# Victoria Legal Aid 2021–22 Quarter One Report 1 July – 30 September 2021

## Message from the CEO

We recently celebrated our 40th anniversary from our Ballarat office and took a moment to reflect on the impact VLA has had on the Victorian community over that time. Over the last 40 years, VLA has grown and expanded our service offerings to deliver access to justice for Victorians. In carrying out our core functions and hearing from our clients, we have seen the interplay between socio-economic and legal issues in people’s lives and responded by making family violence, child protection and mental health legal services key priorities. We are increasingly moving to early-intervention and preventative models, providing support for people before their legal issues get worse. This work includes the work done by the Independent Family Advocacy and Support (IFAS) service, which provides non-legal advocacy for parents in the early stages of child protection matters. RMIT recently released the findings of the [three-year evaluation](https://www.legalaid.vic.gov.au/about-us/news/non-legal-child-protection-support-should-be-expanded-statewide-evaluation) of the service and found that IFAS clients highly value the service and it has helped to divert one fifth of families away from the courts and delivered cost savings of $1.8 million. The evaluation recommended that non-legal child protection support should be expanded state-wide and reinforces the valuable work that is undertaken by IFAS.

Advocating for law reform and improvements to the justice sector is also part of our preventative function. In a recent [submission to the Senate Community Affairs References Committee](https://www.legalaid.vic.gov.au/about-us/news/our-call-to-overhaul-dehumanising-disability-support-pension), we called for significant reform to the Disability Support Pension. Our recommendations include an overhaul of the criteria that determines the severity and permanency of a persons disability, and the removal of the requirement for those who are not classified as having a severe impairment to complete an 18-month work program before receiving payment. These recommendations will ensure the system is fairer and simpler, and that Aboriginal and Torres Strait Islander people who are living with a disability are better supported.

A recent [report outlining the pressures on the Family Law](https://www.legalaid.vic.gov.au/about-us/news/meeting-demand-for-family-law-services) system is an example of how we can work together to improve outcomes for Victorians. The report, produced in collaboration with Women’s Legal Service Victoria, found that demand for family law legal help in Victoria is on the rise and has already led to the creation of the [Family Law Access Pilot project](https://www.legalaid.vic.gov.au/about-us/news/responding-to-evidence-new-project-to-support-safer-communities-by-addressing-family-law-need). The project aims to respond to the needs of communities in Melbourne’s west to have improved access to high-quality family law services. Three Community Legal Centres are being provided with funding to establish comprehensive family law practices and are being supported by a Women’s Legal Service Victoria capacity building program. We are also in the process of developing an implementation plan for the additional recommendations which include considering opportunities to expand family law provision and improving VLA’s family law practice.

The last two years has shown us that things can change rapidly and that the way things previously operated may not be suitable for today’s environment. Even though we are starting to reopen, there is still a long way to go in dealing with the pandemic. We look forward to supporting our clients, our partners and the courts as we work through the case backlog and continue to refine and embed several innovations, such as Help Before Court.

## Client Services

**Table 1.1 Clients snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Clients** | **Q4****2020-21** | **Q1****2021-22** | **Q2 2021 - 22****projection** |
| Unique clients[[1]](#footnote-2) | 20,390 | 26,092 | 28,224 |

Unique client numbers are higher in quarter one compared to quarter four 2020–21 by 28 per cent (Table 1.1). This increase is reflective of the beginning of the new financial year. As clients are counted the first time we see them in a year, client numbers are higher in the first half of the year. Many clients require multiple services throughout the year. Numbers are expected in increase in quarter two but are dependent on courts and the delivery of more in-person services and higher capacity level.

Table 1.2 Legal Help phoneline and web chat snapshot

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Legal Help**  | **Service Delivery type** | **Q4****2020-21** | **Q1****2021-22** | **Q2 2021 - 22****projection** |
| Requests for Legal Help assistance | Phoneline | 33,910 | 36,145 | 37,882 |
| Web chat | 11,030 | 10,783 | 10,440 |
| Number of Legal Help sessions delivered | Phoneline | 17,530 | 21,602 | 27,322 |
| Web chat | 10,194 | 10,261 | 9,396 |
| Average wait time (minutes) | Phoneline and web chat (consolidated) | 15:02 | 11:42 | 12:30 |

VLA’s Legal Help service is the main provider of information and advice services at VLA. In quarter one 2021–22 there was a 15 per cent increase in the total number of Legal Help sessions delivered (Table 1.2).

