Apples, Oranges and Lemons

The use and utility of administrative data in the Victorian legal assistance sector

Hugh M. McDonald, Cosima McRae, Nigel J. Balmer, Tenielle Hagland, Clare Kennedy
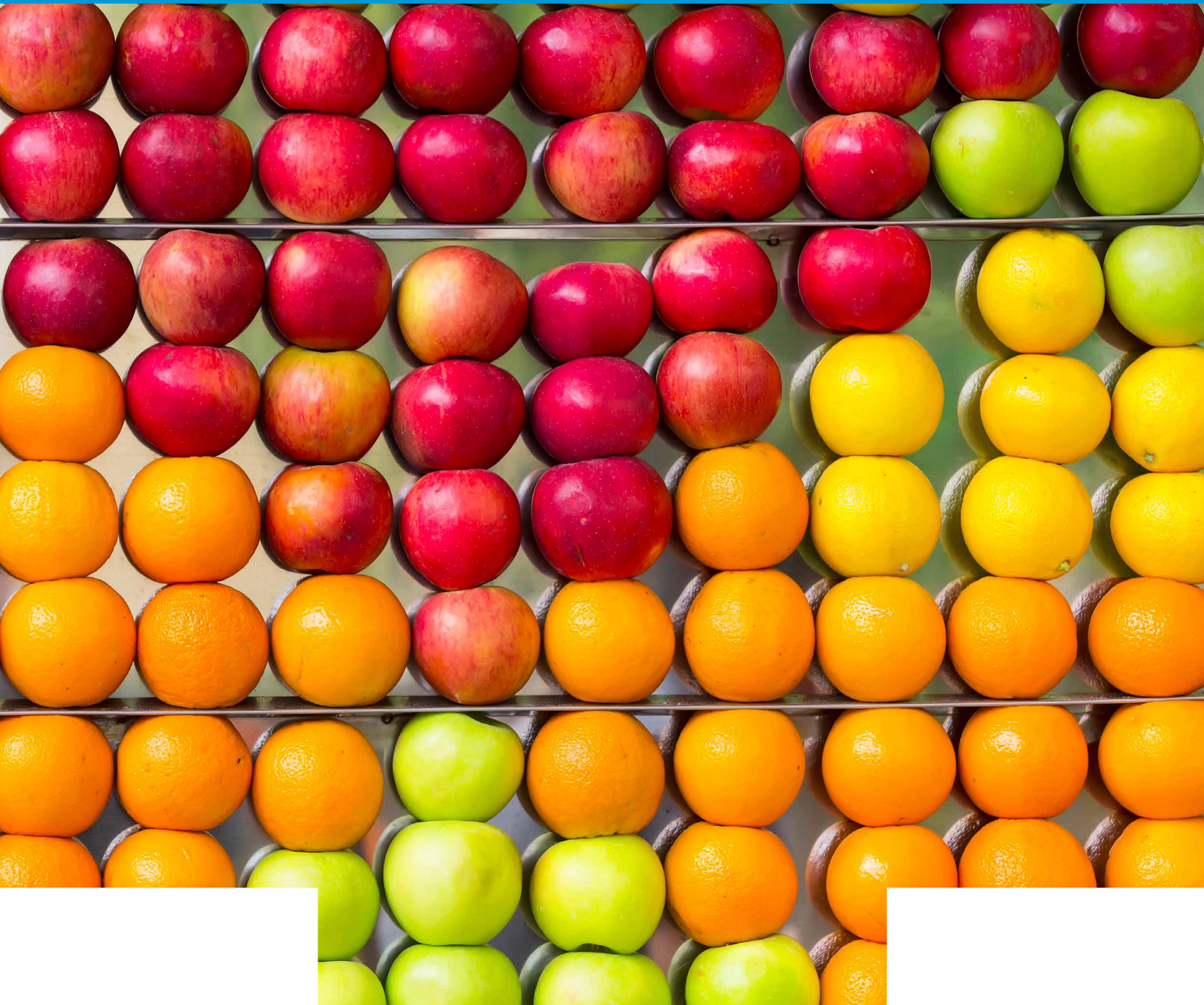
Victoria Law Foundation

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Victoria**Law** Foundation

Contents

Short forms

ABI	Acquired Brain Injury
ABS	Australian Bureau of Statistics
ASRC	Asylum Seeker Resource Centre
ATSILS	Aboriginal and Torres Strait Islander Legal Services
CLASS	Community Legal Assistance Service System
CLC	Community Legal Centre
CLCA	Community Legal Centres Australia
CLSIS	Community Legal Services Information System
CLSP	Community Legal Services Program
Consumer Action	Consumer Action Law Centre
COREQ	Consolidated criteria for reporting qualitative research
CRM platform	Customer Relationship Management platform
CRTs	Cluster randomised trials
DJCS	Department of Justice and Community Safety
DSM	National Legal Assistance Data Standards Manual
ECLC	Eastern Community Legal Centre
Federation	Federation of Community Legal Centres
HALO	Holistic Assistance and Legal Outreach
ILAP	Indigenous Legal Assistance Program
NCLC	Northern Community Legal Centre
NLAP	National Legal Assistance Partnership
NPA	National Partnership Agreement on Legal Assistance Services
RCTs	Randomised controlled trials
SMLS	Springvale Monash Legal Service
SSRV	Social Security Rights Victoria
VALS	Victorian Aboriginal Legal Service
VLA	Victoria Legal Aid
VLF	Victoria Law Foundation
WLSV	Women's Legal Service Victoria

List of case studies

Foreword

Establishing a research function at the Victoria Law Foundation was the first recommendation in the Access to Justice Review of 2016, endorsed by the Victorian Government. The aspiration was for the Foundation to play a key role as a centre of excellence in access to justice research.

In our early consultations about the sort of work which would be of greatest benefit to the sector and the community, it became clear that data we might seek to use involved a large number of agencies and was of variable quality. Mapping the data held across the sector was therefore identified as a foundational project: what was there, what shape it was in, how it was used and what further interrogations we could make of it.

It quickly emerged that a topography of this kind was also going to be of significant use to the agencies themselves and their funders, in understanding the broader sectoral experience, and building capability. We focused the first part of our data mapping project on the legal assistance sector – the cornerstone of community access to justice in Victoria.

'Evidence based decision making', the idea that policy should be informed by rigorously established objective evidence, has become a mantra around the world for both policy makers and service delivery agencies, and no less in Victoria. In the interviews for this project, we encountered an enormous appetite for data and evidence – both from funders and frontline services. Everyone recognises the value it can deliver in efforts to improve access to justice for Victorians.

In this regard, administrative data is low hanging fruit. Agencies collect it already so it is inexpensive; it is as close to a universal impression of service use as we're likely to get; and there is often years of data which can be mined for trends and change. Used effectively, service providers get a reliable picture of where the dollars go: who they helped, in what ways, and their responsiveness to change over time. It can be forged into a valuable tool for government and other funders to develop a more sophisticated understanding of legal need and effective responses. So maximising the utility of administrative data makes patent sense.

This is not what we found. Despite willingness, there were significant issues with accuracy and consistency of data, and barriers in collection and use – inadequate and/or numerous data systems; diverse data requirements for different stakeholders; inconsistent recognition of the value of data collection; mixed staff capability; and for many, a wicked tension between spending tight resources on frontline services and investing in data systems and practice.

One size never fits all, and different organisations have different data needs, but higher levels of accuracy and consistency would benefit everyone, most particularly Victorians in need of legal assistance.

There are some clear implications from this research. Quality data requires collaboration to deliver consistent standards – from funders as much as service providers. It requires resourcing and investment in better systems and practices. It requires a commitment to the day to day reality of building the evidence base, as much as to the rhetoric.

Lynne Haultain
Executive Director, Victoria Law Foundation
May 2020

Executive Summary

What is administrative data?

Administrative data is information collected and stored as part of the everyday functions of organisations, commonly providing a record of activities, such as the number and types of services. However, it can provide far more than a simple record of transactions, making an important contribution to research and policy. In the legal assistance sector, it has the potential to answer critical access to justice questions.

Governments use administrative data to monitor performance against policy objectives, to understand what works in service delivery, and to capture client and service outcomes. Policy makers and researchers globally increasingly appreciate how administrative data can be used as a tool to understand complex social policy settings. Service providers also demand more from their administrative data, as they seek information to help design more effective and efficient services.

Using administrative data comes with challenges, but also distinct advantages. Administrative data can reveal valuable real time insights into clients or service users and the outcomes services achieve. It can monitor change over time, gather insights on sensitive issues, and capture diverse, often hard to reach subgroups of the population. Since it already exists in organisational and institutional records, using administrative data reduces the burden and cost of additional data collection complements other research methods.

This report

To date, the data collected by the Victorian civil justice sector has not been systematically explored. To unlock the potential of administrative data, we must first understand what data exists, in what form and quality, and how it is currently used.

The Victoria Law Foundation Data Mapping Project looks at three branches of the Victorian civil justice system: the legal assistance sector; courts and tribunals; and alternate dispute resolution and complaint mechanisms. The aim is to explore civil justice system data and its context. This is a foundational step in understanding its availability, suitability and utility in answering access to justice questions.

This report details findings from Stage 1, examining the administrative data collected by Victoria's public legal assistance sector. Specifically:

- what administrative service data is collected

- the quality of that data – its accuracy and consistency

- how the legal assistance sector uses administrative service data, and what they want to be able to use it for.

This was done by interviewing representatives from 29 legal assistance organisations across Victoria, including community legal centres, Victoria Legal Aid and Aboriginal legal services. Other materials, such as client intake forms, were also collected and analysed; and interview responses and collected materials were analysed using qualitative techniques.

What was found

Data inconsistency and inaccuracy

Data collection and practices across Victoria's public legal assistance sector varied considerably. Variable data practice was not always a bad thing. There were several examples of strategic, innovative and agile data practices within participating organisations.

However, between organisations, what and how data was collected and what systems and practices were used was inconsistent. There was also evidence of broad quality issues, with a minority of participant organisations confident that their data was highly accurate. This inconsistency and inaccuracy preclude credible sector-wide use of administrative data.

Basic data elements were treated inconsistently. For example, data collection differed on how key demographic and service features were measured and recorded. Inconsistent data practices extended to who entered data and when; how comprehensive entry was; whether and how data entry was checked; as well as the interpretation and application of data standards. Variations meant core components of the legal assistance sector's administrative data, such as client demographics and services delivered were not consistently recorded.

Data utility is undermined by poor quality data. Sector-wide legal assistance data will include inaccurate, inconsistent and missing data, which is masked in large aggregated datasets. Inconsistent data and data practice means comparing apples to oranges, with confidence in sector-wide administrative data analysis and comparison misplaced. Inaccurate data introduces lemons, further undermining data utility. Inconsistent and inaccurate data is like trying to compare apples, oranges and lemons.

Despite efforts to improve legal assistance sector data accuracy and consistency in response to successive reviews and inquiries, the findings show that data quality deficiencies remain. Moreover, investment in improved data and data capability in one part of the sector may be undermined by poor data and practices in another.

Data use and database limitations

Individual organisations were using administrative data for a range of functions: to report to funders; make submissions to government and inquiries; plan services; conduct research; and to evaluate services. Many participant organisations had a sound understanding of data strengths and weaknesses, and knowledge of how practices varied amongst organisations.

There was widespread evidence of administrative data being used in pragmatic and useful ways, including to learn more about clients, services and communities, and to better respond to legal and other need.

This included collecting data that went beyond reporting requirements, often to monitor and evaluate specific projects or programs, or more fully capture clients' legal and related needs. However, this data was often collected in discrete spreadsheets rather than using the organisation's main data system. This was a rational response to database limitations, but typically meant such data was not readily available for broader analysis, resulting in missed opportunities for shared learning from such efforts.

Some data systems were difficult to modify and interrogate, and legal assistance organisations expressed frustration with their rigidity. Several Victorian legal service providers had recently invested in new data systems and human resources to provide more functionality and meet organisational need.

Data demands and capability

Reporting to funders and governments placed a substantial burden on organisations. On average, participating organisations had nine funding streams with separate reporting requirements. Reporting requirements also changed frequently, creating further challenges.

The data capability of legal assistance organisations varied significantly, often as a function of size of organisation, with evidence of polarisation in capability. There were several participating organisations which had embarked on innovative service provision and associated data work, including improved monitoring, evaluation and data-led service planning and design. Others had limited time for data beyond compulsory reporting.

More generally, organisations reported demands for data without commensurate resourcing. Organisations explained that funding for frontline services was more readily available than funding for back-end operations, such as data practices. For some, allocating resources to back-end data and other operations came at the expense of frontline service delivery. For many of these services, this made such allocation impossible.

The single biggest barrier to responding to data demands and improving data capability was a lack of dedicated funding and infrastructure to support data practices.

Capturing complexity and the value of legal assistance

Participating organisations reported that the administrative data currently collected did not fully gauge the value of work, failing to adequately capture the complexity of clients and matters. Simple service counts did not capture the relative effort required to meet some clients' legal needs. There was a broad consensus that measuring the impact of legal assistance services was complex and difficult to achieve with available administrative data.

There was widespread interest in measuring outcomes, broadly defined as a means to demonstrate individual and collective impact. Participants could point to outcome measurement frameworks, which examine the range of contributions legal assistance services might make, but also to the challenges associated with measuring these contributions. Not all outcomes are equally easy to capture, and several barriers were cited, including difficulty defining outcomes, data quality, implementing measures in diverse settings, limitations of data management systems, and the resources required for data collection and analysis.

There were also broader questions regarding the methodological limits administrative data in measuring outcomes, and the need for complementary research methods to successfully quantify impact.

A way forward

A worldwide shift in access to justice policy, from 'top-down' institutional perspectives focused on legal problems involving formal processes, to 'bottom-up', focused on the ability of individuals to resolve problems, requires review of the utility of different models of legal assistance services. Where policy shifts, reshaping service priorities and models, data systems and practices must keep pace and shift accordingly. This means that the data foundations need to be sound.

At present administrative data fails to meet its potential, though findings indicate a number of ways forward:

- Quality data requires standards, protocols and infrastructure in order to get the basics right. Data quality frameworks can assist in this. The movement to measure outcomes places a further premium on data consistency and accuracy. This includes the need for modern, fit for purpose data management systems that reflect the work of services, and meet data collection, reporting, outcome measurement and policy needs.

- Quality data requires leadership, collaboration and coordination to marshal and foster cross-sector development. Building a quality evidence base needs strategic thinking and commitment to drive improved data culture and practice. Governments, funders and service providers need an agreed direction of travel and the realistic means to get there.

- Quality data requires investment in people and time, in resources and capability. Without funding, building data capability and practices comes at the cost of frontline legal assistance service capacity, presenting an unacceptable dilemma.

There is work to be done, but unlocking the potential of administrative data can have wide ranging benefits for governments, funders, policy makers, legal assistance service providers, and ultimately Victorians with civil justice needs.

1.   Introduction

This chapter examines what administrative data is and how it can be used for policy and research, including to investigate access to justice questions. It sets out the benefits and challenges of using administrative data in research, and the importance of assessing its quality, consistency and accuracy.

Key points

- This report is the first in a three-stage project that explores the administrative data collected in the Victorian civil justice system, setting out research findings from the Victorian legal assistance sector.

- Administrative data is information collected and stored as part of the everyday function of organisations, including registrations and record keeping. In the legal assistance sector, the administrative data consists of records of clients and services delivered to them.

- The project aims to map the administrative data collected across the Victorian legal assistance sector, understand its use, its quality and consistency, factors influencing its utility, its limitations and potential future directions.

- Administrative data has an important role to play in evidence-based policy. Administrative data can sometimes be used to answer critical access to justice questions.

- Administrative data has certain benefits for policy makers and researchers. It already exists (reducing costs compared to made data[1]), is often large in size, provides information about service users who are otherwise hard to reach, and can complement other forms of data.

- Administrative data also has challenges, including safeguarding personal information and difficulty in repurposing data for research and analysis. Understanding data quality and whether it is fit for purpose is vital.

1.1 Victoria Law Foundation's data mapping project

Victoria Law Foundation's (VLF's) data mapping project examines:

- what civil justice data is available across the legal assistance, court and tribunal and dispute resolution sectors

- the form the data is in, including its accuracy and consistency

- what this data is currently used for, by individual organisations, funders and others

- how it might be used in the future

- what might need to be done to enhance its use and utility for access to justice research and policy

- what access to justice research questions it can and can't answer.

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1   i.e. made by researchers and designed specifically for research purposes, as opposed to data collected for purposes other than research, typically without design input from researchers.

The project aligns with VLF's aims, which include improving access to justice through research to better understand and address the legal needs and experience of Victorians. This includes understanding the delivery of legal assistance services; the prevalence of legal problems in people's lives; how Victorians access help when they encounter legal issues; and what can be done to improve the accessibility and operation of the justice system.

The project responds to a priority research need of the Victorian civil justice sector. In 2018, VLF conducted a series of roundtables with stakeholders and experts to identify opportunities and challenges for empirical legal research. Understanding the current state of administrative data was identified as a priority and a critical first step to better understand the data landscape and what access to justice questions it can be used for. Mapping the data landscape was seen as a valuable contribution, both in itself and as a foundation for future research by VLF and others.

More broadly, this project aligns to the well-recognised need to ensure that data collected by the civil justice system captures accurately and fully the needs of those who use it.[2] It does so by interrogating the coverage and quality of data collected, and by identifying areas for improvement.

The project consists of three stages, which together map the administrative data landscape of the Victorian justice sector:

- Stage 1 – the legal assistance sector (the focus of this report)

- Stage 2 – the courts and tribunals

- Stage 3 – the complaint and dispute resolution sector.

Separate reports will be produced for each stage.

1.2 What is administrative data and how can it be used for research?

Administrative data is information collected and stored as part of the everyday function of organisations or departments.[3] In the public sector, common uses include recording output activity, such as number and types of services and transactions.[4] Administrative data is frequently large in size and scope, constituting a distinct type of what is often referred to as 'big data'.[5] It is often easy to access, available in real time and can be analysed to reveal patterns, trends, links and other data insights about clients or service users and outcomes.

In the context of the justice sector, examples of administrative data include:

- records of courts and tribunals about the parties and the outcomes of matters

- information collected by legal assistance services about the demographics and life circumstances of their clients,[6] what legal issues they face and what type of assistance or services was provided

- records kept about the amount of and reason for a fine or infringement.

Administrative data is not principally recorded for the purposes of research, nor typically designed with research or evaluation questions in mind.[7] However, there is increasing global interest in this data from policy makers,

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2   Department of Justice and Regulation (2016).
3   Jones et al., (2019); Connelly et al., (2016); Grimes (2010).
4   For example, administrative data include patient information in healthcare settings, licensing and registration of drivers and vehicles, taxation and social security information (see further Connelly et al., (2016), Grimes (2010), Jones et al., (2019).
5   Despite often being overlooked in discussions of big data (see Connelly et al., 2016) it fulfils the definition of having size, variety and velocity (Kitchin, 2014). It contributes to a significant, growing movement focused on use of such data in social sciences.
6   A client, for the purposes of this report refers to people who use legal assistance services and whose details are generally recorded for things such as conflict checking and for record keeping. We note that in the legal context there is a particular meaning to the word 'client' as it relates to the relationship between lawyers and clients, with attendant professional obligations. However, for the purposes of this report, we adopt the language of the legal assistance sector, where the term client has a broader meaning.
7   While this is not always the case, research and evaluation involve repurposing, introducing technical and practical challenges, see Connelly et al., (2016); Grimes (2010); Hand (2018).

government agencies and researchers in administrative data as a form of 'big data'. Their interest is to use it to analyse complex social issues, either alone or in combination with other data sources and methods (such as interviews or surveys) to build evidence and insights to better inform policy.[8]

In 2017 the Australian Productivity Commission's *Data Availability and Use report recommended increased use of administrative data to improve the delivery of services and outcomes for Australians, including improved government services and policy.*[9]

Appropriate use of quality administrative data in research can have impact. It can make a stronger evidentiary case for policy proposals, highlight and quantify social problems, assist in more targeted allocation of resources and help answer persistent empirical questions in law and social policy.[10] However, together with the benefits in using administrative data for research, there are also identified challenges.

1.3 Benefits and challenges of administrative data for research

Administrative data has a range of recognised benefits for researchers and other data users, including that it:

- complements other forms and sources of information, such as survey data

- can be linked to other administrative datasets or survey data[11]

- usually delivers larger sample sizes than surveys, and can provide information about entire populations, such as all service users[12]

- can enable analysis of changes over time, including those associated with evolving environments and policy reforms, as well as specific events such as bushfires, pandemics etc.[13]

- can provide objective evidence about change and outcomes, rather than self-reported outcomes or opinion

- enables researchers to study groups of people who may be unlikely to take part in surveys or interviews, allowing analysis of otherwise hard-to-reach subsamples

- covers some issues that respondents may be less likely to disclose in social surveys (e.g. mental health problems or substance abuse)

- reduces burden on researchers and subjects, particularly relative to alternative methods of collecting research data such as conducting and participating in surveys[14]

- provides relatively fast, inexpensive data compared to generating a new dataset.[15]

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8   Hastings et al., (2019); Connelly et al., (2016).
9   The Productivity Commission (2017) also identified administrative data as a source of information that can be used to help reduce costs and increase efficiency, p.111-113.
10   Jones et al., (2019); Hastings et al., (2018).
11   Jones et al., (2019).
12   Connelly et al., (2016).
13   See further Connelly et al., (2016).
14   Connelly et al., (2016).
15   Goerge (2018).

The following two examples illustrate key benefits of using administrative data and rigorous research designs to evaluate the outcomes of interventions such as employment and legal assistance programs.[16]

Employment program

A study in Chicago[17] used administrative data to investigate whether summer school holiday employment programs for young people reduced violent crime. In two randomised control trials in 2012 and 2013, researchers randomly assigned 6,850 young people to either a summer holiday employment program (the treatment group) or a control group (who were not offered an employment program). The researchers tracked the outcomes of participants over the next three years using the following administrative data:

- Chicago Public School records, to assess enrolment, grade level, course grades and attendance

- Illinois State Police arrest records

- Illinois Department of Employment Security unemployment insurance records.

Researchers matched participants to these datasets using their name, date of birth and social security numbers. The results showed that there was a reduction in arrests for violent crimes for young people who were offered the employment program. However, the study also found that many of the supposed benefits of these programs, such as employment and school outcomes, were not associated with participation in the program.

This study highlights the benefits of using administrative data in research, including access to information that may be difficult to obtain from participants (particularly over time), and is easier to collect (and more complete) through matched administrative records rather than through surveys or interviews.

Housing legal assistance

A 2001 study in New York City's Housing Court[18] used administrative data to evaluate the impacts of legal assistance to low-income tenants. The study randomly assigned eligible tenants into one of two groups: a group that were offered legal counsel (the treatment group) and a group who were not (the control group). The researchers used court records to measure the outcomes amongst participants, including:

- if the tenant defaulted or failed to appear

- if a judgement was made in favour of or against a participant

- if a warrant for eviction was ordered

- how long the matter lasted

- the number of motions filed in the case.

The study found benefits for participants in the treatment group (i.e. those that were offered legal counsel). The study also found that although the matters of participants in the treatment group sat on the court docket for longer compared to those in the control group (i.e. those without legal counsel), there was no significant difference in court workload through more court appearances or motions.

This study again demonstrates the benefit in using administrative data for research and evaluation, and that when appropriate, it can be successfully repurposed for research, including to measure outcomes of randomised control trials.

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16   The two examples are randomised controlled trials (incorporating administrative data), which constitute high quality evidence when attempting to quantify the impact of an intervention. There are countless examples of administrative data being used for research in isolation (i.e. without any intervention, accompanying survey or experimental elements (see for example, Balmer et al., (2013); Patel et al., (2014); Balmer et al., (2012) or in combination with other methods, such as social surveys (Pleasence et al., (2013). Hastings et al., (2019) also bring together a number of examples of administrative data answering key research/policy questions alongside approaches to data infrastructure.

17   Davis and Heller (2017).

18   Seron, et al., (2001).

- These benefits notwithstanding, researchers who want to make use of administrative data need to understand the challenges[19] and respond appropriately. Recognised challenges to using administrative data include:

- safeguarding and controlling personal information where consent hasn't been given to use it for research or other purposes[20]

- large sample sizes leading to spurious statistical associations[21]

- the considerable work needed to manage and make repurposed administrative data fit for research purposes

- variable data quality and the need to properly assess or take account of quality.

1.4 Assessing the quality of administrative data

Administrative data is often relied upon with little assessment of its quality, nor the appropriateness and limits of its use for research and analysis.[22] This is a significant oversight. Assessing data quality is critical, particularly since seemingly clean datasets can mask bias, incompleteness and errors.[23] A number of factors have an important bearing on data quality and consistency, including:

- exactly what is being collected, who collects it and when it is entered

- why data was collected in the first place[24]

- what training, interpretation and documentation supports data collection practices, and if these are consistent across collection sites

- whether there are incentives in place that support accuracy

- whether there are any processes for auditing, checking and rectifying data errors or omissions (e.g. automated data validation, manual data entry cross-checks)

- if there are performance indicators or targets associated with the data.[25]

To have confidence in administrative data to answer research questions or form the basis of policy decisions, data quality needs to be interrogated,[26] and consistency and accuracy assessed.[27] This should be through a systematic process, with no assumptions made.[28] One way to implement such a process is through a data quality framework. Such frameworks provide a structured approach to assessing whether or not administrative data are fit for purpose, ensuring that research or policy analyses based on data can be used to draw meaningful conclusions.[29] Data quality frameworks are standard tools for national statistics agencies including the Australian Bureau of Statistics,[30] and are common in health and other sectors,[31]. They will be revisited later in the report.

Assessing and addressing data quality can be a resource-intensive process.[32] However, it helps to identify limitations of data and to understand the improvements needed to answer key questions – and ultimately increases confidence in evidence-based policy.

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19   Which have been discussed extensively, for example, by Connelly et al., (2016); see also Hand (2018); Grimes, (2010); Jones et al., (2019).
20   For example, protecting privacy, confidentiality and restricting who is granted access, see Productivity Commission (2017), p.111-113.
21   Grimes (2010). Large datasets frequently yield associations with statistical significance, yet little practical significance.
22   And unlike survey-based data, not considered subject to any uncertainties; see UK Statistics Authority (2014).
23   A credible assumption when using administrative data, see UK Statistics Authority (2014). See also Hand (2018).
24   Goerge and Lee (2002).
25   All of which can influence data quality and consistency. See Connelly et al., (2016) for a review of some of the key considerations.
26   Reid et al., (2017).
27   See for example: Byrom (2019); Connelly et al., (2016); Blank (2009); Grimes (2010); Hastings et al., (2018).
28   See for example, Connelly et al., (2016); Hand (2018).
29   Smith et al., (2018).
30   Australian Bureau of Statistics (2009).
31   Statistics New Zealand (2016); European Statistical System Committee (2017); OECD (2011); UK Statistics Authority (2014); Reid et al., (2017); Smith et al., (2018).
32   Hand (2018).

1.5 Using administrative data for access to justice questions

Internationally, administrative data is recognised to have potential to measure various aspects of how the justice system operates, including questions about who can access and make use of the civil justice system and for what type of civil issues, and who accesses and makes use of public legal assistance resources.[33]

In Australia, successive inquiries and reviews have identified improved data collection and consistency as a prerequisite for data-informed policy and performance measures, including assessment of access to justice outcomes.[34]

This is consistent with wider policy reform across Australian governments, using data and empirical evidence to drive policy insights and interventions and to monitor and evaluate policy outcomes and impact.[35]

Data consistency is widely identified as a condition for sector-wide analysis. For example, the United Nations Governance Statistics Handbook 2020 states:

> *Data must be produced with congruency. If different institutions apply different counting rules and different methods, then data is not an equivalent and direct comparison is not possible.*[36]

The Productivity Commission's (2014) *Access to Justice Arrangements* inquiry report identified several deficiencies in legal assistance sector data and recommended significant investment and improved cooperation between governments and sector leaders to increase data quality, consistency and utility.[37]

Another feature of successive reviews of the Australian legal assistance sector is policy reform that affects funding, services, programs, objectives and arrangements.[38] Several initiatives have been aimed at improving both legal assistance sector data consistency and practice.[39] At present however, little is known about the impact and outcomes of these reforms. In part, this is because there is no easy access to reliable baseline data to measure change, but also because there is a lack of rigorous methodology to determine which policies and interventions work. Interrogating the quality and utility of administrative data is a sound place to start.

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33   Governance Statistics Praia City Group (2020), p.107.
34   For example, some relevant inquiries and reviews in only the last five years include the Productivity Commission's (2014) report on *Access to Justice Arrangements*, the Victorian *Access to Justice Review* (Department of Justice and Regulation 2016), Productivity Commission's (2017) report on *Data Availability and Use, the Review of the National Partnership Agreement on Legal Assistance Services 2015-2020* (Urbis 2018), the Law Council of Australia's (2018) *The Justice Project*, the *Review of the Indigenous Legal Assistance Program (ILAP) 2015-2020* (Cox Inall Ridgeway 2019) and the *Family Violence Prevention Legal Services national evaluation report* (Northern Institute at Charles Darwin University (2019).
35   See for example: Productivity Commission (2017), p.111-113.
36   United Nations Governance Statistics Praia City Group (2020), p.10.
37   These included: inconsistent measures of services and demographics used across the sector, insufficiently detailed data for the purposes of policy making, insufficient information about outcomes, incomplete and inconsistently reported and collected data, inadequate data management systems and information technology and a lack of resources to collect accurate and useful data. See further Productivity Commission's (2014) *Access to Justice Arrangements*, recommendations 21.8, 25.2, 25.3 and 25.4.
38   See for example, the Victorian Government's (2017) *Access to Justice Review – Government Response* Department of Justice and Regulation's (2016) *Access to justice review* in Victoria.
39   See for example, Attorney-General's Department (2015) and a further discussion in Sections 4.4 and 4.5.

1.6 About this report

This report sets out the findings of Stage 1 of the VLF's data mapping project, specifically focused on the legal assistance sector. It sets out key findings about:

- what administrative data exists and what it is currently used for

- its quality and consistency

- how funding and environment challenges in the legal assistance sector affect data

- the factors that determine the capacity of the legal assistance sector to collect data

- the limitations of the data currently collected to measure the complexity of clients and services

- future directions, and what needs to happen to increase the utility of data.

While these findings relate to Victoria's legal assistance sector, they have broader implications for the Australian legal assistance sector at a time of increasing focus on the use of data to measure performance and set policy agendas.

