited more detailed or refined comments from clients.

# Ethics

Ethical issues are addressed in accordance with the Australasian Evaluation Society (2010) Guidelines for the Ethical Conduct of Evaluations and the Victorian Public Service Code of Conduct.

An introduction in the client survey informed recipients that there was no requirement to complete the survey, that it was anonymous, and would have no impact on any service they might receive from VLA. We encouraged participants to provide honest and critical reflections or comments. Nonetheless, we acknowledge the power imbalance that operates between prisoners seeking assistance and VLA as a provider of that assistance. Prisoners may feel constrained to be polite and deferential to PLH in order to gain VLA’s assistance. We have been cognisant of this when considering the prisoner survey, and in our staff reflections about prisoner calls.

# Data analysis and results

This section is structured around the evaluation questions (see [6.4](#evaluationquestions)).

1. Service design and implementation

### 1(a) Were staffing levels and hours of access sufficient to meet demand?

Staff levels were sufficient to meet demand when all staff were available but staff were not always available and, at those times, the call abandonment rate increased. Further work to identify optimal abandonment rate is recommended. Additionally, extending PLH call hours will increase accessibility. Integrating PLH into LH and transitioning the service to a specialist LH line will increase staff responsiveness to demand and accessibility. This is discussed more fully in section 9.4 which addresses future planning and sustainability.

#### Abandonment rates

Call abandonment rates varied from day-to-day. PLH call abandonment happens if:

* calls are not answered before they time-out; CV limits all prisoner calls to 12 minutes, or
* the caller opts-out. For example, they are unwilling to stay on hold, or can’t hold due to circumstances in their environment.

PLH abandonment rates are recorded by LiveOps. Daily rates are visible on a real-time dashboard and reports are available with monthly averages. Monthly abandonment rates typically fluctuated between 18 and 23 per cent, with an average of 21 per cent. Daily rates were observed at between 10 and 40 per cent. For comparison, LH has a year-to-date abandonment rate of 34 per cent, against a current target rate of 35 per cent. PLH has not set a target abandonment rate.

Private industry call centre metrics[[9]](#footnote-9) indicate that:

* customer satisfaction is not greatly affected as abandonment rates move from 0 to 8 per cent. At those rates, satisfaction is between 80 to 100 per cent
* customer satisfaction starts to decline when abandonment rates increase beyond 10 per cent
* decreasing the abandonment rate increases the cost per contact (the cost of staff and infrastructure)
* balancing client satisfaction and call costs suggests an optimal abandonment rate of 4 to 7 per cent
* the private sector average call abandonment rate is 9 per cent.

Another useful metric is the average speed to answer rate (ASA) – or average wait time. The longer the ASA, the greater the likelihood of abandonment or client dissatisfaction. In the case of PLH, this also impacts the amount of time the caller has left in their 12-minute call. PLH’s ASA is 1.1 minute.

Drivers for maintaining low PLH abandonment and ASA rates include:

* high levels of legal stress reported by prisoners before calling PLH (8/10 from the client survey)
* the vulnerability and disadvantage experienced by prisoners, including high rates of ABIs (acquired brain injuries), intellectual disability and mental illness, coupled with the poor legal assistance seeking habits associated with those indicators
* prisoners cannot always return to the phones, due to lockdowns or if they are in management or protection (where they might be limited to one call a day)
* PLH hold times were the most common complaint of prisoners in the client survey.

Abandoned calls are also a reported cause of stress for PLH staff. PLH staff experience a sense of urgency because they understand that prisoners experience high levels of stress and marginalisation, and that prisoners can only hold for 12 minutes. This puts PLH staff under pressure to complete often complex wrap-ups to take another call.

Nonetheless, PLH data indicates prisoners will, and are able to, make multiple contacts to follow up on earlier answered calls. For example, 68 per cent of respondents to the PLH client survey said they had called PLH three or more times. CV data shows that discrete prisoners called on average 2.3 times. This aligns with PLH staff experience that prisoners do call back when needed for follow up.

PLH staff also report that very few callers complain over the phone about waiting on hold or having to make multiple calls. None of the six dissatisfied respondents to the client survey selected that this was because ‘the call time was too short’. However, four satisfied respondents to the client survey complained about hold times in a free text field after the question: ‘How could we make this service better for you?’ Four out of 12 prisoners who gave feedback to staff at Loddon Prison also complained about being on hold for too long.

It is also difficult to assess the persistence of callers who did not get through at all, or whether certain cohorts, or people with certain legal matters, are more likely to give up if the ASA increases or the call times out.

The LH program manager has recommended that PLH should have a target abandonment rate of less than 10 per cent. This reflects the vulnerability of prisoners and call centre metrics mentioned about client satisfaction.

**Recommendation 1**

The PLH steering committee provides guidance to PLH about target call abandonment rates

#### Existing staff levels

Staff levels were variable and there were limits to PLH staff and call forecasting. The PLH pilot provides funding for three lawyers and one manager. The number of available phone agents fluctuated throughout Stage 1, from a full cohort initially to one or two at other times. This affected accessibility.

PLH commonly experienced periods of staff under-utilisation (and less than 15 per cent abandonment) when three agents were logged on. Conversely, there were long periods where callers couldn’t access the service if only one agent was logged on, resulting in daily observed abandonment rates of up to 40 per cent.

Abandonment rates were below 20 per cent when PLH had two available agents, and the manager available to back up and supervise. The manager was only available to assist with back up about half the time, due to other responsibilities.

However, agent availability was highly variable and not always responsive to demand. Turnover and recruitment had the biggest impact on staff availability. Staff leave and breaks also impacted the small team. Caller demand also appeared unpredictable, with PLH staff unable to observe any anecdotal patterns, other than high demand over the December and January periods and from 9–9.30 am.

The initial project brief for PLH forecast between 10–30 inquires a day (for what was an anticipated three-prison Stage 1), and actual numbers were in that range at an average of 18 per day.

A larger caller cohort (from expansion to other prisons) and more PLH staff might flatten the relative rate of caller demand and agent availability. However, this lacks any real nuance or control. See the following sections and Recommendations 15–18 for measures to address this.

#### Operating hours

PLH’s opening hours are 9 am to 3 pm, Monday to Friday, except for public holidays. Work practices and client accessibility can be improved by completing follow-up work directly after taking a call, and by extending operating hours to 4.30 pm.

Staff representatives from the Metropolitan Remand Centre (MRC) and Loddon and Middleton Prisons did not think the 3 pm closure was of concern. However, representatives from the Dame Phyllis Frost Centre (DPFC) and Port Phillip Prison (PPP) recommended extending operating hours to 4 or 4.30 pm. They said that some prison jobs coincide with the current PLH operating hours and those jobs are in a location where phones are unavailable (for example, bush gangs and some industries).

This might also be an issue for the expansion prisons, because they hold a high proportion of sentenced prisoners, who typically have jobs. Increasing the PLH operating hours will increase accessibility generally, and particularly for those with jobs.

The main reasons for closing at 3 pm were:

* to make allowance for training and ‘teething’ issues when the service was new
* to conduct Video Conferencing (VC) for clients experiencing communication barriers
* to complete deferred call wrap-ups.

The evaluation finds that these imperatives no longer apply. For example, the service is now sufficiently established and does not require additional time. VC numbers are around two a week and could be accommodated even allowing for the prison expansion and extended opening hours.

#### Follow-up work

Similarly, there is no substantive reason to defer wrap-up. Staff often deferred wrap-up as a tool to prevent abandonment rates from spiking. For this reason, wrap-up was more likely to be deferred when only one or two agents were available. But this is a weak basis on which to manage demand and work flows. A better solution for maintaining accessibility is to ensure sufficient and consistent staff numbers. See Recommendations 15–18.

Staff also delayed wrap-up simply because there was time to complete work after the lines closed. However, the total amount of time PLH spends on calls and wrap-up is the same, whether calls finish at 3 pm and the wrap-up is deferred, or if the line stays open longer, with wrap-up done in real time. In fact, caller time is maximised by increasing operating hours, because PLH staff did not always need the two post-PLH hours for wrap-up.

