# Victoria Legal Aid 2021–22 Quarter Three Report 1 January – 31 March 2022

## Message from the CEO

March 2022 marked two years since the start of the ongoing COVID-19 pandemic. As restrictions are eased, a transition back to face-to-face services is beginning across courts in Victoria. We will be focusing on supporting both the courts and clients to ensure we are providing services in line with client needs and that they receive the most appropriate hearing type – either remote or in-person. COVID-Safe measures are in place across all court buildings and Victoria Legal Aid (VLA) offices to ensure the safety of our clients and staff.

Courts are facing significant pressure to address the backlog in cases created by the pandemic. However, there are also opportunities for innovation and for a focus on restorative justice processes to address systemic issues that further entrench communities and individuals into the criminal justice system. We strongly support many of the recommendations that have been made by the Victorian Parliament's Legal and Social Affairs Committee that would contribute towards [a fairer and more effective criminal justice system](https://www.legalaid.vic.gov.au/about-us/news/towards-fairer-and-more-effective-criminal-justice-system).

We have launched our [Outcomes Framework 2022–30](https://www.legalaid.vic.gov.au/about-us/news/taking-outcomes-approach), which defines the intended outcomes of our work and the differences we want our services to make for our clients and the Victorian community. The framework will guide our services, programs and strategies over the next eight years and help us achieve positive outcomes for people seeking help with their legal and related problems. Taking an outcomes and evidence-based approach to our services will make them more responsive to the needs and voices of our clients.

We formally launched our new [Equitable Briefing Strategy](https://www.legalaid.vic.gov.au/about-us/our-organisation/how-we-are-improving-our-services/equitable-briefing-strategy) at VLA’s International Women's Day event. The strategy sets annual targets to improve the number of women and counsel from diverse backgrounds we brief, both for in-house matters and via private practitioners. It also commits VLA and our partners to abide by a set of briefing considerations and management oversight, ensuring we all make consistent and equitable briefing choices.

We also updated our [cultural diversity and anti-racism plan](https://www.legalaid.vic.gov.au/about-us/our-organisation/cultural-diversity-and-inclusion-strategy), which addresses both the individual impact of racism on staff and clients, and the larger systemic issues where we believe we can make a meaningful contribution. In March we made two submissions—one to the Australian Human Rights Commission on its [proposed National Anti-Racism Framework](https://humanrights.gov.au/our-work/race-discrimination/projects/national-anti-racism-framework) and the second was a response to the [Victorian Anti-Racism Taskforce](https://www.vic.gov.au/anti-racism-taskforce), which is developing a Victorian Anti-Racism Strategy. Our submissions recognise the impact of structural racism on First Nations people and culturally and linguistically diverse people, highlighting the importance of self-determination, and the need to embed anti-racism policies within the legal, mental health, social, welfare, child protection and other relevant sectors.

## Client Services

The number of unique clients fell in quarter three 2021–22 compared to the previous quarter. However, it is consistent with quarter three in the previous financial year, 2020–21, where there were 15,036 clients. Before the COVID-19 pandemic, quarter three of any given financial year would often have the lowest client figure as the summer months and significant holidays fall within this quarter. This seasonal variation is reflected in many of our services.

**Table 1.1 Clients snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Clients** | **Q2****2021-22** | **Q3****2021-22** | **Q4 2021-22****projection** |
| Unique clients[[1]](#footnote-2) | 16,729 | 15,197 | 21,248 |

The projected service figures for quarter four 2021–22 are contingent on the courts resuming full operations. Services are expected to return to pre-COVID levels as restrictions continue to ease and courts increase their capacity.

Table 1.2 Legal Help phoneline and web chat snapshot

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Legal Help**  | **Service Delivery type** | **Q2****2021-22** | **Q3****2021-22** | **Q4 2021-22****projection** |
| Requests for Legal Help assistance | Phoneline | 33,698 | 35,716 | 37,038 |
| Web chat | 8,882 | 9,679 | 9,984 |
| Number of Legal Help sessions delivered | Phoneline | 21,880 | 20,086 | 15,671 |
| Web chat | 8,453 | 9,314 | 8,996 |
| Average wait time (minutes) | Phoneline and web chat (consolidated) | 9:42 | 12:57 | 12:30 |

The total number of requests for Legal Help assistance (45,395) increased in quarter three compared to the previous quarter (42,580). As courts increase the number of matters heard we expect that demand for Legal Help services will increase as people seek help with their more immediate issues.

Fewer Legal Help sessions were delivered in quarter three than quarter two. The average wait time for a person to be connected to a Legal Help service in quarter three also increased by 3 minutes and 15 seconds from the previous quarter. Unplanned absences due to the pandemic, seasonal staffing fluctuations over the summer months and staff turnover contributed to a longer average wait time and fewer sessions delivered. Work to complete the modernisation of our core technology software and unplanned absences due to COVID-19 and flu season will continue to affect our capacity in the short term, meaning we expect wait times to be consistent into quarter four and service numbers to be lower than Q3. However, we anticipate that the enhanced functionality and reliability of the new software will improve our ability to answer calls and webchat in the longer term.

