

Victorian Sector Outcomes Pilot 2022-23: Emerging lessons and recommendations

Submission to the National Legal Assistance Partnership (NLAP) Review

October 2023

Federation of Community Legal Centres Victoria

Victoria Legal Aid

Djirra

Victorian Aboriginal Legal Service

Health Justice Australia

ARC Justice

Barwon Community Legal Centre

Brimbank Melton Community Legal Centre

Consumer Action Law Centre

Eastern Community Legal Centre

Gippsland Community Legal Service

Hume Riverina Community Legal Centre

Inner Melbourne Community Legal

Justice Connect

Mallee Family Care Community Legal Centre

Northern Community Legal Centre

Southside Justice

Tenants Victoria



Note: This submission provides emerging lessons and recommendations based on practice experience from legal assistance sector organisations in Victoria about what works and what is needed in the move to outcomes approaches in the sector. The final report from the Victorian Sector Outcomes Pilot, with final lessons, recommendations, and case studies, will be provided to the NLAP Review in December 2023.

1. Introduction

The Victorian Collaborative Planning Committee (CPC)¹ Outcomes Working Group² is conducting the **Victorian Sector Outcomes Pilot**, from May 2022 – December 2023.

The pilot was formed to gather lessons to inform the National Legal Assistance Partnership (NLAP) Review; given the expressed ambition for the next national agreement to move toward outcomes measurement in the legal assistance sector. Sixteen organisations from the legal assistance sector in Victoria are participating in the pilot, including:

- Aboriginal and Torres Strait Islander legal services: Djirra, and Victorian Aboriginal Legal Service,
- Community legal centres (CLCs): ARC Justice; Barwon Community Legal Service; Brimbank Melton CLC; Consumer Action Law Centre, Eastern CLC, Gippsland CLS, Hume Riverina CLC, Inner Melbourne Community Legal, Justice Connect, Mallee Family Care CLC, Northern CLC, Southside Justice, and Tenants Victoria,
- and the legal aid commission: Victoria Legal Aid.

The participating centres are either trialling approaches, or sharing existing examples of their practice, to identify what works in client outcomes measurement. The pilot is not funded, and organisations are using their existing resources to participate.

The final lessons and recommendations from the pilot will be available when the final report with case studies from the participating organisations is provided in December 2023.

In the interim, this paper summarises the emerging lessons from the pilot, to provide timely insights to the National Legal Assistance Partnership (NLAP) review. It provides a practice-based lens on feasibility and resource issues with respect to the review's focus on data collection, performance monitoring and reporting. The emerging lessons and recommendations provided here will be finalised in the pilot report. Further information on the pilot is in the Annex.

Section 2 covers lessons from how organisations in Victoria are approaching outcomes-based services. It highlights a vision of client-focused data collection and capability building for organisational learning that improves services. It demonstrates how the services in the pilot connect outcomes measurement to their commitment to client-centred, integrated service design that meets client needs and capabilities.

Current resourcing in the sector limits the work that can be done toward this vision. Section 3 highlights the resourcing needed to implement outcomes-based services, at both a service and sector level.

¹ The CPC provides advice and recommendations to the Victoria Legal Aid Board about legal needs and the legal assistance sector. Members: Federation of Community Legal Centres Victoria (the Federation), Victoria Legal Aid (VLA), Djirra, Victorian Aboriginal Legal Service (VALS), Victoria Law Foundation (VLF), Department of Justice and Community Safety (DJCS), Law Institute of Victoria (LIV), and the Victorian Bar. <https://www.legalaid.vic.gov.au/collaborative-planning-committee>

² CPC Outcomes Working Group members: Federation, VLA, Djirra, VALS, VLF, DJCS, and Health Justice Australia (HJA).

2. Lessons for outcomes-based practice

1. Focusing on client outcomes

Client outcomes relating to service experience, legal capability, and legal problem resolution are relevant across services in the Victorian pilot. How we measure them should be developed collaboratively with the sector and retain space and flexibility for services to adapt outcome questions and methods. This ensures the information gathered is useful for learning and improving at the individual service level as well as across the sector.