Completing wrap-up immediately after taking a call is preferred because instructions are fresher, relevant ATLAS and other screens are still open, and it avoids the stress reported by PLH staff from having too many tasks mounting up. It is standard practice in LH to complete wrap-up immediately after the call.

It is worth noting that PLH call wrap-ups include considerably more follow-up work than LH. Follow-up for LH is typically limited to completing referrals and sending ‘no-reply’ information emails to clients. This is often done in the course of the LH call. PLH follow-up includes file notes, emails and phone calls to lawyers and the courts, legal research (which can rarely be completed during the 12-minute PLH calls) and sending mail to prisoners. These actions often lead to further correspondences. PLH sends some 45 client correspondences a month, a quarter of which contain more complex information or advice.

Follow-up work cannot always be completed immediately after a call or at one time. For example, this work includes responding to replies that PLH might receive from third parties. For this reason, and to accommodate VCs, it would be advantageous to close the lines by 4.30 pm to allow 30 minutes for staff to complete unfinished tasks.

PLH management consulted with CV, which confirmed it will be able to change PLH opening hours on its Arunta phone system.

**Recommendation 2**

PLH staff completes call wrap-ups immediately after taking calls

**Recommendation 3**

PLH opening hours are extended to 9 am to 4.30 pm

### 1(b) How useful were intake and triage tools for assessing and recording a service response?

PLH introduced some changes to LH’s intake and triage tools during the establishment stage. These proved useful, but further changes around file notes were required, and minor refinements are recommended. PLH did not benefit from all call monitoring functions in LiveOps because of its wrap-up practices and reporting expertise.

PLH uses customised versions of LH’s intake and triage tools. Additions to ATLAS and the LH ‘Desk Folder’ proved valid and effective in practice. LH makes periodic practical refinements to the intake and triage tools and is undertaking a more substantial review of call management platform (currently LiveOps). PLH does, and will, benefit from those refinements.

PLH found its initial model was inadequate, where a client called back about their matter. LH staff aren’t required to keep file notes. If they do, they aren’t visible to other staff. PLH had the same practice. This was a problem if a client called back and the original agent was not available. It meant repeat callers had to re-tell their story, staff wouldn’t know what assistance had already been provided, and a client’s call might time out before advancing their matter. There were similar problems in not having access to emails sent on a client’s behalf.

To overcome this, a ‘PLH referrals’ folder was set up in Outlook to collate client emails. A OneNote resource was also set up, allowing PLH staff to record concise note about instructions, assistance provided, and to highlight completed or outstanding tasks. These are searchable resources, to which all PLH staff access. They substantially improved PLH practice, subject to time pressures in reviewing the resources within 12-minute calls.

PLH found that LiveOps did not have a function to record time spent on wrap-ups, other than immediately after a call was taken. PLH often deferred wrap-up until after the lines close. This compromised PLH call metrics from LiveOps, but should be reduced by implementation of Recommendation 2 (not deferring wrap-ups).

LH management utilises more detailed LiveOps call metrics reports than PLH. PLH management had less capacity to access and utilise this data. Recommendations 15 and 16, about integrating with LH, addresses the capacity to apply those metrics to PLH.

PLH staff and the RMIT industrial design students observed opportunities for improvement. These were that ATLAS functionality would be improved:

* if client demographics auto-populated after entering the client’s identifying details (for example, their Corrections Victoria Prisoner Reference Number (CRN) or Client ID). This would save time and avoid intrusive questioning, especially for repeat callers. Unlike LH, PLH already takes every caller’s name and CRN for identification reasons, and to facilitate follow-up if a call cuts out. One way to approach this is for PLH to enter calls on a Client Intake Record screen, rather than Assessment, Information and Referral screen.
* by adding ‘VLA practitioner’ as an option under the ‘Referral To’ tab. This would address a common dilemma when PLH refers to, or contacts, a VLA practitioner other than for a new appointment. It would also improve the validity of PLH referral data.
* by adding ‘Procedural Information and Assistance’ as an option under the ‘Referral To’ tab. This would address the many PLH service responses that are not legal information, but do not include a referral. For example, looking up court hearing dates and providing lawyer contact details.
* if staff could record if a client had more than one disability. ATLAS only allows one selection, which reduces the accuracy of this data and VLA’s ability to report and respond to it.

Staff in the VLA reflections workshop suggested PLH should increase their consultation with VLA’s LawGuru and the professional support lawyers to build on the prisoner material available on LawGuru (including about custodial management). This would support PLH lawyers, ensure a consistent service response, and build on the skills of PLH staff in response to inquiries.

The LH managing lawyer noted that LH is completing a revised policy and procedure manual, and that PLH should contribute a section that addresses PLH-specific practices.

**Recommendation 4**

ATLAS functionality is improved by:

* auto-populating client demographics after entering the client’s identifying details
* adding ‘VLA practitioner’ and ‘Procedural Information and Assistance’ as options under the ‘Referral To’ tab
* enabling staff to select more than one disability

### 1(c) How effective were internal referral agreements and processes?

PLH staff reported service agreements and internal referral processes were effective in guiding their service response decisions. VLA programs were also positive about the quality of referrals from PLH.

PLH service agreements were developed for each of VLA’s subprograms during the pilot establishment stage. They documented any departure from LH’s ‘parent’ service agreements, to reflect:

* inquiries particular to the prisoner cohort
* any service response necessitated by the prison service environment
* any novel service response that the program wanted PLH to adopt.

PLH staff found it straightforward to make service decisions based on the agreements. They received positive feedback from VLA programs, including that PLH had reduced out-of-scope referrals. Because of this, PLH felt confident referring occasional ‘meritorious’ matters with marginal eligibility, which programs typically accepted. PLH staff also noted the generosity of program staff when PLH sought guidance.

VLA staff provided comparative feedback about PLH referrals at the reflections workshop, including that:

* ‘The quality of family law referrals is higher than those from the visiting service. Most clients referred from PLH have merit. (Eligibility) assessment is being performed well by PLH staff’
* ‘Immigration referrals are going well’. The Migration program has provided direct feedback to PLH about the quality of referrals and the benefits of PLH now handling most visa cancellation matters without a referral
* ‘Child Protection referrals have improved – (we) previously didn’t get any referrals from the visiting service
* ‘Bendigo referrals have been timely and appropriate, and we can follow up with video. None that were ineligible or should not have gone to our office’
* 'Better than before? Yes, much. Some matters weren’t on the radar of the visiting service, eg child protection’.

There was no specific feedback about criminal law referrals at the workshop. However, criminal lawyers from Melbourne and regional offices commonly acknowledged the effectiveness of referrals and of PLH relaying information on behalf of clients.

PLH staff struggled initially with the volume of inquiries about grants of legal assistance, and with transferring those calls to Assignments. PLH has addressed this through a better understanding of Assignments’ processes and by better discerning grant status in ATLAS.

VLA staff made recommendations, including:

* PLH should provide the VLA client ID’s when transferring prisoner calls to Assignments; this has been adopted
* PLH should direct Child Protection referrals directly to VLA’s VC team, to avoid double-handling; this has been adopted
* PLH service agreements should be reviewed before expanding PLH to the other prisons. For example, to consider the absence of an appointment guideline for prisoner intervention order matters and custodial management issues; see Recommendation 6.

The evaluation found an increase in referrals to VLA’s specialist Child Protection and Family Law teams. Most of these calls were referred to VLA’s Melbourne office because of the location of the pilot prisons. Feedback from steering committee members responding to a draft of this report suggested that regional offices may lack capacity to accommodate post-expansion specialist referrals. However, feedback from Bendigo office suggests specialist referrals numbers are low. This issue will be monitored post-expansion.

There is a related concern about the service response where a regional office doesn’t have capacity for any new appointments. Regional offices typically refer eligible clients to a private practitioner in those circumstances. But it is largely impractical for prisoners to contact the private sector to seek assistance. Accordingly, PLH should consult with regional offices to determine whether those offices should always accept appointment referrals from PLH.

The Family Law team observed an increase in administrative and procedural work associated with the referral of prisoners for appointments. Regional and metro offices should be consulted about their capacity to complete this work (some of which they would already do, because of their existing prison outreach activities). Ideally there should be a consistent approach. It would be useful to track and record the volume and impact of any increase in minor follow-up work.