Table 1.3 Early Intervention and Preventative services snapshot

|  |  |  |  |
| --- | --- | --- | --- |
| **Early Intervention and Preventative services** | **Q2****2021-22** | **Q3****2021-22** | **Q4 2021-22****projection** |
| Information sessions | 27,072 | 26,751 | 24,724 |
| Legal Advice sessions | 9,585 | 8,563 | 9,552 |
| Community Legal Education sessions | 27 | 20 | 30 |
| Website sessions  | 669,983 | 642,501 | 621,900 |

Legal Help is the way that we deliver most of the information and many advice sessions at VLA, especially during the pandemic where there have been fewer face-to-face services available. The lower number of Legal Help sessions delivered translates into slightly fewer information sessions (-1.2 per cent) however, they were consistent with quarter three of the previous financial year (-0.1 per cent). There were also fewer advice sessions delivered (-10.7 per cent) both through Legal Help and in-person. The lower number of advice sessions delivered is likely due to the seasonal fluctuations that have impacted many of our services. However, we provided nearly 2,000 more advice sessions compared to quarter three 2020–21 (6,880), an increase of 24.5 per cent.

We delivered fewer community legal education (CLE) sessions (-26 per cent) as most education settings were closed over the summer months and didn’t reopen until February. We predict that there will be an increase in quarter four as we are seeing demand for CLE increasing, both remotely and in-person. We hope to be able to deliver more CLE sessions in person as pandemic restrictions ease.

The summer months could also have impacted the number of people seeking information on our website, as there is a yearly dip in the number of website sessions in quarter three compared to quarter two. There was a 4.1 per cent decrease in website sessions in quarter three compared to quarter two of 2021-22, but only a 1.4 per cent decrease compared to quarter three of the previous financial year, 2020-21.

### Table 1.4 Specialist resolution and advocacy services

| **Specialist resolution and advocacy services** | **Q2****2021-22** | **Q3****2021-22** | **Q4 2021-22****projection** |
| --- | --- | --- | --- |
| IMHA information and referral sessions | 5,857 | 6,258 | 6,300 |
| IMHA advocacy and self-advocacy | 3,293 | 3,254 | 3,200 |
| IFAS information and referral sessions  | 434 | 527 | 540 |
| IFAS advocacy and self-advocacy | 542 | 563 | 560 |

Overall, there has been an increase in the number of Independent Mental Health Advocacy (+6.9 per cent) and Independent Family Advocacy Support (+21.4 per cent) information and referral sessions delivered in quarter three compared to quarter two 2021-22. We have been actively working with mental health service providers, which has resulted in an increase in demand for these services. We anticipate that there will be continued demand for these services into quarter four.

**Table 1.5 Court assistance services snapshot**

|  |  |  |  |
| --- | --- | --- | --- |
| **Court assistance services** | **Q2****2021-22** | **Q3****2021-22** | **Q4 2021-22****projection** |
| Duty Lawyer Services | 13,637 | 12,541 | 16,930 |
| Grants of Legal Assistance | 9,994 | 9,969 | 12,098 |

In quarter three we continued to meet the demand of current court levels for our duty lawyer services. As courts continued to work at a reduced capacity, exacerbated by the summer months, we provided fewer duty lawyer services (-8 per cent) than the previous quarter. However, when compared to the previous financial year, where we delivered 11,807 duty lawyer services, there was an increase of 6.2 per cent. The number of grants of legal assistance remained consistent with the previous quarter
(-0.25 per cent) and quarter three of the previous financial year (-1.9 per cent). Service levels for both duty lawyers and grants of legal assistance are expected to gradually increase as courts increase their capacity.

## Financial Summary

### Our operating position for quarter three 2021-22 was a small surplus of $2.9 million. In quarter three we received additional funds as part of a new bilateral agreement under the National Legal Assistance Partnership 2020-25. The revenue we received from the State Government, other income and through case revenue also increased, which offset the reduction in revenue from the Public Purpose Fund. Our case expenditure was 7.9 per cent below quarter two. This is a result of continuing COVID-19 restrictions on courts, combined with the summer slow-down and February being a short month.

### We are projecting a year-end deficit of approximately $6 million. Quarter four total expenditure is forecasted to be 20 per cent higher than quarter three due to an anticipated ‘ramping-up’ of court activities, which would gradually return VLA to pre-COVID operations. If the expected ramp up does not occur, or is slower than anticipated, this will have a significant impact on the quarter four expenditure and the final year end position. However, funds remain available to ensure VLA can meet demand if the courts are able to rapidly expand the number of hearings being held.

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

|  |  |  |  |
| --- | --- | --- | --- |
| **Revenue**  | **Q2**  | **Q3**  | **Q4 2021-22** |
| **2021-22**  | **2021-22**  | **Projection** |
| Commonwealth – grants | 18,535 | 21,244 | 22,764 |
| ECCCF income  | 0 | 0 | 0 |
| State – grants  | 43,348 | 45,200 | 43,030 |
| Public Purpose Fund  | 6,139 | 4,264 | 6,014 |
| Case revenue | 1,108 | 1,890 | 1,173 |
| Other income  | 76 | 99 | 54 |
| **Total revenue**  | **69,206** | **72,698** | **73,034** |

### Total expenditure breakdown ($,000)

|  |  |  |  |
| --- | --- | --- | --- |
| **Expenditure**  | **Q2**  | **Q3**  | **Q4 2021-22** |
| **2021-22**  | **2021-22**  | **Projection** |
| Case expenditure (including ECCCF)  | (29,870) | (27,507) | (34,547) |
| Community legal centre payments | (10,643) | (13,969) | (13,140) |
| Staff costs  | (23,990) | (22,085) | (25,840) |
| Administration | (5,209) | (5,657) | (9,005) |
| **Total expenditure** before Depreciation and revaluation  | **(69,711)** | **(69,218)** | **(82,532)** |
| Depreciation and Revaluation | (590) | (511) | (857) |
| **Total Expenditure**  | **(70,302)** | **(69,728)** | **(83,389)** |

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)