

Victoria Legal Aid 2020–21 Quarter Four Report

1 April – 30 June 2021

Message from the CEO

This year has been a year like no other. Over the past 12 months, VLA and the legal assistance sector have been presented with challenges that have tested us in ways like never before. By working together, we have been able to respond to these challenges and used this as an opportunity to adapt our services to better meet the needs of our clients. The introduction of pre-court services such as Help Before Court and the Early Resolution Service exemplifies this work and the benefits that can be brought to clients by working together. Funding received through the state budget will allow us further to address the backlog of cases within the system. Clients are at the forefront of what we do and it's important that we build on the advancements we have made over the last 12 months to ensure we provide services that are tailored to, and are suitable for, our clients.

Strategic advocacy is a critical part of the work that VLA undertakes to ensure better outcomes for our clients and the community. Recently, we made a [submission to the Department of Health](#) highlighting the key themes that the new Mental Health and Wellbeing Act should focus on, and the specific legal approaches that will realise the vision of the Royal Commission into Victoria's Mental Health System. The submission was shaped by members of our Speaking from Experience consumer advisory group and emphasises the need for the new act to create long lasting culture. We believe that two foundations—a new and ambitious act and a sustained commitment to effective, consumer-led implementation—are needed to drive the necessary change.

We have made [two new submissions](#) that recommend urgent and robust law reforms to prevent and address sexual harassment from occurring within workplaces. The first submission relates to the introduction of the Sex Discrimination and Fair Work (Respect at Work) Amendment Bill 2021. We acknowledge that the Bill will make significant changes to federal law, however it does not do enough to eliminate gendered violence and harassment within workplaces. Our key recommendation is that there should be an enforceable positive duty on employers to prevent sexual harassment.

Our second submission helps to inform the Victorian Government's work to better protect Victorians against sexual harassment in the workplace. The submission, which was worked on in conjunction with Women's Health Victoria and Sexual Assault Services Victoria, proposes that reforms focus on identifying gendered violence as a serious cultural and work health and safety issue that requires evidence-based primary prevention interventions, fairer laws, and more accessible and culturally sensitive support services.

The theme for this year's National Reconciliation Week was 'More than a word, reconciliation takes action'. We all have a role to play when it comes to reconciliation and VLA is committed to doing our part. Our vision for reconciliation in Australia is for a fair and just society where everyone is equal. The work that we are doing as part of our second [Reconciliation Action Plan](#) is helping us on our reconciliation journey. The latest [progress report](#) highlights the progress we have made against our actions, including expanding our Aboriginal Community Engagement Officer program and forming a crucial commercial partnership with Kinaway—Victoria's Aboriginal Chamber of Commerce. The report shows that while we have made good progress on our path to achieving the outcomes of the plan, there is still work we need to do.

Client Services¹

Table 1.1 Clients snapshot

Clients	Q4 2019-20	Q4 2020-21	Year-end total 2020-21	Q1 2021-22 projection
Unique clients ²	12,009	20,390	74,670	21,900

The number of unique clients for quarter four 2020–21 increased by 70 per cent (Table 1.1) when compared to quarter four 2019–20. Significantly lower numbers were experienced in quarter four 2019–20 coinciding with the initial onset of the COVID-19 pandemic and the subsequent court closures and changes to the operations of VLA and the wider justice system. The higher number of unique clients in quarter four 2020–21 reflects the stage of the pandemic that we were in at the time, with courts operating more in-person services, enabling us to provide a higher number of duty lawyer services (Table 1.4). As the main point of entry for many of our clients, this has resulted in an increase in the number of unique clients for the quarter.

Table 1.2 Legal Help phonenumber and web chat snapshot

Legal Help	Service Delivery type	Q4 2019-20	Q4 2020-21	2020-21 Year-end total	Q1 2021-22 projection
Requests for Legal Help assistance	Phoneline	39,674	33,910	147,631	39,200
	Web chat	9,637	11,030	46,212	11,800
Number of Legal Help sessions delivered	Phoneline	20,155	17,530	71,671	21,600
	Web chat	9,165	10,194	41,267	10,600
Average service duration (minutes)	Phoneline	26:26	23:26	23:45	n/a
	Web chat	9:27	9:32	9:59	n/a
Average wait time (minutes)	Phoneline	17:17	18:18	20:50	19:00
	Web chat	0:14	0:28	0:28	0:30

The average wait time for our Legal Help phonenumber increased throughout the year and had a year-end average of 20.50 minutes (Table 1.2)—an increase of 1.95 minutes compared to last year. This is due

¹ Actuals will be subject to a VLA audit to confirm accuracy and may change as a result.