VLA’s Ballarat office and programs servicing the Stage 1 prisons received training about PLH and the PLH service agreements before the line opened. It is recommended that other regional staff should also receive this training ahead of the expansion. This will also be an opportunity to consult regional managing lawyers and executive directors about the sequence for expansion.

**Recommendation 5**

Program managers monitor the capacity of regional offices to handle an increase of referrals from PLH, especially to specialist teams like Child Protection and Family Law

**Recommendation 6**

PLH service agreements are reviewed before expanding PLH to the other prisons

**Recommendation 7**

Regional managing lawyers and staff receive training about PLH and the PLH service agreements ahead of the prison expansion

1. Client impact

### 2(a) Do prisoners value the service?

Prisoners reported a high level of satisfaction with the service. Prison staff representatives provided similar feedback.

#### Positive feedback

Ninety per cent (n = 49/52) of respondents to the client survey said they would recommend PLH to another prisoner. The evaluation team at VLA recommended this question as a key measure of whether prisoners valued the service, irrespective of the assistance they received. By comparison, 81 per cent of clients responding to VLA’s Victoria-wide Client Satisfaction Survey 2017 said they would recommend VLA’s services to others.

Eighty-nine per cent (n = 48/52) of respondents said they found the service was useful to them. Respondents were asked to select from set answers about why the service was useful. Clients selected the following (n =110):

* 71 per cent (n = 34) because PLH listened to them
* 60 per cent (n -= 29) because PLH arranged further legal assistance for them
* 54 per cent (n = 26) because PLH understood their legal problem
* 47 per cent (n = 21) because they got useful legal assistance over the phone.

Prisoners could add comments about why the service was useful to them. These included:

* ‘They helped me better than my legal people’
* ‘[I] didn’t have (my) solicitor’s number after being handballed to another solicitor. On remand for minor offence, no contact for two and a half months. (PLH) help address the problem and had a tele-conference one to two weeks later’
* ‘They have been so nice and very supported by Legal Aid Victoria’
* ‘They got the job done and all issues finalised’
* ‘It was very helpful to find out the necessary information I needed to know at the time and all was answered from Legal Aid’
* ‘Answered my question and sent me follow up info via mail (Immigration)’
* ‘This service has been a big help to my case and I’m happy with the work they’ve done for me. Thank you’
* ‘Keep this service going as it is very useful and helps a lot of people in the system. Thanks for your help’.

Prison staff who were interviewed said:

* ‘Prisoners would say it is much better now; not having to wait’
* ‘Prisoners say it gives them an avenue to legal representation and was better than a weekly visit from VLA’
* ‘No news is good news. You hear about any complaints, and don’t hear any compliments. Now we don’t even hear about it’.

On a sliding scale about satisfaction with the service, 71 per cent (n = 33) said they were satisfied or very satisfied, 13 per cent (n = 6) were neutral, and 15 per cent (n = 7) were unsatisfied or very unsatisfied. This was less favourable than the response to earlier questions about whether prisoners would recommend PLH and if it was useful to them. That could be because the question was directly after a question about prisoner stress (see [2(b)](#twob)). It compares to 70 per cent of clients in the VLA Client Satisfaction Survey 2017 saying they were satisfied or extremely satisfied.

#### Negative feedback

Eleven per cent (n = 6/52) of respondents said that PLH was not useful to them. They selected this was because PLH either did not listen to them (n = 2); did not understand their legal problem (n = 2); or did not help with their legal problem (n = 2). Two commented that they did not find the service useful because PLH ‘could not find out my lawyer’s name’ and that ‘it was confusing’, respectively. One stated, ‘I’m not happy with Legal Aid’.

None of this cohort selected, ‘I wanted PLH to pass on a message, but they wouldn’t do that’. But this did come up elsewhere in the survey and is addressed in part [2(c)](#twoc). No one answering this question selected ‘I wanted to speak to my actual lawyer (not the PLH lawyer)’, despite this being a common complaint with the visiting service.

Ten per cent (n = 5/52) of prisoners said that they would not recommend PLH to other prisoners. They selected that PLH could not do much to help with their legal problems, PLH was not useful to them, and they did not trust the law or the legal system. One commented that it would depend on the situation whether they would recommend PLH to another prisoner.

Prison staff reported a number of prisoners complaining about being on hold or not getting through to PLH, and that ‘some advice is helpful but most of the time you’re told that they cannot advise what to do’.

In comparison, PLH staff conducted visiting lawyer sessions at the Metropolitan Remand Centre and shadowed legal services at Port Phillip Prison and the Dame Phyllis Frost Centre during the establishment stage. They noted that prisoners were often frustrated with the visiting services if, for example:

* the prisoner’s own activities were interrupted (eg work or program participation)
* the assistance was too late by the time they were seen
* the visiting lawyer was unable to look up information, including about court dates and who was acting
* the visiting lawyer was unable to assist with family or civil inquires
* the visiting lawyer was not the VLA or private lawyer whom the prisoner thought would be visiting.

### 2(b) Does the service impact prisoners’ sense of wellbeing?

Prisoners and prison staff said PLH improved prisoner wellbeing compared to the visiting service. Prisoners indicated a significant reduction in stress after using the service.

Survey respondents were asked to rate their stress levels about their legal issue from one to 10 before and after calling PLH. The average stress level was eight before calling PLH. Average level of stress levels dropped to four and a half after calling PLH. This compares to a reduction from 7.4 to 4.8 in VLA’s Client Satisfaction Survey 2017.

PLH staff reported that prisoners often mention being stressed about the lack of information they have about their legal matters. Nonetheless, the reported level of initial stress (8/10) was more than PLH staff had predicted. It validates PLH’s empathetic, inquisitive and informative approach to client inquiries. It also validates the value of PLH follow-up work.

Prison staff said:

* ‘Prisoners come in feeling very stressed about their matters … great to have a service that new prisoners can be referred to. Anxiety levels can go anywhere if not managed. Having a phone to pick up on day two is very important’
* ‘Prisoners are not in control of anything; [PLH] is in the prisoner’s control. It gives them the power to talk whenever they want, and when they are ready to’
* ‘Prisoners are impatient, and until its off their to-do list it gnaws at them’
* ‘Sometimes the VLA person wouldn’t turn up, or VLA lawyer would cull the list and the prisoner didn’t know why and the prisoner would go off their nut’
* ‘Before they had to put their name on the list. There would be dissatisfaction about the delay’.

### 2(c) How could the user experience be improved?

#### Prisoner comments

The survey asked prisoners how we could make PLH better for them. Prisoners selected the following pre-populated responses:

* 55 per cent (n = 29) said the service would be better if the calls were longer than 12 minutes
* 45 per cent (n = 24) said the service would be better if it was face-to-face
* 24 per cent (n = 13) said it is fine the way it is
* 22 per cent (n = 12) said it would be better if PLH could transfer them directly to their VLA lawyer or to other areas of VLA
* 15 per cent (n = 8) said the service would be better if PLH could help with their legal problem without having to refer them.

Some respondents wanted PLH to pass on messages, and one prisoner wanted PLH to make call backs. Four respondents noted the 12-minute restriction was problematic given that it includes wait time, commenting ‘I was on hold for six minutes and ran out of time before my query was completely answered’ and ‘waiting two minutes wastes start of call, listen to recording, talk, then waited (until) four minutes left, then got to talk to someone’.

#### Call duration

PLH is amenable to extending call times beyond 12 minutes. This would better enable staff to assist in more complex matters, and where the person’s 12 minutes have been partly run down whilst on hold. We canvassed the possibility of extended call times with CV during the evaluation. CV confirmed that the 12-minute time limit applies to all calls made by prisoners on the Arunta phone system. CV does not support a change to this regime, for what we understand are operational and security reasons. As noted elsewhere, the PLH model relies on prisoners calling back if they need to complete a contact session.

#### Face-to-face contact

We acknowledge the benefits that prisoners get from face-to-face contact with a lawyer. In practice that requires a visiting service or pre-booked VCs. The evaluation does not support the return to a visiting service because of the inefficiencies of that model and the increase in client access under the PLH model. VCs are not a viable option as clients still need to call to request the VC, there is an administrative burden to VLA and prisons in booking VCs, there is typically a one-day delay, VC booths are not available in every prison (requiring prison staff to transfer prisoners), and the VC will fail if the prisoner is then not available. Call-backs face similar barriers.