The pilot focuses on how organisations either currently, or could, measure three main client outcomes:

- The service experience: Did it meet people's needs?
- The person (legal capability): Do people better understand their options and feel confident to seek help?
- The legal problem/s: Did the service help with addressing the legal problem/s?

The pilot confirmed that focusing on these client outcomes is relevant and useful across services.

In addition to the three main outcomes considered in the pilot, several services also focus on outcomes relating to safety (for example, for clients experiencing family violence), cultural safety for First Nations clients, and wellbeing. It is important to also note that outcomes relating to legal problem resolution are affected by many other factors besides a service, and research in Victoria confirms that legal problems are often difficult to resolve and may require multiple supports from both legal and non-legal services³. However, asking questions about the status of clients' legal problems and how the service helped provides insight into how services can contribute to addressing problems and offer follow up supports.

A key lesson in the pilot is the importance of each organisation tailoring how we measure client outcomes (both the questions we ask and the methods we use) depending on the specific client groups we work with, the types of services we provide, and the context of how the services are delivered. We have seen this have relevance in the First Nations context where principles of Indigenous Data Sovereignty and Indigenous Data Governance should underpin and inform outcomes measurement. These lessons have implications for how we could move toward common outcomes measurement across the legal assistance sector in future.

2. Using outcomes frameworks

National outcomes approaches, including developing a national outcomes framework for legal assistance should be based on the existing work undertaken in the sector, such as the Victorian frameworks, and those developed in other states and territories.⁴

Sector outcomes frameworks have been developed collaboratively in Victoria⁵ and are useful for providing consistency, and for services to adapt and tailor for their own organisations and client groups. Many of the services involved in the pilot either have, or are developing, their own organisational theories of change or outcomes frameworks as part of their strategic planning. Building these has taken investment of time and resources to ensure that the intended outcomes reflect client, staff, and partner

³ Victoria Law Foundation, 2023, 'Everyday Problems and Legal Need', Volume 1 of the Public Understanding of Law Survey: <https://puls.victorialawfoundation.org.au/publications/everyday-problems-and-legal-need>

⁴ For example, Community Legal Centres Queensland, 'Measuring the impacts of community legal centres': <http://www.communitylegalimpact.org/>

⁵ The Federation of Community Legal Centres Victoria Outcome Measurement Framework was developed collaboratively in 2017 with 35 CLCs and Victoria Legal Aid: https://www.fclc.org.au/outcomes_measurement_framework. Victoria Legal Aid's Outcomes Framework 2022 – 2030 aligns with the CLC outcomes framework: <https://www.legalaid.vic.gov.au/outcomes-framework>.

perspectives, and are useful for organisations to guide service design, monitoring, reporting, and evaluations that are relevant for them and their communities.

3. Client and lived experience centred services and outcomes

[A key lesson from the pilot is the importance of embedding client outcomes measurement in a client and lived experience-led approach to designing, delivering, and evaluating people-centred legal assistance services.](#)

Many services are co-designing service models and setting intended outcomes with client and lived experience experts and advisory groups, to ensure services are shaped by people who need legal assistance and contribute to meaningful outcomes for our client groups. Aboriginal and Torres Strait Islander legal services are determining outcomes and service models that are meaningful for their clients, communities, and services, to shape how services are funded and delivered in ways that support self-determination.

The approaches we take to measure outcomes must also be shaped by client and lived experience. This means working with lived experience experts and advisors to design and implement client feedback processes that are more than just data collection, and instead are an opportunity to engage with clients about where their legal problems are up to, and what further supports they may need. In the First Nations context, approaches need to situate client outcomes and feedback in the context of contributing to self-determination and ensuring data collection processes are culturally safe and not contrary to Indigenous Data Sovereignty.

4. Building learning organisations, not just reporting

[Services in the pilot have highlighted the importance of building a learning culture within their organisations. This includes building capability of staff to use a range of sources of evidence \(service data, expertise from clients and people with lived and living experience, and research and evaluations\) to reflect and learn, and improve services to better meet client and community needs and capabilities.](#)

Building organisational capability in client-centred, adaptive services within organisations takes time, iteration, and resourcing. It needs to be supported by the strategic direction taken by leaders, and built into how program and service teams design, plan, deliver, and adapt their services together with partners and clients. This is the purpose of outcomes-focused practice in the sector; to improve services to better achieve meaningful outcomes for people who need legal assistance.