The project methodology is described in Chapter 2, including how participant organisations were recruited, how information was collected, the limitations of the approach taken and the analysis process.

Chapter 3 provides an overview of Victoria's legal assistance sector, including the organisations that constitute it, what services it provides, how it is funded and the people that access it.

Chapter 4 sets out the research findings in five sections:

- 4.1 sets out the data collected by organisations, how it is collected and what it is used for by individual organisations.

- 4.2 explores organisations' views on the legal assistance sector funding environment. It focusses on how reporting to funders and the allocation of funding shapes data collection and reporting. This section also investigates the perspectives of funders (such as government agencies) on data collection, use and aggregation.

- 4.3 combines qualitative analysis of interview responses, and a review of documentation to examine the factors that affect data consistency and accuracy. It also addresses the capability and capacity of organisations to work with administrative data.

- 4.4 explores organisations' views on the current limitations of administrative data to capture the what they do and the full complexity of legal assistance services and clients.

- 4.5 discusses the movement to try to measure client outcomes and the impact of services, and its implications for the legal assistance sector, policy makers and researchers.

Chapter 5 contextualises and discusses the findings and suggests some key strategies for enhancing the utility of administrative data in the legal assistance sector.

Throughout this report illustrative case studies about participating organisations and their experiences with administrative data are presented.

1.7 Acknowledgements

2.   Methodology

> This chapter sets out the research methods used in this project. The project design, recruitment of participant organisations and collection of information are detailed, and limitations identified. Finally, this chapter outlines the way in which the analysis was conducted.

2.1 Overview

This chapter sets out the methodology for Stage 1 which focusses on the Victorian legal assistance sector. VLF conducted qualitative interviews with legal assistance organisations to explore what administrative are data collected and its use. In addition, VLF reviewed documentation provided by participant organisations and consulted with key stakeholders.

Prior to commencing this project, the Federation of Community Legal Centres (Federation) was consulted to inform the scope and focus of the project and discuss how the burden on participant organisations could be minimised.

2.2 Data gathering

Sampling

Legal assistance organisations[40] across Victoria were invited to participate in the study,[41] and interviews were conducted with all that agreed to participate. Interviews were conducted with most legal assistance organisations in Victoria (29 of 49).[42] A list and short summary of the organisations which participated in the study can be found in Appendix A.

The sample included metropolitan and regional, and generalist and specialist organisations. The number of interviews was sufficient to reach thematic saturation, meaning that by the time fieldwork ended, new issues or themes were no longer emerging.[43]

Interviewees were selected by their organisations, represented their views and had experience and knowledge of the administrative data collected by their organisation and its use.[44] Interviewees included those with responsibility for management; administration; operations; data management; and monitoring and evaluation.

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40   For the purpose of this report, legal assistance organisations refer to public legal assistance organisations. These include community legal centres, Victoria Legal Aid, Aboriginal and Torres Strait Islander legal services and family violence services. The Foundation recognises that private law firms also provide legal assistance through paid and pro bono services, however this project focused on services which are in large part or solely reliant on funding from government and philanthropy.

41   Each identified legal assistance organisation in Victoria was sent up to two emails inviting them to participate in the project.

42   The Federation of Community Legal Centres 2018/19 Annual Report notes they have 48 community legal centre members across Victoria. The 49th organisation is Victoria Legal Aid.

43   Given (2008). New codes or themes no longer emerging has also been referred to as inductive thematic saturation contrasting this with other models of saturation, see Saunders et al., (2018).

44   Key consideration of sampling is personal experience or knowledge of topic being examined (Cleary et al., 2014).

Interviews and document collection

Interviews were conducted from early October to late November 2019. The semi-structured interviews were approximately one hour in duration and involved a mix of open-ended and closed questions.[45] Interviewees were asked the same questions and had opportunity to discuss and explore issues that were not raised in the topic guide (which can be found at Appendix B).

Interviews were conducted in-person or by telephone. No limit was placed on the number of people participating in each interview, and the number of interviewees ranged from one to three.[46] In total, 47 individuals, from 29 legal assistance organisations, were interviewed.

Interviews were conducted by members of the VLF's research team and were recorded and transcribed. VLF researchers also made field notes to aid interpretation. Hard copy documents were requested during the interview, such as intake forms or other documentation setting out the data organisations collected.[47]

At the beginning of each interview, the VLF's policies and commitment to informed and ongoing consent was set out. This included providing each interviewee with a consent form outlining the project and how the VLF would use the information. Participation was entirely voluntary, and consent could be withdrawn at any point.

Permission was sought from participating organisations to name their organisation as a participant, and where relevant, to use verbatim quotations extracted from the transcripts and to report case studies. Approvals were received from all the legal assistance organisations interviewed. Where interview participants are quoted, attribution is provided to the geographic (state-wide, metropolitan or regional) and nature (generalist or specialist) of the legal service rather than the interviewee or organisation name.

Other consultations

Interviews were also conducted with representatives from these peak legal bodies and legal assistance service funders:

- Federation of Community Legal Centres
- Victoria Legal Aid
- Department of Justice and Community Safety
- Victoria Legal Services Board + Commissioner
- Law and Justice Funders Network
- Victoria Law Foundation.

Limitations

Though interviews included the majority of the legal assistance organisations in Victoria, not all organisations in the legal assistance sector were interviewed. Similarly, intake forms and information on data variables were received from most, but not all, participating legal assistance organisations. It is therefore important to bear in mind that while the analysis and findings represent a broad cross-section of Victorian legal assistance service organisations, several community legal centres were not included and it is possible that their participation may have yielded some additional or different findings.

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45   In closed-ended questions participants will typically have pre-defined response options to choose from. Open-ended questions do not have pre-defined responses, with participants invited to respond in their own words.
46   Only Foundation researchers and participants were present at interviews, with no non-participants.
47   15 of the 29 organisations that participated provided intake forms and 12 organisations provided other materials, including monitoring and evaluation frameworks, data variable spreadsheets and other documentation relating to data collection and reporting.

2.3 Analysis process

Though there was often more than one interviewee present during an interview, the unit of analysis was the organisation rather than the individual.

Consistent themes emerged over the course of the interviews. Once all interviews were completed, mixed method analysis on the interview transcripts and the documentation provided (intake forms and additional information regarding data variables) was conducted.

Each transcript was thematically coded[48] by five VLF researchers. This involved taking sections of each interview transcript and categorising them according to identified themes, such as those relating to data quality or data capability. Quantitative analysis was also undertaken on the transcripts in relation to answers to closed questions, such as the administrative database used by organisations or roles of staff with responsibility for data entry.[49] Documentation provided by interviewees (such as intake forms and information on variables included in data) was also examined to identify similarities, differences and gaps in data collection.

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48   Generally applying a grounded theory approach where codes are established as repeated ideas emerge, reviewed as data is collected/analysed and grouped into concepts or categories.

49   Quantitative summaries of these variables were appropriate since all legal assistance organisations identified (the population of interest) were given an equal opportunity to participate, rather than purposive, convenience or snowball sampling for example. See Tong, et al., (2007).

3. Victorian legal assistance landscape

This chapter describes the Victorian legal assistance sector landscape: which legal services comprise the sector; what they do; who they assist; and how they are funded.

Key points

- The public legal assistance sector is an important part of the safety net for vulnerable and disadvantaged Victorians, and supports the efficient and fair operation of the justice system.

- Public legal services provide a mix of services, using a variety of service models. Some legal services provide legal assistance for general legal problems (generalist services) and others have a narrower scope and focus, such as specific demographic cohorts or legal issues (specialist services).

- Demand for public legal assistance exceeds supply, and consequently services target priority clients, who are financially or otherwise highly disadvantaged. Less intensive services, such as legal information and referral, are more widely available to the public.

- Public legal services are funded by a mix of Commonwealth and Victorian funding, although some community legal centres have other sources, such as not-for-profit or philanthropic organisations. Funding can be for the core functions and business of a legal service or it can be project specific, for example for a pilot legal program.

- The Commonwealth Government sets the National Legal Assistance Policy, which seeks to achieve a legal assistance sector that is integrated, efficient and effective, focused on improving access to justice for disadvantaged people, and maximising service delivery within available resources.

- Administrative data collected by legal assistance organisations and reported to the Victorian and/or Commonwealth governments is used to monitor and assess performance of the sector.

3.1 Victoria's legal assistance sector: what it does and who it assists

Victoria's public legal assistance services are vital to access to justice for Victorians. They help the community enjoy fundamental legal protections under the rule of law. The *Access to Justice Review* by the then Victorian Department of Justice and Regulation[50] found that:

> *Legal assistance services are an important part of the safety net for vulnerable and disadvantaged people in Victoria. These services help to ensure people are treated fairly in the justice system. Such services also help to resolve legal issues that can have a direct influence on people's wellbeing. Legal assistance services also support the efficient operation of the justice system.*[51]

The review also found limits to the ability of the legal assistance sector to meet community legal need, noting the importance of effective and efficient use of resources:

> *However, as the Productivity Commission outlines in its 2014 Inquiry Report into Access to Justice Arrangements, there are significant unmet legal needs in the community.*[52]

> *It is therefore critical that legal assistance resources are used as efficiently and effectively as possible. To maximise value for government's investment in legal assistance, it needs to be provided in the right ways, in the right places, to those most in need.*[53]

Administrative service data has also been identified more generally as making an important contribution to informing efficient resource allocation, in both legal and other sectors.[54]

More generally, public legal services:

- help raise community awareness and understanding of law and the operation of the justice system
- help people to navigate the justice system and ensure they are treated fairly
- help people understand how the law affects them, what options they have and what the consequences of different actions may be
- provide a suite of legal assistance services, like legal information, education, advice, task assistance, casework and representation – subject to service eligibility requirements
- are provided in a range of forms and modes (e.g. oral, written, in-person, telephone, digital etc.).

The *Access to Justice Review* also found that public legal services have wider public benefits, in helping to:

- reduce costs to the justice system when legal problems escalate by supporting the effective operation of the courts
- reduce costs to other taxpayer-funded services when legal problems escalate (such as public housing costs where unemployment and eviction could have been avoided with appropriate legal advice)
- fill gaps in the legal services market
- strengthen equity for people experiencing disadvantage, building social cohesion and a shared commitment to the values of a community and a justice system that treats people fairly.[55]

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50   Now known as the Victorian Department of Justice and Community Safety.
51   Department of Justice and Regulation (2016), p.290.
52   Department of Justice and Regulation (2016), p.290.
53   Department of Justice and Regulation (2016), p.396.
54   Productivity Commission (2017), p.104; Department of Justice and Regulation (2016), p398.
55   Department of Justice and Regulation (2016), p.292.

Victoria's public legal services

Victoria's public legal services are provided by the Victorian Aboriginal Legal Service (VALS), community legal centres[56] (CLCs), Djirra (previously Aboriginal Family Violence Prevention & Legal Service Victoria) and Victoria Legal Aid (VLA). VALS and Djirra are also specialist CLCs, which provide legal services to Aboriginal and Torres Strait Islander peoples.[57]

Public legal assistance services are provided through a mix of service models and modes, using public and other funding. More intensive (and costly) levels of legal assistance services, such as casework and representation, are reserved for financially disadvantaged and priority clients satisfying eligibility requirements. Other less intensive (and cheaper) forms of legal assistance, such as legal information and referral, generally have no eligibility requirements and are available to the general public.

Victoria's private legal practitioners also play an important role in provision of legal services to the public and disadvantaged and vulnerable people and groups. Some provide duty lawyer and other legal assistance on behalf of VLA, and some provide pro bono legal services either independently or through professional associations and relationships with public legal assistance services.[58]

Together, Victoria's public legal assistance services form a safety net that is intended to afford the most disadvantaged and vulnerable members of the community access to justice, as well as to help facilitate access for the broader Victorian community.

Role and funding

Public legal assistance services in Victoria are provided through a mixed model.[59] They are funded through a mix of Commonwealth and Victorian funding, although some community legal centres are also funded from other sources, such as not-for-profit or philanthropic organisations. Their main sources of funding vary. Funding can be for the core function and business of a legal service or it can be project specific, for example for a pilot legal program. Providers are present in a range of locations; and vary in their objectives, who they seek to assist and for what type of legal matters.

Victorian Aboriginal Legal Service (VALS)

VALS is a state-wide Aboriginal community-controlled organisation with seven offices in Melbourne and regional Victoria: Ballarat, Bairnsdale, Mildura, Shepparton, Morwell and Swan Hill. VALS provides free legal advice and representation services to Aboriginal and Torres Strait Islander people who fall into one or more of its priority categories.[60] It offers initial legal advice (including referrals and preliminary assistance); minor assistance (such as help with phone calls, letters and advocacy in dealing with other services); referrals; duty lawyer assistance; and legal casework.

VALS has three legal practice areas, the largest of which is its criminal law practice which provides advice and/ or representation to Aboriginal and Torres Strait Islander people who have to go to court or are charged with a criminal offence. It also has family law and civil and human rights practices.

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56 Noting that not all community legal centres refer to themselves as centres and some refer to themselves as community legal services. In this report, we use the term community legal centres to refer generally to legal centres and legal services, however where we refer to a specific centre or service we use their name.

57 Their specialist status relating to their client group.

58 For example, Justice Connect's Homeless Law service works with pro bono lawyers to provide outreach legal assistance to people experiencing or at risk of homelessness ('Homeless Law', Justice Connect at https://justiceconnect.org.au/our-services/homeless-law/ (accessed 3 April 2020)).

59 See for example Productivity Commission (2014); and Department of Justice and Regulation (2016) that both set out the different roles Victoria's public legal assistance service providers perform. The mixed model is designed to take advantage of the respective strengths of private practitioners, salaried legal aid practitioners, community legal centres and Aboriginal and Torres Strait Islander legal services.

60 These include applicants in the following circumstances: where the person may be detained in custody; where there is a real risk to the person's physical safety; where cultural or personal well-being is at risk; where a family member of a person who died in custody seeks representation at an inquiry into the death (unless other appropriate assistance is readily available); and where the client would be significantly disadvantaged if assistance is not provided. See 'Legal Services', *Victorian Aboriginal Legal Service* at https://vals.org.au/legal-services/ (accessed 3 April 2020).

The Family Law Practice provides help in family matters (though not property matters), child protection, and Family Violence Intervention Orders, as well as assistance completing forms. The Civil and Human Rights Practice provides a mix of legal information, referral, advice and casework for a range of civil legal issues.[61]

VALS does law reform and policy development work and staffs a custody notification service, where Victoria Police are required to notify VALS when a person of Aboriginal or Torres Strait Islander descent is taken into custody.[62]

VALS is predominantly funded through the Commonwealth Government's Indigenous Legal Assistance Program administered by the Attorney-General's Department, and it also receives funding from other Commonwealth and Victorian Government departments.

Djirra

Djirra is an Aboriginal and Torres Strait Islander community-controlled organisation with offices in Melbourne and in seven regional areas: Bairnsdale, Ballarat, Bendigo, Echuca, Mildura, Morwell and Warrnambool. It provides culturally safe and holistic legal and non-legal support to Aboriginal and Torres Strait Islander people, predominantly women experiencing, or at risk of, family violence.

Djirra operates early intervention and prevention programs to improve access to justice and strengthen community resilience and wellbeing. Djirra also undertakes policy and advocacy work and shares its expertise with government and other organisations.

Djirra is funded under several Commonwealth and Victorian Government programs.[63]

Community legal centres (CLCs)

CLCs are not-for-profit, independent organisations that provide free legal services to the community, particularly people who are disadvantaged and those with specific needs. They often help people who are ineligible for legal aid and cannot afford a lawyer privately. There are 48 CLCs in Victoria. The Victorian peak body is the Federation of Community Legal Centres (Federation), which provides advocacy, support and other capacity-building to member centres.

Each CLC determines which issues they help with, which services it provides, and who is eligible. CLCs vary in size, location, services and resources.

CLCs typically provide legal information, education, advice, casework and referral services. They also employ a range of other strategies, such as community legal education and development, strategic casework, systemic advocacy and law and policy reform activities.

Typically highly engaged with their communities and stakeholders, CLCs support partnerships between legal assistance providers, and between legal and other human assistance services (for example, community health services, family and domestic violence organisations, financial counselling services and housing services). They also develop and maintain referral networks and protocols.

CLCs may be generalist or specialist. Generalist CLCs assist people in their area with a range of legal issues. Specialist centres operate state-wide and assist people in specific circumstances (like people with a disability, people experiencing homelessness, women, older people, young people) or with specific legal issues (such as consumer rights, employment, social security). Further information about the participating CLCs is in Appendix A.

Victoria's CLCs are funded through a mix of government money and other sources.[64] Victorian funding comes from the Victorian Government as well as grants from the Public Purpose Fund.[65] The main source of Commonwealth

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61   Note that the type of assistance provided for different types of civil legal issues depends on eligibility requirements. See 'Civil and Human Rights Practice', *Victorian Aboriginal Legal Service* at https://vals.org.au/legal-services/civil-and-human-rights-practice/ (accessed 3 April 2020).

62   See 'Criminal Practice', *Victorian Aboriginal Legal Service* at https://vals.org.au/legal-services/criminal-practice/ (accessed 3 April 2020).

63   Djirra's main source of funding was the Safety and Wellbeing Program (Family Violence Prevention Legal Service) administered by the Department of Prime Minister and Cabinet. Responsibility for Family Violence Prevention Legal Services moved from the Department of Prime Minister and Cabinet to the National Indigenous Australians Agency on 1 July 2019.

64   The funding that CLC receive varies. This includes whether and how much funding is provided by different funders. Note that some Victorian CLCs do not receive funding from the Commonwealth Government under national legal assistance policy.

65   The Public Purpose Fund is a statutory fund administered by the Victorian Legal Services Board and Commissioner, *The Public Purpose Fund*

funding is the National Partnership Agreement on Legal Assistance Services 2015–2020,[66] which provides funding for legal assistance services in Commonwealth areas of responsibility. At the time of writing, the National Partnership Agreement on Legal Assistance Services 2015–2020 was approaching expiry (June 2020) and state, territory and Commonwealth governments were negotiating transition to a *National Legal Assistance Partnership* (to operate from 1 July 2020).

Victoria Legal Aid (VLA)

VLA is an independent, statutory body that assists people, especially those who are financially or socially disadvantaged, with criminal, family, family violence and some civil matters.[67] It has 15 offices across metropolitan and regional Victoria.[68] Depending on the area of law and the circumstances, VLA can provide free legal advice in person, by video conference or over the phone; help from a duty lawyer at a court or tribunal; or casework or representation services under a grant of legal aid. Legal information and referral services are available to everyone, while other legal services depend on eligibility and circumstances.

VLA plays a central role in administration and co-ordination of Victoria's public legal assistance sector. This includes, for example, administering the Community Legal Services Program, which distributes Commonwealth and Victorian Government funding for 35 of Victoria's CLCs. VLA has a central role in Victorian collaborative service planning as required under national legal assistance policy, and also has responsibility under its legislation for collaborative planning with CLCs and other agencies in Victoria.[69]

VLA participates in law and policy reform; provides community legal education; and distributes online and printed information to increase community awareness of legal rights and responsibilities.

Like CLCs, VLA receives a mix of Commonwealth and Victorian Government funding as well as funding from the Public Purpose Fund.

3.2   Legal assistance service context

National legal assistance policy prioritises public legal assistance to those with the greatest need. It seeks to achieve a legal assistance sector that is integrated, efficient and effective, focused on improving access to justice for disadvantaged people and maximising service delivery within available resources.[70]

Funding and funding arrangements shape the legal assistance service context. They influence what and how legal assistance services are offered, scope and eligibility. Assessing whether funding (and mix of funding) delivers access to justice for Victorians depends on having reliable and accessible administrative service data. There are several acknowledged challenges in delivering legal assistance services in Victoria, and these in turn affect the ability of the sector to collect meaningful data and to evaluate the services delivered.

Explained (Fact Sheet, February 2016).

66   The National Partnership Agreement on Legal Assistance Services 2015–2020 is due to expire on 30 June 2020 (Council of Australian Governments (2015). It is expected to be replaced by a new national legal assistance partnership. Note that the Commonwealth also funds community legal centres with a national focus. For example, Youth Law Australia assists children, young people and their advocates throughout Australia find solutions to legal problems.

67   Victoria Legal Aid is established and governed by the *Legal Aid Act 1978* (Vic). Its statutory objectives, as set out in s 4. See, *Victoria Legal Aid* at https://www.legalaid.vic.gov.au/get-legal-services-and-advice/free-legal-advice/see-lawyer (accessed 13 June 2018) for further information about legal problems where Victoria Legal Aid does and does not provide legal advice.

68   Victoria Legal Aid has offices in Melbourne, Broadmeadows, Dandenong, Frankston, Ringwood, Sunshine, and Ballarat, Bairnsdale, Bendigo, Geelong, Horsham, Mildura, Morwell, Shepparton and Warrnambool. See *Victoria Legal Aid* at https://www.legalaid.vic.gov.au/contact-us/our-offices (accessed 22 January 2019).

69   Noting that it is not responsible for sector planning for Victorian Aboriginal Legal Service and Djirra (formerly known as Aboriginal and Torres Strait Islander Corporation Family Violence Prevention and Legal Service Victoria): *Legal Aid Act 1978* (Vic) ss 6(1)(ab) and (1A). See also Council of Australian Governments (2015) for an overview of collaborative service planning activities.

70   See Council of Australian Governments (2015).

Current legal assistance challenges

Demand outstrips supply

An important and consistent feature of the legal assistance service context is that the demand for public legal assistance service outstrips supply. This has been identified in successive access to justice reviews.[71] For example, the 2016 Victorian *Access to Justice Review* identified:

> *a significant gap between the legal needs of the most disadvantaged Victorians and the resources available for legal assistance services to meet those needs.*[72]

The Productivity Commission's 2014 *Access to Justice Inquiry*[73] found Australia's public legal assistance services were underfunded by $200 million per year for civil and family services. Similarly, the Law Council of Australia's 2018 *Justice Project* concluded that public legal assistance services needed, as a minimum, an additional $390 million per year to adequately meet demand for civil, criminal and family law services.[74]

One response to constrained resources is to narrow service scope and/or the eligibility of those who can access legal assistance services. This may involve restricting the level of service provided for different types of legal matters, such as tightening means and merits tests and service guidelines.[75] However, where funding does not keep pace with demand with factors such as population growth or increasing community legal need, the gap between supply and demand will increase, potentially eroding access to justice.[76]

A further response to demand is what is commonly referred to as 'unbundled' legal assistance services.[77] Unbundling involves discrete task based assistance, which allows legal problem-solving tasks to be separated, such that a client may perform some tasks required to resolve their legal problems themselves.[78] In legal assistance, unbundling marks a policy move away from a traditional end-to-end service model, to one which seeks to stretch scarce resources to assist more people.[79] Examples include plain language information resources, factsheets and leaflets, do-it-yourself kits, videos and podcasts. These are all intended to help a wide range of people understand their legal needs, navigate the justice system and resolve legal matters themselves.[80] However, as legal assistance services are increasingly unbundled, the outcomes that users achieve may increasingly depend upon an individual's legal capability.[81]

Legal assistance services have also attempted to cope with increased demand by prioritising frontline legal services. This can result in other organisational operations either being put off or squeezed out. For instance, 'backend' operations, such as administration, data collection, increasing data capability and professional development, will often be a lower priority.

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71   See for example, the following access to justice reviews: Productivity Commission (2014), p.802-804; Department of Justice and Regulation (2016), p.382.

72   Department of Justice and Regulation (2016), p.290.

73   Productivity Commission (2014), p.290.

74   Law Council of Australia (2018), p.4.

75   The policy instruments public legal assistance services have to manage service demand are blunt (see further Department of Justice and Regulation (2016; McDonald et al. 2017; Pleasence et al. 2014). Means and merits tests and used to target scarce public legal assistance resources to particular types of people, facing certain legal circumstances. Service eligibility typically tightens as the level of service intensity (and expenditure) increases, with eligibility requirements becoming progressively stricter from provision of legal information thru to legal representation. Although different public legal assistance providers strike balances differently in setting service eligibility, means tests usually set service ceilings based on the income, wealth and financial capacity. Merits and other service eligibility requirements consider factors such as the severity of the matter, likely benefit to the individual, likelihood of success and potential consequences.

76   See McDonald et al., (2017), for a discussion of the access to justice impact of Victoria Legal Aid tightening eligibility for summary crime services. See also, Balmer and Pleasence (2018).

77   Unbundled legal services, also known as 'discrete task assistance' and 'limited scope services' refer to legal services that are separated into discrete components. It is distinguished from traditional forms of 'bundled' legal services where legal practitioners provide full suite of legal information, advice, casework and representation services, and typically manage a matter through to resolution. See further: Pleasence et al., (2014), p.163; Productivity Commission (2014); Mosten (2000).

78   The rationale will typically be to save money, though it may also afford some clients a greater degree of autonomy and control over decision making.

79   For example, see Justice Connect (2018);Pleasence et al., (2014); Productivity Commission (2014).

80   McDonald et al., (2019).

81   i.e. "the elements of personal capability a person requires to be capable in the domain of the law and its institutions" (Pleasence et al., 2014, p. 113), including the capability to make informed decisions about whether and how to use law, legal services and/or legal processes in the resolution of justiciable problems. Justice Connect (2018) highlight the need for an approach to unbundling that is sensitive to clients and their problems, indicating that where a service identifies a person with a higher level of need and/or lower level of legal capability, they can receive more intensive ongoing assistance, for example, pro-bono representation.

Growing 'justice gap' and 'the missing middle'

There is recognition that a 'justice gap' exists in Australia with respect to accessing legal services.[82] This refers to the gap between those who are eligible for public legal assistance and those able to afford legal assistance privately.[83] Only those at the lower end of the socio-economic spectrum are eligible for more intensive forms of legal assistance such as grants of legal aid, while those at the upper end have the financial ability to pay for private legal services. Those in between are frequently known as the 'missing middle' and may have to rely on unbundled forms of legal assistance intended to assist them to help themselves.[84]

Eligibility requirements mean that even people living below the poverty line, as well as the 'working poor', fall into the justice gap.[85] This also means that publicly funded legal representation and casework services are only available to people experiencing higher levels of disadvantage and/or those who face more severe legal matters.[86]

A related consequence is that legal assistance services are often faced with clients experiencing complex legal and life issues who are ineligible for grants of legal aid, but where providing less intensive, unbundled forms of service can be difficult, time-consuming and insufficient and to meet clients' legal needs.[87] Understanding what it takes to effectively and efficiently meet the needs of these clients requires data that adequately captures client and service complexity. This is examined in Section 4.3.

Assessing performance

Another consequence of the legal assistance service context is that assessing performance of both legal assistance policy and service provision is complex.

One of the terms of reference for the Productivity Commission's (2014) *Access to Justice Arrangements* inquiry concerned justice system data collection and what would enable better measurement and evaluation of cost drivers. The Commission reported that:

> *It is widely acknowledged that data on the civil legal system leave much to be desired. Previous reviews have identified the need to build an evidence base to monitor the system and guide policy reform ... Much needs to be done to improve the nature and quality of data collection in the civil justice landscape ... Not only are more data needed, but a greater capacity to evaluate the data in order to craft evidence-based policy is also required.*[88]

Improving the reliability and quality of data collected was viewed as facilitating robust policy evaluation and potentially lead to improved targeting of expenditure. In particular the Commission stressed greater quantitative evaluation, especially cost-benefit analysis, as 'important for informing future funding and policy directions, and improving access to justice for all.'[89]

The 2016 Victorian *Access to Justice Review* similarly concluded that:

> *Publicly funded legal assistance services must be provided in a way that maximises value for money. The assessment of value for money must include cost, quality, and outcomes for the community.*[90]

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82   Pleasence and Balmer (2012); McDonald et al., (2019).
83   Although the centrality of its role in influencing problem-solving strategy has been questioned (e.g. Kritzer, 2008), a number of studies have identified cost as a concern in the context of legal assistance and one reason people may do nothing to try and resolve their legal problems (e.g. Coumarelous et al., 2012; Pleasence and Balmer, 2012; Pleasence et al., 2014; Productivity Commission, 2014).
84   Productivity Commission (2014), p.20; Department of Justice and Regulation (2016), p.71.
85   See, for example, the Productivity Commission (2014); Pleasence and Balmer (2012).
86   McDonald and Wei (2016); McDonald and Wei (2013).
87   See McDonald and Wei (2016); McDonald et al., (2017, 2019); Pleasence et al., (2014, 2015).
88   Productivity Commission (2014), p.33.
89   Productivity Commission (2014), p.34.
90   Department of Justice and Regulation (2016), p.292.

The review also found, however, that publicly funded legal assistance services work in a challenging budget environment, where it is difficult to predict or control demand for services.[91] Several barriers to working as efficiently and effectively as possible were also identified. These included complex funding arrangements and the lack of:

- data and evidence to support policy development and service design
- clarity in structural arrangements
- understanding between service providers and government about priorities for the community
- trust between service providers
- certain or secure funding in the case of community legal centres.[92]

The review also found that there was insufficient information to fully demonstrate to government the value for money publicly funded legal assistance services provide.[93]

Both the Productivity Commission (2014) and *Access to Justice Review* agreed that administrative data has a critical role to play in monitoring, measurement, evaluation and assessing performance. However, they also find that current administrative data was limited in its ability to fulfil these functions with insufficient information to fully demonstrate to government to value for money provided by publicly funded legal assistance services.

91   Department of Justice and Regulation (2016), p.412.
92   Department of Justice and Regulation (2016), p.412.
93   Department of Justice and Regulation (2016), p.425-427.

4. Findings

4.1 Victoria's legal assistance data

This section summarises questionnaire responses, maps data systems and practices, and explores what organisations currently do with data and what they would like to be able to do in the future.

Section findings

- The Victorian public legal assistance sector uses a range of administrative data systems to collect, record and report administrative data about clients and legal services. Many community legal centres use CLASS (Community Legal Assistance Service System), while others use Actionstep. Other organisations, including Victoria Legal Aid have their own data management systems.

- Most organisations that participated in this project used multiple administrative data systems, commonly supplementing one or more with Excel spreadsheets. Typically, the data in these spreadsheets related to specific legal programs, such as health justice partnerships or pilot legal services.

- The National Legal Assistance Data Standards Manual guides what service data is collected by the public legal assistance sector. All participating organisations collected data about legal problem type and client demographics. However, the level of specificity and coverage of client demographics varied from organisation to organisation.

- There was considerable variation in the way administrative service data was recorded and reported. This includes who enters data, when data is entered and what tools are used to capture information.