#### Privacy

Warnings from CV and our own inspection of the prison environment suggested client privacy could be compromised by taking instructions over the phone. But prisoners have rarely said they were unable to speak freely when asked by PLH staff. PLH uses closed questions if privacy is an issue and will book a VC if the client still has privacy concerns.

For these reasons, we only recommend VCs for clients with communication barriers or privacy concerns (currently the case). PLH should, however, consider video calls, if the technology permits these in an accessible and timely manner.

#### Messages

Although very few respondents complained that PLH wouldn’t pass on messages to their lawyer, this is a persistent issue for the service in practice. Requests to pass on messages are mostly related to a perceived lack of contact from prisoners’ (criminal) lawyers. PLH staff noted a spike in message requests during the late December and January holiday period, when many private practitioners are on leave.

New South Wales colleagues strongly recommended PLH not become a message service, because messages had threatened to overwhelm their service. For this reason, the PLH model excludes passing on messages, unless access to justice considerations outweigh the policy consideration. Passing on messages would also compromise the integrity of PLH as a triage, information, advice and referral service. Accordingly, no change is recommended to this aspect of the model. PLH staff reported confidence in striking a balance between assisting in cases of real need, and not otherwise passing on messages.

Recommendations 3, 15 and 17 include measures to address call hold times and abandonment rates. Nonetheless, PLH should review the functionality of its answer sequence, and ensure its messages contain minimal relevant information only.

#### Client resources

RMIT students suggested making recordings of PLH phone calls available for prisoners to revisit at another time. That has some merit, because calls are already recorded, and it could support a prisoner’s retention of information.[[10]](#footnote-10) There are barriers however. Prisoners are unable to dial an Interactive Voice Response (IVR), complicating a call-based retrieval service. A voice recognition platform might overcome this but may be defeated by its ability to recognise what would likely be a long sequence of prompts and numbers. We do not yet know CV’s attitude to voice prompts. There are also privacy risks for prisoners in sending recordings via electronic media, such as a USB (even if they had the means for playback).

LH has a suite of no-reply emails that it sends to callers with information covering most topics of inquiry. They are available for callers to retain and review in their own time. They contain web-based content, which makes them unsuitable for PLH. However, the model of providing follow up information is recognised as good practice. PLH recommends working with the Community Legal Education and Professional Support programs to explore options for providing follow-up information on key topics, like bail, appeals and appeal aid.

As noted, PLH provides a degree of follow-up work for clients. This is mostly of a procedural nature, including facilitating representation, appearances in court, passing on messages where appropriate. PLH also send factsheets and court forms. It also does minor legal research on certain matters in recognition that prisoners have limited options to gain that assistance.

The extent and nature of PLH follow-up work was validated by VLA’s Family Law team. Referrals to Family Law are ‘specialist’, meaning PLH is more likely to deflect its follow-up work to the practice group (if the applicant is eligible for a referral). Family Law said:

Our team’s experience of prisoner video conference referrals is that even if a prisoner does not meet the eligibility guidelines for a substantive grant of aid (usually on a merits assessment) a minor work file is created to allow our lawyers to write to courts, follow up with Child Protection liaison officers and to write back to the prisoner to provide an update or answer to their query. On some limited occasions, our lawyers will write to prisoners where a conflict is discovered to provide referral information, but this is not captured by a minor work file (due to the conflict).

Assignments asked whether PLH could follow up calls by sending detailed correspondence with information and more complex advice. While minor research and procedural assistance is part of the PLH model, providing detailed correspondences risks compromising VLA’s eligibility guidelines. There are also issues around the capacity of many prisoners to manage complex written information.

**Recommendation 8**

PLH reviews the functionality of its answer sequence, and ensures its messages contain minimal relevant information only

**Recommendation 9**

PLH and the Community Legal Education program explore options to provide prisoners with key legal information

1. Effectiveness and outcomes

### 3(a) Did the service improve access to legal help for prisoners?

PLH has increased the availability of legal services to prisoners and is reaching more prisoners as a result. PLH has broader skills and tools for triaging and providing legal assistance than the visiting service. This likely allowed VLA to provide a wider range of information and advice. Prisoners and staff value the daily availability of the service.

#### Assistance numbers

The prison visiting service made an average of 1,450 prisoner attendances per year in the Stage 1 prisons (excluding Ravenhall Correctional Centre [RCC], which was not then open). PLH took 3,863 calls from those same prisons in its first year (and 4,157 calls including RCC). PLH took more than three times as many calls from MRC and nearly three times as many from Loddon/Middleton and DPFC compared to attendances by the visiting services. PPP was tracking at double the visiting service until all phone services were cut for a month following the PPP November 2018 fire. See [Table 1](#table1) and [Chart 1](#chart1).

Table 1 – Visiting service and PLH average annual client services

| **Prison** | **Visiting service (2009-2016 annual average)** | **PLH (first 12 months)** | **PLH increase** |
| --- | --- | --- | --- |
| Port Phillip Prison | 575 | 1,000 | 1.7 times |
| Metropolitan Remand Centre | 470 | 1,597 | 3.4 times |
| Loddon/Middleton | 200 | 636 | 2.9 times |
| Dame Phyllis Frost Centre | 215 | 630 | 2.9 times |
| **Subtotals** | **1,460** | **3,863** | **2.6 times** |
| Ravenhall Correctional Centre | N/A | 294 | N/A |
| **Total including Ravenhall** | **N/A** | **4,157** | **N/A** |

Chart 1 – Visiting service and PLH average annual client services

Ideally the raw numbers of PLH inquiries could be adjusted to allow for ‘call backs’ which continue an inquiry cut short at the 12-minute point. This is not currently possible. However, CV data shows that individual prisoners contacted PLH an average of 2.3 times (although possibly on new matters). PLH staff estimate 20 per cent of calls were a continuation of an earlier call. Even when allowing for this, PLH reaches significantly more prisoners than the visiting service.

#### Repeat callers

We do not have similar numbers about repeat clients for the visiting service, but it is likely they had fewer because of their practice of triaging people out if they already had a lawyer, and because the visiting services were not time limited. Noting also that lawyers whose clients were triaged out were sent an email that their client wanted contact, and that was not captured by the visiting service statistics.

Repeat callers to PLH fall into the following categories:

* people with a new matter
* people who are calling back to complete a call because the initial call timed out. For example, with family law and child protection referrals, or other complex inquiries
* people whose matters are ineligible for more intensive services from VLA and who can’t afford a private lawyer. For example, prisoners seeking to engage police or Vic Roads about the theft of their possessions or self-represented criminal law appellants
* people on whose behalf we have made a referral to a third party, but the third party has not yet contacted them.
* people calling back about a matter on which we have completed our assistance. They may have an acquired brain injury or are having an episode of mental illness. Some are ‘shopping’ for assistance or want validation. Again, PLH does not receive a large number of these calls, and the callers typically drop off
* people making a social call. This occurs with a small number of mentally unwell clients.

It is notable that few clients call back for PLH to repeat information or advice previously provided. PLH would be sympathetic to those calls because we understand that people have difficulty comprehending complex information. PLH invites clients to call back where we think they might benefit from it.

#### Skills and resources

It is difficult to objectively compare the quality of assistance provided by PLH with that of the visiting service. The visiting lawyers were mostly criminal law practitioners, with expertise in providing accurate and detailed assistance in criminal matters. PLH staff have access to tailored resources and receive generalist training to support best practice legal triage, information, advice and referral, across wider matter types. For example:

* access to VLA databases, and the internet. This means PLH staff can complete conflict checks, look up court registers and complete screen-based legal research. The visiting lawyers were not permitted to bring computers into the prisons (although that is less of an issue for the increasing number of prison ‘visiting’ services now delivered by VC appointments).
* PLH staff receive intensive and ongoing generalist legal training. Regional and criminal lawyers may have generalist legal expertise, but that is not always the case. Research for the pilot identified a lack of family and civil law knowledge as a limitation with the visiting service in some instances.
* PLH staff are trained on VLA eligibility guidelines, allowing for more accurate referrals.