The introduction of new technology and software, along with the establishment of priority phone lines and the expansion of webchat services during the pandemic, has increased Legal Help’s capacity to respond to requests for assistance from clients. The average wait time for clients contacting the service has decreased – the combined average wait time (phone line and webchat services) for the quarter decreased by 3.6 minutes in quarter one 2021–22 compared to the previous quarter (Table 1.2). We expect this trend to continue in quarter two, subject to any increase in demand following the easing of restrictions.

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |  |
| --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q4****2020-21** | **Q1****2021-22** | **Q2 2021-22****projection** |
| Information sessions | 26,311 | 28,663 | 38,712 |
| Legal Advice sessions | 13,016[[2]](#footnote-3) | 9,806 | 12,798 |
| Community Legal Education sessions | 49 | 16 | 15 |
| Website sessions  | 645,933 | 695,306 | 652,240 |

Information sessions increased in quarter one 2021–22 compared to the previous quarter by 9 per cent (Table 1.3). This increase is mainly due to the increased performance of Legal Help as outlined above. Advice sessions decreased in quarter one compared to the previous quarter by 25 per cent due to the following factors:

* a drop in demand experienced by Legal Help as a result of the extended lockdown.
* a decrease in demand for family violence advice services - potentially due to work from home arrangements and those experiencing family violence being unable to find time and a safe space in which they can contact someone for assistance due to the alleged perpetrator being at home.
* fewer criminal matters being heard as a result of court closures and backlogs and therefore less advice being sought by clients in areas such as summary crime.

We expect information and advice sessions to further increase in quarter two due to greater staff proficiency in the new technology, along with the removal of pandemic related restrictions and courts beginning to operate at higher levels.

The recent lockdown and uncertainty that has surrounded the lifting of restrictions has impacted on the number of Community Legal Education (CLE) sessions that were able to be provided in quarter one 2021–22. A total of 16 sessions were delivered in the quarter, 33 less than the previous quarter (Table 1.3). The education and community settings that CLE operate in have delayed any return to in-person work until the start of the first school term 1 of 2022, and therefore we don’t expect to see higher session numbers until quarter three. Despite the low session numbers, there have been high attendance rates for those sessions that have been able to proceed online. For the first two sessions that are planned for quarter two, there are over 200 people registered to attend.

### Table 1.4 Specialist resolution and advocacy services

| **Specialist resolution and advocacy services** | **Q4****2020-21** | **Q1****2021-22** | **Q2 2021 -22****projection** |
| --- | --- | --- | --- |
| IMHA information and referral sessions | 6,108 | 6,805 | n/a |
| IMHA advocacy and self-advocacy | 3,653 | 3,725 | n/a |
| IFAS information and referral sessions  | 439 | 451 | n/a |
| IFAS advocacy and self-advocacy | 744 | 841 | n/a |

Specialist resolution and advocacy services have become a crucial part of the justice sector and its approach to early intervention and prevention, helping clients to resolve their issue before it gets worse or ends up at court. The Independent Mental Health Advocacy (IMHA) service and the Independent Family Advocacy and Support (IFAS) service have both seen increased numbers in referrals and services throughout the pandemic and are pivotal in helping to improve access, inclusion, and engagement of people with a disability or who experience a mental health issue. In quarter one 2021–22, total IMHA referrals and services increased by 8 per cent compared to the previous quarter (Table 1.4). The pandemic has resulted in increased demand on the service with clients presenting as more distressed. COVID related restrictions have impacted on their ability to leave or have visitors while being an inpatient and has resulted in an adverse impact on clients.

IFAS referrals and services increased by 9 per cent (Table 1.4). This increase is a result of increased referrals for clients as the service becomes better known in the community. IFAS is continuing to work with external stakeholders to support access for clients.