- Administrative service data was used by participating organisations for a range of functions, including for reporting, advocacy or campaigns, planning, internal research, monitoring and evaluation of programs or services, external research and performance or workloads. However, not all organisations use data for all these functions.

- There was a variety of innovative use of data by participating organisations. This included using data to improve triage for disadvantaged clients, to measure and understand client complexity and to conduct monitoring and evaluation work.

4.1.1 What data systems are used

A mix of administrative data systems was in use across the Victorian public legal assistance sector. Most CLCs interviewed (including both the Victorian Aboriginal Legal Service and Djirra) used Community Legal Assistance Service System (CLASS) or Actionstep, or both.

CLASS was funded by the Commonwealth Attorney-General's Department and developed by Community Legal Centres Australia (CLCA). It was designed to replace the Community Legal Services Information System (CLSIS) used by Australian CLCs and family violence prevention legal services that was decommissioned in March 2017.[94] CLASS was also designed to action data requirements of the National Legal Assistance Data Manual and facilitate reporting under national legal assistance policy.

CLASS and Actionstep were the two main data systems used, however, a sizable minority used another data system. Victoria Legal Aid (VLA) for example used CASES and ATLAS. Nearly all also used Excel spreadsheets to record additional service information.

Of 29 participant organisations, 18 (62 per cent) used CLASS. Twelve (41 per cent) used another data system, such as a legacy data system, and two used systems unique to the organisation. Four used Actionstep rather than CLASS, and another two indicated that they would be moving form CLASS to Actionstep. In total, more than one-fifth (6 organisations, or 21 per cent) of participant organisations expect to be using Actionstep soon.

Twenty four of 29 (83 per cent) participant organisations also used Excel spreadsheets to record various aspects of service activities, such as services for a specific project or program, or at a specific service location (like legal outreach) or as part of a health justice partnership. Some of this information was collected for monitoring and evaluation purposes and was recorded in Excel for ease of recording, analysis and extraction.[95] Interviewees reported that some measures were only recorded in Excel. The main reason for this was that it was too hard to use their main data system to record, analyse and extract this additional information, particularly those using CLASS (this is discussed further in Section 4.3).

Use of multiple data systems was common

Amongst participant organisations, it was common to use multiple data systems to collect administrative service data. Of the 29 organisations, only one-fifth (6 organisations) used a single data system. Of those using a single data system one organisation used CLASS, one used only Excel, two used only Actionstep, and two used only their own bespoke data systems.

Most frequently, participant organisations used a combination of CLASS and Excel spreadsheets (12 of 29 organisations; 41 per cent) and a further four (14 per cent) used CLASS supplemented by both Excel and another data system (as noted already, two suggested they would be moving from CLASS to Actionstep soon). Five organisations (17 per cent) used another data system together with Excel, one organisation used Actionstep and Excel, and one organisation used CLASS, Actionstep, Excel and another data system. Figure 4.1.1 illustrates the overlap in databases across the 29 participant organisations.

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94   CLASS was designed as a cloud-based case management and data management system. Core CLASS functions include managing, recording and reporting activities such as legal cases, advices, community legal education and law reform activities. It is used to manage conflict checking, client intake, and assist workflow. CLASS training resources and a data consistency guide is available to support and promote consistent data practice across. See further https://naclc.info/class/faqs-frequently-asked-questions (accessed 3 February 2020).

95   A few had also started to collect and report data using online survey software such as SurveyMonkey.

Figure 4.1.1: **The databases used for administrative data collection and their overlap**
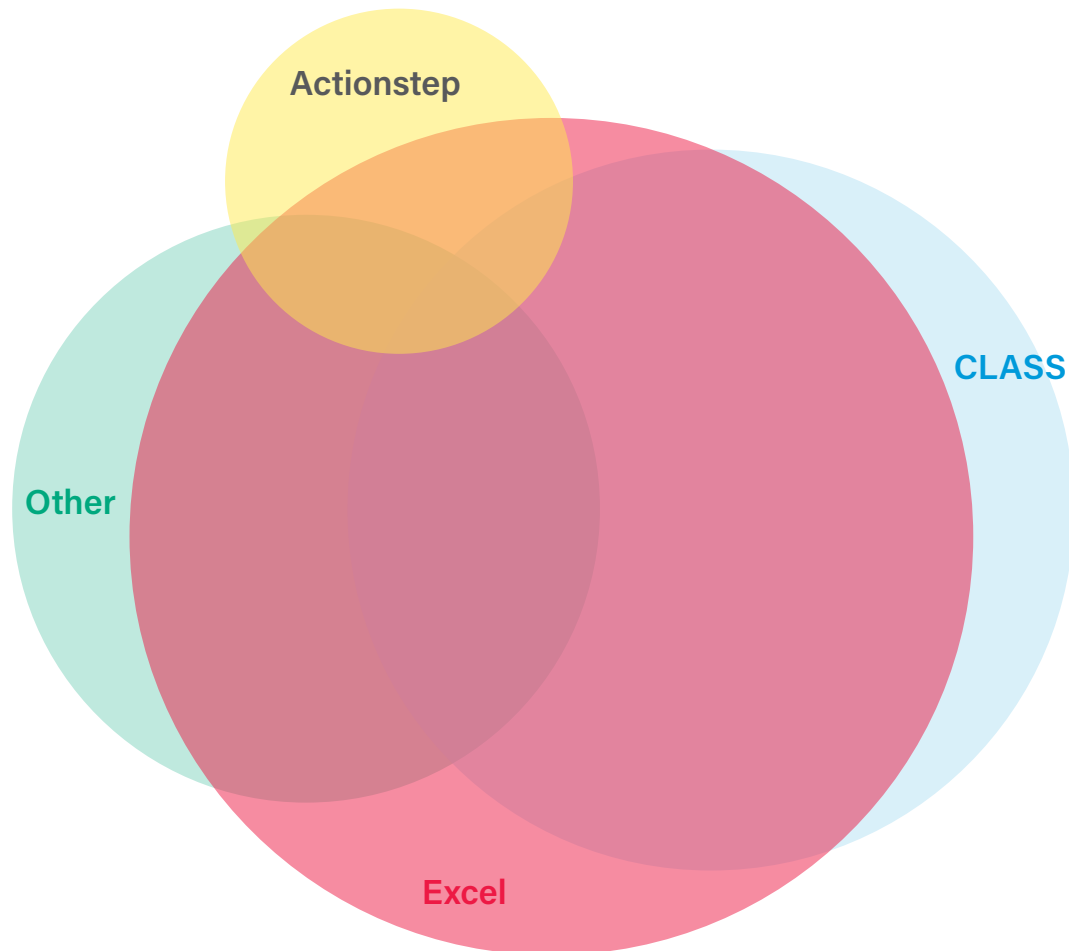
Data system change, modification and linkage

As noted above, two participant organisations planned to move from CLASS to Actionstep. Another was planning to move from CLASS to a different database for additional workflow management, monitoring and evaluation capability. CLASS users reported that there had been ongoing modification and improvements to CLASS since it was first rolled out in April 2017. This has included periodic fixes to improve functionality as well as efforts to improve consistency in interpretation and use.

All organisations, regardless of data system used, indicated that data variables could be added or altered in their system. For legacy and bespoke data systems this tended to be both more difficult and expensive, typically requiring IT and data systems expertise. Most CLASS users interviewed (15 of 18 organisations; 83 per cent) had added or amended CLASS variables to better fit the centre's activities. Ten of 25 organisations where information was available (40 per cent) reported that their administrative data could be linked in some way to other data, while another 14 organisations (56 per cent) indicated it could not.[96]

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96   One organisation planned to link their data to other datasets and four did not respond or were unsure. Individual service providers may not need or seek to link their service data to other data and systems. For example, while most CLASS users reported that CLASS could not be linked to other databases or they were unsure if it could, several also indicated that this was something that they wanted to be able to do. CLCA note that the priority during CLASS development building an independent data system, after which options for interactivity would be considered although this functionality would also require additional resourcing contributions from interested users (see further Community Legal Centres Australia, https://naclc.info/class/faqs-frequently-asked-questions (accessed 2 February 2020).

4.1.2 What data is collected

Participant organisations reported that service data was recorded in a mix of numeric or coded variable categories as well as text-based natural language fields.

Organisations reported collecting data on service users (for example client demographic and attribute data) and service type and characteristics, including information about legal matter type and information about the other party. Many noted that they collected what was expected in the National Legal Assistance Data Standards Manual (DSM),[97] although some noted that they collected more than what was required for their own organisational purposes. This included the collection of various service outcomes measures, and in some cases, user satisfaction information.

National Legal Assistance Data Standards Manual

The DSM is a guide to data collection for the legal assistance sector. It aims to facilitate the collection of consistent and comparable data across the sector with the goal of establishing a reliable evidence base. Broadly, it sets out the information the sector is to collect, both the services provided to individuals and those for the communities they assist.

For services to individuals, the DSM directs centres to record services under the following categories: discrete assistance; facilitated resolution processes; duty lawyer; and representation.[98] For services to the community, the DSM directs centres to record information about their work in the following areas: community legal education, community education, law and legal service reform and engagement with stakeholders.[99]

Data variables collected

Service users

All participant organisations collected information about service users. At first instance this was used for conflict checking – to ensure the service has not already advised or represented the opposing parties. However, as set out above, the DSM also specifies service user details to be collected. Note again that service user information varies by service type, and is only required for legal advice, non-legal support, legal task, duty lawyer, dispute resolution and court or tribunal and other representation, and not for legal information and referral services, or for services provided to communities. Although the DSM specifies the basic service user and service characteristics data to be collected, organisations can opt to collect some data at a more detailed level.[100]

Service user data included a range of social and demographic information, such as age, gender, income, benefits, Aboriginal and/or Torres Strait Islander status and disability. Variables captured varied by individual organisations, as illustrated by the sample of intake forms in Appendix C. There was no standard approach to the collection of social and demographic data, with this inconsistency and its implications discussed further in Section 4.3.

Service and legal matter type

All participant organisations also collected information about service and legal problem type. The way in which legal problem type was recorded varied substantially across participant organisations. This tended to reflect the nature of the legal assistance services provided by the organisations. For example, some participant organisations reported that they had determined certain service features, such as primary law type,[101] at an organisation-level,

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97   Attorney General's Department (2015).

98   Discrete assistance is further broken down into the categories of information, referral, legal advice, non-legal support and legal task. Representation also has sub-categories, which include dispute resolution, court/tribunal and other representation.

99   See further Attorney General's Department (2015). The DSM also defines each service category and sets out counting rules to guide date collection. Consistent and reliable data is intended to support service providers to identify, plan and respond to ongoing and emerging trends in legal assistance. For example, a duty lawyer service is defined as 'legal services provided by a duty lawyer to a Service User at a court or tribunal.' Under the counting rules, each time a client sees that duty lawyer, it's counted as a separate duty lawyer service. However, where a service provider subsequently takes on the carriage of a matter, that would be counted as a separate representation service. It is also worth noting that the DSM divides the data collected by service providers into two categories; data which is optimal to collect, and additional data that service providers may collect. Note further that the DSM is currently under review and that some changes may be forthcoming to improve clarity and support more consistent data practice. The utility of service data collected, however, depends upon a common understanding of the DSM, as well as consistent data practices across the sector.

100   See further Attorney General's Department (2015), p.17-29.

101   This is information about the legal problem having the most substantial effect on a service user, recorded in terms of a) commonwealth or state/territory law, and b) family or civil or criminal law.

reflecting the type of legal services they provide. Specialist legal services and targeted programs also tended to record legal matter type at a more finely grained level than did generalist services.

While national legal assistance policy guides what service data public legal assistance services are required to collect, data collection also depends on requirements of different funding bodies. This issue is examined in further detail in Section 4.2.

Referral and secondary consultation

Most participant organisations that record referrals (24 of 27 or 89 per cent[102]) reported recording both referrals in and out in some form. Some organisations reported putting substantial effort into their referral data, particularly where it was an important feature of services, such as legal outreach or health justice partnerships. Others, however, reported that their referral data was limited in scope and completeness and likely therefore to have limited utility.

There was also evidence of some organisations systematically recording secondary consultations as part of their administrative data collection, most commonly for specific service programs.[103] Secondary consultations are not defined or required to be collected by the DSM. The way in which participating organisations defined and recorded secondary consultations appeared to vary, suggesting that this was one issue where legal service providers had developed their own approach and practices.[104]

4.1.3 How data is collected

Participant organisations reported a wide range of data collection strategies and practices. How data is collected, who does it, and when it is entered all varied both between and within legal service organisations. Variation reflected the service and operating environment.

Data entry

There was considerable variation in terms of who entered administrative data. Of the 29 participant organisations:

- seven (24 per cent) indicated that administrative staff alone were responsible for data entry
- one (3 per cent) that legal staff were solely responsible
- the remaining 21 participant organisations (72 per cent) used various combinations of administrative staff, financial counsellors, lawyers, program workers, volunteers and paralegals in aspects of data collection and entry.

Nearly one-quarter (7 of 29 organisations) used a combination of administrative and legal staff; nearly another quarter (7 of 29 organisations) a combination of volunteers, administrative and legal staff; and the remainder (8 of 29 organisations) used another combination.[105]

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102 Whether or not referrals in and out were recorded was unknown for two organisations.

103 Community legal centres commonly receive requests for secondary consultation from health service providers (Nobel 2012). In fact, evaluation of one health justice partnership found that the most common form of legal help provided was secondary consultations with health professionals (Lewis 2016). Curran (2017, p.48) describes the range of activities legal assistance providers may provide colleagues in a partnership context, such as advice on ethical obligations and how to structure reports for court. Secondary consultations are commonly provided where a legal service organisation provides advice or clarification about legal questions or services to other human service staff and professionals. Common examples include secondary consultations provided to other professionals in co-located services; organisations hosting legal outreach; and partner organisation staff, such as those involved in a health justice partnership or referral network. Note that secondary consultations are not always recognised or recorded forms of legal work. Secondary consultations can also occur when another human assistance service, such as a health service partner, provides advice or clarification to legal service providers. Forell and Boyd-Caine (2018, p.18) explain that secondary consultations include advice to a legal professional about the health needs of a particular patient, or advice to a health professional about the legal needs of a particular patient. Note further that professional obligations may limit the scope of secondary consultation information and advice able to be provided, such as where legal professionals who have professional obligations requiring that they only provide legal advice directly to a client (see further Lewis 2016).

104 One objective of recent national legal assistance policy is a legal assistance sector that is integrated, efficient and effective (see Council of Australian Governments 2015). For example Forell (2017, 2019) documents the rapid growth in number of health justice partnerships from about 2010 and accelerating from around 2015, coinciding with the 2015-2020 NPA. Although public legal assistance services are encouraged to collaborate with legal and other services to provide joined-up services to address people's legal and related problems, features of such work, such as secondary consultations and other work to establish and maintain joined-up legal and other human assistance services are not appear to be systematically recorded.

105 Other combinations included administrative staff, financial counsellors and lawyers (n =1), administrative staff and program workers (n = 1), paralegals, volunteers, lawyers and clients (n =1), lawyers and paralegals (n = 2), volunteers and administrative staff (n = 1) and volunteers and lawyers (n = 1).

4.1.4 What administrative data is used for

Participant organisations reported using administrative service data for several activities.

Where participant organisations had unique client identifiers, they were commonly used to check for conflict of interest, for example a legal adviser acting for both parties in a matter, acting against a former client (having previously acted for that party in a related matter), or where a legal adviser has an interest in a matter.[106] Note that unique client identifiers were unique to the particular service provider and not unique to a client, who may receive services from multiple service providers. Just over half (15 of 29; 52 per cent) of participant organisations reported using unique client identifiers to identify repeat clients. Monitoring repeat clients was also described as one way of gleaning information about service users and services.

All participant organisations reported using administrative data to report service activity to funders. Use of administrative data for reporting is examined in more detail in Section 4.2. Participant organisations also reported routinely using administrative data for other functions.

As shown in Figure 4.1.2, this included advocacy or campaigns, planning, in-house or external research,[107] monitoring and evaluation, and to review performance or workloads.

Figure 4.1.2: Percentage of organisations using administrative data for different functions

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106   See *Legal Profession Uniform Law Australian Solicitors' Conduct Rules, 2015* rr 10–12; *Legal Profession Uniform Law Application Act 2014* (Vic) sch 1, s 427. See also Victorian Legal Services Board and Commissioner https://lsbc.vic.gov.au/?page_id=248 (accessed 21 February 2020) for an explanation.

107   Participating organisations commonly (82 per cent) reported using administrative data for their own research interests or projects, that is, to investigate things they were interested to research. More than half (57 per cent) also reported that their administrative data had been used by external researchers (see Figure 4.1.2).

During interviews, participant organisations also discussed several other purposes for administrative data, including compiling case studies, answering requests for information from funders and government, making submissions to inquiries and law reform process, and to support grant applicants and tenders.

More than one-third (11 of 29; 38 per cent) of participant organisations indicated that they received ad-hoc requests for service information from external organisations and agencies. This included requests from funders, government agencies, peak bodies and universities to inform inquiries, reports, studies and specific projects. Whether or not service data and information was provided depended on each organisation's policies, capacity and views about the appropriateness of providing such information.

Some organisations also reported that they intended to use administrative data for additional activities in the future. The most common of these were monitoring and evaluation and conducting research with external organisations.

How use of administrative data can make a difference

Participant organisations provided examples of how legal assistance administrative data had made a difference to the organisation's activities. Analysis indicated the following themes.

Service planning and delivery

Participant organisations frequently described how service data was used to inform service design and provision. Sometimes changes were made in response to what administrative data was showing, sometimes administrative data was consulted when changes to service operations were being considered. Examples included informing location of outreach services, moving office location to improve accessibility, improving the effectiveness of referral, changes to triage practices and inclusion of diverse client groups. Service data was also used to inform and support collaborative service planning efforts co-ordinated by VLA.

Case Study: Eastern Community Legal Centre – using data to target services

Eastern Community Legal Centre's (ECLC) Enhanced Entry Project is increasing access to legal assistance for people experiencing disadvantage, marginalisation or complex life challenges by changing its triage practices. The organisation is addressing barriers to accessing services for people in need:

Triage is the gateway to justice – if you're not doing it there, you're falling at the first hurdle.

With funding from an innovation grant, ECLC developed a triage framework to guide how ECLC:

- manages client expectations
- builds client capacity
- targets enhanced entry support, to provide intensive services to those identified as most in need, from seven priority communities.

The organisation changed its data management systems to support better triage, utilising CLASS triage function to record intake data, with the future aim of integration with phone and case management software.

As a result, clients are now directed to one of five services channels:

- internal referral/appointment into a specialist program
- appointment with a staff lawyer and a community support worker
- appointment with a staff lawyer during the day
- appointment with a lawyer or volunteer from the organisation's night service
- referral out to the most appropriate alternative service.

An evaluation of the project found it had increased access to services for people experiencing the most disadvantage.

Service data was also used to identify 'service gaps' such as where particular client groups were under-represented in services, to see new trends in legal matters or client types, to track clients to and through services, and to examine trends in outcomes for particular legal matters and/or client groups. Comparing service data with external data was described as useful when comparison was viable (e.g. local area demographics, number of recent arrivals in local government area etc.).

Case Study: Fitzroy Legal Service – data identifies legal need, access to justice gaps

Fitzroy Legal Service was faced with a legal needs challenge. It assisted many people at the night service who had employment law matters, however, the service was concerned it was only able to offer very limited advice in this setting. Referring clients to JobWatch (the state-wide employment law service) wasn't working either, because it was at capacity.

The organisation used client data from its night service to highlight a legal need and a gap in sector service delivery. The service then applied for funding from the Department of Justice and Community Safety to run an employment law clinic to provide ongoing case work for clients with employment law issues.

The organisation used client data from its night service to highlight a legal needs trend and a gap in sector service delivery.

In this case we were able to articulate the need through a bit of data, but also anecdotal evidence from people who were working in the night service, and case studies from that service, showing that we were able to provide a little bit of assistance, but couldn't do much more for people.

Service data sometimes showed that some services were not working as well as expected. For example, two organisations described how outreach services were not working well. In one case, providing community legal education subsequently increased outreach service numbers; in the other, improving relationships with the partner organisation increased referrals to the outreach service. Other examples included identifying ways to make triage for priority clients more efficient and targeted.

Case Study: Asylum Seeker Resource Centre – improving triage practice with data

Asylum Seeker Resource Centre (ASRC) Human Rights Law Program has recently combined analysis of their intake data and program logic principles to inform a review of their legal triage system. Prior to the review, ASRC had gone through a comprehensive intake with everyone who contacted the legal service, whether they were eligible for advice and casework, or were provided with information or a referral only. Given the length of the intake procedure, ASRC saw an opportunity to increase the capacity of the intake team by stratifying the intake process, so not all clients were subjected to a full intake process.

The changes involved asking key questions to identify those with high legal need and who may be eligible for their assistance, those who might be asking a simple question, or who may be referred out at an early stage. Differentiating what level of service people were likely to receive meant that only those with high legal need went through the comprehensive intake process to assess their eligibility.

We've been able to tangibly demonstrate how much our triage system has led to an unbelievable increase in capacity, they are really good results, and all driven by data analysis and program logic.

ASRC have found that only 66 per cent of calls now result in the full intake procedure, while the other 34 per cent are now much shorter, leaving the team with capacity to undertake further intake. The success of this project also highlighted the value of data to other ASRC staff and they now have various projects underway to improve services, which are informed by data.

Monitoring activity

Several participant organisations explained how administrative data was routinely used to monitor 'baseline' organisational performance, and that when baseline numbers changed it prompted further investigation.

Some organisations described how they interrogated service data to understand what was going on with services, for example, to establish whether administrative data evidenced an anecdotal change in activities or services. Where organisations had started doing something differently, examining service data was one way of monitoring whether or not it resulted in anticipated change. Several organisations described how efforts they had made to provide more family violence legal services had been reflected in their service data. Other organisations explained how they monitored integrated service models by reviewing administrative data, including examining referral and secondary consultation data.

At an organisational level, several participants also noted how administrative data was important for governance and performance, such as monitoring progress and performance against strategic plans. Increased use of administrative data for organisational activities was, perhaps unsurprisingly, associated with greater organisational interest in data practices and collection of information for organisational purposes. This extended to development of tailored approaches to collect information to monitor organisational activities.

Case Study: Hume Riverina Community Legal Service – tailored data collection tools

Hume Riverina Community Legal Service serves people in Victoria and New South Wales in eight locations, including outreach locations in north east Victoria and the southern Riverina of NSW. The service has responded to the limitations of CLASS to measure legal need by creating their own more sophisticated data collection tools.

These tools enable the service to understand legal need and better meet the needs of their regional communities.

We can get a sense using CLASS, but there is additional information that we need for the solutions we had to create for certain communities ... we are being more sophisticated. We decided it was important for us to know ... so we have different data collection frameworks for different locations.

These geographic-specific data collection frameworks enable the service to measure which community services refer clients. This enables targeted delivery of services to communities in need, supporting the service to address challenges like limited social services and a lack of private lawyers.

Funding applications

Several organisations cited examples where they had been successful in applying for project funding by using service data.

Participants reported that data was frequently used in funding applications as one way to demonstrate community need and to help justify why particular activities should be continued or expanded. Another use was demonstrating the organisation's ability to successfully reach and deliver services to target client groups and/or people with particular legal issues. Several participant organisations also reported comparing service data with external demographic and other data sources to demonstrate why new or additional services were needed.

Participation in royal commissions, inquiries and reviews, advocacy and law reform

Organisations suggested that having service data on hand to readily interrogate and submit, improved their ability to participate in inquiries and public consultation processes. Several organisations also told us that service data was used to evidence systemic issues, such as demonstrating why policy and law reform would be the most effective way to deal with issues affecting large numbers of clients. Some organisations indicated that they thought systemic advocacy was more effective when it was supported by service data. This included drawing on administrative data to compile illustrative client case stories and studies (with appropriate permissions).

Case Study: WEstjustice – data to tailor clinics for newly arrived and refugee clients

WEstjustice is a generalist community legal centre, however, each of their clinics is tailored to a particularly vulnerable client group, a particular legal issue, or both. Running clinics in this way allows WEstjustice to collect important data regarding a client group or legal matter and use that data to amplify law reform efforts.

I've noticed that we've been running clinics that by their very existence are effectively a law reform mechanism – because it forces people to look at a set of statistics that you couldn't get any other way.

An example of a specialised clinic run by WEstjustice is the Newly Arrived and Refugee Employment Law Clinic. This clinic allows WEstjustice to gather detailed information about newly arrived and refugee clients, and this specific information can be drawn upon readily to support law reform activities.

Several organisations also explained that they held what they described as unique information about important legal issues and client groups that was otherwise unavailable, that they were able to draw upon for submissions.

Case Study: Young Workers Centre – data driving advocacy on wage theft

Young Workers Centre has used data from their legal service to inform and bolster their campaign and advocacy work, particularly in relation to wage theft.

Combining data from their legal and education services with other survey data, Young Workers Centre developed a comprehensive view of the issues facing young workers and then used that information and data to amplify their wage theft campaign.

[An example of how] we've used our data really well has been supporting our campaign to criminalise wage theft, and that data has been widely used to move that campaign forward and successfully.

Examples of use of service data to inform submissions and participation in royal commissions included the recent Banking Royal Commission[108] established by the Australian Government, and the Victorian Government's Royal Commission into Victoria's Mental Health System and Royal Commission into Family Violence.

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108   Known formally as the *Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry* and also referred to as the Hayne Royal Commission.

4.2 Funding and service environment

This section explores how the funding and service environment affects data practices in the legal assistance sector. It examines the diversity of funders, burden of reporting, and demand on data systems, time and resources. It also examines challenges in obtaining funding for data work, and perspectives on funders use and interpretation of data. The section concludes with a summary of funder views on the use and utility of administrative data. This section was mainly derived through qualitative analysis of interview transcripts.

Section findings

- Multiple funders and funding streams were common, with nine on average. In general, more funders and funding streams meant more reporting requirements.

- Organisations noted a lack of consistency in reporting requirements, which could also change over time. They also referred to the demand this placed on repurposed administrative data systems, as well as on their time and resources.

- Organisations described the challenge they faced in obtaining funding for 'back-end' operations, including data practice, capability and particularly evaluation. Despite evident interest from funders, prioritisation of frontline services could 'squeeze out' data work.

- Organisations indicated a lack of a good understanding from funders of the reporting burden they faced, and what administrative data systems could and could not be used for. They noted a lack of shared understanding of what was required (in time, resources, data and analysis) to conduct successful evaluations.

- There were concerns regarding the way funders use data. Organisations largely supported the use of data for planning, but noted a lack of transparency in how data was used, feeling that some reporting was simply for its own sake.

- There was also some scepticism regarding the accuracy and consistency of data, which extended to repeated concerns regarding funders' interpretation of service data. Organisations suggested a need for funders to gain an understanding of broader circumstances (e.g. changing service environments or geographic context) to correctly interpret data.

- Funders highlighted a broad range of uses for administrative data. They also identified key barriers to more effective use, including difficulty capturing outcomes, impact or complexity of clients/services. They described data and data capability as under development.

- Nonetheless, they expressed an aspiration to use service data to work towards answering sector-wide questions on the efficacy of the legal assistance system.

- More pragmatically, they noted maturing data capability in the sector, but a need for greater support. They were also aware of sector concerns regarding data comparability and use.

4.2.1 Funders and reporting

Number of funders and funding streams

Reporting to funders is a major driver for the collection and analysis of data in the Victorian legal assistance sector. Most services interviewed reported having multiple funders and streams of funding, and with that, multiple reporting requirements and data points to collect. Of the 28 legal assistance organisations where the number of funding streams[109] could be calculated, the average was almost nine (mean = 8.9, median = 6.0). More than one-third (36 per cent) reported ten or more funding streams. Only two organisations had a single source of funding. Figure 4.2.1 below shows the number of funding streams the 28 participating organisations reported.

Figure 4.2.1: **Number of funding streams of participating organisations**
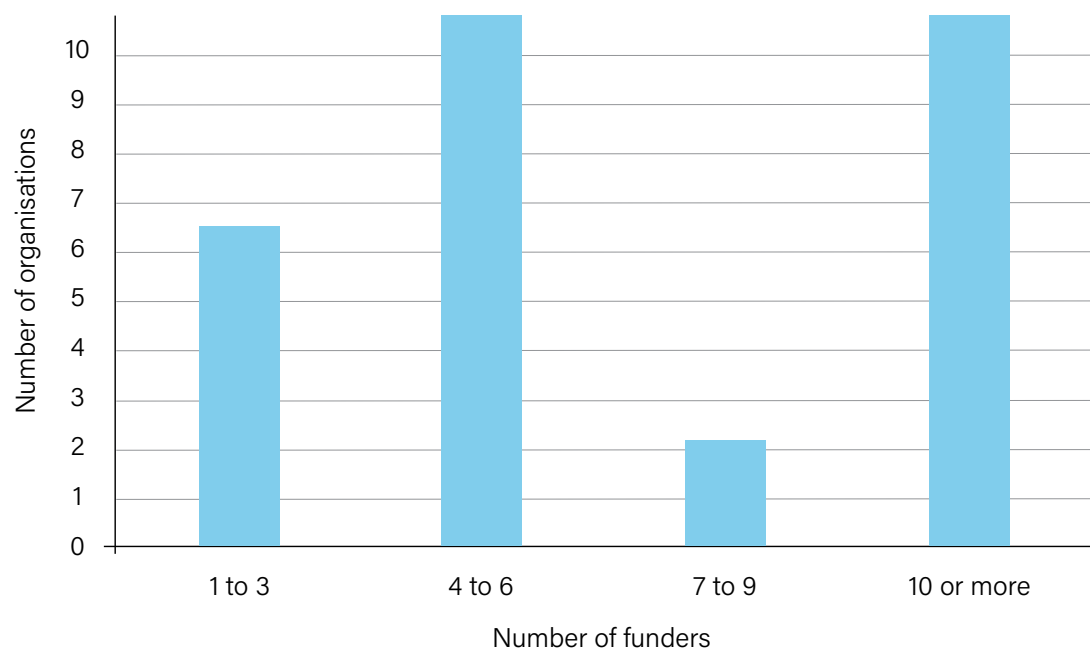
Participant organisations reported receiving both core and non-recurrent funding from several sources. The most common sources of core funding were Commonwealth Government[110]; Victorian Government legal assistance service funding; the Victorian Legal Services Board; and local councils. Funding from a wide range of other sources was also reported, including various Victorian Government health, human and community service programs (for example the Victorian Department of Health and Human Services and Consumer Affairs Victoria) as well as philanthropic bodies, foundations (including the Victoria Law Foundation) and other grant programs.[111]

A broad cross-section of participant organisations explained that in the current funding environment it was easier to expand funding through one-off project or grant funding, rather than obtain an increase in ongoing core funding. One-off funding often took the form of specific grant programs for pilots and innovative projects. While this strategy could successfully expand organisational capacity, it invariably increased the organisation's reporting requirements and often necessitated additional data collection. Section 4.4 notes consequences of pilot projects for data collection practice.