As noted, PLH does follow-up work for prisoners. That was also the case for the visiting service, and there is little data by which to compare the two.

#### Availability

Prisoners can reach PLH from 9 am to 3 pm weekdays from any prison yard telephone. This makes it more accessible than the visiting services, where prisoners had to put their name down for a weekly or fortnightly service. Prisoners also appreciate that it is a free call.

Prison staff said:

* ‘Prisoners say PLH gives them an avenue to legal representation and was better than a weekly visit from VLA’
* ‘Prisoners don’t like filling out forms (for the visiting service) because of the privacy’.

Prisoners said:

* ‘You can use the help line everyday versus waiting for a visit to be arranged and potentially not being seen’
* ‘Although I would prefer a face-to-face interview, I did find that for basic information and advice provided over the phone to be adequate’
* ‘Previously, you were never sure if you got into the system to be seen, and if you would be seen’
* ‘Good to have the ability to call daily rather than two week wait for a visit from VLA. Look forward to expansion to all prisons’.

#### Vulnerable clients

Calls to PLH show that it is reaching vulnerable cohorts. For example:

* 8 per cent of callers identified as Aboriginal or Torres Strait Islander, the same percentage as in the prison population
* 33 per cent of callers were born overseas; more than the 25 per cent in the prison population. However, only 2 per cent of male callers and 4 per cent of women were born in Vietnam, compared to 5 per cent in the prison population overall
* 3 per cent of callers were aged 18 to 20 years old and 24 per cent were 21 to 30 years old
* 18 per cent of callers were women, double the proportion of women in the prison population (seven per cent), and more than the proportion of women in the pilot prisons (13 per cent)
* 46 per cent of women and 44 per cent of men identified as having a disability
* 11 per cent of women and 22 per cent of men identified as having literacy issues
* 63 per cent of callers were on remand, compared to 48 per cent of the pilot prison population (and 37 per cent of callers were sentenced, compared to 52 per cent in the pilot population).

Prison staff mentioned a concern that non-English speaking prisoners might have difficulty in reaching PLH. While the data indicates PLH is reaching a relatively high percentage of prisoners born overseas, this does not reflect prisoners’ spoken language. CV collects data about country of birth, but not about any main language other than English spoken at home. PLH should update its prison poster to include information in languages other than English.

PLH offers video conferencing to prisoners who have communication difficulties over the phone, including those who need interpreters (it is impracticable to arrange interpreters during 12-minute prisoner calls). PLH staff reported that video conferences (VCs) were generally reliable and effective. However, staff lap-tops are unable to connect both the VC and interpreter at the same time, meaning staff have to use one of VLA’s dedicated video booths. This issue is being followed up internally.

The literature on unmet legal need suggests that people with language barriers have low rates of seeking assistance from lawyers. It also finds that people with an ABI, intellectual disability and mental illness experience similar barriers. This suggests the service needs to be cognisant of addressing accessibility to disadvantaged cohorts. It is recommended that PLH work with VLA’s Community Legal Education program to understand the extent to which people with comprehension barriers are engaging the phone-based service, and how to best address their needs.

#### Pre-release prisoners

PLH data shows that remand prisoners make up one and a half times as many inquiries as sentenced prisoners. Seventy-two per cent of inquiries are about criminal law matters, which are largely experienced by remand prisoners. However, reports, including the 2015 Victorian Ombudsman’s report, highlight the need to better equip prisoners to integrate post-release. Helping sentenced prisoners with outstanding legal matters, like debt, family law and intervention orders would assist with that process.[[11]](#footnote-11)

PLH should promote its visibility and the awareness of legal matters, amongst pre-release prisoners to attract more inquiries from that cohort. This could be through community legal education and stakeholder engagement targeting prison personnel. PLH should also engage more with existing service providers to share data and develop strategies.

Recommendations 11–13 are aimed at increasing civil and family law inquiries, to address unmet civil and family legal need, including from sentenced prisoners facing release.

#### Witnessing documents

The visiting service performed an incidental service of witnessing client documents. PLH consulted with CV about VLA necessarily withdrawing this facility when PLH opened. Custodial are typically reluctant to add their name and signature to prisoner documents (for privacy and security reasons) and very few officers can witness affidavits or powers of attorney. CV clarified the role of prison staff, but it remains an internal issue for prisoners and the prisons.

**Recommendation 10**

PLH works with existing service providers and the Community Legal Education program to investigate how it can best reach the most marginalised prisoner cohorts, and those about to be released, including by liaising with key personnel and agencies working in prison, and through client engagement

### 3(b) Was the service more efficient than the previous visiting service?

PLH is more time-efficient for VLA, and it makes more appropriate use of staff skills than the visiting service. Prison staff say PLH has improved their operational efficiency.

#### VLA efficiencies

A 2013 PLH Background Report identified inefficiencies with the visiting service, including:

* the lengthy travel times, waiting at prison reception and prisoner processing
* face-to-face triage by senior lawyers was an inefficient and cumbersome process, complicated by inaccurate prison lists. Time was lost on people who did not want to see a VLA lawyer, and people who couldn’t be assisted (because they had private lawyers or non-legal inquires)
* the visiting service ‘divert(s) senior lawyers from focusing on substantive casework as a consequence of travel and face-time, plus follow-up (including referrals). Much of the follow up is either non-legal, out of scope for VLA or administrative in nature. Such work could be done by more junior or non-legal staff or performed more succinctly’.

PLH and the Melbourne adult crime teams compiled data from the visiting service that suggests the visiting service took more than twice as much time as PLH to deliver a client attendance (this is summarised in [Table 2](#table2)). The visiting service visited each of the Stage 1 prisons once a week, except Loddon /Middleton, which were visited once a fortnight.

The data found that an average of 22 prisoners requested an attendance by the MRC, PPP and DPFC visiting services. Administrative staff (and often lawyers) triaged those requests, reducing them on average to 10 (clients were typically removed if VLA could see they had a lawyer acting, in which case an email was sent to that lawyer noting the client’s request for contact). Two more clients would typically not show up for their appointments.

In the end, an average of seven hours was spent seeing eight prisoners, of which four hours was spent on triage, travel, and prison processing. The analysis shows the visiting services delivered 22 minutes contact and follow-up time per client, but that 30 minutes was lost and/or not used productively per client attendance.

Table 2 – Prison visiting service averages

**Average triage and number of prisoners seen**

| **Average triage and prisoners seen** | **Per visiting service**[**\***](#data) | **PLH daily** |
| --- | --- | --- |
| Prisoners requesting VLA visit/PLH calls | 22 | 18 |
| Prisoners triaged out by VLA | 12 | nil |
| Prisoners failing to attend | 2 | nil |
| Prisoners seen/calls taken | 8 | 18 |

**Time spent with prisoner**

| **Time spent** | **Hours** | **Hours** |
| --- | --- | --- |
| Triage by VLA staff | 1:00 | 0:00 |
| Travel and prison processing times | 3:00 | 0:00 |
| Contact time with clients | 2:25 | 3:00 |
| Follow up at VLA | 0:35 | 3:35 |
| Total event | 7:00 | 6:35 |
| Assistance time per client | 0:22 | 0:22 |
| Non-assistance time per client | 0:30 | 0:00 |

\* Data from nine visits to MRC, PPP and DPFC in Oct/Nov 2016

Table 2 shows a comparison with PLH. Anecdotally, PLH also spends an average of 22 minutes on contact and follow up per client attendance. But because of time saved on prison logistics, PLH could attend some 18+ clients a day compared to an average of eight by the visiting service. While the visiting service did sometimes provide 20 services in a day, those services were necessarily shorter (because of logistics) and didn’t leverage the efficiencies and effectiveness of PLH.

Table 3 shows a comparison between LH and PLH call handling. PLH calls take longer because of a longer wrap-up, taking file notes and completing minor follow-up file work.