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

to services taking longer to deliver by phone with clients presenting with more complex issues due to the diversion of simpler matters to webchat (meaning the phonelines deal with a higher proportion of advice than in previous years) and the increasing number of queries relating to COVID-19. Staff working remotely for prolonged periods and adopting new technology also requires more training and supervision support. This has meant there is reduced capacity to answer calls and a longer wait time with fewer staff available to answer calls.

Our Legal Help web chat channels provide an alternative and convenient way for clients to access the information they need information. The use of web chat has increased from last year with around 23 per cent of queries in quarter four delivered via one of our web chat channels—an increase of 4 per cent compared to quarter four in the previous year (Table 1.2). Additional web chat channels were introduced during the year for priority family violence clients and tenancy related matters. This has ensured that we have been able to prioritise some of our highest priority clients and ensure that they are able to access information in a timely manner.

Table 1.3 Early Intervention and Preventative services snapshot

Early Intervention and Preventative services	Q4 2019-20	Q4 2020-21	2020-21 Year-end total	Q1 2021-22 projection
Information sessions	26,501	26,311	104,484	29,400
Legal Advice sessions	7,900	13,016 ³	36,383	5,000
Minor work sessions	507	1,043	3,091	1,100
Community Legal Education sessions	20	49	181	45
Website sessions	691,246	645,933	2,717,300	889,500

The total number of information sessions delivered in quarter four decreased slightly from quarter four 2019–20 (Table 1.3), mainly due to the increasing complexity of Legal Help work set out above. We expect information sessions to increase in quarter one 2021–22 as the efficiencies of newly implemented technology are realised and there is a greater ability to answer calls and webchats.

Minor work sessions doubled in quarter four 2020–21 compared to quarter four 2019–20 (Table 1.3). A minor work session is the provision of short legal assistance related to a court matter, where the client does not qualify for a grant of aid, but the work can be undertaken in-house by a VLA lawyer. Session numbers increased in quarter four in line with courts starting to increase their capacity and a larger number of cases being heard.

Table 1.4 Court assistance services snapshot

Court assistance Services	Q4 2019-20	Q4 2020-21	2020-21 Year-end total	Q1 2021-22 projection
Duty Lawyer Services	12,036	16,752	45,196	19,500

³ Advice sessions for quarter four 2020-21 include advice sessions not previously captured throughout the year

Court assistance Services	Q4 2019-20	Q4 2020-21	2020-21 Year-end total	Q1 2021-22 projection
Grants of Legal Assistance	9,575	11,583	40,486	12,300

Total number of duty lawyer services provided increased by 39 per cent when compared to quarter four 2019–20 (Table 1.4). The number of duty lawyer services that VLA can provide is dependent on the courts and their operating capacity. The pandemic saw courts close for much of quarter four 2019–20 and as such fewer duty lawyer services could be provided. VLA adapted our services to provide duty lawyer services where possible online and help to ensure clients' needs were met. This, along with courts now starting to increase capacity and hearing more cases means we were able to provide a higher number of duty lawyer services in quarter four 2020–21. We expect to see a further increase in quarter one 2021–22. Grants of legal assistance also increased in quarter four by 21 per cent (Table 1.4) and is also due to courts operating at a higher capacity than the previous year.

Outlook for 2021–22

We now find ourselves in a state where lockdowns are a regular occurrence and there is ongoing service disruption. With this comes a sense of uncertainty on what the next year will look like and we will need to continue to work with our partners throughout the sector to ensure that we are meeting the needs of our clients and the community. The uncertainty makes planning challenging. Despite this there are several key activities occurring over the coming year.