Having multiple funders and funding streams had consequences. Lack of consistency in reporting requirements across funders creates multiple and varied needs, which can change over time. This in turn places demands on data systems, not all of which are easily adaptable. It also places a burden on an organisation's time and resources.

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109 Funding streams in this context are discrete amounts of money for which there is reporting accountability. One funder may provide a number of funding streams for different projects or types of work.

110 Though not all received Commonwealth Government legal assistance funding.

111 Such as the Law and Justice Funders network, which has a shared interest in informed, strategic funding in law and justice issues. The network has 43 individual members from 24 organisations (philanthropic trusts, foundations, law firms, corporate and individual donors). It meets quarterly about legal sector issues and best practice philanthropy.

Demand of multiple and varied reporting requirements

Multiple data points

With multiple funding sources came varied reporting requirements and typically, additional data points to collect. Not surprisingly, as one organisation put it:

> *With dozens of funders, there are dozens of reports.*
>
> **Metro, generalist legal service**

A number of organisations noted the volume of reporting:

> *There are four major funders that require different data. We had 80 pieces of data, rationalised down to 52 at last check.*
>
> **State-wide, specialist legal service**

Others stressed how variable requirements were, for example:

> *… we've got three funding reports for one State funder, and they've all got different indicators, there's some crossover, but they all require different things. For another State funder, we've got two contracts with, and both of those require different, very different reporting.*
>
> **State-wide, specialist legal service**

Differences were even apparent for the same funder, with a need to adapt administrative data systems to meet varied reporting requirements. Geographic factors, such as working cross-border, also added to the complexity:

> *You might say [name] is one funder, but they might fund different programs with different reporting requirements. For example, there can be 12 funding buckets amongst five/six funders. That means 12 separate reporting requirements, and we operate cross-border – that creates its own headaches. There are different philosophies about what makes a different service between the states.*
>
> **Regional, generalist legal service**

Differences also extended to the depth of information or types of measures funders wanted, and contrasting outputs, inputs and outcomes:

> *Yes, they all have different levels of depth of information and data and evidence that they all require, and some are more about outcomes, and others are more geared towards outputs… We found we need to record this data separately in order to meet all requirements.*
>
> **Regional, generalist legal service**

Differences even extended to how information needed to be presented, the templates used, and the system required to report to funders:

> *Everyone has a different template, or a portal you can never get into, you know it's just, really cumbersome, because you're having to fit into their templates.*
>
> **State-wide, specialist legal service**

While responding to reporting requirements was a principal use of service data, addressing multiple and variable requirements was both a source of tension and an administrative burden. As one organisation put it:

> *I feel like all I do is acquit.*
>
> **Metro generalist legal service**

Change in requirements over time

Administrative data collected and reported also changed as funding programs changed. This meant administrative data systems and practices also needed to be modified, or else alternative practices employed:

> *The other thing is understanding that what is required [in data collection] might change and governments are in control, so [when requirements change] you then have to change the data you collect to reflect that. So, the Department may come to us and say, 'We need to know [X] and [Y].' That is an extra two datasets we have to capture, and that is really hard to do in our system.*
>
> **State-wide, specialist legal service**

Administrative data systems would, ideally, be able to be adapted to meet varied reporting requirements. This, however, was not always the case:

> *[We use] a combination of databases and spreadsheets, depending on where the funding comes from … we will likely add other case management software as well very soon. We will still use CLASS. There are multiple funding streams to acquit, which can take time.*
>
> **Metro, generalist legal service**

While changes in requirements place specific demands on databases, there was also a more general need to adapt or supplement databases to facilitate reporting.

Demand on data systems

One common issue in data collection and reporting was the challenge of using administrative data systems for reporting purposes, and in populating reporting templates. Several participating organisations reported that they had limited in-house ability to extract and/or undertake analysis of their administrative service data. Victoria Legal Aid was a notable exception, having embarked on a data transformation process to build in-house capacity to interrogate and use service data to inform service design and provision.

Views on the difficulty and burden of data reporting reflected more general views on database utility. In particular, CLASS users frequently reported frustration with its use for their particular data interests, organisational and reporting requirements, including concerns about the accuracy and consistency of extracted data – issues revisited in Section 4.3.

CLASS

Organisations reported widespread discontent with the CLASS roll out, functions and efficacy. Although CLASS was not designed to have some features users desired, several CLASS users reported lack of confidence in service data figures extracted from CLASS, which sometimes they said, 'just seemed wrong'. Users described varied practices concerning how they dealt with this, describing identifying the source of perceived errors as 'like detective work.' At times issues were attributed to 'known bugs' in CLASS; at others there were errors in data capture and entry. Some centres said that they maintained separate service figures in Excel spreadsheets to check CLASS data. Others had abandoned CLASS and moved to Actionstep due to concerns over accuracy and frustration with its function. Some organisations highlighted Actionstep as having additional benefits as a workflow management tool.

There were also indications from CLASS users that its functionality had improved, and a strong, consistent view that capability building efforts by the Federation, which sought to customise CLASS to individual centres and improve data practices, had been particularly beneficial.

Other organisations had conducted their own investigations and made improvements to the way in which they captured and collected data in CLASS.

Frustration with CLASS for data collection and reporting purposes, however, endured. One reported issue concerned the limitations around extracting service data to meet requirements of different funders:

> *Part of the problem … [is that] CLASS doesn't report to different funders on different things – we have to pull things out and develop a report based on that. For example … we were funded by [redacted]. Whilst the information was in CLASS, that's not the template they use, so we had to get all the information out [and] … send it in a completely different format which was a huge amount of time.*
>
> ***Regional, generalist legal service***

More generally, several other issues with CLASS also had a bearing on an organisation's ability to meet reporting requirements. For example, CLASS data entry was widely described as 'clunky'[112] and its extraction was 'very slow' during peak user times (such as when service figures were due). Some organisations indicated that problems with CLASS were further exacerbated by poor or old IT systems:

> *We've been struggling, as we had a really bad IT system which has made CLASS really slow and has compounded the problems that exist in CLASS. It's meant that the solicitors and volunteers have tended to say, I just can't spend 10 minutes [doing that] which has demotivated staff to fill data in.*
>
> ***Metro, generalist legal service***

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112   An example was data variables not automatically populating through services. For example, family violence indicators 'don't pre-populate through to services, even though you've filled them in the intake stage.'

Other data systems

By comparison, users of other databases, such as Actionstep and bespoke systems, were generally more satisfied with the functionality of these systems. In most cases, however, data systems were still supplemented by other data collection (e.g. Excel spreadsheets, see Figure 4.1.1), to keep up with the disparate demands of funders and funding streams.

Monitoring and evaluation could also place further specific demands on legal assistance services and their data systems. Project or program specific funding commonly required some form of monitoring and evaluation, and organisations reported that this typically required additional data to be collected. Where administrative data systems could not be adapted, which was common given the specific requirements of tailored evaluation, data was frequently collected using Excel spreadsheets. Some participating organisations also reporting other applications, such as online survey platforms to collect and manage data collection and analysis, while others had plans to do so.

The case study below illustrates how the functionality of an organisation's data system affects data capability.

Case study: Consumer Action Law Centre – the benefits of a responsive data management system

Consumer Action Law Centre uses Actionstep, a data system that combines data collection and case management across the centre's different functions. This includes legal advice and representation, financial counselling, engagement, policy and campaigns. Importantly, it enables fast input as well as timely data reporting.

It was attractive to have a single source of truth that everyone knows, and that we know the journey of any interaction.

This functionality means the organisation has a greater ability to capture the impact of its actions.

The goal is to be able to tell outcome and impact stories.

Actionstep allows the centre to provide data for media and law and policy reform. It enables the centre to generate client case studies as powerful narratives illustrating common consumer issues.

The Centre's submission to the Banking Royal Commission was underpinned by rich data collected from their former client management system, and the centre was able to identify consumers with powerful stories to appear at each round of the Royal Commission.

We would not have been able to do that without the rich data that we held, having engaged with clients from the beginning, and asking where appropriate, are you willing for us to share your story?

Demand on time and resources

The greater the volume, variation and change in reporting requirements and the greater the difficulty adapting data collection to meet needs, the more time and resources reporting required. Greater reporting requirements can also make extracting, compiling and checking data more onerous. In some instances, dedicating staff and investment in administrative data systems and practices was viable. In others, despite multiple funding sources, few staff resources were available, and problems compounded by inadequate systems. Juggling multiple requirements could involve:

> *A huge magnitude of complexity and time.*
>
> **State-wide, specialist legal service**

Several participant organisations also highlighted varied organisational data capacity as something that needed to be considered. Some legal assistance services were far more developed, with far more resources for data collection and reporting than others. As one organisation expressed:

> *There is such a range of maturity in relation to data collection and use in the CLC sector. Some*
> *CLCs may find it difficult to turn their minds to it because they are busy keeping everything afloat.*
>
> ***State-wide, specialist legal service***

Although reporting to funders could be onerous, obtaining funding to improve administrative data practices and use, presented additional challenges. Without improved data capacity, some participating organisations were concerned that their data quality, as well as that of the broader legal assistance sector, was compromised and undervalued the services provided.

4.2.2 Service provider views on funders and funding

Difficulty obtaining funding for administrative data

A cross-section of participant organisations reported that resourcing for administrative data infrastructure, analysis and capability was difficult to obtain. Some had been successful, though others had not, and there was a spectrum of investment in data capability.

Several participant organisations explained that although administrative data was a core function, there was a tension between using funding for frontline service provision and back end operations (including administrative data work). Some participants explained prioritising frontline service provision 'squeezed out' the resources and time available for data management and improving practices. Those in receipt of Commonwealth Government funding also said that under the National Partnership Agreement on Legal Assistance Services (NPA) 2015–2020, Commonwealth funding had to be expended on the provision of frontline services.

Note that the National Legal Assistance Partnership 2020–2025 (NLAP), to commence 1 July 2020, provides that Commonwealth funding is to be prioritised to delivery of frontline legal assistance services, which now also includes operational costs to support service delivery and undertake activities required by the NLAP.[113]

Without funding dedicated to improving data practices, there is a tension between using resources for frontline legal service provision and improving organisational practices such as data management.

One recurrent theme in interviews was the lack of available funding to improve data practices. For instance, seeking funding to reform administrative data was described as unattractive to philanthropic funders and ill-suited to non-recurrent project or grant funding, notwithstanding the potential benefits to organisations and their operations.

Participating organisations commonly described several challenges to obtaining dedicated funding to improve data practices:

> *... we can put up arguments really easily for lawyers, for community support workers, for*
> *general administration to help run a pilot program. It's really hard sometimes to say … 'A data*
> *analysis person would be great', they're like [the funders], 'What am I going to get out of*
> *it, except for a data report at the end? Why can't anyone just push a button and run a data*
> *report?' Well yeah, we can provide a data report with so many assistances and so many*
> *legal issues and the different courts we went to, but what does that actually mean? That's*
> *the section that we're missing. I can look at services and see increases in types of matters,*
> *but someone with data analysis background can tell me why… But we struggle to convince a*
> *funding body to fund us to fill that type of position.*
>
> ***State-wide, specialist legal service***

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113   At the time of the interviews, the NPA provided that 'Commonwealth funding should be directed to the delivery of front-line services and focused on meeting the legal needs of priority clients' (clause B6)'. Under the terms of the NLAP, clause 55 provides that Commonwealth funding 'must be prioritised for the delivery of frontline legal assistance services, which includes operational costs that support this delivery, or to directly enable the legal assistance sector, funded under the NLAP, to undertake activities required by the NLAP.' This appears to include data collection and reporting.

In other cases, challenges obtaining resources for core work and frontline services dictated a pragmatic approach to pursuing funding:

> *When you are seeking funding for core work, the funding for improvements to your databases gets a low priority ...*
>
> ***State-wide, specialist legal service***

Difficulty obtaining funding for data work did not mean service data reports were not provided to funders, though it inevitably influenced their form and content. This led to some concerns regarding whether measures were useful, how reported data was used and how it was interpreted by funders.

One notable exception to funding to improve data operations was Maurice Blackburn's support of the VALS. This case illustrates how appropriate support is needed to identify and implement new data systems and practices.

Case Study: Victorian Aboriginal Legal Service – developing a new database

VALS needed to develop a new database. After a challenging time trying different databases, Maurice Blackburn supported VALS to identify Actionstep as a solution to their data needs. Given the problems in identifying the right database, introducing the new data system to staff was challenging

... there was a reluctance as we had two databases go wrong, so it took some convincing.

VALS developed strategies to bring staff on the journey, including training sessions, working closely with staff to tailor the database to the needs of different teams, and encouraging engagement with the database by modifying the settings to build confidence in the system

... if you put the right permission levels in, you can tell people to just play with it, you can say you can't delete, you can't ruin, this gave people confidence to explore.

Working with staff to build confidence in the new database means that staff are

really starting to use it every day, [and] they're using it in ways they didn't think we were going to use it when we implemented [it].

Concerns regarding funders use of data

Selecting appropriate measures

While funder requirements and interests were varied, there was a common view that reporting was not focused on the correct metrics, or failed to suitably capture the value and impact of services delivered, for example:

> *I try to know what they [funders] want to know. I'm fascinated by the fact that actual outcomes have never been something anyone really wants to know. We've recently had feedback that we were too focused on outcomes, not bums on seats. Tenants who burn or flood their house and then get hit with the insurer, it may take a little bit longer to solve a $100,000 debt. Isn't this more important than people who owe $2000?*
>
> ***Metro, generalist legal service***

This led some to question the point of reporting service data, and where the limits of it's usefulness lay. Some also questioned what data best captured their contribution. For example, one noted the tendency for case studies, which were favoured by a number of funders, to overlook more valuable systemic work:

> *Some funders love the data, but others are far more interested in the story – they want to be able to talk about outcomes and by that, I mean individual client outcomes. There is a*

tension there. Whilst that outcome for that individual is important, and an illustration of a problem and the benefit/value of our service, it is perhaps more effective to have systemic work and advocacy to resolve it for everyone. But it's how you gain traction.

State-wide, specialist legal service

Meaningful use of data

Some participant organisations expressed concern about what service data could meaningfully be used for, and whether funders appreciated those limits. Use of service data was labelled 'a black hole'.

Several participant organisations understood that their service data was used by VLA to examine performance against Community Legal Services Program (CLSP) targets, and to inform service planning. This was widely seen as important and beneficial. There was, however, some cynicism about reporting for the sake of reporting, without a transparent purpose:

I know a lot of that data is going into work around sector planning, which is great, and we are very supportive of that. We are happy to share data with funders if it's going into that type of planning and evidence-based funding, tailoring it [for] specific needs; we are less interested in giving data for the sake of giving data, which doesn't appear to have a clear purpose.

Regional, generalist legal service

One organisation also commented that whatever they provided would make little difference to their funding circumstance. There was also a concern over the use of service data to compare performance across service providers.

Organisations commonly noted that service data was insensitive to differences in service models, client groups and service environments. They also noted lack of clarity in the National Data Standards Manual (DSM) concerning how some things should be counted, inconsistent data practices across the sector, and lack of benchmarks concerning what 'good' services figures were:

I wonder how confident VLA are with comparing centres. The National Data Standards are very vague, around [a] number of cases – interpretation affects the data ... we are confident [in what we do], but all of the CLCs have been on that process of getting to good data, it has been a journey.

Metro, generalist legal service

We are still hitting well above our weight, but there's no benchmarking across target setting [for Community Legal Service Planning] so you don't know when you're setting your targets what others [community legal centres] are setting their targets at.

Regional, generalist legal service

Another issue several participant organisations highlighted was funder access to service data. Some participants observed that if funders had access to CLASS data, and could interrogate it, then their organisation might not have to spend so much effort reporting and responding to ad-hoc inquiries:

We have no connection with the Commonwealth and VLA has limited access to the [CLASS] data, at some level I think it is ludicrous. VLA are often requesting [data] from us, they continually want family violence, and we kind of don't know why they want it. It is never really clear, at any time. They will ask something, 'Can you give us the number of court representations', stuff we don't necessarily report on.

Metro, generalist legal service

This concern regarding a lack of transparency in interpretation of data and what it was used for, was a common sentiment amongst participant organisations.

Concerns over funders interpretation of data

What service figures mean

Participant organisations repeatedly raised concern with the interpretation and meaning of service figures; how service data was interpreted given different service environments:

> *I suppose we are a little bit wary of how data can be interpreted or misinterpreted. We enjoy a good relationship with the legal aid commissions, but data can be interpreted in a way we don't agree with. It's a risk sometimes, when it might be misinterpreted ... there are different philosophies between VLA and CLCs in terms of what makes an effective legal service.*
>
> ***Regional generalist legal service***

There were also examples setting out the importance of understanding how changes in service environment can affect service figures and their interpretation. In the case below, Northern Community Legal Centre changed practices to enable priority clients to be better identified and serviced, highlighting the value of examining service data.

Case Study: Northern Community Legal Centre – targeting priority client legal needs

Northern Community Legal Centre (NCLC) is a relatively 'new service in our current form' following the 2016 amalgamation of Broadmeadows Community Legal Service and Moreland Community Legal Centre.

This was a 'nightmare phase' when NCLC was faced with changing data systems provider; amalgamating two CLSIS databases; cleaning administrative data for consistency; and then transferring to CLASS, the replacement for CLSIS. Along with changes in recording and reporting under the National Data Standards Manual, NCLC also moved to a new strategic plan and service models.

... we knew that we needed a pretty simple model for targeting [our services] ... It was targeting legal needs. Saying, 'These are our priority groups', 'This is how we will line up the services', and 'We will have these clients and projects'.

One of the first things NCLC did after the amalgamation was to review what the administrative service data indicated about the type of legal services provided, and to which client groups.

Several of the Commonwealth's NPA priority client groups were under-represented, and this required action. Through strategies such as legal outreach at migrant resource centres and mental health services; and partnering with agencies with shared target clients, NCLC increased the number and proportion of services provided to these priority groups. Administrative data consistency has improved and service figures now 'tell a pretty good story, with massive changes' in services to target clients over three years.

As it successfully reached more priority clients, however, NCLC was forced to narrow service eligibility.

... we have reduced the numbers of advices, but increased our casework ... That is important in our strategic planning. We are saying, 'We are in an area of such huge disadvantage, we can no longer do work with an open door, seeing anybody who has a legal problem.' Those people with the most complex issues are the ones we want to get through the door.

Understanding geography and service environment

A cross-section of participant organisations also highlighted that geography was one of a number of factors affecting interpretation of service figures by anyone reviewing, examining or analysing the data. Local service environment, such as the available legal and human assistance service infrastructure, affected whether or not other local assistance was available. For example, some participants pointed to differences between metropolitan and regional Victoria, such

as how busy duty lists were, how far lawyers travelled for outreach, the availability and accessibility of other legal and human assistance services, and the size of the population and area covered by catchments.

> *With the regional aspect as well, it's a lack of services and a lack of lawyers in these areas. It's those sorts of complexities that are extremely important for funders to understand. We can't just walk down the street to other services. There is a very limited pool of organisations that can assist in the regions. The cost of regional service provision – it's not just the cost of petrol in cars – it has an impact on the person. There are so many other impacts being a regional CLC.*
>
> **Regional, generalist legal service**

Regional legal assistance organisations also reported using demographic and other available community service data to understand the distinct legal and other needs of their communities. This included, for example, using their own and census data to develop appropriate responses to the summer bushfire season.

Case Study: Ballarat and Grampians Community Legal Service – understanding regional needs

Ballarat and Grampians Community Legal Service are using data to understand the needs of their local communities during the summer bushfire season.

The service uses a combination of its own service data and national census data to better understand its community and to understand seasonal changes in legal need across communities in Victoria's Central Highlands and Wimmera districts. It has identified that these legal matters are distinct to those outside the bushfire season.

We use data to link service planning and delivery to seasonal things, to be one step ahead. In these tiny towns that are prone to fires, if you are at an emergency centre, and there are intervention orders, what does that mean? Or if you have a copy of an intervention order, can that be facilitated? It's trying to be more proactive than reactive.

This use of data means it can better plan for and respond to legal needs during bushfire season.

Regional legal assistance services commonly stressed the need for careful interpretation of their service data, considering the local context as well as regional differences:

> *... [so funders] don't think we are doing less than other [community legal centres] with the same funding.*
>
> **Regional, generalist legal service**

Another complication stemmed from clients seeking advice outside their geographic catchment area and the changing service environment, which in turn requires analyses to uncover and understand associated service data. As one organisation put it:

> *We actually see people from outside our catchment zone. One of the reasons we do that is because we have an online appointment system, so you just go to our website and you make an appointment. And also because of the mergers, people are conflicted out, especially in the West, so they come over here. We have a policy, we will see everyone once, regardless of where they come from. [Because of mergers] everybody is going to be moving across to this side of town, but we won't have any more resources.*
>
> **Metro, generalist legal service**

Together, participant organisations viewed service counts alone as a crude method to capture the value of the legal assistance services they were providing. They stressed that more and better measures were needed for research and evaluation.

Need for a greater understanding of research and evaluation

Reluctance to fund data work and concerns about its utility did not mean a lack of interest or demand for it, particularly where work related to evaluation and assessing what works. However, organisations described a lack of a shared understanding of what is required (time, resources, data and analysis) to conduct a successful evaluation. There were also common views that some funding bodies did not have a good understanding of evaluation and data collection costs, and assumed existing administrative data databases could be used:

> *Ironically, despite the pressure funders put on us, we generally have much more capacity and understanding around evaluation than they do. Our experience of funders is that they talk the language of evaluation and data, and they want evaluation and data, but they often don't have a great understanding of it themselves.*
>
> *Regional, generalist legal service*

Several organisations shared the view that funding bodies needed a better understanding of the limitations of administrative data and data systems (which is revisited in Sections 4.3 and 4.4).

> *I think it would be great that people who are offering funding understood what CLASS can and can't do, so when they give a [community legal centre] some funding, we can report out of CLASS … ask us something that's in CLASS, or something we can report against, instead of imposing an extra burden of reporting and evaluation by a totally different system.*
>
> *Regional, generalist legal service*

Consequently, organisations reported that while some funders wanted evaluation of programs, they misunderstood or underestimated the burden it placed on organisations. At the same time, they were and were not interested in funding improved data and outcomes measurement to inform evaluation:

> *… funders always want evaluation but rarely fund it, they will often take money away from evaluation when it's put in a budget proposal. That is a common story from community legal centres for resourcing of this work.*
>
> *Regional, generalist legal service*

Some organisations also indicated that the resources required for quality and meaningful evaluation also needed to be better understood:

> *We need more training on impact and evaluation, and outcome-based evaluation. I would want evaluation to be inbuilt into funding contracts, I would want enough money to employ someone to do that or even just have enough time to do that.*
>
> *Metro generalist legal service*

> *Sometimes we get to an end of a project and they say, 'Ok, well we need all the data' and we say, 'Oh well, we didn't collect any', … not in those exact words... you know, if you said a year ago you'd need to report on this, this and this...*
>
> *State-wide, generalist legal service*

4.2.3 Funder views on administrative data

This section provides an analysis of the views of representatives from peak legal bodies and funders of the legal assistance sector, reflecting views of the broader legal assistance sector. When speaking with public legal assistance funding bodies, insights concerning administrative data use and legal assistance sector data practices and capability, were canvassed. A range of perspectives emerged, and appeared to reflect the remit of particular funders, such as whether they had a role in allocating or administering core funding, one-off or time-bound grant or project funding, and public (i.e. taxpayer) funding or not.

Use and utility of administrative data

Funding bodies noted several uses of administrative data, as well as identifying significant data and measurement challenges in the public legal assistance sector. While views on the utility of administrative data were mixed, funding bodies variously saw administrative data as making a valuable contribution to a broad range of issues, such as:

- fundamental access to justice and legal assistance policy questions
- how the legal assistance sector was performing and what it was achieving
- which services were delivered, to whom and for what kinds of legal matters
- communicating legal assistance activity to others
- gauging legal needs
- monitoring legal assistance service provision and providing a resource to investigate change
- learning what makes a difference
- planning for the future
- acquitting against funding and plans
- complementing other sources of information, such as qualitative and demographic data.

Data useful but somewhat limited

Funding bodies explained, however, that legal assistance sector administrative data had several features that limited its utility. One was unit of measurement, which funders suggested tended to be a count of outputs, such as the number of legal advice services provided, rather than the number of people who received legal advice and in particular, what difference legal assistance services made to them. This mirrored many of the views of legal assistance organisations set out above: that data was ill-suited to capture impacts.

Expanding on this, some funders indicated that service data was relatively blunt, with no indication of the intensity or difficulty of service provision. For some issues, such as client capability and case complexity, service data was described as only providing a 'crude proxy'.

Funders also touched upon the limitations of 'point in time data' that wasn't useful for gaining insight into longer term outcomes and impacts. Moreover, they suggested that service data only provided a partial picture of performance, and there were other ways and other information sources to do so, including directly engaging with service providers and asking for qualitative information and case studies.

Case studies were considered useful in putting a 'human face' on issues, although not in demonstrating the scale and scope of issues. Other contextual information was also viewed as helpful to better understand and interpret service data. Examples included description of catchment area, the service environment and service challenges.

With substantial change in national legal assistance policy and administrative data practices, funding bodies also noted that baseline service numbers were still developing. More broadly, the legal assistance sector was variously described by funders as yet to mature in its data capability, especially compared to other sectors, such as health and education – and even other elements of the justice system (such as courts and corrections).

Funding bodies also explained that like legal assistance organisations, and wider elements of the justice system such as courts and tribunals, funding bodies were themselves on a data improvement journey. They also faced similar data capability challenges, which meant they were not always able to make use of reported data as envisioned.

Balancing reporting burden and utility

While there was effort to strike a balance between effective and burdensome reporting, funding bodies were well aware that different funders had different approaches and reporting expectations. One shared interest and challenge however, appeared to be understanding sector-wide performance. This was where sector-wide service data was viewed as critical.

Ultimately, funding bodies indicated that they wanted to be able to confidently answer questions about how legal assistance services were using funding. They also wanted evidence that services were being provided as expected or anticipated.

There were also, for example, a range of other data insights funding bodies were interested in. For example, there was interest in measuring the effectiveness of referral pathways (between legal service organisations and/or other human services). There was also interest in exploring what additional measures might be required to help organisations capture more valuable data and obtain more data-driven insights to inform what works. They also articulated an overarching aspiration to gauge overall efficiency and effectiveness of the legal assistance system.

Insights on data practices and capability

Funding bodies were also well positioned to provide insight on the legal assistance sector's data practices. They noted the value of the data held by legal assistance organisations, recognising that the information is unavailable from other sources.

They noted a variation in data capability across organisations, with some viewed as data savvy, with an impressive understanding of how their services operated, what they were seeking to do, and how that could be achieved. They viewed others as needing more support. Although they reported noticeable improvement in legal assistance organisations' use of service data in recent years, there were divergent views on what efforts were required to improve data practices and utility.

Funders were aware that legal assistance services often received funding from different sources with multiple reporting obligations, although it was sometimes unclear to funders how different sources of funding contributed to the provision of different services. They also recognised a key concern of organisations, that for some smaller ones, reporting requirements can be onerous, and have disproportionate impacts that detract from service provision.

In terms of data use by services, funders observed that while most legal service organisations used service (and other) data in funding applications, others did not. Lack of service and other data to support claims, was an issue when applying for or increasing funding.

Finally, funders were aware of legal assistance service provider's widespread doubts about comparability of service data and reported that they frequently heard concerns regarding the appropriateness of using service data to inform funding allocation. Although administrative data and practices were still to mature to that point, there was a view that, ideally, there would be a stronger evidence base to determine how legal assistance services were performing and which service strategies were most useful.

4.3 Accuracy and consistency of data and the role of data capability

This section sets out findings about the factors that affect consistency and accuracy of legal assistance sector administrative data, and some of the measures taken to enhance quality. It also explores the variation in data capability between organisations and some of the initiatives used to build data literacy. The findings are based on qualitative analysis of interviews and review of intake forms and variables.

Section findings

- Many organisations had concerns about the quality and consistency of their administrative data. This concern was echoed by funders.

- A number of factors were identified as negatively affecting accuracy and consistency of data, including specific data management systems, unclear counting rules for services, inconsistent intake forms, and inconsistent data collection and entry practices.

- Initiatives to address quality and consistency included guides to data practice, induction, training and supervision, creating dedicated data roles, customising data management systems and raising data awareness and literacy.

- Some organisations addressed data quality issues by adopting new (non-CLASS) data management systems. Some of these were common to a number of organisations (e.g. Actionstep), while others had bespoke systems unique to their organisation.

- The Federation of Community Legal Centres CLASS capacity building project was also cited by CLASS users as being highly successful in improving data quality and practice.

- Analysis indicated polarisation between participant organisations in data capability and use. Having data capability could create a virtuous cycle, with organisations better able to attract funding and further extend capability. Lack of data capability could create a vicious cycle, with increased capability contingent on obtaining additional funding, which required data.

- A number of factors negatively affected data capability. These included lacking the people and skills required to work with data, and inability to allocate additional resources to improving data practice.

- Instigating an organisational culture around data was seen as a method to increase data capability. A number of organisations felt that demonstrating the value of data to staff (and particularly those who enter data) and encouraging organisation wide data literacy was pivotal, and a route to enhancing data quality and impact.

- Organisations described being on a 'data journey'. For many this was leading towards an increased focus on outcomes and evaluation.