**Table 1.5 Court assistance services snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Court assistance services** | **Q4****2020-21** | **Q1****2021-22** | **Q2 2021-22****projection** |
| Duty Lawyer Services | 16,752 | 12,647 | 18,837 |
| Grants of Legal Assistance | 11,583 | 10,489 | 12,600 |

The state’s most recent lockdown has meant that court operations have not been able to return to higher service levels as planned. This has impacted on the number of duty lawyer services able to be provided. Compared to the previous quarter, duty lawyer services decreased by 24 per cent (Table 1.5). The introduction of the Help Before Court service has helped to mitigate this decrease by providing clients with an alternative intake process and helping them resolve their matters as quickly as possible. The service has assisted over 10,000 people since beginning in October 2020.

Grants of legal assistance decreased by 9 per cent compared to quarter one 2020–21, again a result of the changed court operations and lower capacity levels (Table 1.5). Numbers for both duty lawyer services and grants of legal assistance are expected in increase from quarter two. The increase is dependent on the easing of restrictions and courts reopening at an increased capacity. Once courts are fully operational, we expect our services to return to pre-COVID levels.

## Financial Summary

Our operating position in quarter one was a surplus of $2.5 million, primarily resulting from the continued impacts of COVID-19 on court operations and limiting the ability of VLA to return to our normal operations.

Total revenue for quarter one was $70.5 million, a reduction from the quarter four result last year. The reduction reflects one-off and project-related funding received last year, as well as a reduction in revenues from the Public Purpose Fund (PPF).

Case related expenditure, our largest expenditure, decreased in quarter one from quarter four last year to $28.3 million. This reduction is primarily a deferral of expenditure and is subject to the approach taken with the courts to address the backlog of cases. We anticipate expenditure will gradually return to normal from quarter two as capacity returns within the court system. This is expected to result in a budgeted deficit of approximately $16.5 million, which will be fully funded from prior year surpluses.

Our financial future beyond this financial year remains challenging, primarily due to increasing demand for our services (i.e. driven by downstream impacts from government policy commitments such as increases in child protection officers) exceeding our base funding - as well as the reduction in funding from the PPF. Consideration of savings initiatives will need to occur pending any outcomes from the state budget. We continue to work with the Department of Justice and Community Safety to pursue sustainable funding solutions to meet these ongoing financial challenges.

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Revenue** | **Q4****2020-21** | **Q1****2021-22** | **Q2 2021-22****projection** |
| Commonwealth – grants (1) | 20,419 | 18,289 | 18,358 |
| ECCCF income | 1,141 | 0 | 0 |
| State – grants | 59,486 | 44,322 | 45,062 |
| Public Purpose Fund | 7,009 | 6,472 | 6,139 |
| Case revenue (2) | (884) | 1,391 | 1,378 |
| Other income | 67 | 72 | 57 |
| **Total revenue** | **87,238** | **70,546** | **70,995** |

### 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****2020-21** | **Q1****2021-22** | **Q2 2022****projection** |
| Case expenditure (including ECCCF) | (30,797) | (28,271) | (34,939) |
| Community legal centre payments (1) | (16,106) | (10,418) | (10,687) |
| Staff costs | (21,550) | (24,272) | (25,312) |
| Administration (2) | (6,104) | (4,651) | (7,870) |
| **Total expenditure** before Depreciation and revaluation | **(74,557)** | **(67,612)** | **(78,808)** |
| Depreciation and Revaluation (3) | (284) | (468) | (644) |
| **Total Expenditure** | **(74,841)** | **(68,080)** | **(79,452)** |

Notes:

1) Payments in 2020-21 included significant one-off project funding received from the State Government to address COVID-19 related backlogs in the courts.

2) Includes lease amortisation

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

1. A unique client is an individual who has accessed one or more of our legal services and a client lawyer relationship was formed. We count our unique clients the first time we see them in the year. This definition does not include those clients who received information over the phone or via our online web chat (Legal Help), from our website, in person at a court counter or those who attended one of our community legal education sessions. [↑](#footnote-ref-2)
2. Total contains advice sessions that were not captured earlier in the 2020-21 financial year and contribute to the perceived decrease in advice sessions for Q1. [↑](#footnote-ref-3)