Organisations in the pilot who have been able to resource and develop their outcomes practice (from design to delivery to evaluation) highlight the value of being able to use client feedback, service data, and research and evaluation evidence to improve their services. For example, using intake processes effectively to understand clients' needs and capabilities allows service providers to respond and tailor services appropriately. Engaging with clients in lived experience led feedback or evaluations provides services with insights into what has changed for clients, and how the service assisted clients or could be improved; guiding decision making and design of services that more effectively meet legal needs.

Improved data-driven, outcomes-based service delivery requires more than just improved data collection or reporting and must be focused on using findings to improve services. Any changes to reporting requirements, including a focus on outcomes, need to be based on close engagement with the sector to ensure the requirements are relevant and feasible to implement. Across the sector, a focus on data collection and reporting, without a commensurate focus on client centred and integrated service design that meets client needs and capabilities, cannot drive improved service delivery.

5. Using mixed methods to better engage with clients and demonstrate outcomes

A range of methods and investment in service feedback, improved service data collection and use, and research and evaluations, driven by the sector, is needed to better understand the impact of our services and make improvements that will better address people's legal needs.

Aboriginal and Torres Strait Islander legal services and Community legal centres support client cohorts who are often experiencing complex disadvantage. The experiences in the pilot emphasise that contacting clients a long time after their service, or only with an online written survey, apart from resulting in low response rates, do not support engagement with clients and provided limited insights to improve services. From the pilot, options for client feedback that are more successful include contacting people close to the point of their service and offering options such as in person or telephone contact. Research and evaluations that combine different methods provide choice for clients to engage in ways that suit them, as well as stronger understanding of client experiences and outcomes.

Approaches that participating organisations report work well include:

- Embedding client outcome measurement in a client-centred service approach, i.e., gathering and using client feedback to shape service design, delivery, and evaluation, and making any contact with clients an opportunity to check for further support needs.
- Using multiple methods and data sources; including client feedback, service delivery data, and partner and staff feedback in mixed methods research and evaluations.
- Having staff outside the immediate service (e.g., research or project staff) conduct client feedback, research, or evaluations, who have skills in culturally safe, trauma-informed, ethical, and accessible methods and analysis.
- Methods that allow for building trust and rapport with clients, such as semi-structured phone or in person conversations and interviews, and ensuring participants are appropriately compensated.
- Offering a range of ways for clients to respond, including in person, phone, online, or paper based.
- Providing translation and interpreters.
- Recording some simple client feedback questions together with service delivery records, for ease of analysis and making the most of service data and client feedback in existing service interactions.
- Seeking client consent to be contacted for feedback on the service as part of intake.
- Keeping data collection questions and methods short, focused, and easy to respond to.
- Asking about service experience close to or shortly after the service.
- Asking about service outcomes (legal capability, problem resolution) sometime after the service, as appropriate to the type of legal problem.

Approaches that participating organisations report do not work well include:

- Online only surveys, which are not appropriate for First Nations clients, people experiencing family violence, people with low literacy, people experiencing crisis and stress, and can therefore result in very low response rates from these cohorts, making analysis and interpretation difficult for measuring outcomes.
- Service delivery staff (such as lawyers) conducting client feedback, staff not having appropriate research skills or supports, or within service delivery settings that do not allow sufficient time.
- Only contacting clients to get feedback on the service in an extractive way, and not as part of holistic service follow up or closure processes that support clients.

3. Resourcing outcomes-based practice

Resourcing is a limiting factor for outcomes-based practice in the legal assistance sector. Most organisations were not able to trial new outcome measurement activities for the Victorian pilot with their current resourcing, and instead have focused on existing practice examples and lessons.

Many services do not have dedicated staff for service design, monitoring, reporting or evaluation, and instead managers, lawyers, project coordinators or administration staff conduct these activities as a fraction of their role. For several participating organisations, a change of staff member or staff being on leave was sufficient to delay pilot activities by several months. Most organisations have no or very small budgets in project or service funding to conduct client engagement activities, or to hire consultants to support service design, research, or evaluations.

The experiences of participants in the Victorian Sector Outcomes Pilot highlight four areas where increased resourcing is required to support the move towards outcomes-based practice in our sector.