4.3.1 Administrative data accuracy and consistency

Participant organisations were asked to self-assess the accuracy of their administrative data. Of the 27 participant organisations who provided responses, only two considered their data to be highly accurate; eight organisations assessed their data as somewhat inaccurate; fourteen assessed their data as somewhat accurate, with some identified flaws and limitations; and three reported that their data was inaccurate (see Figure 4.3.1).[114]

Figure 4.3.1: Participant organisations' perception of administrative data accuracy
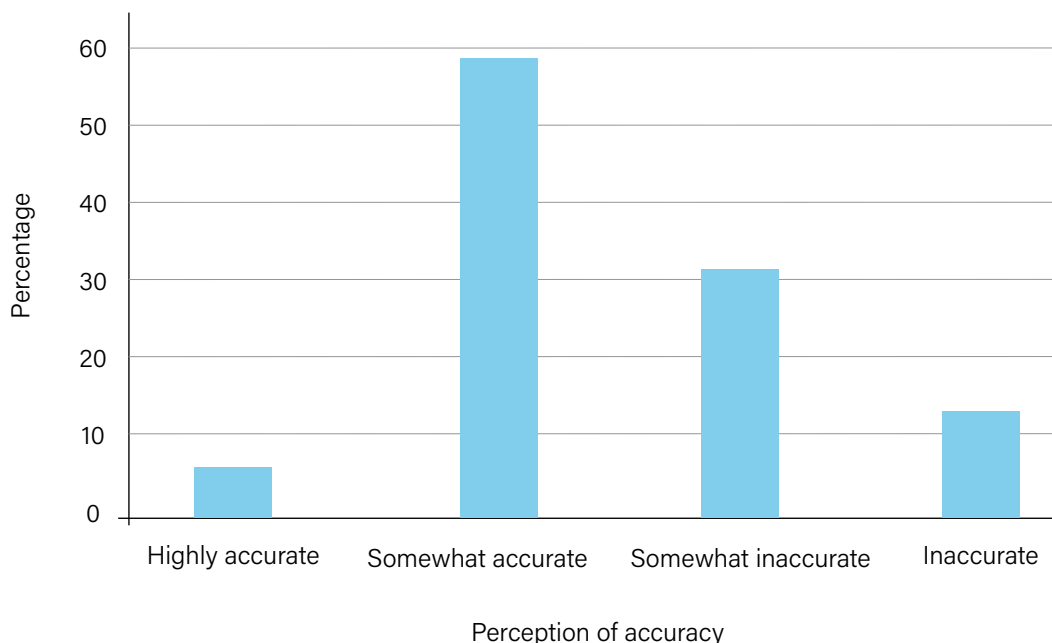
Less than 40 per cent of participant organisations identified their service data as highly accurate or only somewhat inaccurate, while more than 60 per cent reported that their data was only somewhat accurate or inaccurate.

Assessments of data accuracy varied across organisations, which was also reflected in the experience of funding bodies, reported in Section 4.2, who indicated that legal assistance services regularly cautioned against assuming service data accuracy and consistency. In particular, there were concerns that, notwithstanding the DSM, different legal assistance service providers had different interpretations of DSM requirements, and different data systems, practices, approaches and capacity.

Factors affecting data accuracy and consistency

Interpretation of legal assistance service measures

Section 4.1 noted how the National Data Standards Manual (DSM) sets out the service data information that legal assistance organisations collect. Although the DSM's introduction sought to increase consistency of legal assistance sector data practices, varied practices were identified during participant organisation interviews and through review of documents.

Several participants reported what they thought were inconsistent data collection practices both within and between organisations. One organisation, for example, explained that they had only recently become aware that they had been recording services differently to others. Participants commonly attributed inconsistent data practices within and across organisations to differences in interpretation and understanding of requirements:

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114   Self-assessment of organisational data accuracy was provided by participants with insight into the data collected by their organisation. Note that undertaking an accuracy audit was beyond the scope of the available time and resources for this project.

> *Even between … two admin/intake people … you're getting inconsistencies on how they might treat something.*
>
> **Regional, generalist legal service**

> *We had trouble defining [the term] eviction. Even within our own service we haven't reached agreement.*
>
> **Metro, generalist legal service**

Several participant organisations also explained that while there had been sector-wide efforts to increase data consistency, concerns about varied understanding and practices remained. One participant explained how interpretation of fundamental service counting rules varied, noting disagreement across the sector on how to define counting, and scepticism that 'complete consistency' could ever be achieved:

> *I know that CLCA [Community Legal Centres Australia] have released a data consistency guide, but I also think there are problems within that. I don't know how much centres are compliant with the guide. I don't think there is ever going to be complete consistency. It's all around the counting rules and the way in which a centre counts advices. They might disagree with the guide and the way something is said, in regard to advices. It's indicated [in the Data Standards Manual] that you should record one [advice] for one, but if someone presents with five different problem types, or there are multiple parties, recording one [advice] for one may not be seen as correct. Not all centres will agree with that, and will apply more types or other parties, which can skew the data.*
>
> **Regional, generalist legal service**

It was common for legal assistance service staff to move between organisations. Those who had moved brought first-hand knowledge of respective data practices, and reinforced views on the inconsistencies in data practice. They noted ongoing sector-wide debates over definitions of problems and advice, and the problem of 'failing to define what you are doing as a sector.'

The following case study provides one example of how different understanding of data recording practices can undersell service provision.

Case Study: Barwon Community Legal Service – improving data collection

In 2019 Barwon Community Legal Service ran a data report that indicated it had performed 3000 legal assistance services for 2,800 clients. On further investigation, it realised this did not accurately reflect the legal services it had delivered in the previous 12 months. The service was not counting acts of assistance, such as letter writing or document preparation.

There were huge tasks we just called one matter, such as duty lawyer, whereas in actual fact we wrote letters, did further and better particulars … We did all sorts of things, but we weren't counting them, so we had one statistic, whereas every time we should have had two or three or more.

To improve its data collection practices the organisation began counting each discrete act of legal assistance. The service's goal is to paint a fuller picture of its workload, and better represent its output to funders.

Inconsistent intake forms

Inconsistencies extended beyond counting legal problems and advice, to a range of variables. As described in Chapter 3 and Section 4.1, legal assistance organisations are directed (primarily via national legal assistance policy and funding agreements) to deliver services to priority client groups, and specifically those experiencing disadvantage. One national legal assistance performance indicator, for example, concerns the proportion of representation services provided to priority clients.[115]

Legal assistance services typically employ paper-based client intake forms (which may be partially completed by clients as well as staff) as the primary way to collect client information. This includes information such as their age, sex and whether they fall into certain priority client groups.

Individual legal assistance services also provide services in accord with their service priorities. This can take the form of services targeted to certain legal issues or client groups, which is often reflected in intake forms.

The wording, terminology and content of a sample of participant organisation's intake forms were reviewed.[116] There was no standard intake form. They were all different in design, length and scope. For more detailed examples of some of the differences in the sample of participant organisations' intake forms, see Appendix Table 1 in Appendix C.

Client demographic measures

Differences in the way information was collected included basic demographic information, such as client age:

- some asked for age directly (including in age range brackets)
- some asked for date of birth (typically with a blank space on the form to fill out)
- some included the option of an estimated year of birth
- one organisation considered age too sensitive to ask about.

Similarly, for gender, some organisations collected information at a more nuanced level than others. Variation included client intake forms with three (male, female, other), six (adding neither, transgender, intersex and an 'other' open text options) and eight (adding indeterminate and unknown) categories.

There was also variation in the nature and wording of priority client indicators, such as homelessness, family violence and financial disadvantage status. Participants also reported that some organisations had different interpretations of some priority client groups, which may account for some of the variation in intake forms:

> *Other centres have a different interpretation about what 'at risk of homeless' means and how you would apply that to a particular client.*
>
> ***Regional, generalist legal service***

The more complex the demographic indicators to define and measure, the greater the divergence between organisations. For example, the method of capturing client disability status varied markedly. The range of options in client intake forms included:

- yes or no option, followed by open text space, to specify the type of disability (in one case this approach was repeated separately for each of: physical disability, intellectual disability and mental illness)
- yes or no option, followed by tick box lists of various types of disability
- tick box lists of various disability types, which also varied amongst organisations in both list length and content.

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115   See Council of Australian Governments (2015), cl 17(a). States and territories are required to report on the proportion of representation services provided to the following priority client groups: children and young people (up to 24 years); people experiencing financial disadvantage; Indigenous Australians; older people (aged over 65 years); people experiencing, or at risk of, family violence; people residing in rural or remote areas; people who are culturally and linguistically diverse; and people with a disability or mental illness.

116   Thirteen participant organisations provided copies of intake forms. Six provided a mix of intake forms together with additional examples of how service information was recorded, such as variables and spreadsheets.

The observed differences in client intake forms again appeared to reflect individual organisations' operations and data needs. Some participant organisations explained that they put substantial effort into streamlining client intake forms, collecting only information needed for the legal services they provided. Others reported that their client intake forms were evolving, and often reviewed, as the participant organisation's activities and interests changed. Some also explained that they had tailored client intake forms to specific service initiatives.

Legal problem type

Beyond client details, intake forms also varied in how clients' legal problems were captured. Differences included number of problems recorded, and whether response categories were pre-coded or open text. For example:

- one provided a blank page for a free text description of legal problems
- three provided between two and four small blank spaces for short, free text description of legal problems
- one provided four small blank spaces for a short, free text description of four legal problems, as well as check boxes to identify broad legal category (criminal, civil, family) and jurisdiction (state, commonwealth).

Inconsistent data collection and entry practices

As reported in Section 4.1, organisations varied considerably in when data was collected and entered, in who entered data, and how data collection was incentivised. Variations could result in inconsistencies and issues with data quality. In addition, there were variations in what was collected for different programs (including within organisations), and the training, supervision and guidance materials provided to those entering data. For example, one organisation highlighted quality concerns stemming from a busy night service, with brief client interactions:

> *The challenge with our data collection processes, particularly for night services that are reliant on volunteers to collect that data, is that you have a very limited interaction with a client that comes in for night service advice sessions. So, the client will fill it out [the intake form] but they might miss sections. Unless the volunteer paralegal looks and says, 'we need you to fill in'…you know there's bits of data missing; so we don't capture as much data through the night service as we'd ideally like to.*
>
> *Metro, generalist legal service*

Data management systems

Administrative data management systems were described by many organisations as affecting data quality and consistency. As reported in Section 4.1, different participant organisations relied on different data management systems, and different systems appeared to have differing impact on quality. A strong theme concerned the different experiences of CLASS and non-CLASS users. While there were concerns regarding accuracy of other data management systems, CLASS users, in particular, described significant issues with data quality and consistency. There were mixed views as to whether and to what extent quality issues were ongoing, particularly in light of the Federation's CLASS focused data capacity building work (which is discussed further below).

A recurrent theme in interviews with CLASS users was that lack of resources and capability-building to support introduction of the DSM, and transition from CLSIS to CLASS, meant inconsistent practices were adopted across the CLC sector. There were strong indications, however, that some CLCs were still grappling to improve data collection and entry practices:

> *…we are heading in the right direction, with the lack of clarity around CLASS from its introduction, you are really trying to make it work and adapt it to centres. We have been trying to do that individually for all centres for the last few years … to make the best of a bad situation and be as accurate as possible for the centre … [however] within the Data Standards Manual, those things aren't explained.*
>
> *Regional, generalist legal service*

CLASS users reported that the transition to, and rollout of CLASS, had been challenging. Specifically, that:

- CLASS was not configured to the data needs of individual centres; for example, by default CLASS had long lists[117] of options in some data variables, and many variables also had generic names that were not intuitive or meaningful to those entering data

- capacity building and training for organisations was delayed

- numerous software and operational bugs were discovered, and a few participants reported that they were still experiencing and reporting bugs that required software fixes

- template reports produced inconsistent figures, and setting up custom data reports required a level of expertise that many users did not have.

CLASS users explained that extensive teething problems had been frustrating, and had not only undermined data quality and their ability to understand how their organisation was performing, but also their confidence in CLASS as a data management system:

> *… we couldn't do all reports until June [2018]. So, we had to do a lot of manual reporting, things like doing print-outs on clients. On particular outreaches, we would put in a suburb and do a print out and counting, that is the kind of stuff we were doing.... Everyone was so frustrated, no one was able to comply with funding requirements, and we were all doing estimates.*
>
> **Metro, generalist legal service**

These views were consistent with findings of the *Review of the National Partnership on Legal Assistance Services 2015–2020,* which found slow implementation of CLASS had created operational inefficiencies for CLCs.[118]

Beyond teething problems, ongoing operational inefficiencies, particularly during peak reporting periods, were reported in interviews with CLASS users:

> *.. in July it is super frustrating. CLASS crashes. We are all trying to run reports, you spend hours and hours trying to run reports, finding it has crashed, it times out after five minutes, you can't generate the reports you need – you can spend days trying to get the reports out on time. It is worse depending on the time of the day; you can try waiting until after business hours, but that doesn't always work. That is a very common complaint.*
>
> **Metro, generalist legal service**

Several CLASS users also reported concerns with the accuracy of the template data reports CLASS produced and explained that at times there were discrepancies with expected service numbers. Discrepancy often meant investigation and checks had to be conducted:

> *One report will have 1500 clients. Then still using the same client data, in a different report, it will say we have seen 1400 clients. I'm not quite sure why that is.*
>
> **Regional, generalist legal service**

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117 For example, long lists can lead to those entering data taking cognitive shortcuts as a way streamlining repetitive decisions, particularly when under time pressure. Shortcuts can affect data accuracy. 'Satisficing' and the 'primacy effect' are two issues that can blight data entry (Groves et al., 2009). Satisficing refers to selecting data entry options that seem good enough, but which are not the most accurate option available. The primacy effect refers to data entry where the first reasonable response category encountered is selected, without consideration of potentially more accurate options that follow. Long-lists can encourage such shortcuts, reducing data quality. Amending lists can improve quality for individual organisations but introduce inconsistency between organisations.

118 Urbis (2018).

> *We were not confident in the data we were pulling out, initially…Every time we ran a random report on CLASS, for example for funders, the numbers would come out and we would think, that doesn't sound right, so we chose to investigate that manually.*[119]
>
> **Regional, generalist legal service**

Of those organisations that used CLASS, the majority (15 of 18; 83 per cent) had added additional data variables or amended variables in CLASS. Amendments, however, were not uniform across different organisations, raising questions around data capacity and consistency. Nonetheless, they were seen as critical to configuring data to meet organisational requirements and simplify data collection, for example, by customising and reducing lists of options:[120]

> *… there are a lot of things you can do [in CLASS] that we didn't know was possible. [We] changed a lot of the data fields to make them [service] specific, so instead of having 200 options, we have 10. So, all of the stuff that would take time to filter through, we have tried to reduce [by asking questions like] 'What are the legal problem types we would face in terms of our service model? What kind of issues would our lawyers and paralegal support workers be focusing on? As opposed to a generic service model.*
>
> **State-wide, specialist legal service**

Several CLASS users also explained that their organisation had suffered 'CLASS fatigue' or 'CLASS burnout' trying to make the system fit for purpose. Consequently, while far from ideal, a number of organisations indicated there was little appetite for any significant change to data practices and requirements, suggesting that 'going back to square one again would really kill us'. Similarly:

> *Do we think CLASS is a good product? It's better than what it was and what we had. Do we want a new product? No. We call it CLASS burnout.*
>
> **Regional, generalist legal service**

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119 Reported data checking included reviewing client files, investigating possible data entry error and cross-checking service figures against other records, such as separate Excel spreadsheets.

120 Which would hopefully reduce satisficing and primacy effects (see the explanation of satisficing and primacy effects in footnote two above) and result in more accurate data.

4.3.2 Improving data accuracy and consistency

Despite evident challenges, a number of organisations had developed and implemented strategies to improve data accuracy, consistency and confidence. Methods varied, but common themes involved data audits, management oversight, and careful consideration of who handled data:

> *[We have] confidence in the data, we build in lots of checks, including because of reporting requirements … Checks are done on data by administrators regularly, and file closures happen with a Principal Lawyer going through and checking files. When we prepare reports, we have mainly administrators doing first analysis of data, then a manager doing a check and reviewing.*
>
> **State-wide, specialist legal service**

> *The administrative team, who are employees and not volunteers … now fill in the intake sheets, which is an important point. Previously it was clients who filled it in … and unless you have the time and you are reviewing them, your data can be sloppy – and that is what we found.*
>
> **Metro, generalist legal service**

The range of data initiatives cited by participant organisations included:

- internal guides and manuals for entering, categorising and checking data

- data induction, ongoing training, supervision and checking for those who enter data

- creating and changing roles to try to achieve data accuracy and consistency (for example, dedicated staff)

- customising data management systems

- whole of organisation raising of data awareness and literacy – also described as efforts to achieve 'cultural change' with respect to data practices.

All these initiatives, however, required substantial staff time and resources. Many organisations reported that work to increase the consistency and accuracy of data was challenging. Several reported that it was an area where they would benefit from additional support, which is discussed further below. Some participant organisations also explained that while they tried to do what they could to improve data practices, frontline client service remained the organisational focus and priority.

Developing fit for purpose data management systems

CLASS capacity building

One data capacity initiative widely cited by interviewees as addressing issues of quality and consistency was a dedicated project of the Federation, funded by the Victorian Department of Justice and Community Safety (DJCS). This project provided a data expert to work with centres to identify data practice needs and customise CLASS to better meet them. Participant organisations reported that this support had been very beneficial and had significantly improved their centre's understanding of how functionality of CLASS could be customised, and operations improved, to better meet organisational and reporting needs.

CLASS users who had participated in Federation's data capacity building work appeared to be more data capable than those who had not.

Adopting other data management systems

Another common approach was to adopt other data management systems, better suited to a participant organisation's data needs. Compared to those using CLASS, organisations that used either Actionstep, or had their own bespoke data management system, appeared to:

- be more confident in the data produced

- be better able to record the data required for the needs of their organisation

- be happier with the function of the data management system

- feel there was strong engagement with data across their organisation

- be better able to interrogate the data to investigate organisational questions.

One participant organisation, for example, explained that the ease of generating reports through Actionstep enabled it to rapidly respond to requests for information from government and other agencies. They also reported being able to quickly run analyses and reports to support systemic advocacy work, and to inform submissions to inquiries. Overall, organisations using Actionstep or a bespoke data management system appeared to have greater agility and responsiveness compared to organisations using CLASS.

The benefits of a bespoke, fit for purpose data management system are identified in the case study below, about the data management system used by the specialist employment legal centre JobWatch.

Case Study: JobWatch – benefits of a long-term data management system

JobWatch has a unique database that it uses to record its telephone and referral service. This database has recently been updated to improve functionality. What makes the telephone service database unique is just how long service records go back, how much data is held and what that data can shed light on.

Since 1980, JobWatch has amassed more than 300,000 telephone service records. Academics working on employment law issues often request access to this rich source of data, and JobWatch frequently draws on it to make submissions to government, media interviews, parliamentary and other inquiries:

It's a wealth of information, it helps to identify trends and with our submissions, such as the wage theft inquiry ... no one else has a such a database the size of ours in Victoria, capturing such invaluable data; it can be quite powerful.

For example, JobWatch can investigate change in the nature of employment issues that people seek information about over time.

The telephone service database is also used extensively by JobWatch for service planning, reporting, research and in funding applications.

Adding Excel spreadsheets

One very common way participant organisations overcame data management system limitations was by using Excel spreadsheets. Most participant organisations (24 of 29; or 83 per cent) used Excel spreadsheets to record service and other information that could not readily be recorded in the participant organisation's main data management system. Often this concerned a specific service initiative or pilot, where more comprehensive information about service users and service operations were needed for evaluation and reporting.

A number of organisations viewed the arrangement as a far from ideal workaround, and reported concerns with the practicality of keeping separate data records in Excel. Some organisations were making changes to minimise their use, including changing their data management system to capture a greater range of data.

Case Study: Justice Connect – capturing better data with a new data management system

Justice Connect is overhauling its administrative data system and moving to a fit for purpose Customer Relationship Management (CRM) platform. The new platform allows Justice Connect to transform and centralise client intake, assessment and service delivery, and enables new data insights and capability.

The previous data system, Public Interest Management System, no longer supports what Justice Connect wants to know about its programs and services, and necessitated use of separate Excel spreadsheets to record program specific information.

Broadly we want to know who we're helping, information about service delivery, then we do some surveying after service delivery, feedback, stories and reporting, then reflecting, mainly on trends, impact and outcomes ... we are building our organisation-wide monitoring and evaluation framework ... we got good at identifying why we needed to record things ... and only capturing things that are meaningful.

The new system is intended to make reporting easier, and provide more insights about service performance and outcomes, moving beyond 'just counting widgets'.

The commitment we've got is, 'No spreadsheets!'

Consolidating service data in a single database is also intended to improve Justice Connect's ability to identify systemic issues by 'joining the dots' between services and improving ability to respond to service trends.

4.3.3 Administrative data capability

Many participant organisations identified a strong link between data capability and data accuracy and consistency. In this report, data capability refers to the ability of an organisation to collect and record data and use it for organisational activities and decisions.[121] Participant organisations were asked a series of questions to gauge data capability. Analyses indicated considerable variation in capability.

Haves and have nots

Analysis indicated polarisation between participant organisations in data capability and use. Organisations with greater data capability tended to use data for more activities. This extended to increased ability to use data to successfully obtain funding – creating a virtuous cycle, where more capable organisations were better able to attract funding and further extend their existing data capability.

Other organisations, however, described substantial challenges in collecting accurate and consistent data, and making use of it – and this could present a barrier to obtaining one-off project and grant funding. This created a vicious cycle, with increased data capability contingent on obtaining additional funding, which required data:

> *To make the case for this work [data collection and use] to be resourced, we need to show the outcomes it can achieve, and that it doesn't happen out of thin air; it takes money and skilled people ... making the case for proper funding ... organisations cannot do this without the proper funding, or the right skills. You've got to make it visible.*
>
> ***State-wide, specialist legal service***

One consequence of funding bodies requiring certain reporting requirements, particularly for one-off grants, was that some legal service providers were much better placed to successfully bid for and undertake activities such as pilot programs and project evaluation than others:

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121   Data capability is influenced by a range of factors, including people, skills, leadership, governance, systems and resources. These factors are interlinked and mutually reinforcing. For example, having staff with data expertise can inform and influence data culture and strategic direction.

> *There is a level of data literacy and comfort here. We are quite well resourced compared to other CLCs in that respect.*
>
> ***State-wide, specialist legal service***

Participants also explained how variation in organisational capacity and capability affected adaptation to CLASS. For example, participants explained that many smaller organisations did not have data expertise within their organisation, with fewer resources to manage the transition to CLASS and invest in organisational data capability. These organisations were described as 'behind the eight ball' from the start:

> *We had difficulty getting the capacity to enter data in a consistent way. We're struggling a bit; when CLASS was introduced it was assumed you had the resources to train everyone up. It's a shame, as I doubt if we're using it to its optimum.*
>
> ***State-wide specialist legal service***

Factors affecting data capability

People and skills

Most participant organisations did not have dedicated staff solely responsible for data entry and management. Instead, it was common for organisations to rely on a range of staff who had other core responsibilities (such as lawyers and administrative staff) who entered and managed data. Many also relied on contributions from volunteers.

While most participant organisations reported having training for those involved with data, there was variation in data entry training, supervision and checking. Not all had organisational data entry manuals or guides setting out expected practices. While some organisations thought having frontline legal staff and volunteers conducting data work was problematic, others felt sound practices could be established, but doing so required training and oversight.

Several participant organisations also reported that they had already recruited, or were seeking to recruit, some staff with data expertise (e.g. with a background in monitoring and evaluation). However, reallocating resources to, or acquiring funding for such a role was a barrier, and appeared to be something that larger legal service providers were better placed to achieve. Some organisations also wanted to increase data literacy, but again noted that taking staff and volunteers offline for training detracted from frontline service delivery.

Participant organisations commonly situated the challenge of data capability in the context of wider organisational challenges within the legal assistance sector. Lack of staff time, expertise and resources constrained data capability. Notwithstanding the challenges, some organisations still strived to collect data pragmatically, while recognising the constraints:

> *We have tried a few methods for undertaking client surveys. We had volunteers and a pro bono partner undertaking client surveys ...but this has fallen away. Client surveys are probably the most useful part of our monitoring and evaluation. It is seven questions, at most, that are focused on whether the client felt supported, respected and understood the advice they were given. ...The problem really has been having the internal resources to make it happen.*
>
> ***State-wide specialist legal service***

Resources

There was almost universal consensus that the primary challenge to building data capability was resourcing. As set out in Section 4.1, participant organisations were of the view that funding agreements were directing funding to **the delivery of frontline legal services and meeting the needs of priority clients.**[122] Organisations further indicated that funding to improve data capability and work, was difficult to obtain:

> *It is very difficult to get funding for [monitoring and evaluation] ... there are very few opportunities. A lot of the time [monitoring and evaluation] is tacked onto your service delivery, but the resources needed to actually build capacity and to build a proper strategic [monitoring and evaluation] framework – it needs additional resources, people and time.*
>
> **State-wide, specialist legal service**

Organisations also highlighted different resource levels across the legal assistance sector. Those unable to dedicate staff to data work, consequently faced a greater struggle when checking, reporting and using data. Some others, who had greater ability to manage and use data, noted that this was not the case for all:

> *Funding for some services doesn't stretch beyond service delivery, but we make it stretch to cover some of this [outcomes measurement work] as it is important.*
>
> **State-wide, specialist legal service**

Polarisation in data capability was evident. As one organisation indicated:

> *You need [the] commitment of individual organisations, and it's disproportionate if they're small organisations... For a smaller CLC it is difficult to do day-to-day work and then be required to [do] this deep dive into [building the] evidence base. That would be very hard for a small CLC.*
>
> **Metro, generalist legal service**

Organisations also indicated a broader need to resource sector-wide leadership on key strategic activities, such as data capability – with some pointing to the need for improved co-ordination and support across the legal assistance sector.

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122 See, for example Council of Australian Governments (2015), clause B6.

Improving data capability

Organisational culture and data strategy

Several participant organisations highlighted the importance of organisational culture and data strategy. One important element driving data capability was said to be emphasising the critical role of data within the organisation and establishing a data culture:

> *Data is evidence of your impact. Data is evidence of what your client needs and what your community needs are. [Data is] how you tell your stories … We've been on a cultural journey and people now see how important data work is and want to contribute. Capacity building is really important.*
>
> ***Metro, generalist legal service***

One organisation explained how changing internal culture and data practices had to start with training staff (particularly those responsible for entering data), and demonstrating the value of data for legal assistance services and operations. They also saw promoting use as a route to better data quality:

> *[We are] working on how we can better train our staff in CLASS, and how do we bring back the data to the managers and teams? How do we actually get people to value the data, as you know, inevitably, when people see what it does, they'll enter it better, or feel as though they are contributing a lot better.*
>
> ***State-wide, specialist legal service***

Several participant organisations added that it was critical that an organisation's senior leadership also had data-driven conversations, to increase literacy and engagement in the data the organisation collects:

> *[Data confident] staff are critical. From a management perspective we need to make informed decisions … the expectation from a governance level is that our board needs to make … informed decisions: more and better data, as well as case studies.*
>
> ***Metro, generalist legal service***

An organisational culture supportive of sound data practices also included:

- organisational leaders who understand the benefits of data and invest in it

- widespread understanding across the organisation about why data was collected, and how it was used by the organisation to inform strategic decisions

- organisational leaders being data literate and using data in decision making

- a foundational level of data literacy amongst staff, and staff understanding the importance of quality data practices to the organisation's current and future services.

Perhaps unsurprisingly, given the substantial change that many participant organisations had experienced in recent years, many participants referred to the 'data journey' that their organisation and the wider legal assistance sector was on. A common feature was effort to develop a more data-driven culture, using data rather than anecdote, in decisions about what the organisation did, and tried to do. Organisational journeys were variously described as being an ad hoc, iterative, start-stop, staged or deliberative processes. ARC Justice provided an example of one approach to developing a culture around data.

Case Study: ARC Justice – improving the data literacy and engagement of staff

ARC Justice has created a monitoring and evaluation framework and is improving the data literacy of its staff, for example, by providing more data collection and evaluation training. To do this, the organisation has directed funding for an evaluation manager position:

We decided that the most impact could be received by directing funding to evaluation, rather than another service delivery or community legal education position at this time. We knew that if we had a strong evidence base about how we are delivering services including community legal education, what works and what doesn't, it would enable us to direct resources and undertake service planning in the future to have the most impact.

The organisation has seen direct benefits of investing in the data literacy and engagement of its staff:

Now our confidence is increasing as we know the quality of data is increasing. I feel for smaller centres who don't have the scale or resourcing to do this work; I imagine they will be struggling to meet the increased demand by funders for data. I imagine that they are still using data that is not necessarily very reliable. It also takes a lot of resources to ensure data is reliable – it has to be analysed and interrogated, which takes not only time, but also technical skills.

These activities represent a shift; from using data to satisfy funder requirements to understanding it as a tool for evidence-based decision making.

Now we have access to data to drive our direction and thinking, and it's only because we were able to find the resourcing to do this.

Data capability and the progression to outcomes and evaluation

Several participant organisations specifically cited growing interest in outcomes and evaluation of legal assistance services, as being frustrated by data capability challenges.

Djirra provided an example of an organisation who focused on data capability, involving needs assessment, outcome measurement, data mapping and evaluation capacity building.

Case Study: Djirra – organisational benefits of a data needs assessment

To better inform data capability, capture outcomes and build organisational monitoring and evaluation capacity, Djirra conducted an Evaluation Needs Assessment. This reviewed individual and organisational capacity in data entry, collection, reporting, sharing and use. A foundational component of this work was mapping the organisation's accountability and reporting requirements across its numerous funding streams. Djirra found there were around 200 indicators it was required to report on, and that requirements often change as funding agreements change.

Following on from the needs assessment, Djirra has designed a tailored evaluation capacity building program and is planning a participatory process to design an outcomes and monitoring and evaluation framework. The intent is to shift focus from upward accountability, compliance and external reporting, to downward accountability to clients and community members. Djirra specifically intends to use monitoring and evaluation to contribute to self-determination, to support 'ground up' Aboriginal-led development of outcomes, measures of success and to better inform advocacy efforts and service improvements.

One of the challenges for Djirra is around capturing outcomes, working out what other culturally safe methods and data systems are needed because 'you can't record outcomes in CLASS'.

... it's [about] trying to lift [data and reporting] from outputs ... Especially being an Aboriginal community-controlled organisation, and a culturally safe service. How do we better tell the story of the value and impact of our service and what matters about our way of working. ... impact has so many definitions, looking at that idea of outcomes on people's lives is also very complex, a legal outcome might not tell you the different outcomes that are going on.

It's a holistic, wrap-around service [we provide] ... but how do you talk about [outcomes] in the short-term, medium-term and long-term ...how do you also ensure you are measuring the right outcomes at the right time... it's very complex.

It's not a quick process either, to work out what your outcomes are going to [be] ... you need the time, you need specific resources. If you want to talk about impact, let's be serious about what it takes to articulate it, to measure it. ... It's difficult stuff.