Table 3 – PLH and LH average call handling

| **Call handling** | **LH** | **PLH** |
| --- | --- | --- |
| Average call time | 10 min | 10 min |
| Wrap and follow-up | 6 min | 12 min |
| **Total** | **16 min** | **22 min** |
| Call capacity per agent/day | 27 | 20 |

#### Prison efficiencies

Stage 1 prison staff representatives reported increased efficiencies for PLH over the visiting service. Their comments reflect the benefits PLH brings to prisoners, and to prison staff, management and good order. They said:

* ‘We were really pleased – so much better. Much easier’
* ‘There are competing priorities and services for prisoners. Face-to-face service is very high maintenance comparatively. Prisoners must be moved for face to face and that takes time and work. PLH takes prison staff out of the process. Less bureaucracy and admin’
* ‘The service is important in managing stress and anxiety on reception, which staff have to deal with… Staff can become the target of their anger… Immediate access to phones is important’
* ‘Streamlined the process. Previously we had to fill out lists of prisoners who wanted to be seen, and email them to VLA and have 20–30 prisoners coming through government functions. It took a big chunk of the day’
* ‘Now staff … just point to the number. Faster and more efficient. Previous system was more complicated and required higher literacy than current set up with phone’
* ‘Paperwork and forms do not go missing’
* ‘One less thing that very busy prison staff need to do’.

### 3(c) Did the service provide increased assistance in family and civil law for prisoners?

PLH significantly improved the identification, triage, assistance and referral of family and civil law matters. However, the number of these inquiries remains low.

The PLH Background Report found the visiting service is heavily weighted to providing criminal law advice. This is a consequence of:

* ‘Prisoner tendency to focus on their criminal law matters, particularly during initial reception and while on remand’
* ‘The absence of a mechanism for lawyers to proactively identify and assess civil or family law needs’
* ‘Lawyers with predominantly criminal law expertise servicing the prisons. These lawyers are often unable to provide immediate assistance in areas that Legal Help are currently able to provide’.

PLH employs staff whose training and resources largely overcome these barriers. Table 4 and Charts 2 and 3 show a relative increase in family and civil law inquires provided by PLH compared to the visiting service.

Table 4 – Change in service provision

| **Matter Types** | **Visiting Service** | **PLH** | **% increase** |
| --- | --- | --- | --- |
| Criminal Law | 81% | 72% | -11% |
| Civil Law | 14% | 19% | 36% |
| Family Law | 5% | 9% | 80% |

Chart 2 – Visiting service matter type

Chart 3 – PLH matter types

PLH and the visiting service referred a similar proportion of the family and civil law matters for further assistance within VLA:

* Twenty-eight per cent of family law matters identified by the visiting service were referred to Family Law teams. Twenty-two per cent of family law inquiries to PLH received a (client intake) referral. Of these, parenting disputes about spending time with children were the most common, closely followed by child protection
* Six per cent of civil law matters identified by the visiting service were referred to Civil Law teams. Five per cent of civil law inquiries to PLH received a (client intake) referral. Of these, immigration was the most common matter type.

Overall, PLH has increased and improved civil and family law assistance because:

* it delivers more than two and half times as many annual services compared to the visiting service
* it identifies a greater proportion of civil and family matters
* staff are trained to asses civil and family law referral eligibility
* it is better placed to provide information and advice in matters ineligible for further assistance within VLA. For example, PLH staff are trained to make parenting dispute merits assessments and to assist in visa cancellation matters.

VLA Family Law said:

Looking exclusively at the area of family law, the findings can be used to show that the PLH has been successful in increasing the number of appropriate referrals to our specialist Family Law team and improving prisoners’ access to family law/family violence advice.

Clearly, there is further unmet legal need. This is based on a recognised need in the community and the relative low numbers of inquiries from this vulnerable cohort, who would predictably face family and child protection issues, compounded by their incarceration. VLA’s Family Law team also noted that while clients referred by PLH might be eligible for an appointment, ‘only a minority of referrals convert into substantive grants of aid … (around two or three out of 34 referrals in the past six months)’.

Participants at the VLA reflections workshop acknowledged the near absence of other inquiries to PLH, notably civil debt (one per cent) and tenancy (less than one per cent). Reports from Justice Connect and the Brimbank Melton CLC indicate that prisoners experience significant unmet legal need in those areas.[[12]](#footnote-12)

Custodial management inquiries (two per cent) were less than our consultations led us to anticipate. New South Wales and Queensland have a focus on custodial management, and they take and respond to relatively more of those inquiries. Darebin CLC and Mental Health Community Legal Centre also provide a custodial management casework service and reports a high number of inquiries. Interstate services might also receive more family and civil law inquiries, and should be consulted about their approach to promotion and service response.

Unfortunately, there are limited referral pathways for individual debt, tenancy and custody legal matters. Some pathways include the Mental Health Legal Centre, Brimbank Melton CLC, Justice Connect, Darebin CLC, Ombudsman Victoria, limited financial counselling services and the Health Complaints Commissioner. Prisoner civil matters are time intensive and hard to resolve when run as individual case files. It would be useful to draw on the experience of other legal assistance sector services that have acted in these matters to scope and guide the PLH and VLA response.

PLH has attempted to increase family and civil law inquiry rates through its prison posters and education provided by Prison Legal Education and Assistance. We also provided limited feedback to CV about the format of the legal health check that the prisons conduct with prisoners on induction.

PLH should explore its capacity to conduct a limited legal health check (for civil and family law matters) in the course of prisoner calls to the service. Other strategies will be needed to reach those prisoners who do not call the service.

PLH consulted with a number of with external stakeholders in the establishment stage. However, referrals to and from external agencies working in the prison system have not been high. There have been challenges in accessing information about other services operating in prisons. Now that PLH is established, it should seek to strengthen service relationships and improve referrals to and from PLH by working with existing service providers and particularly legal services with established referral relationships such as the Mental Health Legal Centre, Brimbank Melton CLC, Justice Connect and Darebin CLC.

PLH should promote civil and family law services with prison staff, prisoner peers (billets) and the key external agencies providing assistance to Victorian prisoners (for example, Mental Health Legal Centre, VACRO, Flat Out, Brosnan Services, and culture specific welfare organisations). PLH can also proactively link with government agencies (DHHS and Centrelink), the courts and lawyers to identify hidden family law and civil need. A further option is to advocate for the inclusion of PLH in the induction materials (booklet) in each prison unit or through any available prison television channels.

**Recommendation 11**

The PLH manager consults with interstate services and existing service providers about family and civil inquiries, to identify service gaps for PLH, and their approach to promotion and service response

**Recommendation 12**

PLH explores its capacity to apply a limited legal health check (for civil and family law matters) in the course of prisoner calls to the service

**Recommendation 13**

PLH works with existing service providers and the Community Legal Education program to further develop its knowledge of, and relationships with, prison staff, prisoner peer educators, allied prisoner support agencies, legal practitioners, government agencies and court services to promote the service, identify unmet (family and civil) legal need, and develop referral relationships

### 3(d) Did the service improve the collection and use of data on systematic issues for prisoners?

PLH’s experience confirms that prisoners face systemic legal barriers because of their incarceration. PLH recorded anecdotal information about these barriers. VLA criminal lawyers and regional lawyers delivering visiting services did this in a more limited way. There are opportunities to improve the use of this information.

PLH recorded the following systemic issues:

* The operation of the Adult Parole Board is exempt from the *Charter of Human Rights and Responsibilities Act 2006* and the rules of natural justice
* IVRs are disabled on the prisoner Arunta phone system. This prevents prisoners from making phone calls to government, judicial and private institutions
* Prisoners are unable to apply for early release of superannuation (on hardship or compassionate grounds), because the legislation requires applicants to be on benefits
* There are limited case services to assist prisoners with complaints about custodial management issues
* Prisoners have difficulty getting affidavits and powers of attorney witnessed (since the visiting service ended) because very few prison officers hold the requisite office.
* Few private lawyers will assist prisoners with VOCAT claims
* It is difficult to arrange mediation for prisoners with family law matters
* It is difficult for prisoners to arrange goal orders for court video links, e.g. for intervention order applications and infringements matters
* It is difficult for prisoners to serve documents, eg self-represented bail and divorce applications
* Prisoners experience difficulties accessing prison courses and counselling, eg about addiction, family violence and for parole
* Prisoners complain about the lack of medical treatment and, especially, that their medication does not carry over on receipt to a new prison
* Prisoners in police cells can’t make phone calls
* Prisoners being interviewed by police have no access to phones to get pre-interview advice at the time of the interview (requiring the interview to be suspended)
* There are concerns about the process to apply for, and the number of, emergency management days awarded to prisoners at PPP after the December 2017 fire and after the 2016 MRC riot.