1. Service level resourcing, to build organisational capacity

Service funding tends to cover service delivery costs and does not provide adequate budget for effective service management including service planning, design, reporting, or evaluations, which require funding, people, and time to conduct. Core funding is required for these functions to be conducted within organisations. Project or service funding also needs to have budget allocated for the management costs required to plan, design, deliver, and evaluate services properly.⁶

This would enable organisations to:

- Employ and train staff with requisite skills, including interviewing, qualitative and quantitative data analysis, and evaluation and research.
- Plan for and implement organisational culture change activities, such as embedding reflective practice, and regular use of evidence to inform organisational and service decision making.
- Develop systems, practices and processes that support an evaluation culture.
- Make effective use of external consultants so that their engagement contributes to building evaluation capacity within the organisation or supplying specialist skills that organisations cannot realistically employ in-house.
- Participate in peer learning opportunities with other organisations in the sector.

2. Sector level resourcing, such as central roles in peak bodies

Initiatives in Victoria have shown the value of sector-level data and evaluation support functions.

For example, the Federation of Community Legal Centres Victoria has a small number of specialist staff who provide support and training across member centres and Victoria Legal Aid also provides coordination and support. The Victorian CLC Impact and Evaluation Community of Practice hosted by volunteers meets quarterly to share resources, ideas and support sector wide capability building. However, these resources are limited, and further resourcing is needed to provide hands-on support to services across the state, as well as connect and facilitate shared learning across the sector.

Funding for additional sector-wide roles hosted by peak bodies, with staff who have expertise in data collection and systems, analysis, and evaluation could be responsible for:

⁶ These recommendations have been made elsewhere, for example in McDonald, H.M., McRae, C., Balmer, N.J., Hagland, T., & Kennedy, C. (2020). Apples, oranges and lemons: The use and utility of administrative data in the Victorian legal assistance sector. Melbourne: Victoria Law Foundation. <https://victorialawfoundation.org.au/research/research-reports/data-mapping-project-apples-oranges-and-lemons>

- Undertaking discrete, outsourced pieces of work for legal assistance services (e.g., analysis of service data, or designing and analysing client feedback and engagement processes).
- Building evaluation capacity of services through activities such as short-term secondments, hosting sector learning events and sharing and promotion of legal assistance sector lessons and insights.
- Building the evidence base; for example, by coordinating shared research and evaluation projects across several organisations.
- Facilitating peer learning opportunities across the sector, such as facilitating communities of practice.
- Developing common tools such as question guides that can be adapted by organisations.

3. Better data systems for data collection, analysis, and use

The sector requires substantial, long-term commitment to funding for fit-for-purpose and customisable data systems that services can tailor and adapt to their needs. Investment in and tailoring of data systems needs to adhere to the latest guidance on Indigenous Data Sovereignty and Indigenous Data Governance, and this investment should start with and be led by First Nations legal services.

Moving to a greater focus on service outcomes requires investment in systems for service data collection and use, especially as the sector has well-documented limitations in administrative data systems.⁷ Such investments would enable services to manage service data easily, before moving to the next stage of managing more complex forms of outcomes data from client feedback. Ongoing funding for improving data systems would enable:

- Easy and consistent input of relevant client and service data.
- Automated analysis of quantitative data.
- Access to real time results.
- Interoperability between the systems used by legal assistance services and funders⁸ to give them each timely and ready access to quality information for data informed decision making.

4. National resourcing for strategic, feasible, and collaborative approaches to outcomes

Outcomes approaches to legal assistance are more than reporting. Investment across all stages of the service management cycle is required to effectively move the sector towards outcomes-based practice.

Outcomes-based practice that aligns with sector commitments such as the Organisation for Economic Co-operation and Development (OECD) guidelines for people-centred justice⁹, requires legal assistance services to invest in First Nations led approaches, lived experience led approaches and expertise, improve client engagement in service design, delivery and evaluation, and use learning to change and adapt services to achieve joint outcomes across the sector and with other public services. Building these capabilities in the sector is a required first stage before any move to outcomes-based reporting.