A number of participant organisations discussed a 'movement' towards outcome measurement as a way to better capture their work. The issue of measuring the value, impact and outcomes of legal assistance services is examined in more detail in the following section.

4.4 Limitations to capturing the complexity of clients and services

This section sets out the findings about the limitations of administrative data to capture client and service complexity, a central theme from interviews. It discusses the main drivers of the limitations; data management systems and reporting requirements; and how some organisations respond to these limitations. It also explores how organisations are attempting to adapt data collection to better reflect what they do, and what they aspire to do in the future.

Section findings

- Prioritising services to vulnerable and disadvantaged people means that services were often delivered to those experiencing multiple legal and related life issues. Meeting the needs of these clients with complex needs required delivery of complex services.

- To understand legal assistance services, who benefits from them and how, it is important that the data collected adequately captures client complexity and associated service delivery effort.

- Administrative data systems were limited in their ability to capture this complexity. In part this reflected the limitations of repurposed data management systems, though organisations felt reporting requirements also failed to adequately capture the services they provided.

- Some legal assistance organisations were collecting more complex data than those required by reporting, to answer critical questions for their communities.

- Often this was to respond to the specific needs of one-off or pilot projects. This was generally implemented using ad-hoc Excel spreadsheets to overcome the limitations of many core data management systems.

- However, this data was largely used for internal organisational purposes, and not captured in core data management systems. Lack of consistency in how and when additional data was collected, precluded aggregation and comparison across organisations.

- Organisations aspired to more fully capture complexity and identified several central areas to focus on. This extended to an aspiration to collaborate and engage with others (such as academics) to improve and enhance administrative data work.

- Organisations also noted that better capturing complexity would be likely to involve an increased focus on outcomes for clients, reflecting a broader movement to an outcome focus across Australian governments.

4.4.1 Clients and legal services are complex

Many participant organisations reported that the legal problems and life circumstances of their clients were complex. Organisations suggested that:

- clients presented with multiple forms of disadvantage and multiple and compounding legal problems

- clients often did not seek help early enough, or did not understand their problems were legal in nature until things reach crisis point

- clients presented with related and urgent life issues, which required assistance, often from other social services.

Participant organisations also noted that an increased focus on priority groups, to make the most appropriate use of limited resources, also increased the complexity of client circumstances.

Moreover, participant organisations explained that service delivery to complex clients was more resource intensive in certain contexts. Cited examples included:

- delivering services to clients in remote or regional areas, particularly where long-distance travel was required

- in courts, where there could be a very high volume of clients in a short space of time

- in closed environments, such as prisons or remand centres, where travel was often required, and there may be very limited time to provide services to clients with highly complex legal needs.

These perspectives are generally consistent with Australian and international research indicating that legal problems can trigger further legal problems, and that people with multiple forms of disadvantage are more likely to experience numerous and compounding legal and non-legal issues.[123] This means that legal assistance organisations are often faced with delivering complex legal services for clients with complex legal and related needs.[124]

More generally, organisations noted that services could vary significantly in many ways, including the time and resources required, the type and level of service(s) delivered, the potential outcome(s) and the outcome(s) achieved. They suggested that basic client characteristics and simple service or client counts did not adequately capture the services they delivered. The question was the extent to which administrative data could capture the complexity of clients and service delivery, and how it could be adapted or supplemented to better reflect what organisations were doing.

Ability of administrative data systems to capture complexity of clients, services and service value

Limitations capturing overall complexity

Participants were asked about the extent to which their administrative data fully captured the complexity of their services, clients and value. Almost universally, they felt it did not. Only one organisation felt that their data captured the impact and value of the services it delivered.

Several limitations were described. First, service data was characterised as 'crude' or otherwise limited. Counts of services were characterised as 'widgets'; not measures of impact, benefit or outcome. Organisations indicated counting and reporting the number of services delivered did not capture the complexity of client legal needs. They also indicated that they failed to fully reflect the effort of working with the types of people who access public legal assistance sector services, who typically have other social needs.

Second, and consequently, service data was not viewed as able to capture the benefit, including the extent of the benefit, of someone receiving legal assistance:

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123   See, for example, McDonald and Wei (2013); Pleasence (2006); Pleasence et al., (2010); People (2014); Coumarelous et al., (2012); Currie (2007).
124   See, for example, Department of Justice and Regulation (2016).

> *[Our data system] is next to useless unless you are using it to measure [service] numbers. There are no outcome measures for impact and benefits … it is useless for [measuring outcomes] of community legal education, community development and community engagement.*
>
> **Metro, generalist legal service**

Participant organisations explained that they knew that their services had made a tremendous difference in some cases but felt that this was not reflected in the service data. Some of this knowledge was anecdotal, some stemmed from client follow-up and ongoing interaction. As this type of information was not canvassed in the DSM, there was no standard way to collect it, and often no place to record it within existing data systems.

Third, they indicated that service data did not measure what they described as the 'null', a measure of what was prevented or avoided. For example, if the organisation had assisted a client to avoid paying an unfair debt or being evicted from their home. Below is an example of the challenge of capturing client and service complexity, and the issues that underlie legal need.

Case Study: Villamanta Disability Rights Legal Service – data constraints to capturing complexity

Legal assistance clients usually present with a particular problem. However, centres often need to drill down into a person's life and identify and record all the barriers they are facing to solve the problem. It is very challenging to capture this process in service data, because these systems typically capture one or two kinds of legal problem, or a single advice given to a client.

Villamanta Disability Rights Legal Service identified in their case files that many clients have problems finding appropriate housing. However, this wasn't showing in their statistics.

If you analysed our casework files, you'd find a lot of people have issues with housing, but our stats wouldn't record that.

In one matter, a client with a disability wanted to live independently from her parent and step-parent. The service recorded this matter as having two legal issues: firstly, the need for a VCAT application to remove a parent as a financial administrator; and secondly, an application for increased NDIS funding.

Our stats wouldn't show that the big problem here is there's not enough housing or disability supports. It would show up in our stats as a guardianship administrative matter, and a need for increased funding, but underneath is the housing issue.

This example also highlights the challenges faced by community legal centres that want to measure systemic drivers of legal need, but are unable to, due to the constraints of data systems.

Limitations related to data management systems and reporting requirements

Participant organisations further reported that current data management systems did not adequately capture the time taken and range of tasks legal assistance services provided for complex matters and clients. Similarly, they felt that reporting requirements rarely aspired to capture or value service complexity, being limited to activity counts that do not distinguish service effort and value. This included both the number as well as the nature of legal matters presented, and related needs of service users.

Two major themes were evident:

- data management systems were configured to measure service numbers or outputs, and this typically did not capture more nuanced measures, and

- most reporting requirements only required organisations to report on service numbers, and very often this did not adequately communicate the complexity of work required to meet the needs of clients.

A small number of participants were satisfied with the ability of their data management systems to capture aspects of client's complex problem experience or related life circumstances. For example, one participant explained that their bespoke database enabled recording of multiple legal problems:

> *Our callers frequently have multiple issues, and the [bespoke database] allows multiple specific problem types to be selected.*
>
> ***State-wide, specialist legal service***

However, this perspective was uncommon, with most organisations reporting that capturing complexity, particularly through a single database, was not possible.

Participants also highlighted the issues of repurposing databases for tasks such as research and evaluation. For example, some noted that since CLASS was designed as a legal service database, there were challenges to recording non-legal, but related issues experienced by clients that potentially affect services.

Organisations also stressed the limitations of reporting requirements in describing their work. Participants were generally of the view that the method of counting and reporting legal services required under the Data Standards Manual (DSM) was not an accurate reflection of the services they delivered. As set out in Section 4.1, the DSM directs organisations whose services are reported to the Commonwealth Government to record numbers of legal services delivered to individuals (information, advice, representation) and services to communities, such as community legal education. Some participants observed that this method of reporting obscured differences in the time and effort required to deliver different legal services to different clients.

Difficulty capturing time spent on matters

Collecting data on the time spent on matters, or with clients, was viewed as a way to better reflect the services that organisations were providing – and provide at least some proxy measure of complexity.[125] However, there were barriers to capturing time or resources spent in service delivery. Reporting estimated time on matters was optional under the DSM, and organisations varied as to whether they had capacity to do so. For example, some organisations considered recording estimated time spent on matters to be onerous, due to both resource constraints and limited case management functionality. While some organisations captured time spent per client in separate spreadsheets, there was no consistent approach to measures of time spent on different activities and services. Several participant organisations reported frustration with data management systems which they reported had failed to keep up with their evolving operational needs:

> *We're trying to record cross referrals, client outcomes, education, systemic impact and advocacy. None of this is criticism of CLASS, it was created to be base level collection, but [the] problem is centres have moved well beyond that.*
>
> ***Metro, generalist legal service***

Evidently, there were significant challenges to capturing complexity, including database limitations,[126] limited reporting requirements, time and resource challenges, lack of data capability and difficulty capturing particular measures or concepts.[127] Nonetheless, several organisations had developed methods to try to gauge client needs and service benefits.

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125 Noting that some matters may take a long time from opening to closing due to justice system processes and not necessarily due to either matter or client complexity.

126 As discussed in Section 4.1, note that CLASS was designed to replace the decommissioned CLSIS data management system used by CLCs and family violence prevention legal services and align with the data standards and reporting requirements under the DSM and NPA. While CLASS can be customised, it was not designed as a system to measure and record client outcomes.

127 Such as the detail of or range of problems, time or resources spent, latent constructs such as wellbeing or capability and outcomes, which are discussed further in Section 4.5.

Organisational efforts to capture complexity

Many organisations, particularly those with greater data capability (discussed in Section 4.3) aimed to collect data capturing aspects of the complex needs and lives of their clients and communities, despite challenges in doing so. Organisations suggested that this information helped them plan and deliver services that matched client and community needs, and evaluate aspects of their work. Participant organisations mainly collected such data using Excel spreadsheets rather than their core data management system.[128]

Capturing more detailed client information

Several organisations provided copies of Excel spreadsheets currently used to capture client data that was not entered into the data management system. These spreadsheets were often tailored to project specific services. As one participant explained:

> *That is why we established the Excel spreadsheets: they are important to stakeholders and non-core projects that are DJCS [Department of Justice and Community Safety] funded. A big part are the secondary consults.*
>
> ***Regional, generalist legal service***

Manual entry into spreadsheets, however, was described as time consuming and resource intensive:

> *In our project work we want to look at themes that are emerging, we are trying to capture detail across a range of things … to get a quantitative [picture] … that is really hard. We will be doing this by hand.*
>
> ***Metro, generalist legal service***

One participant organisation shared an internal evaluation of client complexity completed in 2017, revealing just how involved measuring social and demographic characteristics could be. The client data sought was more nuanced than that routinely recorded in its data system. Although this process had to be conducted manually, valuable information for service design and provision was yielded, including information about:

- client communication and skills, including English as a second language, other communication barriers and low functional skills

- social issues, including substance use, domestic violence, whether a client was homeless or at risk of homelessness, social isolation, history of trauma, history of institutionalisation as well as other life events

- disability, including Acquired Brain Injury (ABI), hearing or sensory disability, intellectual disability, physical disability, psychiatric illness, chronic or severe medical issues or other disability.

The work highlighted the breadth and depth of client information relevant to some legal service models. However, because such data was typically entered manually in spreadsheets, rather than a single main database, there were challenges linking that data internally and generally precluded any aggregation/comparison externally. The following example highlights the benefits and challenges of measuring client complexity.

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128 That is not to say that there were no examples of adapting core data management systems to attempt to capture client or service complexity. For example, some participants explained that assistance from the Federation of Community Legal Centres (as part of their project on data standards) had helped them to configure CLASS to collect more detailed information about the specific legal problem types their centre was interested in.

Case Study: Peninsula Community Legal Centre – a client complexity study

Peninsula Community Legal Centre tells comprehensive and compelling data stories by using a combination of its own and other data to highlight legal need in its catchment, an area of over one million people. This enables it to make a compelling case for change, advocate for law reform and plan targeted services to meet legal need.

Measuring the complexity of its clients is also a focus for the centre. Recently, the centre conducted a complexity survey of its clients. This is a challenging manual process, because its data system, CLASS, is not configured to measure complexity. For example, it is not able to record a client's multiple legal issues and their related life-issues.

It's important for the sector to understand the complexity of cases. I'm not sure the broader community understands the level of complexity that community legal centres are dealing with. Community legal centres have become more sophisticated in the work they do and the clients they service.

In the future, the centre wants a case management system that can capture and report on client complexity, so that measuring complexity can be simplified.

Responding to the needs of one-off or pilot projects

Spreadsheets were also commonly used to record more complex or nuanced data for pilot projects. Pilot projects in Victoria were most commonly one-off funding grants for new or innovative projects, often to meet a perceived emerging legal need and examine new innovative ways of legal service provision. This included, for instance, new service approaches, such as digital innovations to provide legal information, or co-located legal services in health or education settings.[129] Spreadsheets are necessary since pilots (and their evaluation) frequently have bespoke data requirements, which diverge from DSM reporting requirements and fall outside the remit or capacity of core data management systems. In turn, several participants described that a consequence of running numerous pilot projects was a proliferation of discrete spreadsheets. This also created consistency challenges:

> *Because we have so many projects intended to be pilots, we've just ended up deciding to do a huge number of spreadsheets. And they're not always set up in the same way, [which] makes it difficult to compare.*
>
> ***Metro, generalist legal service***

More generally, numerous organisations used variables and measures (e.g. describing the vulnerability of clients and service resources expended) to deliver targeted services responding to the needs of their communities, however, this was most often separate from the administrative data reported at the sector level. Several participant organisations suggested that there was a significant amount of data held in discrete organisational spreadsheets, with little opportunity to aggregate data to provide sector-wide insights. This has implications for the planning and delivery of services at a sector level, as well as measuring service provision to priority clients.

Organisations aspire to more fully capture complexity, impact and service value

Specific data aspirations

Many participants indicated that in the future they wanted to be able to both collect and report the complexity of their clients, and the effort required to deliver services. Further, many wanted to be able to understand and report the impact and value of services for individuals and communities (which is explored in further detail in Section 4.5). Numerous examples were cited, setting out how having such measures would benefit services and funders.

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129 For example, in October Victoria Legal Aid launched a pilot project focused on resolving small amount property disputes for separating couples, and invited expressions of interest from community legal centres. See further: https://www.legalaid.vic.gov.au/about-us/news/new-pilot-scheme-to-help-separating-couples-divide-their-property (accessed 3 April 2020).

Several organisations reported a desire to use data to more fully understand the time and effort required to meet the needs of different clients, such as to monitor lawyer workload. However, in many instances they indicated that current data collection made this difficult, reiterating the limitations of simple service counts:

> *The best source to know what the workload of our lawyers is wouldn't be the numbers [data], as it is not reflective of everything they do, and the complexity.*
>
> ***State-wide, generalist legal service***

There was also a desire to progress towards data that provided an understanding of the varying effort required to deliver different legal services to different clients or client groups:

> *I'd like to understand more about [how] an advice for one problem type might mean something completely different for advice for another [problem type], and we don't [capture] effort, particularly for representation.*
>
> ***Regional, generalist legal service***

Analysis indicated several common areas where participant organisations wanted to know about their services and their impact, including getting a better understanding of:

- how their services were operating
- whether clients were satisfied
- what the outcomes were, and
- whether there were other things that they should be doing.

Case Study: Social Security Rights Victoria – changing practice to measure outcomes

The Social Security Rights Victoria (SSRV) is one of the 'smaller centres' – a specialist CLC focused on people experiencing problems with Centrelink. Over its 30-year history, the SSRV has transitioned from providing predominantly call centre advice to more secondary consultation, casework, education and policy work.

Like many other CLCs, the SSRV uses CLASS to collect client and service information. In the last few years, the SSRV has started collecting additional information for monitoring and evaluation. This includes both collecting additional socio-demographic indicators related to priority client groups, as well as additional program specific measures to enhance service monitoring and insights. Again, like many other CLCs, this additional information is manually collated.

SSRV is also moving beyond measuring and reporting 'just outputs' by collecting information related to outcomes and gathering client narratives and experiences with social security matters.

Due to the specialist nature of its services, the SSRV is often called on to participate in inquiries into social security and Centrelink. For a small centre, this work can be taxing.

... we were invited to give evidence into Robodebt, that took up a huge amount of resources ... we used our data to look at the numbers of people and who the people are. The interesting thing about Robodebt is that the people we speak to about it, they are not our usual clients. They are often university graduates for example, but not current social security recipients ...

SSRV has also commenced a six-monthly satisfaction survey. This will provide baseline satisfaction measures that can tracked across time and provide additional insights to enhance service monitoring.

Several participant organisations reported that they were intending to conduct client satisfaction surveys more frequently to supplement administrative data collection and gather more information about their service provision.

Aspiration to engage and collaborate with others

Some participant organisations also wanted to be able to engage and collaborate with others more effectively on data issues, and particularly on methods and measures to capture complexity, impact and service value. This included working with other legal service organisations on shared projects. As with much administrative data work, this presented challenges.

For example, several participant organisations described how they had been involved in joint projects, which had been stymied by inconsistent administrative data practices, particularly around the way in which data was collected and the meaning that could be attributed to it. One example cited was how different legal services recorded legal matter types at different levels of abstraction, and different data recording practices between general and specialist community legal centres.

Several participant organisations also reported that they had periodically engaged or partnered with academics on research projects. One barrier to doing so, however, was ethics approval processes and requirements:

> *I wish some peak body would say, 'We will be the ethics body for community legal centres wanting to do research', because we're having to go through external partners … and they're all different and really difficult and they don't get our programs or our systems or our sector. I know there are different ethics boards, but I'd love there to be one more tailored towards us … Ethics approval process is a massive barrier to doing this. And it takes a lot of staff hours, and you add all that information into grant applications, and then we get feedback that it's an expensive project.*
>
> ***Metro, generalist legal service***

Another barrier was the time required to engage and collaborate with universities:

> *In terms of law reform and advocacy, the data we could gather would be so rich. We have been looking at how do we harness the power of our data? What we'd love is for more academics and universities to be interested in our data. I spoke to academics … from their perspective community legal centres aren't necessarily set up to have academics jump in to do a study, they said [it] would be great if we could get funding around helping a community legal centre 'get ready', for example, all of the consent forms, all the processes and procedures etc., so that when an academic wants to do a study, we'd be ready to go. It's a shame because we are missing out on academics wanting to partner with our centre to use our data to contribute to social change.*
>
> ***Metro, generalist legal service***

This again pointed to resourcing as a key constraint in being able to make greater use of legal assistance service data.

Movement to outcomes

Analysis clearly showed that many participant organisations were currently unable to represent the work they are doing through administrative data. Efforts were being made to better capture their work, though organisations wanted and needed to do more. This extended to the perceptions of participants that there was both an increased onus on needing to capture outcomes, and benefits of doing so.

Some organisations were already collecting data in spreadsheets to measure outcomes of programs and services. The sample of spreadsheets (and summaries of spreadsheets) reviewed, covered a range of data designed to measure outcomes including:

- client outcomes, for example, outcome of a matter or legal representation

- client understanding of legal advice or their rights, and obligations following information, advice or representation

- a client's sense of wellbeing following advice or representation

- to what extent legal assistance was timely and accessible

- outcomes of court and tribunal proceedings.

The evidence shows that the legal assistance sector has started to collect data to measure outcomes. This is consistent with broader movement across Australian governments[130] as well as work by the Federation of Community Legal Centres to develop consistent outcome measures for legal assistance services.[131] The movement towards an outcome focus, the rationale behind it, barriers to implementing it and some successful approaches are reported in the following section.

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130   See for example, Government of Victoria (2019).
131   Federation of Community Legal Centres (2017).

4.5. From indicators to outcomes

This section explores the increased interest in outcomes measurement, which was described as a means for organisations to explore what they could achieve for their clients and community. It discusses how outcomes are understood, the rationale behind an outcome focus, and barriers to successful outcome measurement. It also presents perspectives on routes to more successful outcome work, and presents a simple model illustrating the progression from outputs to outcomes to impacts.

Section findings

- In interviews there was widespread interest in outcome measurement, with some organisations labelling increased interest a 'movement'.

- While there was no common understanding of what was meant by 'outcomes', they were broadly interpreted as covering what organisations felt they achieve for their clients and community.

- Outcomes were often contrasted with outputs, which typically referred to simple, value-free transactional counts of clients, cases or acts of assistance.

- Outcomes could cover a broad range of measures both directly observable (e.g. problem finalisation, finances, housing, employment status etc.) and latent (e.g. wellbeing, stress, empowerment, capability).

- Outcome measurement was generally understood as being related to, complementing or even synonymous with 'impact'. It frequently extended to seeking to measure the impact of services on clients and was seen as also fulfilling other roles, such as demonstrating the value of legal assistance work to funders.

- Successful outcome measurement and analysis, however, came with significant theoretical, technical and practical challenges.

- Theoretical barriers included the challenges of both defining and measuring outcomes.

- Technical barriers included the limitations of administrative databases in incorporating outcome measures and more broadly, the limitations of administrative data as a method.

- Practical barriers included insufficient research and data skills, as well as a lack of time and financial resources, and the burden that outcomes measurement and analysis place on staff and clients.

- Despite challenges, organisations pointed to a range of successful outcome focused work in the Victoria legal assistance sector.

- The potential for shared learning and practice, as well as a need for a platform to facilitate sharing, ensure quality and avoid unnecessary repetition, was highlighted.

- Organisations also indicated that a lack of dedicated resourcing was a fundamental barrier to successful outcome measurement and progressing to quantifying the impact of services.

4.5.1 What are outcomes?

In most interviews, there was discussion of outcome measurement. Many organisations noted a growth in interest, with some characterising the increased focus as a 'movement'. Despite the lack of a consensus on terminology, outcome measurement was broadly defined by the Federation's 2017 Outcome Measurement Framework (the framework) as providing a means:

> *... to demonstrate our individual and collective impact, [that organisations] can use to advocate on behalf of the sector and our clients to funders, stakeholders and the wider community.*[132]

Organisations often contrasted outcomes with outputs, which typically referred to counts of clients, cases or acts of assistance, without assigning any value to counts (such as time, resources, or immediate outcome for clients). These were what one organisation referred to as 'bums on seats'.

Outcomes, however, appeared to mean different things to different organisations. Some organisations understood outcomes as solely qualitative. Some also understood them to be something that could be captured within administrative data (and measured, albeit with some difficulty). Others felt they required additional data to be collected, such as through follow-up surveys of clients or their advisers. However, in broad terms, outcomes were interpreted as covering the range of things organisations felt that they 'achieve[d] for their clients and communities.'[133]

At an individual case level (which most organisations focused on) the range of outcomes might include directly observable client and matter outcomes, such as a legal problem finalisation (such as method of finalisation, and whether problems concluded in a fair and satisfactory manner); financial outcomes (such as money recovered or benefits restored); change in housing status (such as retaining housing or repairs being done); or change in employment status and conditions (such as reinstatement or change to terms and conditions, working conditions etc).

The range of client outcomes also included change in underlying (or latent) constructs that cannot be directly observed.[134] Some examples included wellbeing, legal empowerment, self-efficacy, stress, or different aspects of legal capability.[135] Measuring change in such constructs, however, was commonly identified as difficult, and something where support and sector-wide approaches would be beneficial.[136]

Whatever the application in each centre, there appeared to be a common interest in progressing towards improved knowledge and understanding client outcomes, for example:

> *I'd like to know more about outcomes that clients have, because we do our job and never hear from them again.*
>
> **Metro, generalist legal service**

Interest in outcome measurement frequently extended to seeking to measure the impact of services on clients, and as a crucial step to identifying better legal assistance services.[137]

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132 Federation of Community Legal Centres (2017), p3.

133 Federation of Community Legal Centres (2017) proposed a comprehensive framework of overarching themes, outcomes and associated indicators. It also discussed a range of potential questions and data sources, with a focus on pragmatic measurement and its operationalisation. Several included outcomes (e.g. legal capability) are also the subject of empirical research highlighting both their multidimensionality and challenges associated with measurement (such as requiring multiple items (not single questions) to credibly capture dimensions of capability, see Balmer et al., (2019); Pleasence and Balmer (2018; 2019a).

134 Whereas some constructs or variables can be observed (directly measured), latent constructs and variables must be inferred. Measures of latent constructs are commonly based on aggregation of responses to multiple questions or items. Such measures, however, need to be empirically validated using appropriate statistical/psychometric methods to be considered reliable and meaningful. Capturing latent variables can be more demanding than capturing directly observable variables, and typically require a greater number of items/questions to construct valid and reliable measures. For an example of one approach to measuring latent variables in a legal context, see Pleasence and Balmer (2019a).

135 See also, Pleasence et al., (2014).

136 Some validated, standard measures have been developed for latent constructs such as wellbeing, self-efficacy and legal confidence. For wellbeing, for example, see International Wellbeing Group (2013) and Tennant et al., (2007). For legal self-efficacy, see Pleasence and Balmer (2018). For a simple measure of general legal confidence, see Pleasence and Balmer (2019a).

137 Outcome measurement was understood to complement measurement of impact. There was also some evidence of conflation of terms, with

4.5.2 Why the interest in outcomes?

Increased interest in outcomes was driven by both funders[138] and legal assistance organisations themselves. At an organisational level, there was interest in more fully capturing the nature and impact of work they were doing (including its complexity, as discussed in Section 4.4) and progressing towards measuring the impact of their services on clients.

Outcomes were also viewed as a vehicle through which to better communicate what organisations were doing and expressing their impact, with a view to both feeding back to funders, support grant applications and contribute to policy making:

> *....in our communications down the track we definitely want to focus on outcomes. ... it is a work in progress for us … It is also a story about impacts and the difference we want to make; to articulate back to funders and to help us with, and get policy changes. We have a clear vision about what the impacts should be.*
>
> **Regional, generalist legal service**

As noted in Section 4.2, organisations also observed an increasing interest in outcome measurement from some funders:

> *Some funders love the data, but others are far more interested in the story; they want to be able to talk about outcomes and by that, I mean individual client outcomes.*
>
> **State-wide specialist legal service**

> *[Outcomes are] much more valuable than the numbers. Traditionally numbers have been the thing. VLA [Victoria Legal Aid] are shifting [to outcomes], but it's slowly … slowly.*
>
> **Regional, generalist legal service**

As another put it:

> *... [funders] all have different levels of depth of information and data and evidence that they all require, and some are more about outcomes, and others are more geared towards outputs.*
>
> **Regional, generalist legal service**

This interest in outcomes, however, was not universal. One participant organisation described experiencing funder resistance to efforts to measure outcomes, and an apparent preference for service output counts.

Some also felt that progress from outputs to outcomes had been slow, reflecting both the challenge of shifting from simple counts to tangible outcomes, as well as the resources, time and expertise to do so. There were, however, some indications that those organisations who had sought to learn more about client service experiences and outcomes, were using this information to inform service design and provision.

'outcomes' and 'impacts' used interchangeably. Outcome measurement could be seen as a logical first step in a project aimed at quantifying impact of services. The next step would be to develop an empirical method/design which would allow you to attribute a change in outcome to a specific intervention (whether that be education, information, advice or representation). Ideally, this means a method with internal validity such as a randomised controlled trial. There is growing interest in this approach in legal settings, with the Access to Justice Lab at Harvard Law School prominent in adopting the approach in law (a2jlab.org). See also Greiner and Matthews (2016), who bring together a range of randomised controlled trials focused on the United States legal profession. This issue is discussed further as part of methodological barriers to an outcome focus below.

138 The Productivity Commission's (2014, 2017) access to justice arrangements and data availability and use inquiries, the Victorian Department of Justice and Regulation's (2016) access to justice review, Urbis's (2018) review of the National Partnership Agreement on Legal Assistance Services and Cox Inall Ridgeway's (2019) review of the Indigenous Legal Assistance Program (ILAP) all highlight need to measure outcomes and the challenges of doing so.

4.5.3 Barriers to an outcome focus

In addition to variations in appetite between organisations and funders, organisations described significant theoretical, technical and practical barriers associated with making progress towards an outcome focus.

Theoretical barriers to defining and measuring outcomes

Organisations acknowledged that outcomes can be hard to both define and measure:

> *Successful outcomes are really hard to measure … how do you define successful outcomes?*
>
> **State-wide specialist legal service**

The Federation's 2017 framework[139] demonstrates how complex and multi-dimensional a comprehensive matrix of outcomes can be. There is a practical reason for this breadth and complexity, as expressed by one organisation:

> *You don't want impact reduced to (legal) outcome, because not everyone has a positive legal outcome. But the impact of our intervention can be meaningful in other ways in terms of their health and wellbeing, or their support in the community.*
>
> **Metro, generalist legal service**

Outcomes also vary in their focus (e.g. on clients, communities, services, processes or systems); the burden put on clients or advisers to measure them; and their potential to improve the lives of clients. At an organisation level, they may also vary significantly across problem types, services and client groups. This complexity and uncertainty in measures was identified by organisations:

> *How are we going to know the certain outcomes we are trying to achieve? What are those outcomes? And then how are we going to find that out, based on what we are already collecting? Or is there going to be anything additional?*
>
> **State-wide, specialist legal service**

One organisation noted how the understanding of outcomes varied between organisations, the wider legal assistance sector, and funders:

> *I think there's a real disconnect between what (outcomes) mean from a funder, organisational and sector perspective.*
>
> **State-wide, specialist legal service**

Outcomes also vary in how easily they can be measured.[140] Some outcomes may be relatively straightforward to measure with suitable data infrastructure (e.g. money recovered, result in court, referrals out), others are not. This is especially the case for intangibles like attitudes, capability or understanding, which cannot be directly observed or counted.[141] The measurement challenge was characterised by one organisation as follows:

> *CLASS covers demographics and quantitative data, and we are looking for qualitative data. Are we making an impact, improving legal outcomes, improving wellbeing with positive legal outcomes? Measuring this comes with great difficulty.*
>
> **Regional, generalist legal service**

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139 Federation of Community Legal Centres (2017).

140 As discussed above, successful measurement of latent constructs (such as aspects of legal capability such as legal confidence, attitudes to justice, understanding of law etc.) which cannot be directly observed is not trivial, requiring multiple items/questions and advanced psychometric analysis and theory. It can be easy to overlook the complexity associated with measurement in outcome frameworks.

141 See Pleasence and Balmer (2018; 2019a) for a discussion in an empirical legal context and DeVellis (2017) for a general introduction to the process of scale development and theory associated with capturing latent traits.