Our 2021–22 Corporate Plan has now been finalised and sets out our priorities for the coming 12 months. Working with our partners, we will aim to reduce the backlog of cases through new ways of delivering our highest volume services and expand pre-court assistance and early resolution in criminal law and family violence. We will look to gain a better understanding of regional private practitioner supply, work to ensure that Aboriginal and Torres Strait Islander clients have improved access to legal services and improve understanding of services and gender equality to improve our services. Throughout the year we will also work towards improving our responses to diversity and inclusion for our staff, practice partners and clients through our inclusion framework. This work also aligns with our strategic advocacy priorities.

We will also use the opportunities that have been presented to us through the pandemic to change the way we work. This includes adopting a new 'hybrid' work model that enables flexibility for staff but does not compromise on the needs of our clients' and our role in the justice system, and adapting our organisational health and wellbeing approach to address new ways of working. To help enable this new way of working, will continue to innovate and enhance our digital and data capabilities to support effective and efficient service delivery.

The forthcoming year is an important year in terms of our financial sustainability. We will continue to work with the government on a more sustainable funding model for VLA to meet the growing demand for our services and to ensure that VLA's funding is sustainable and appropriate to meet demand.

Planning for our next strategy is underway and we will publish it in July 2022. The strategy will build off our inaugural outcomes framework and ensure that our strategic goals are aligned with the long-term outcomes that we want to achieve. The outcomes framework, also due to be published in July 2022, will help us to better understand our impact and the value that we provide over an extended period of time.

Financial Summary

Our operating position for quarter four was a surplus of \$12.4 million, primarily due to the impacts of COVID-19 related restrictions. These resulted in reduced court capacity to progress matters, although the related additional funding had already been received in the State Budget. We also recongised project funding for initiatives where costs will be incurred in 2021–22. This has contributed to the reported surplus of \$24.9 million in 2020-21.

There was an increase in approvals of grants of legal assistance and case expenditure in the final quarter of the financial year as court services increased. We anticipate expenditure to continue to return to normal in 2021–22 as capacity returns within the court system (excluding the impacts of current lockdowns), which will result in a budgeted deficit of approximately \$21 million. As a result, we will use the 2020–21 surplus as a short-term funding approach to the deficit to ensure we can meet service demand within the courts in 2021–22.

Our financial future remains challenging. We expect demand to continue to grow faster than funding as courts ‘ramp up’ activities, as well as dealing with the financial impacts of deferred case expenditure in future years. In addition, the volatility of some of our revenue sources is contributing to our structural funding gap. While the 2020–21 State Budget provided one-off funding to address the backlog of cases, we will continue to work with the government to determine sustainable funding solutions to meet ongoing demand pressures and any further reductions in the Public Purpose Fund. If additional funding in future years is not provided, then we will consider implementing saving measures to be financially sustainable and avoid ongoing deficits.

Total revenue breakdown (\$'000)

Revenue	Q4 2019-20	Q4 2020-21	2020-21 Year-end total	Q1 2021-22 Projection
Commonwealth – grants ¹	22,669	20,419	79,010	18,281
Commonwealth – ECCCCF income	840	1,141	2,666	925
State Grants	37,709	59,486	176,405	44,307
Public Purpose Fund	9,051	7,009	25,789	3,975
Case revenue ²	1,070	(884)	2,653	1,378
Other income	86	67	308	57
Total revenue	71,425	87,238	286,831	68,923

Notes:

1) Commonwealth Grants include funding provided to Community Legal Centres and recorded as Administrative revenues in the Annual Report.

2) Negative revenue result in Quarter Four 2020-21 is due to the timing of debt provision calculations as part of year end processes.

Total expenditure breakdown (\$'000)

Expenditure	Q4 2019-20	Q4 2020-21	2020-21 Year-end total	Q1 2021-22 Projection
Case expenditure (including ECCCF)	(20,878)	(30,797)	(102,134)	(29,028)
Community legal centre payments	(9,541)	(16,106)	(52,543)	(11,092)
Staff costs	(20,860)	(21,550)	(85,614)	(26,727)
Administration ¹	(14,326)	(6,104)	(20,022)	(4,401)
Total expenditure before Depreciation and Revaluation	(65,605)	(74,556)	(260,313)	(71,248)
Depreciation and Revaluation ²	(717)	(284)	(1,585)	(2,412)
Total Expenditure	(66,322)	(74,840)	(261,898)	(73,660)

Notes:

1) Includes lease amortisation

2) Includes amounts included as other economic flows in the Annual Report and excludes lease amortisation.