The lessons to date from the Victorian pilot support the sector resourcing recommendations made in the National Legal Aid (NLA) statement on 'Building the Evidence Base'. This includes a recommendation for funding over the life of the next NLAP agreement for legal needs analysis,

⁷ For example, as documented in the Victoria Law Foundation's Data Mapping Project:

<https://victorialawfoundation.org.au/research/research-reports/data-mapping-project-apples-oranges-and-lemons>

⁸ Interoperable systems communicate with each other automatically and securely share data. There are likely helpful lessons from other sectors, such as health (e.g., Australian Digital Health Agency's National Healthcare Interoperability Plan):

<https://www.digitalhealth.gov.au/healthcare-providers/initiatives-and-programs/interoperability-and-digital-health-standards>

⁹ OECD 2021. 'OECD Framework and Good Practice Principles for People-Centred Justice'.

<https://www.oecd.org/governance/global-roundtables-access-to-justice/good-practice-principles-for-people-centred-justice.pdf>

outcomes framework, building capacity and capability across service providers, evaluation framework and funding, research agenda and funding, and data strategy, as well as additional investment in lived experience led approaches, Indigenous Data Sovereignty and Data Governance, and data systems across the sector.

Careful consideration needs to be given in sector-wide approaches to what can be resourced and conducted most effectively at the sector level, and what needs to be resourced and conducted by individual services.

For example, legal needs analysis can be effectively resourced and conducted nationally or statewide.¹⁰ Such investment would be useful for individual services, who could also supplement this information about legal need via small-scale research on specific local issues, if needed and feasible. Similarly, effective investments in research and evaluation on priority issues of access to justice and impacts of legal assistance for priority client groups and contexts can be put to best use by combining the efforts of several organisations, rather than small organisations struggling to resource complex studies.

¹⁰ As has been done in Victoria in the Public Understanding of Law Survey, Victoria Law Foundation 2023.

Annex. Background: Victorian Sector Outcomes Pilot

The Victorian Sector Outcomes Pilot is a collaborative project from March 2022 – December 2023 with interested community legal centres and legal aid using our existing resources to share and trial ways to measure client outcomes.




The aims of the Victorian Sector Outcomes pilot are to:

- Learn together about how to best measure client outcomes in ways that are meaningful, useful, and feasible with our resources
- Develop common questions, tools, and resources to use across our sector
- Provide mentoring and tailored advice to build capability and guide the outcomes work we are doing in our organisations
- Strengthen the evidence base of the outcomes of our services for clients and the community
- To identify lessons to inform the approaches taken to outcomes of legal assistance in Victoria and in the NLAP; and identify the resourcing needed to implement outcomes-focused services.

Approach to the pilot

The working group offered a set of client outcome data collection questions for participating centres to trial or adapt where possible in their existing client feedback processes, or in a specific project if they were conducting client evaluation or research during the pilot period. Most organisations agreed that these align well with their own outcomes and client questions, though they needed to adapt the question wording to their client groups and the methods they used.

Client outcome questions: Adapted by participating organisations

	The service: Did it meet people's needs?	<ul style="list-style-type: none"> • I was able to get all the legal help I needed [*today, the last time I got help] from [service name] (Yes, Partially, No)
	The person: Do they better understand their options and feel confident to seek help?	<ul style="list-style-type: none"> • I understand how to deal with my legal problem • I feel confident to seek help if I have another legal issue (Strongly disagree, Disagree, Agree, Strongly agree)
	The problem/s: Did the service help with addressing the problem?	<ul style="list-style-type: none"> • Is the legal problem you got help with [*time element] resolved or ended? (Yes / Partially / No) If yes: <ul style="list-style-type: none"> • I am satisfied with the outcome of my legal problem • The outcome of my legal problem was fair • The lawyer [or other role] helped me fix my legal problem • If no or partially: <ul style="list-style-type: none"> • I am satisfied with how my legal problem is going • I am confident I will achieve a fair outcome • The lawyer [or other role] is helping me fix my legal problem (Strongly disagree, Disagree, Agree, Strongly agree)

A series of workshops were held to share examples and discuss what works well and what is challenging for creating outcomes-based services and measuring client outcomes. Case studies from each of the participating organisations will document how different organisations currently approach outcomes-based practice. Lessons from the pilot will be shared across the sector in 2024.