The quotation also illustrated the relatively common tendency to associate outputs with quantitative measures, and outcomes with qualitative materials (as well as individual case studies), and sometimes to conflate outcomes and impact. Impacts, and the research methods required for their quantification, are discussed in Chapter 5.

Technical barriers

Database limitations

Beyond challenges of definition and measurement, many organisations highlighted the limitations of their existing databases and data collection practices as a barrier to capturing outcomes:

> *I mean, it's not impossible to measure (outcomes), DHHS systems do it, but that was not in the creation of CLASS … sometimes we are trying to capture socio-economic data, but CLASS is very much a legal database.*
>
> *Metro, generalist legal service*

Organisations aiming to move beyond outputs to outcome measurement frequently explained that they had to move beyond a single administrative database to do so.

Others noted the disconnect between the rising interest in outcomes, in this case from funders, and the limitations of data systems and processes:

> *We were still seeing funders that are asking for very quantitative outputs, but then they're also asking, 'Tell us about your impact', you know? There's a real disconnect between setting up the system to do that and outcome.*
>
> *State-wide, specialist legal service*

This led to organisations commonly supplementing primary administrative databases with other databases (described in Sections 4.1 and 4.4). Employing Excel spreadsheets was common, particularly with respect to outcome measures and evaluation.

This could also lead to some duplication, with information entered in a primary database needing to be re-entered in one with an evaluation focus. In other cases, reporting requirements included both outputs and outcomes, and again a common workaround was to supplement primary databases with additional data collection. For instance:

> *... funders require different levels of data [from those] that we are trying to gather from CLASS. We found we need to record this data separately in order to meet all requirements.*
>
> *Regional, generalist legal service*

One organisation explained that there was a need to think strategically about outcome measurement; develop specific tools to augment their primary database; and streamline routine reporting to reduce reporting burdens.

> *We had two main findings [from our Evaluation Needs Assessment] – the first is needing to move to a more forward-looking, more strategic [monitoring and evaluation] outcomes framework and data collection tools, and improve our client feedback and qualitative data. But to do that, you first have to get the foundations right, which is heavy work around tailoring CLASS to [service models], and also being able to get the best out of CLASS in order to streamline our funding requirements.*
>
> *State-wide, specialist legal service*

Methodological limitations

Beyond database issues, there were also challenges with point in time data collection. Often legal problems were far from concluded, and outcomes had not yet happened in the timeframes associated with standard approaches to recording and reporting. Surveying clients who had received services with follow-up questionnaires was seen by many organisations as one useful strategy to learn more about what service users did and achieved, acknowledging that legal problems can take considerable time to resolve[142] and that many outcomes take time to be fully realised.

> *We can't know [the outcome of providing legal information] from the data. In an ideal world, it would be good to know, for example, whether the caller did make a claim, and what the outcome was. … With the telephone information service, we are at the preliminary stage: we know what the problem is, but it would be very interesting to know [the outcome]. A survey of callers would be a means of identifying their next steps.*
>
> ***State-wide, specialist legal service***

This was particularly the case for more intangible outcomes like effects on health, wellbeing and capability.[143] As one organisation put it:

> *If you are trying to measure wellbeing, how can you possibly do it? You can do it with a survey. You can do a survey on completion and resolution of a legal matter … [But] you have to go back to the client.*
>
> ***Metro, generalist legal service***

Despite the attraction of capturing (and showing changes in) health, wellbeing or capability, measurement came with challenges:

> *We've had projects in the past where we have said we would improve health outcomes through legal intervention, but we have no way to measure that.*
>
> ***Metro, generalist legal service***

Practical barriers

Lack of access to research and data skills

Identifying and implementing outcome measures, working with databases, analysing and interpreting data, required skills, as cited by several participant organisations. The challenge was building skills and capacity to do so:

> *The missing piece of [the] puzzle is outcomes. We want to build our capability to do that [analyse outcomes]. We want to link an intervention to outcome.*
>
> ***State-wide, specialist legal service***

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142   For an analysis of civil legal problem duration, see Pleasence et al., (2015).

143   Legal capability (e.g. see Balmer et al., 2019, p.6) was seen by several organisations as important for triage to inform service design and facilitate more democratic and rationale approaches to resource and service allocation(Sandefur, 2016). More broadly, improved ability to capture aspects of capability has been identified as a factor to better understand the nature of legal needs; ironically a weakness of 'legal need surveys' (OECD/ Open Society Foundations, 2019; Sandefur, 2016).

Where work was conducted internally, this was likely to require funding to develop technical data management and research skills, with a need for 'more training on impact and evaluation, and outcome-based evaluation' (Metro, generalist legal service). Organisations further indicated an awareness that they needed external evaluation expertise and support:

> *I'm firmly of the view we need experts to do some of this stuff going forward.*
>
> **State-wide, specialist legal service**

Although several participating organisations identified an important role for outcomes measures and evaluative work, this was seen as requiring skill and resources that were new for many legal service providers, and which was challenging, particularly in a constrained funding environment.[144]

Lack of time and financial resources

Whether conducted internally or externally, outcome measurement and analysis needed to be resourced financially. Despite awareness of potential benefits, without dedicated funding and staff resources, a number of organisations felt administrative data work (and particularly additional data collection using methods such as client follow-up and surveys) were unrealistic, as the time and resourcing required would 'cut into the number of clients [lawyers] see' – as the reality for many organisations was that:

> *Funding doesn't stretch beyond service delivery.*
>
> **State-wide, specialist legal service**

> *I would want evaluation to be inbuilt into funding contracts, I would want enough money to employ someone to do that, or even just have enough time to do that.*
>
> **Metro generalist legal service**

Lack of dedicated funding was also a challenge for administrative data work more generally (as discussed in Section 4.2). Consequently, several participant organisations cited the need for dedicated funding from the Victorian and Commonwealth governments to enable sector-wide outcome focused work to progress:

> *I think government needs to fund centralised work on impact and outcomes measurement and it needs to be recognised that part of running an organisation requires putting money into administration, governance, research and evaluation work. By and large in the Victorian legal assistance sector, this is not the Commonwealth's greatest priority, but there is generally openness in the sector to using money for policy and research. Now is a good time to be doing that.*
>
> **State-wide, specialist legal service**

Again, the size and capacity of legal assistance providers was a factor affecting outcome measurement.

> *We're a big CLC, so we have more capacity. For a smaller CLC it is difficult to do day-to-day work and then be required to go into this deep dive into [building the] evidence base. That would be very hard for a small CLC where, for example, a Principal Lawyer answers the phone if the admin person is on lunch.*
>
> **Metro, generalist legal service**

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144   Empirical research and evaluation skills required are rarely part of legal education.

There was also some disappointment at how size, capacity and resourcing related to opportunities to do outcome focused work:

> *I have felt really frustrated that there have been expression of interest tender processes, and the organisations that have ended up participating are the organisations that already have the resources.*
>
> ***Metro, generalist legal service***

Finally, one organisation noted that arguing for dedicated funding introduced a Catch-22, echoing the discussion of data capability in Section 4.3. Outputs of data analysis, illustrating outcomes could be useful in obtaining further funding, but there was a lack of dedicated funding available to conduct data analysis in the first place.

Burden of implementation

Even with outcome measures developed and systems to capture them, implementation and framing concerns remained:

> *I think the outcomes measurement framework developed by the Federation [of Community Legal Centres] is brilliant. It is just a matter of implementing it. All of those outcomes, I don't have a problem with those, it's just the implementation that is a challenge. So, we've taken little pieces and attempted to improve on them.*
>
> ***Metro, generalist legal service***

Organisations stressed the burden implementing a broad set of outcome measures could place on staff and clients, and how that needed to be balanced with pragmatic understanding of what could be achieved within available organisational and sector capacity:

> *… it's a matter of trying to narrow that down so we're not overburdening staff with collecting data and ensuring that we are able to do what we do really well, not trying to cover too much ground in the process.*
>
> ***State-wide, specialist legal service***

Implementation concerns extended to questions of data quality, as well as what outcomes had the most relevance for monitoring and evaluation:

> *[An element of collecting outcome data] is data quality improvement; focusing on data points that are useful to us, not just improving data across the board. Through our monitoring and evaluation framework, what is the data we need? We collect a wealth of data, bits that are most useful, monitoring and evaluation and [the types] of outcome measures that we want to capture ... process evaluations about what was it that we did that lead to outcomes.*
>
> ***Regional, generalist legal service***

While there are evidently a broad range of relevant outcomes that it would be desirable to measure, participant organisations stressed a need for accurate, consistent and manageable collection of outcome data.

4.5.4 Understanding and overcoming barriers

The main themes identified in the analysis of participant views reported above are summarised in Figure 4.5.1. This model notes theoretical, technical and practical barriers to overcome, to move on from output to outcome measures, and from outcomes to impacts.

Figure 4.5.1: **Challenges in progressing from output measurement to outcomes to impact**
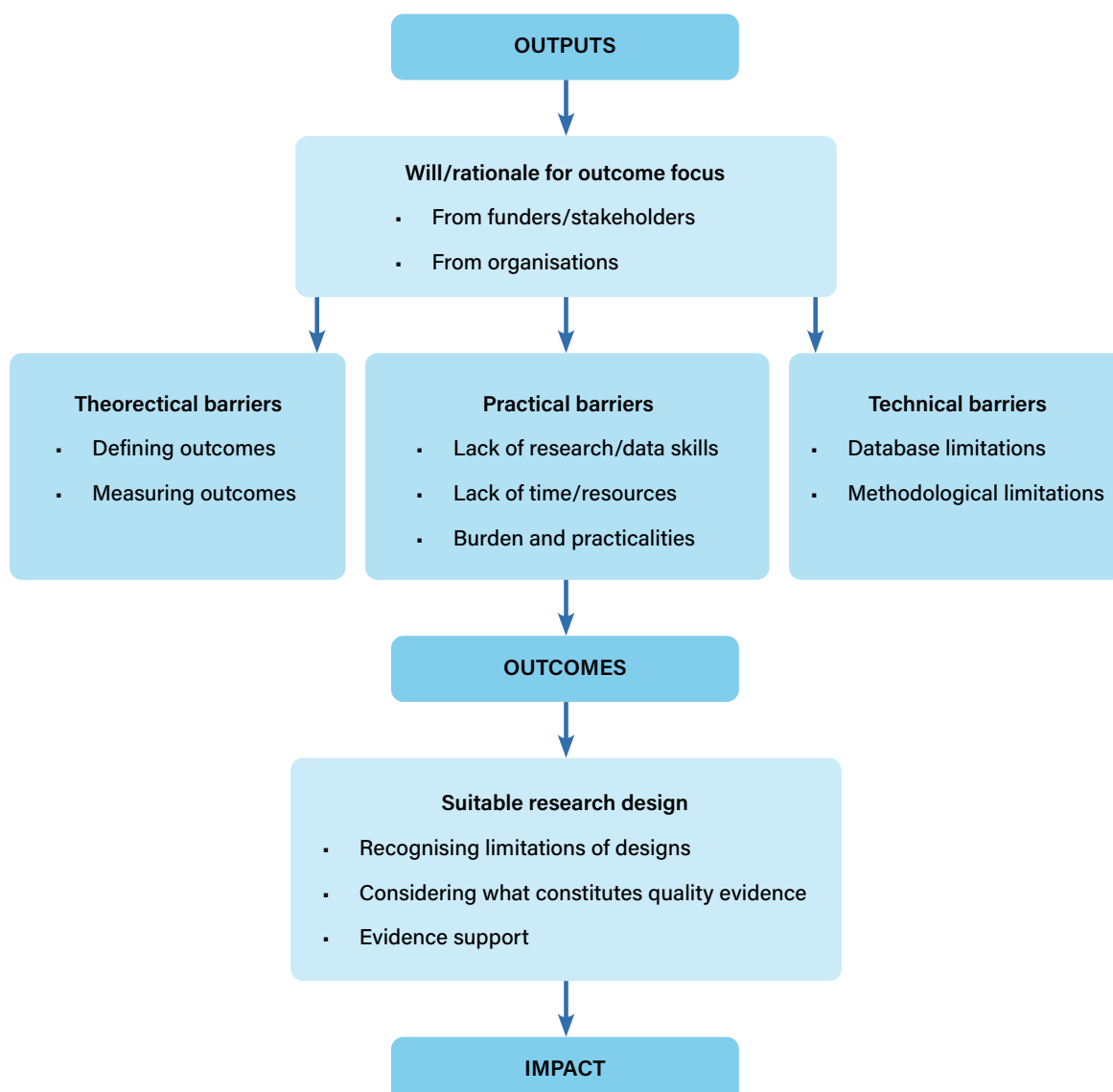
Legal service organisations and funders variously pointed to the rationale for and benefits of adopting an outcome focus. Doing so, however, depended on having the will, resources and capability to do so. For instance, several organisations had a clear vision of what they wanted to know about their service provision. Many explained that they wanted to know whether services they provided were useful, and whether they helped to meet service users' legal and other needs. Several organisations also identified one starting point for improved outcomes measurement was improved data capability and measures. This, in turn, was said to support improved service planning, targeting and design, and improved ability to report to funders and produce more compelling cases for funding.

As detailed in Figure 4.5.1, theoretical barriers included the not insignificant task of defining outcomes. The outcomes framework recently developed by the Federation demonstrated how difficult a task this is.[145] It also demonstrated the breadth of potentially useful and informative measures, and potential scale of engagement.[146] One way to prioritise what outcomes to measure may be to consider which can be most successfully and easily measured. For example, participants seeking to measure outcomes varied in what and how they were doing so.

Database functionality and limitations were a recurrent theme across the findings (see Sections 4.1 and 4.3). Participant organisations indicated that inflexible, repurposed, transactional databases did not readily lend themselves to outcome measurement. Integration of a range of outcome measures would require overhaul and standardisation of administrative datasets, with research and evaluation in mind. To date, database limitations have led to pragmatic working solutions, often through additional strategies designed to collect outcomes. In some cases, this worked well, though it also introduced some inefficiencies (such as duplicate data entry). Moreover, without standardisation of approach, aggregation of outcome data (across organisations) has not been possible.

More generally, there are methodological limitations associated with administrative data as a research method.[147] It is not well suited to all research questions. Measuring outcomes and quantifying impact may require additional methods such as client surveys or necessitate the integration of administrative data into a more sophisticated longitudinal or experimental design.[148] Analysis of routinely collected administrative data alone cannot collect all outcomes or address all impact questions.[149]

Practical barriers included lack of suitable skills to draw upon (whether internally or externally), lack of time and staff to conduct the work, and difficulty implementing outcome measurement, without placing too much burden on clients or staff. A lack of dedicated funding for research and evaluation was identified as a significant barrier.

Finally, progressing from outcome measurement to formal impact quantification presents additional challenges.[150] Quantifying impact and making quantitative claims regarding the efficacy of inventions, requires a research design[151] that fits and can answer impact questions with confidence. Case studies and simple analysis of cross-sectional administrative or survey data is insufficient to convincingly quantify the impact of services.

Despite significant challenges, several organisations pointed to successful outcomes focused work. They also indicated the potential for shared learning and the longer-term goal of meta-analysis:

> *We should be looking at how we build a database of what everyone is doing in monitoring and evaluation, instead of everyone creating everything from scratch, rather we could be sharing IT strategies and tools, and it can be a resource to talk about or identify meta-analysis.*
>
> ***State-wide, specialist legal service***

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145 Federation of Community Legal Centres (2017).

146 Other frameworks have been also been constructed, inevitably coming up with different measures. For example, Community Legal Centres Queensland (2018) at http://www.communitylegalimpact.orh/theory-of-change.html and Community Action Law Centre (2017) at https://consumeraction.org.au/wp-content/uploads/2017/11/Consumer-Action-Impact-Report-201617-Web-Version.pdf. Community Legal Centres NSW also refer to a yet to be published framework at http://www.clcnsw.org.au/sector-development and Health Justice Australia are in the process of developing their framework, see https://www.healthjustice.org.au/2020/02/21/understanding-the-value-of-cross-disciplinary-practice-the-path-to-a-shared-outcomes-framework/ (accessed 3 April 2020). Further information on Health Justice Australia's work to develop a shared outcomes framework is available at https://www.healthjustice.org.au/ (accessed 4 May 2020).

147 For example, when contrasted with social surveys, focus groups/qualitative interviews or observations.

148 Research designs refer to the framework for the collection and analysis of data (e.g. experimental, quasi-experimental, case study, cross-sectional, longitudinal) and are likely to reflect the relative importance placed on establishing causal connections, generalising to a larger group, understanding behaviour in its social context, or having a temporal appreciation of a phenomenon. Research methods provide the means of collecting the data to produce findings (e.g. surveys, focus groups/qualitative interviews, administrative data, content, observation). See Bryman (2016) for an introduction. There are also examples of administrative data as a method being integrated with experimental designs with the aim of quantifying impact (the Seron, et al., (2001) described in Section 1.3 is one such example).

149 However, one of the key benefits of administrative data is that it can, and often does complement other sources of made data (Connelly et al., 2016). Yang and Hendra (2018) stressed the need to triangulate data sources (e.g. administrative and survey data) to draw accurate conclusions about program effects.

150 With internal validity, and where the impact can reliably be attributed to the intervention.

151 The framework for the collection and analysis of data (Bryman, 2016).

Shared resources and collaborative practice were also cited as strategies to ensure and assess quality of analysis, test assumptions and avoid unnecessary replication. A shared dissemination and communication platform was also identified as a means to strategically collaborate and improve data practices and capability across the legal assistance sector:

> *[We need someone] to bring together the research and evaluation that people have been doing, and help us as a sector to lift our game, and not reinvent the wheel. And run a quality lens over it. We talk about impact and outcomes … but if you dug too deeply, the claims may not always be justifiable. And then there is also brilliant work that isn't picked up on as well.*
>
> **State-wide, specialist legal service**

As with other aspects of data work, however, facilitating and making the most of shared learning would also require resourcing. Implications of these findings are discussed in Chapter 5.

5. Summary and future strategies

This chapter summarises the findings and discusses their implications. It then sets out strategies to enhance the quality and usefulness of administrative data in the Victorian legal assistance sector.

5.1 Summary of findings

Data variability and barriers to aggregation

Variations in data practice

The analysis found that data collection and practices across the Victorian legal assistance sector varied widely. This included who entered data and when, and what data management system each legal assistance organisation used. Although most community legal centres interviewed used CLASS and/or Actionstep, a sizeable minority used another data system, often specific to their organisation.

While all legal assistance organisations collected data about legal services and client demographics, there was evidence of variation in how they were measured, counted and collected. Variations, however, appeared to reflect pragmatic choices of individual organisations: data collection and practices were sensibly tailored to the nature of the legal assistance services provided to service users and priority or target clients – and what was realistic within existing organisational resources and skills.

While nearly all participant organisations reported administrative data in an annual report, a review of these indicated significant variation in the format and nature of this information. There was also variation in even the most basic of data collection tools: client intake forms. These included differences in key demographic measures, such as age and gender, and extended to variations in definition and measurement of demographic variables, such as disability and homelessness status.

Comparing apples, oranges and lemons

Variations in measurement and practice mean that the core components of the administrative datasets of the legal assistance sector (client demographics and services delivered) are not consistently recorded. Inconsistent data and data practice mean comparing apples to oranges, undermining comparison and sector-wide administrative data analysis. In part, inconsistency is explained by a Victorian legal assistance sector that is comprised of unique organisations, with legitimate specific data needs. However, this means that once aggregated, data is not reliable. Inconsistent data may be masked when administrative service data is aggregated and analysed. Although it may appear that aggregated data is meaningful and can be used to investigate sector-wide access to justice questions, (such as comparison of service users, provision and providers) this confidence may be misplaced. In addition to inconsistency, data inaccuracy was widely reported by participants. Only a minority of organisations were confident that the data they collected was highly accurate. Inconsistent *and* inaccurate data means comparing apples, oranges and lemons.

Data utility is undermined by poor quality data. This also means that at a sector-wide level, investment in improved data and data capability in one part of the legal assistance sector will be undermined by the poor data and inconsistent practices of another.

Finding indications of inconsistency and inaccuracy in legal assistance data is not novel. Similar deficiencies have been previously identified, notably in a Productivity Commission inquiry and a successive legal assistance and justice system reviews.[152] Based on the interviews for this project, this situation appears to reflect the challenging funding and service environment in which legal assistance services operate, as well as the challenge of measuring features of service provision across such a diverse legal assistance landscape.

Despite efforts to improve data accuracy and consistency in response to the findings of successive reviews and inquiries, the findings here show that data quality deficiencies remain. More is clearly required to improve data quality, increase data utility and improve learning and capability across the legal assistance sector, particularly if administrative data aims to provide an evidence base for legal assistance service design and policy. The challenge is how to lift data quality and capability across the sector, particularly to inform and enable meaningful sector-wide analysis.

Local success and sector-wide challenges

Innovative use of data by individual organisations

Despite issues with accuracy and consistency, particularly at a sector-wide level, individual organisations were using administrative data for a range of functions. This included reporting to funders, advocacy and campaigns, planning, research (internal and external), monitoring and evaluation, and monitoring performance or workloads. There was widespread evidence of data being used in pragmatic and useful ways. There was also widespread evidence of efforts to use data to learn more about their clients, services, and communities, and do more to better respond to legal and other needs.

Despite substantial operational and funding challenges, organisations could point to a range of successful and innovative data-focused work. These included analysing case files to better understand client complexity, using data to identify systemic trends, analysing legal needs during bushfire season, developing detailed monitoring and evaluation frameworks and using data to inform and increase the appropriateness of client triage and triage. Such work has benefits for service users and providers, and beyond that, wider communities and the justice system. This data work, however, was largely done through organisational ingenuity and agility in a legal assistance service environment where frontline service demand continually stretches resources.

Local data collection and its limitations

All participant organisations collected data for the purposes of reporting service information to the Victorian and Commonwealth governments. However, the findings demonstrated that participants collected and used data that goes beyond reporting requirements. Data is often collected in discrete Excel spreadsheets, to monitor and evaluate specific projects or programs or more fully capture the legal and related needs of clients.

Additional data was collected in spreadsheets where data management systems (particularly CLASS) did not easily allow for collection of data beyond what is required to be reported to the Commonwealth. This indicates that the data management systems currently in use are not fit for the data needs of modern legal assistance organisations. In fact, several Victorian legal service providers had recently invested in data systems and human resources to provide more functionality and better meet organisational needs.

The findings suggest that although a wide range of data is being collected across the Victorian legal assistance sector, data in standalone spreadsheets is not readily available for aggregation, linkage and use in broader analysis. There are missed opportunities to use this data fully, to understand commonalities and for shared learning across the sector.

Sector-wide utility

There has been substantial investment in building the evidence base and supporting collaborative service planning in the legal assistance sector. For example, VLA has used service data to paint a picture of local and regional express legal need – and to understand factors underpinning variation. Such efforts, however, may be undermined by inaccurate, inconsistent and poor-quality data, and restricted by inaccessible and inflexible data that cannot be

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152   See for example: Productivity Commission (2014); Department of Justice and Regulation (2016); Urbis (2018).

easily manipulated at a unit level.[153] This points to a continued need for sector-wide initiatives to improve both data quality and the sector-level data utility.

Variable data capability

Data demands and the prioritisation of frontline services

Victoria's legal assistance sector operates in a challenging service environment of overdemand and undersupply, and where policy reforms have increasingly targeted clients with legal and related problems that are increasingly complex. This service environment had several important consequences.

First, regardless of data capability, legal assistance services typically had multiple sources of funding, which came with multiple reporting requirements. On average, participant organisations had almost nine streams of funding to acquit and report against. More than one-third reported ten or more funding streams. Multiple funding streams also increased the number of data points required to be collected and reported. Participants explained that reporting requirements changed frequently, and that there were different reporting parameters and templates for different funders. Both factors increased the data and associated reporting demands.

Second, a strong, recurrent theme in interviews was how the nature of the funding and resource environment affected organisational data quality and capability. Funding for frontline services was more readily available than funding for back-end operations, including data collection and use. Particularly for smaller organisations, allocating resources to back-end data and other operations was perceived to come at the expense of frontline service delivery.

Together, these circumstances compounded the scope and severity of the data challenges that some legal assistance service organisations faced. Importantly, some were better equipped to overcome these challenges than others.

Polarisation of data capability

Data capability varied considerably across different legal assistance providers. While some organisations demonstrated a relatively high level of data capability, others were at a far lower level, reporting funding and service environment constraints as barriers to improving capability. Polarisation in data capability between organisations was evident.

In part, identified capability gaps were about having the right people, and enough people and resources, to do data work. Many legal assistance organisations did not have capacity to dedicate administrative staff to conduct and oversee data collection and entry. Data work was often shared amongst frontline service staff, administrative staff and/or volunteers. The training, support and supervision for those entering data varied, and not all organisations had data entry manuals or guides.

Several organisations, however, had employed staff with data expertise, often in new monitoring and evaluation roles. Those organisations were doing more with administrative data. This included strategic collection of more useful data, interrogating and analysing data, monitoring and evaluating services, and making data-informed decisions about the organisation's operations. These organisations frequently developed a whole-of-organisation data culture, extending to a shared awareness and understanding of administrative data, and its range of uses. This in turn created a greater incentive to collect accurate and consistent data.

Organisations with greater capability could do more with data, creating additional opportunities to obtain funding, resulting in a virtuous cycle. Those operating at a more sophisticated level, appeared to be in a stronger position to use data for advocacy, campaigning and to seek additional funding. For organisations struggling to overcome data capability constraints, the cycle can be a vicious one, and may even preclude them from increasing their data capability despite wider sector or system-level efforts to do so.

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153   A common criticism of a number of data systems and CLASS in particular.

Funder's use of administrative data

Most participating legal assistance services were aware of the strengths and weakness of their administrative data, and the need to collect more and better data to reliably inform sector-wide policy and their own practices.

Several organisations reported concerns about how administrative service data was used by funders. This included scepticism that the data currently reported could reliably be used for decision-making (in particular, to allocate legal assistance funding), and whether funders appreciated the limits of the available data and data management systems. Organisations were also unconvinced of the importance of data to funders and in many cases, unclear on how data was used. They also questioned why funders were not prepared to invest in improving legal assistance sector data practices if the data was of importance.

There was widespread concern regarding the comparison of organisational performance using administrative service data. Organisations provided several reasons why doing so was inappropriate. Varied service models, client groups, funding and service environments, data practice as well as a lack of clarity and consistency in interpretation of the DSM, were all cited as reasons why different types of legal assistance services could not sensibly be compared.

Participant organisations also submitted that the nature of the current administrative data systems did not provide a useful base for comparison, particularly given the difficulties in the transition from CLSIS to CLASS experienced by many Victorian community legal centres, and changes in the national legal assistance policy. With respect to CLASS, while it was clear that efforts of the Federation of Community Legal Centres had improved its functionality as well as associated data practices and use, there were still some centres facing CLASS challenges. Other organisations had moved (or were intending to move) to other data management systems, creating additional challenges to comparison and sector-wide analysis and learning.

Funders reported that they wanted to be able to confidently answer access to justice questions, and measure performance of the legal assistance sector with empirical and objective data. Although other forms of information, such as illustrative case studies, were also valuable, they were not as useful with respect to questions about sector service challenges and performance. There was, however, also an apparent consensus that the civil justice system as a whole, the legal assistance sector in particular, as well as funding bodies themselves, were all on data improvement journeys. This clearly signalled that there was more to do to improve data quality and capability, to establish the type of meaningful and stable baseline data required to compare across organisations and track service and policy reforms.

These perspectives suggested that at least in some respects, there was some shared understanding about the need to further improve data practice and capability. However, the finding also highlighted some need for an increased dialogue between legal assistance services and their funders, regarding the use and interpretation of data.

Capturing complexity and the value of legal assistance services

Difficulty capturing the complexity of clients and services

The consensus amongst participating organisations was that many clients have complex legal and related issues. Participating organisations were of the view that the administrative data currently collected and reported to government does not adequately gauge the impact and value of work required for more complex clients and matters. Service counts do not adequately capture the relative effort required to meet different client's legal needs, nor the impact of the legal assistance services provided. Put simply, some legal advices were harder than others, taking more time and resources, and the data did not reflect differences. There was also a broad consensus that measuring the impact of legal assistance services is complex and difficult to achieve.

These views are consistent with Australian and international evidence which shows that people with multiple forms of disadvantage (the priority clients of the public legal assistance sector) are at increased risk of multiple legal problems and related life issues.[154] International and Australian research also highlights the depth and breadth of data required to meaningfully capture the complexity of clients and service users, to account for relative

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154   McDonald and Wei (2013).

vulnerability and disadvantage, and assess what level of support and service may be necessary.[155] The analysis of client intake forms alone demonstrated the challenge of capturing a client's characteristics and vulnerability.

Although there are challenges to capturing complexity in data, and a need to balance the burdens of data collection with other operational requirements, most organisations wanted to ensure that data accurately reflected client needs and services provided. They also aspired to gain greater insight into service outcomes, at both organisational and sector-wide levels. There were efforts to do this, with ad-hoc, project-specific Excel spreadsheets again a commonly used vehicle. Again, however, this impedes aggregation and limits opportunities for organisations to share learning and practice.

Interest in outcomes, but challenges in measuring them

Most of the participant organisations were interested in measuring the outcomes of their services for their clients and communities. This interest was driven by both funders and the organisations themselves. Organisations saw measuring outcomes as a way to demonstrate the impact of services to funders, to better inform organisational service and strategic priorities, to support funding and grant applications, as well as contribute insights to support collaborative legal assistance service design and policy.

Outcome measurement frameworks provide opportunity to consider the range of contributions legal assistance services might make. However, they also bring into focus the challenges associated with measurement. Not all outcomes are equally easy to measure. For example, variables that cannot be directly observed, such as legal capability[156] and wellbeing[157] may require multiple items or questions as well as psychometric testing and analysis to establish validity and reliability.[158] Most importantly, the absence of robust measurement precludes effective quantitative outcome evaluation. In addition to improving capacity to measure outcomes through administrative data, other data collection approaches and research designs are required to meaningfully answer certain evaluative questions. Successful research and evaluation fits research methods and designs to questions, and not the other way round.

Participant organisations cited several barriers to moving to measuring outcomes. These included difficulty of definition and measurement, particularly in the varied service environment of Victoria's legal assistance sector, where organisations had different clients, services and focuses. Participants also explained that data management systems were a barrier to capturing outcomes, and noted that outcome measurement often did not fit into standard approaches to recording and reporting information. For example, measuring outcomes for clients (such as health, wellbeing or legal capability) following legal advice or representation required additional resources for follow-up contact and data collection.