These issues are raised in an ad hoc manner with senior VLA staff and the Prisoner Working Group, which has a particular interest in advocacy.

The VLA workshop concluded that it is easier for PLH to identify systemic issues than the visiting service because the issues are concentrated amongst a small team. PLH introduced a spreadsheet to assist in tracking these issues. However, there was no defined pathway for PLH to raise and advance systemic issues.

VLA pursues improvements in law and policy that result in better outcomes for our clients and the community more broadly. Strategic advocacy aims to address the root causes of legal problems and provide holistic remedies, rather than simply addressing them in isolation on an individual basis. One way to bring prisoner matters into this process is to invite the PLH manager to VLA Policy Officer meetings. The manager should likewise attend PWG meetings, and regularly liaise with program managers.

**Recommendation 14**

The PLH manager attends VLA Policy Officer and PWG meetings, and meets with program managers to brief them on systemic prisoner issues

1. Future planning and sustainability

### 4. What changes or recommendations can be made to successfully continue or expand the service to the remaining Victorian prisons?

Integrating PLH into LH and transitioning the service to a specialist LH line will increase staff responsiveness to demand and accessibility. Better access to call metrics will support the integration.

#### Better call data

LH has increased the sophistication of its contact centre and workforce management practices. This has allowed LH to better predict and respond to individual staff and centre-wide call handling practices, rostering and caller demand.

PLH has partially leveraged this expertise and worked with LH to understand ways to address its staff availability and client demand. LH management have highlighted the importance of gathering additional data to support forward estimates of PLH demand and staffing needs. These include:

* data about PLH caller demand and abandoned calls, at 15-minute intervals
* PLH call handling metrics, including average contact and wrap-up times.[[13]](#footnote-13)

More nuanced data and analysis of these detailed call metrics is needed to support expansion of the service ahead of the Stage 2 expansion. See [Recommendation 16](#recommendation16).

#### PLH integration with LH

PLH is currently co-located with LH, and uses many of the same information and communications technology systems, processes and functions, but it operates with discrete agents (staff) and immediate managers. PLH has prepared a draft Integration Plan to support its transition to LH. We recommend refinement and implementation of the Integration Plan ahead of expansion.

A key recommendation for integration is that PLH should become a specialist ‘campaign’ line within LH before expansion. Specialist LH lines are given a priority weighting in the LH queue. LH management apply skills-based routing, so that LH staff are routed onto multiple lines according to their expertise. Specialist calls are answered ahead of other calls, according to their weighting. This approach is taken for other LH campaigns, like the language, Robodebt, Disaster, Interpreter and Worker’s lines.

Under this model, PLH staff would be integrated into LH, and a wider cohort of LH staff would be trained to take PLH calls. This approach will minimise the current impact on PLH services when PLH staff are unavailable, or positions are unfilled. It also allows greater control of abandonment rates, through managing the number of available agents and the PLH weighting. LH management and steering committee members recommend making PLH the highest priority line for LH, recognising prisoner vulnerability, their priority client status and their time-limited calls.

Meeting PLH’s target abandonment rate will nonetheless depend on having sufficient LH agents routed to PLH. LH invariably has callers in the queue, which means PLH calls will typically join the queue. Even with priority routing, this means PLH calls will only be answered at the rate that PLH-routed agents finish existing calls.

#### Contact centre management

Integration will allow PLH staff to benefit from LH’s workforce management, improving PLH agent and call monitoring, and individual rostering and training flexibility.

We recommend further refinements of the Integration Plan to improve stability and access to services, as follows:

* The PLH manager should become more operationally connected with the LH management team and LH senior teams. Joint activities should include consultation about changes to the LH telephony system, and interval data forecasting for PLH demand.
* Having a wider LH cohort take PLH calls would remove some of the benefits of having a specialist team. These include the ability of a core staff to refine practice and procedure skills and the ability for staff to check in with each other when a prisoner calls back. This should be addressed in the Integration Plan.

Part of the evaluation with LH management looked at the skills required to respond to prisoner inquiries. For example, it was noted that less than five per cent of PLH callers receive legal advice, which would need a lawyer. LH management also observed that LH lawyers don’t find triage work engaging in an ongoing way, and suitable lawyers are hard to recruit and retain. This has also been the experience of PLH.

LH has recently addressed this by moving to a two-tier model, utilising Legal Help officers (LHOs) as a first point of contact. LHOs are supervised by LH lawyers who also take escalated and legal advice calls. PLH also recommends utilising LHOs to take PLH calls.

**Recommendation 15**

PLH integrate with LH, becoming a specialist line, aligning with LH’s workforce and call management practices, and refining the PLH Integration Plan to support this process

**Recommendation 16**

Further analysis of PLH call metrics and integration with LH is completed before expansion

#### Expansion staff levels

These sections recommend that expansion is delayed until more is known about caller demand and staff responses. They also recommend a shift from dedicated PLH staff to a wider cohort of trained LH staff. However, some observations can be made about the likely full-time equivalent (FTE) staffing needs to service the expansion to other prisons. Our data suggests that four FTE agents, with a dedicated back-up manager, should reasonably meet the demand from all Victorian prisoners. This may need revision if the prison population continues to grow.

We have previously noted that two agents and a manager were able to keep abandonment rates below 20 per cent in Stage 1. PLH services 48 per cent of the current prison population. So, opening PLH to all prisons would make the service available to a little more than double the current number of potential clients.

We can refine projections about demand by also factoring in the number of prisoners on remand. Prisoners on remand made one and a half as many inquiries to PLH as sentenced prisoners. Only 21 per cent of the expansion prison population are on remand, compared to nearly 50 per cent of the Stage 1 prison population. On that basis, the expansion should result in less than double the current call volume, despite doubling the client base.

These predictions are based on current call profiles, including relatively high criminal law inquiries from remand prisoners, and low numbers of civil and family law inquiries from recently incarcerated or pre-release prisoners. Ideally PLH would take more civil and family law inquires, and the report makes recommendations to increase those inquiries (Recommendations 10–13).

If successful in attracting an increase of some 20 per cent of civil and family law inquiries, it is still predicted that PLH will be able to service all Victorian prisons by maintaining four agents and one manager (or senior lawyer). This is one staff member more than budgeted for in the pilot. It is noted that PLH has under-utilised its staff (budget) allocation during periods of the pilot to date.

The staff recommendation assumes:

* workforce management is able to consistently maintain the recommended staff level (see [Recommendation 15](#recommendation15))
* PLH is available over extended operating hours (see Recommendation 3)
* call abandonment rate targets sit between 10 and 15 per cent
* that predictions in this section about inquiry rates hold in practice.

Agent numbers will need to be reviewed if the prison population continues to grow. The prison population increased by a third, from 5,340 in 2013 (when four staff were budgeted for PLH) to 7,150 currently. The government and opposition have both flagged building more prisons to hold a greater prisoner population.

**Recommendation 17**

PLH budgets for the equivalent of four full time agents and one manager to service all Victorian prisons

**Recommendation 18**

VLA monitors prisoner populations and PLH demand as indicators of additional PLH budgetary need

#### Transition

The introduction of Ravenhall Correctional Centre went smoothly. This suggests planning and processes were sound and will support the expansion of PLH. CV and the prisons were facilitative and contributed to this success.

#### Call costs

VLA and CV negotiated responsibility for payment of calls to PLH during consultations before the service opened. CV covers the costs of all other free-call numbers on the prison Arunta phone system. There was some concern, however, that call costs to PLH would significantly exceed those of the other lines. VLA agreed that it would cover the cost of calls to PLH, subject to a review after three months of operation.

CV has since advised that costs for the first three months (excluding Port Phillip) were $1,250. We project this will equate to $6,500 per year for the four pilot prisons, or not more than $15,000 per year for all prisons. VLA should re-engage CV about ongoing responsibility of call costs.

**Recommendation 19**

PLH re-engage with CV about responsibility for PLH call costs

#### PLH case work

VLA programs teams and regional offices conduct civil, family and criminal case work for prisoners. VLA doesn’t have a practice group for general custodial management matters, including prisoner classification, prisoner movements, loss of privileges, lost property Governor’s Hearings and parole. There are limited CLC services for custodial management issues (Darebin CLC and the Mental Health Community Legal Centre are two). Legal Aid New South Wales and Queensland have prisoner practice groups that conduct their own limited custodial, parole, family or civil law case work. Queensland also has a prisoner CLC service that conducts custodial management case work. The Stage 2 evaluation PLH should consider the merits of a VLA or CLC prisoner practice group, including one that acts in custodial management matters.

#### Prison expansion

The evaluation recommends that the service should expand on the basis that it has assessed the strengths and weaknesses of the pilot and provided clear direction for Stage 2. This is subject to PLH first integrating as a specialist LH line, utilising a large cohort of trained LH staff, and completing further analysis of caller demand and staff call handling time.

**Recommendation 20**

PLH expands to the remaining Victorian prisons after integrating as a specialist LH line

# Distribution of this report

This report will be distributed to the PLH Steering Committee. It will also be shared with Corrections Victoria, Ombudsman Victoria, the Health Complaints Commissioner, the Prisoner Working Group, and NSW and Queensland Legal Aid and prisoner CLCs. The full report and a summary of key findings and recommendations will be published to [VLA’s website](http://www.legalaid.vic.gov.au) (www.legalaid.vic.gov.au).

# Conclusion

The aims of this evaluation were to assess the effectiveness of the PLH pilot Stage 1, to inform decision making for the Stage 2 expansion, and to support continuous improvement.

The evaluation involved a significant amount of desktop research and consultation with approximately 100 people providing invaluable information about the service. This includes over 30 VLA staff, 10 staff from CV and the pilot prisons, and 56 prisoners. The evaluation also drew on four data sources.

We feel confident that PLH has increased access to legal services for prisoners and also increased prisoners’ well-being. Access to services has almost tripled. PLH staff are well resourced and have broad training. This has improved VLA’s capacity to triage, assist and refer prisoners, especially for family and civil matters. VLA program staff reported more accurate referrals. Correctional stakeholders have reported improvements to their work environment and prisoner access to legal services.

We have learnt about running the service in a more efficient way, by better integrating it into VLA’s Legal Help service. This will improve monitoring of client demand and staff availability. We have identified the capacity to improve internal data recording systems and the need to develop a more structured way to respond to systemic issues. We have also identified areas of unmet need and strategies to address these.

We have recommended expanding the service after introducing changes identified in this report. This will standardise and extend VLA’s legal service to all adult prisoners in Victoria.

# Appendixes

## Appendix 1 – PLH client survey

**Please note** – if you require an accessible version of this survey, please contact [Gregor Husper](mailto:Gregor.Husper@vla.vic.gov.au?subject=Accessible%20version%20of%20PLH%20evaluation%20survey), Senior Lawyer, Prisoner Legal Help.

**Prisoner Legal Help evaluation survey**

This is a survey about Prisoner Legal Help. We have sent it to you because you recently called us.

**What is the survey about?**

Prisoner Legal Help is a free-call, confidential legal service provided by Victoria Legal Aid (\*#18 on the prison phone system). It is a new service. Completing the survey will tell us if it is useful to you, and how we can make it better.

You can do the survey by answering the questions below, and sending them to us in the enclosed envelope. Your answers are posted for free to Victoria Legal Aid and are not seen by the prison. Or you can **call us** at Prisoner Legal Help and we can do the survey over the phone.

* this survey is voluntary and anonymous (we don’t ask for your name)
* we don't ask you for any personal information
* answering the survey won’t affect any help you get from Victoria Legal Aid
* we want you to be honest. It is OK if you want to complain about our service
* you don’t have to answer all questions.

**Questions**

1. How many times have you called Prisoner Legal Help:

* Once
* Twice
* Three or more times

1. Did you find Prisoner Legal Help useful?

* yes Please go to Question 3
* no Please go to Question 4

1. Why **was** the service useful? (you can tick more than one box):

* Prisoner Legal Help listened to me
* Prisoner Legal Help understood my legal problem
* I got useful legal advice over the phone
* Prisoner Legal Help arranged further assistance for me
* Other

1. Why **wasn’t** the service useful? (you can tick more than one box):

* Prisoner Legal Help didn’t listen to me
* Prisoner Legal Help didn’t understand my legal problem
* Prisoner Legal Help didn’t help with my legal problem
* I wanted Prisoner Legal Hep to pass on a message, but they won’t do that
* I wanted to speak to my actual lawyer (not the PLH lawyer)
* The call time was too short
* Other

1. Would you recommend Prisoner Legal Help to another prisoner?

* yes
* no Please answer Question 6

1. If you **wouldn’t** recommend Prisoner Legal Help, why not?

* Because Prisoner Legal Help can’t do much to help
* Because Prisoner Legal Help wasn’t useful to me
* I don’t trust the law
* other

1. How stressed were you about your legal issue **before** you called Prisoner Legal Help? Please circle the image that shows how you felt:



Not at all stressed Neutral Very stressed

1. Using the same scale, how stressed were you about your legal issue **after** you called Prisoner Legal Help?



Not at all stressed Neutral Very stressed

1. What is your overall satisfaction with Prisoner Legal Help?



very satisfied satisfied neutral unsatisfied very unsatisfied

1. How could we make Prisoner Legal Help better for you?

* No suggestion – it’s fine as it is
* if the phone calls were longer than 12 minutes
* a face-to-face service
* if Prisoner Legal Help could help with my legal problems without having to refer me
* if Prisoner Legal Help could pass on messages
* other

1. Any other comments?

1. Victoria Legal Aid, [Strategy 2015–18](https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-strategy-2015-2018.pdf), page 1. [↑](#footnote-ref-1)
2. Grunseit, A, Forrell, s & McCarron, E, *Taking Justice into custody: the legal needs of prisoners*, Sydney, Law and Justice Foundation of NSW 2008 [↑](#footnote-ref-2)
3. *Ibid* and Christine Coumarelos, Deborah Macourt, Julie People, Hugh M McDonald, Zhigang Wei, Reiny Iriana & Stephanie Ramsey , *The Legal Australia-Wide Survey: Legal need in Australia*, Law and Justice Foundation of NSW2012 [↑](#footnote-ref-3)
4. Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra.

   PricewaterhouseCoopers, *Legal Aid Funding: Current Challenges and the*

   *Opportunities for Cooperative Federalism*, (Report prepared for National Legal Aid) 2009

   <http://www.lawcouncil.asn.au/lawcouncil/images/LCA-PDF/a-z-docs/fmsdownload099f.pdf>.

   See: <http://www.legalaidmatters.org.au/facts>] [↑](#footnote-ref-4)
5. The five prisons involved in Stage 1 were the Metropolitan Remand Centre, Port Phillip Prison, the Dame Phyllis Frost Centre, Loddon Prison and Middleton, and the Ravenhall Correctional Centre. [↑](#footnote-ref-5)
6. [Investigation into the rehabilitation and reintegration of prisoners in Victoria](https://www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17), September 2015. [↑](#footnote-ref-6)
7. [Debt and Tenancy Legal Help for Prisoners](https://www.justiceconnect.org.au/sites/default/files/Homeless%20Law%20-%20Prison%20Project%20Twelve%20Month%20Report.pdf), Justice Connect, January 2016

   [Clean Slate Prisoner Debt Project](http://www.vlaf.org.au/cb_pages/files/2016-06-23%20Clean%20Slate%20scoping%20report.pdf), Brimbank Melton Community Legal Centre, June 2016 [↑](#footnote-ref-7)
8. Ravenhall Correctional Centre is a new prison and was opened in October 2017. [↑](#footnote-ref-8)
9. Private and public-sector call centre metrics are subject to different considerations, for example, client loyalty, competition, profitability and public responsibility. [↑](#footnote-ref-9)
10. Prisoner Voicemail is a service operating in the UK, which allows family members (and others) to communicate through messages left on an external server and accessed by prisoners in their own time. [↑](#footnote-ref-10)
11. See the reports at footnote 7 [↑](#footnote-ref-11)
12. See footnote 7 [↑](#footnote-ref-12)
13. As noted in the methodology, PLH does not currently have accurate information about its wrap-up times. [↑](#footnote-ref-13)