Some participants also returned to issues of data capability, indicating that identifying and implementing outcome measures, devising research questions, using databases to extract relevant data and interpreting results – are specialist skills that many organisations lacked. Revisiting the difficulty in obtaining 'back-end' funding for data work, there was also a perception from several participants that some funders wanted specific projects to be evaluated, but did not want to allocate dedicated funding to evaluation or to improving organisational or sector-wide data capability.

More broadly, administrative data is typically collected for purposes other than research and evaluation.[159] Research and evaluation (including capturing and analysing input and outcome data) generally requires repurposing, and consideration of the suitability of administrative data to answer research and evaluation questions.[160] The findings suggest that repurposing current legal assistance administrative data for research and evaluation comes with significant

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155   In the context of UK court administrative data, Byrom (2019) identified thirteen data points (or variables) that constitute the minimum required to measure vulnerability. These were age, disability (including nature of disability), employment status/income, language, gender reassignment, highest level of education, location (postcode in a UK context), pregnancy/maternity, ethnicity, religion/belief, gender, sexual orientation and fear/distress connected with a case (e.g. domestic violence/abuse, trafficking, trauma, detention).

156   Balmer et al., (2019).

157   Tennant et al., (2007).

158   Pleasence and Balmer (2019a); DeVellis (2017).

159   Connelly et al., (2016); Jones et al., (2019); Grimes (2010).

160   Hand (2018).

limitations stemming from concerns over accuracy and consistency (as discussed above), the suitability of data to capture appropriate outcome measures, and the ability of cross-sectional administrative data to quantify impact.

Organisational practice and sector-wide challenges

Some participating organisations recognised the limitations of administrative data as a means to measure the impact of services and augmented their administrative data with ad-hoc methods. This included pioneering work trying to gauge the impacts of service features and models, such as those intended to triage by legal need and capability; make earlier (or timelier) interventions; provide more integrated and joined-up assistance for legal and related need (health justice and education justice partnerships, for example).[161] It also included attempting to capture the broader benefits of services on aspects of legal capability, empowerment and wellbeing.[162] Some of these efforts were taking place through networks and communities of practice, which was also one way legal assistance services attempted to stretch limited resources, learn from each other and coordinate efforts. Again, however, there were challenges to broader coordination, shared learning and aggregation of findings.

These included different understandings concerning what outcomes were and how they could and should be described and measured. Outcomes meant different things to different organisations. For some, outcomes were the difference made to service users, services provided, policy and law reform and the like. Some organisations also understood outcomes solely in qualitative terms, such as illustrative case studies. For other organisations, outcomes were understood as both quantitative and qualitive in nature, such as a mix of administrative, client surveys and other follow-up measures. While there was broad agreement that outcomes should focus on what is achieved for clients and communities, approaches concerning how and what was measured varied considerably.

This also illustrated the relatively common tendency to associate outputs with quantitative data, and outcomes with qualitative data (and individual case studies), and sometimes to conflate outcomes and impact. Several organisations used qualitative data to provide compelling case studies, highlighting the impact services had for a client and the outcome they achieved. However, qualitative measures (and case studies) did not lend themselves to generalisable outcome measurements. Moreover, measuring impact requires more than the measurement of outcomes. It also requires research methods that permit impact quantification and allow change to be attributed to a specific intervention. This does indeed come 'with great difficulty' as one organisation stressed. The important implications of theoretical, technical and practical barriers to measuring outcomes and impact, along with methodological limitations and challenges are discussed in further detail in the next section.

5.2 Implications of the findings and way forward

Administrative data is deficient and sector-wide use comes with risk

The combined effect of variations of data collection, data practices and data capability are that legal assistance administrative data is not of a quality required to make meaningful comparisons across the sector.

In its current form, the administrative data collected by the legal assistance sector is not sufficiently accurate and consistent to reliably evaluate sector-wide performance and policy.

Any analysis of the data in its current form is unlikely to deliver accurate performance measurement across the sector. And worse, it is highly likely that these data deficiencies will be masked when administrative data is aggregated. The accuracy, consistency and quality of data needs to be improved to establish meaningful baseline service data.

The data is also ill-suited to many sector-wide research and evaluation questions. In its current form it is unlikely to be able to answer many critical questions relating to client and community outcomes, the impact of services and, perhaps most importantly given a circumscribed funding environment, service effectiveness, efficiency and value for money. Where data is suited to research and evaluation, it appears to be most suited to questions at an individual organisational level, that is, within rather than across organisations.

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161   See, for example, Coumarelos and McDonald (2019) and Forell and Boyd-Caine (2018).
162   See, for example, Pleasence et al., (2014).

These are implications for governments, policy makers and researchers, all of whom need to understand and acknowledge the current limitations of the data to answer critical access to justice questions. While there is a clear movement across Australian state and federal governments to utilise administrative data in policy making and research, the limitations of the data in its current state remains a significant barrier.

Return on investment in building data capability

Efforts to build foundational data capability and practices, such as investing in the data infrastructure and skills of the legal assistance sector is a long-term investment in access to justice. Improved data capability holds the potential for a stronger evidence base and more effective and efficient public legal assistance services. Investment in improved data capability and quality can make monitoring and evaluation easier and provide return on investment by unlocking understanding of what might constitute more effective and efficient service provision; in essence, what works.

Investing in foundational data capability is potentially the difference between giving legal services a fish and teaching them how to fish. Investment in foundational data capability, in getting the basics right, in building greater capacity to collect, analyse and use data, and developing a shared language and understanding of outcomes measurement and evaluation, will provide an improved platform to craft evidence-informed services and policy.

Improving data quality and capability is essential to moving forward with outcomes measurement and answering questions of what works to effectively and efficiently meet the legal needs and access to justice of Victorians.

Data collection and reporting in a legal assistance setting requires human resources and fit for purpose data systems and practices. While the best data system for current and emerging requirements remains an open question, it is essential the data systems support rather than hinder evolving needs. Data entry, expertise in reporting and assessing reports, and in leading, training and supervising data practices requires the right people, with the time and resources to do such work.

Data-informed and evidence-based approaches to critical access to justice questions require investment in the necessary infrastructure, co-ordination, skills and time. A sound evidence base requires solid foundations. Notwithstanding widespread interest in moving to an outcomes focus, it is essential to get the basics right – mastering walking before trying to run.

The need for a data quality framework

At present, the administrative data collected by Victoria's legal assistance sector and reported to Victorian and Commonwealth governments is not filtered or interrogated using a data quality framework. There are challenges in developing and implementing a sector-wide strategy to improving data practice and quality. Efforts such as the Federation for Community Legal Centre's project, funded by the Department of Justice and Community Safety, to build CLC capacity to use CLASS effectively are critical. This project was widely acknowledged by participating organisations as exactly the type of initiative required to build CLC data consistency and confidence. But there is more that needs to be done. The fractured nature of public legal assistance policy, funding and service provision, the overwhelming community demand for frontline legal assistance, requires ongoing investment in tools and support to drive quality data practices across a disparate legal assistance sector.

The National Legal Assistance Data Standards Manual establishes what service data to collect. Alongside this, a data quality framework could be used to establish whether it is fit for purpose. Data quality frameworks are a common tool that policymakers, statisticians, economists and researchers use to interrogate administrative data before using it for analysis and decision making. Interrogating data can reveal inaccuracies and inconsistencies and help data users to access whether if the data is ultimately suitable for particular uses. These frameworks are common to national statistics agencies (including the Australian Bureau of Statistics)[163] and are widely used across

163   Australian Bureau of Statistics (2009); and the Australian Bureau of Statistics data quality statement checklist, published in 2018, available at https://www.abs.gov.au/websitedbs/d3310114.nsf/home/ABS+Data+Quality+Statement+checklist (accessed 6 April 2020),

sectors such as health,[164] science and innovation,[165] workplace gender equality[166] and finance.[167]

Data quality frameworks globally vary in what elements of administrative data are considered important to interrogate.[168] Data quality is multi-dimensional,[169] and dimensions of particular interest vary depending on the purposes of individual datasets and repositories.[170] However, there are several commonalities, and not surprisingly, most frameworks identify data accuracy and consistency as core components of quality.[171]

While there does not appear to be a framework either internationally or domestically that is specific to administrative data generated by the legal assistance sector, there is merit in considering what elements could be incorporated from existing frameworks to create one specific to the Victorian legal assistance sector. Such a framework could be readily used by policymakers, researchers and sector organisations as a lens to scrutinise the utility and limitations of the legal assistance sector's administrative data, signalling areas requiring improvement, and mitigating the risk associated with using data of questionable quality.

At present, the quality of data collected by the Victorian legal assistance sector is maturing, but does not meet the threshold required for sector-wide comparison and analysis. A data quality framework could provide a valuable tool to help to improve data in the sector.

Capturing complexity

While some legal advice and information may be relatively straightforward, public legal assistance services also deliver complex legal services to people with complex legal needs and life circumstances. Without improved measures of client and matter complexity, administrative data can be insensitive to the difference, failing to adequately capture the services delivered. Improved measures of matter and client complexity are essential for monitoring and evaluation.

Monitoring performance of services to complex clients in complex service environments requires looking at both the legal needs and circumstances of these clients and accurate accounting of what services are delivered, the co-ordination and intensity of effort of these services, and what outcomes they achieve. There is much innovation in service models and provision, and much to learn about optimal service settings, such as how what works varies by complexity of legal matter type, client, and service combination – potentially provided by a combination of legal and other services.

At present, the administrative data collected and reported by Victorian legal assistance services is narrow in scope and does not adequately measure either client or service complexity. The sector-wide insights the data can deliver are limited – it does not offer a comprehensive understanding of the people the legal assistance sector aims to assist or the nature of services that are necessary to effectively and efficiently help them. The data collected is not sufficient to answer critical access to justice questions. Demographic indicators can be used to build proxy indicators, however improved measures are needed to better capture complexity and capability.

Incorporating more complex measures into administrative data systems which currently fail to consistently or accurately record simpler variables will require cross-sector leadership, co-ordination and resourcing.

Administrative data is only one tool to understand and respond to legal need

Administrative data is only one method of access to justice research. While its prospects and capabilities should not be underestimated, nor should they be overestimated. Depending on the research and policy questions, other

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164   Australian Institute of Health and Welfare (2019).
165   Department of Industry, Innovation and Science (2018).
166   Workplace Gender Equality Agency (2017).
167   New South Wales Department of Finance and Services (2013).
168   See for example: UK Statistics Authority (2014), p.30-31; Giles Reid et al., (2017).
169   The frameworks reviewed were those of the Canadian Institute of Health Information, the Public Health Agency of Canada, Statistics Canada, Institute of Clinical Evaluation Sciences and the Manitoba Centre for Health Policy.
170   Smith et al., (2018).
171   There would also be benefits in complementary efforts to develop quality frameworks for Australian legal assistance services. For example, Curran and Crockett (2013) canvassed measuring the quality and outcomes of legal assistance services, while McDonald et al. (2017) identified minimum expected service standards as a lynchpin of public legal assistance service sustainability. Quality frameworks have also been developed to guide court excellence. See, for example, the International Consortium on Court Excellent (2013) international framework for court excellence.

research methods may be more appropriate, particularly where data quality is considered to be too onerous to improve, or is simply ill-suited to a specific research question.

In addition to investment in improving the quality and scope of administrative data, policy makers face choices about investing in alternative and complementary methods to form the evidence-base needed to answer access to justice questions. No one method, and certainly administrative data alone can answer all access to justice questions.

Even if the quality of legal assistance sector administrative data is improved and reaches an acceptable degree of quality for sector-level research and policy, its limitations must be clearly acknowledged. Administrative data is only one of a range of information and data sources that are required for a comprehensive picture of access to justice in Victoria, the performance of legal assistance systems, the operation of the wider civil justice system and the consequences of access to justice policy and reform.

Similarly, performance monitoring using administrative service data is one of a range of empirical methods to capture the work of the legal assistance sector. Other methods include:

- client surveys (noting that these surveys only gauge the experience of service users and do not measure experiences of people who do not use legal assistance services)
- legal needs surveys,[172] which can gauge the experience of people regardless of the action they take to address their problems
- evaluative research quantifying the impact of services and identifying what works (including randomised controlled trials where practical)
- other instruments, (such as surveys exploring public understanding of law and attitudes to justice) can also offer important insights into the performance and access to justice impact of the legal assistance sector.

Understanding the benefits and limits of different methods, as well as when and how they are complementary and can be used in combination, can potentially increase the utility of administrative data, maximise access to justice insights, and build a more effective and efficient justice system for Victorians.

In addition to legal assistance sector service data (which currently measures delivery of services in simple counting terms), outcome measures are valuable in better gauging performance and value and to build the evidence-base to learn what works. However, outcome measurement requires investment, and will not be meaningful unless basic indicator data is reliable.

It is also important to be clear about methodological limitations. For example, case studies setting out positive impact, follow-up studies collecting outcome information, and cross-sectional surveys measuring client and organisational outcomes are all useful, but are not suitably rigorous to quantify the impact of service interventions. When trying to capture impact, certain approaches provide higher quality of evidence and lower risk of bias.[173] Cross-sectional data and case studies would generally be regarded as lower quality evidence with higher risks of bias when aiming to capture impact.

Quantifying impact and gauging effectiveness require randomisation, for example, through randomised controlled trials (RCTs) and cluster randomised trials (CRTs).[174] Randomisation can assure (up to statistical uncertainty) that differences observed in outcomes are due to difference in intervention conditions and not some alternative factor. While implementing randomised approaches comes with measurement challenges (such as establishing and

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173 Commonly illustrated in quality or hierarchy of evidence pyramids.
174 As alluded to previously, there is growing interest in RCTs in legal settings, with Professor D. James Greiner (Access to Justice Lab at Harvard Law School) and colleagues the leading proponents (a2jlab.org). RCTs and CRTs are typically regarded as constituting higher quality evidence than cohort studies, case-control studies, cross-sectoral studies and surveys, case studies and expert opinion. Evidence pyramids have traditionally provided one way to think about quality of evidence stemming from different types of study (e.g. in health see https://canberra. libguides.com/c.php?g=599346&p=4149721 (accessed 6 April 2020), or in studies of youth transitions https://www.ifs.org.uk/caytpubs/ types_impact_study.pdf (accessed 6 April 2020)), though there has been debate questioning whether such hierarchies present an oversimplistic picture, for example, see Tugwell and Knottnerus' circle of methods (2015). Nonetheless, RCTs and CRTs have lower risk of measurement and attribution bias in quantify the impact of interventions. Systematic review and meta-analyses of RCTs and CRTs provide even higher quality of evidence and lower risk of bias. Such systematic review and meta-analyses, however, depend on having RCTs and CRTs to review and analyse. Systematic review and meta-analyses are also filtered evidence that employ review and appraisal criteria, whereas RCTs and CRTs are the highest quality unfiltered information.

measuring outcomes of valid control groups), without suitable research designs, defensible quantification of impact will be difficult.

Unlocking the potential of administrative data to improve access to justice

Worldwide, access to justice policy is shifting from a 'top-down' approach, focused on 'tip of the iceberg' legal problems that involve formal processes, to a 'bottom-up' perspective focused on the ability of individuals to resolve problems.[175] Similarly, as legal assistance service and policy shifts to an outcomes focus, considering service users' legal needs and capabilities, a commensurate shift in data practices and capability is required.[176]

We are not there yet. Successive inquiries and reports lament the state of civil justice data and consequently recommend that the nature and quality of data be improved.[177] Doing so is seen as critical to better informing civil justice system policy, and with that, prospects for improving access to justice. Important questions about outcomes; service effectiveness, efficiency and cost-benefit; and about what works, are hampered by the lack of suitable data for quantitative evaluation to inform business cases for reform and investment.

The findings of this report reach similar conclusions. They indicate there is still much that needs to be done to improve the nature and quality of the legal assistance data collected, and expand what it can be reliably used for. There are several insights and lessons to bear in mind, which reflect on the magnitude of the challenge of building a reliable and useful evidence base.

Participants evidenced strong interest in using service data to learn more about service outcomes and do more to better meet the needs of service users. Participating organisations widely demonstrated use of data to inform service design and provision, and there was evidence of pioneering work to measure outcomes. There is much to be learnt from these efforts, and much to learn about how meaningful outcome measures can be operationalised. Nonetheless, significant sector-wide challenges remain, with leadership, collaboration and investment critical to further build and realise data capability.

The findings indicate three elements to unlock the potential of administrative data.

First, quality data requires standards, protocols and infrastructure. This must be suited to the nature and challenges of the legal assistance service environment, and all organisations great and small. It is important to get basics right: collecting and reporting data accurately and consistently. Data quality frameworks, widely used by national statistics bodies and other sectors such as health, can assist in this. Without improved quality, analyses will be unreliable, with data inconsistency and inaccuracy masked when data is aggregated. The movement to measure outcomes places a further premium on data consistency and accuracy. Quality data also requires modern, fit for purpose data management systems that reflect the work of services: meeting data collection, reporting, outcome measurement and policy needs. Attaining the standards, protocols and infrastructure required does not happen on its own.

Second, getting to quality data also requires leadership, collaboration and coordination to marshal and foster cross-sector development. Building a quality evidence base needs strategic thinking and commitment to drive improved data culture and practice. It is vital that legal assistance funders and service providers develop a shared understanding and vision for the role of and use of data, and that there is greater clarity about what service data will and will not be used for. Service providers need an agreed direction of travel as well as the realistic means to get there.

Third, quality data requires investment in people and time. Findings indicated that the single greatest barrier to increasing the accuracy and consistency of legal assistance sector data, as well as confidently moving to measuring outcomes, is a commitment to it through funding. Without funding, building data capability and practices comes at the cost of frontline legal assistance service capacity, presenting an unacceptable dilemma.

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175   Pleasence and Balmer (2019b).
176   See McDonald (forthcoming).
177   See in particular: Department of Justice and Regulation (2016); Pleasence et al., (2014); Productivity Commission (2014); Urbis (2018).

Where governments and other funders require evaluation of legal assistance organisations, the costs must be recognised. Expectations of what legal assistance administrative data can contribute with respect to evaluation of service initiatives and client outcomes must acknowledge the reality of the service environment, organisational data capability and administrative data limits. Properly capturing the contribution of the sector means defining outcomes, devising credible ways of measuring them, integrating complementary research and evaluation methods and designs, developing and borrowing research and data skills, coordinating, conducting, analysing and disseminating findings. This requires proper resourcing.

Although there are clear deficiencies in current data practices and quality, there are also opportunities and strategies for improvement. If implemented, they are not only likely to improve the quality of the data collected by the legal assistance sector, but significantly improve its utility for sector-level analysis and learning. The findings reported here signal a legal assistance sector that has embarked on a data improvement journey and is ripe for strategic support and further investment. Improving the quality of administrative data will enable data-driven and robust analysis of current services and systems. This will help to address critical access to justice questions, with wide ranging benefits for funders, policy makers, legal assistance service providers, and ultimately Victorians with civil justice needs.

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Glossary

Aboriginal and Torres Strait Islander Legal Services (ATSILS)	Aboriginal and Torres Strait Islander Legal Services provide culturally competent legal assistance services.
Actionstep	Actionstep is a legal practice and data management system used by some legal assistance organisations in Victoria.
ATSILS	See Aboriginal and Torres Strait Islander Legal Services.
Big data	Data described as 'big data' is typically large in size and scope, easily accessible, available in real time and may be analysed to reveal patterns, trends and links, particularly in relation to human behaviour.
Civil legal issues	Civil legal issues are all those legal issues that are not criminal and account for the majority of legal issues experienced by Victorians. Civil legal issues include credit and debt, fines and infringements, employment, social security and family law.
CLASS	See Community Legal Assistance Services System.
CLCA	See Community Legal Centres Australia.
CLCs	See Community Legal Centres.
Client	A client, for the purposes of this report refers to people who use legal assistance services and whose details are generally recorded for things such as conflict checking and for record keeping. We note that in the legal context there is a particular meaning to the word 'client' as it relates to the relationship between lawyers and clients, with attendant professional obligations. However, for the purposes of this report, we adopt the language of the legal assistance sector, where the term client has a broader meaning.
CLSIS	See Community Legal Service Information System.
Cluster randomised trial (CRT)	A cluster randomised trial is a type of randomised controlled trial (RCT) where groups of subjects, as opposed to individual subjects, are randomised. Cluster randomised trials are also known as cluster randomised controlled trials, group-randomised trials, and place-randomised trials. See further 'randomised control trial' in glossary.
Co-location of legal assistance services	Co-location of legal assistance services occurs when a legal and non-legal service are housed in the same physical space, meaning that clients can access both services in one setting.

Community Legal Assistance Services System (CLASS)	CLASS is a data management system used by some legal assistance sector organisations to record information about clients and services.
Community legal centres (CLCs)	Community legal centres or services are independent and not-for-profit organisations that provide free legal and related services to the community. These services include information, advice, referral, representation and community legal education, as well as systemic advocacy and law reform.
Community Legal Centres Australia (CLCA)	CLCA (previously National Association of Community Legal Centres, NACLC) is the peak national body for community legal centres in Australia. Its members are the state and territory peak bodies of community legal centres, including Victoria's Federation of Community Legal Centres.
Community Legal Service Information System (CLSIS)	CLSIS is the former data management system provided by CLCs Australia. It was replaced by CLASS.
Criminal legal issue	Criminal legal issues are those that are non-civil in nature and are covered under criminal statute in Victoria or Australia, for example the Victorian Crimes Act 1958.
Data management system	A data management system is an electronic database where service, client and other information can be recorded and stored. In the legal assistance sector, two data management systems are commonly used: CLASS and Actionstep.
Data quality framework	A data quality framework sets out criteria to interrogate aspects of an administrative dataset. The aim of interrogation is so that policy makers and/or researchers can understand the origins of the data and how and why it was collected, noting that administrative data is not collected for the purposes of research and analysis, but for the purposes of record keeping. Data quality frameworks are commonly used around the world, including by national statistics agencies such as the Australian Bureau of Statistics.
Data Standards Manual (DSM)	The National Legal Assistance Data Standard Manual is a guide to data collection for the legal assistance sector and is produced by the Commonwealth Attorney General's Department. It aims to facilitate the collection of consistent and comparable data across the sector with the goal of establishing a reliable evidence base, as part of the National Partnership Agreement between Australian state and territory governments and the Commonwealth government.
Department of Justice and Community Safety (DJCS)	DJCS is a Victorian government department. It is responsible for the Victorian justice sector, courts, tribunals and community corrections services.
DSM	See Data Standards Manual.
Evaluation	Evaluation work (sometimes referred to as monitoring and evaluation) aims to assess or measure the progress, outcomes and impacts of a program or service.
Federation	See Federation of Community Legal Centres.

Federation of Community Legal Centres (Federation)	The Federation of Community Legal Centres (Vic) Inc is the peak body for Victorian community legal centres.
Funder	For the purposes of this report, a funder is a body or organisation that gives money to a public legal assistance organisation. Key funders include the Federal Government, Attorney General's Department and the Victorian Department of Justice and Community Safety, as well as not-for-profit organisations and philanthropic trusts.
Health justice partnerships	Health justice partnerships are collaborative service partnerships developed to embed legal help in healthcare services and teams. See further Forell and Boyd-Caine (2018).
Integrated services	Integrated legal service provision refers to service that provide legal and other human assistance services. For example, a legal service that also provides financial counselling, or a health service that also provides legal help.
Legal advice	Legal advice is professional advice provided by a lawyer to their client about the legal situation arising from the client's particular circumstances.
Legal assistance sector	For the purposes of this report, the legal assistance sector refers to public legal assistance organisations. These include community legal centres, legal aid, Aboriginal and Torres Strait Islander legal services and family violence services.
Metropolitan Melbourne	Metropolitan Melbourne is the geographic area comprising the 31 Melbourne local councils and includes the central business district. Around three in four Victorians live in metropolitan Melbourne.
National Legal Assistance Partnership (NLAP)	The NLAP is a National Partnership between the Commonwealth of Australia and states and territories, commencing 1 July 2020. It provides for the provision of Australian Government funding to states and territories to distribute to legal aid commissions, community legal centres and Aboriginal and Torres Strait Islander legal services. Unless terminated or extended, this National Partnership is due to expire 30 June 2025.
National Partnership Agreement on Legal Assistance Services 2015-2020 (NPA)	The NPA is a joint funding agreement between the Commonwealth of Australia and states and territories, for the provision of Australian Government funding to states and territories to distribute to legal aid commissions and community legal centres. It is a five-year funding agreement, due to expire 30 June 2020. It will be replaced by the National Legal Assistance Partnership commencing 1 July 2020.
NLAP	See National Legal Assistance Partnership.
NPA	See National Partnership Agreement on Legal Assistance Services 2015-2020.
numeric or coded data	Numeric or coded data refers to variables (described below) that are prescribed or set. Often these are drop down menus of variables that a person entering data can select.

Randomised control trial (RCT)	A randomised control trial, or RCT, is a type of experimental design where subjects are randomly assigned to intervention (or treatment) or control groups. It is the most rigorous (or gold-standard) way to determine if there is a causal relationship between an intervention and an outcome (a cause-effect relationship) attributable to the intervention.
	RCTs require researchers to randomly offer participants to participate in either an experimental group or a control group. This means participants have an equal chance of being in the control or the experimental group. Random allocation controls for bias, which may otherwise render results of the trial unreliable.
	The control group are offered standard treatment.
	Researchers determine if there are differences in outcomes between participants in the intervention and control group.
RCT	See randomised controlled trial.
Referrals	There are two types of referrals in the legal assistance sector- 'referrals in' and 'referrals out.'
	'Referrals in' occur when an organisation or individual refers a person to a legal assistance service.
	'Referrals out' occur when a legal assistance service refers a person to a different legal service or provider, or to a non-legal service.
Rural and regional Victoria	Rural and regional Victoria refers to the 48 local government areas (including six alpine resort areas) that exist outside of metropolitan Melbourne. Around one in four Victorians live in these regions.
Secondary consultation	Secondary consultations are provided where a legal service provides advice or clarification about legal questions or services to other human service staff and professionals. They also occur when another human assistance service, such as a health service partner, provides advice or clarification to legal service providers (see further Forell and Boyd-Caine (2018).
Service user	A service user is a person who accesses or uses any service provided by a legal assistance organisation. This includes clients of services, as well as people who access information services, for example online and telephone legal information or referrals.
Specialist and generalist community legal centre/ service	Community legal centres vary in size and scope. Some offer generalist legal services for a wide range of legal issues and are therefore known as generalist community legal centres. Other organisations focus on specific legal issues or demographic groups and are known as specialist community legal centres. In this report, we attribute quotes of participants to generalist or specialist organisations.
Text or natural language	Text or natural language refers to written notes or information that is not prescribed, allowing the person completing the data entry to enter information. Notes are a common form of natural language that can be added to records of information.

Unique identifier	A unique identifier is a number or series of numbers and letters attached to a particular set of information. In the legal assistance context, unique identifiers are commonly used to identify client information.
Variable	A variable is something that can be counted or measured. Common variables are age or date of birth, gender or sex, postcode, level of education attained or income. The term variable is used because these things vary in a population and can also vary over time. Some variables are numerical and are represented by a number, for example, how many family violence advices an organisation gave in a year. Other variables are categorical and describe a quality or characteristic. These can be mutually exclusive (one category or another) or exhaustive (all possible option categories). Source: Australian Bureau of Statistics, Statistical Language- What are Variables? (October 2013).
Victorian Legal Services Board and Commissioner	The Victorian Legal Services Board and Commissioner is an independent statutory board established under the Legal Profession Uniform Law Application Act 2014 that is responsible for regulating the legal profession in Victoria. The Commissioner is the chief executive officer of the Victorian Legal Services Board.

Appendix A: Participating community legal centres

This appendix sets out a brief description of each legal assistance organisation that participated in this project.

Participating organisations

A total of 29 legal assistance organisations participated in the project. This section describes the depth and breadth of the work these organisations do and the communities across Victoria that they serve.

ARC Justice

ARC Justice comprises three programs that provide housing and legal services for disadvantaged people across Central and Northern Victoria. Housing Justice provides tenancy information and advocacy support to tenants about housing issues. Loddon Campaspe Community Legal Centre, based in Bendigo, and Goulburn Valley Community Legal Centre, based in Shepparton, both provide free legal information, advice and representation services to Central and Northern Victorians who can't afford a lawyer, or who are ineligible for legal aid. Both centres also run legal education and law reform programs.

Asylum Seeker Resource Centre (ASRC) Human Rights Law Program

Asylum Seeker Resource Centre (ASRC) Human Rights Law Program is a community legal centre that provides access to justice for refugees and people seeking asylum by offering holistic support at all stages of the refugee determination process, including expert immigration advice and representation. Based in Footscray, it also provides legal outreach to detention centres. It provides a phone and triage service and a weekly legal clinic, as well as a specialist gender clinic for people who have gender-based asylum claims. The program also provides information sessions and workshops for people seeking asylum, including the impacts of changing policies and how to navigate the refugee determination process. The program works to achieve law and policy reform and other systemic change through strategic litigation, parliamentary advocacy, policy development and legal research functions.

Ballarat and Grampians Community Legal Service

Ballarat and Grampians Community Legal Service provides free legal advice, casework, information and community legal education to people who live, work or study in the Victorian Central Highlands and Wimmera regions. Its programs include Compass, which offers non-legal, holistic and client-focused support for people experiencing family violence and health justice partnerships at community health services in the region. The service also advocates for systemic change through community legal education and law reform.

Barwon Community Legal Service

Barwon Community Legal Service provides free legal information, advice and representation to people who live in the Geelong, Bellarine Peninsula, Surf Coast and Colac Otway regions. The service provides legal support to enhance and promote the rights of community members in its catchment who are disadvantaged in their access to justice. The service also undertakes community legal education and advocates for reform to challenge unfair laws and practices.

Consumer Action Law Centre

A consumer advocacy organisation based in Melbourne, Consumer Action Law Centre (Consumer Action) provides free legal advice and pursues litigation on behalf of vulnerable and disadvantaged people and advocates for law reform on important consumer issues. It also operates an email and telephone financial counselling service, providing free confidential and independent advice to Victorians experiencing financial difficulty, and provides legal assistance and training for consumer advocates. Consumer Action is a nationally recognised and influential policy and research body that advocates for law reform across community, government and the media.

Djirra

Djirra is a state-wide specialist Aboriginal & Torres Strait Islander community-controlled organisation with offices in Melbourne and in seven regional areas. Djirra provides culturally safe and holistic legal and non-legal support to Aboriginal and Torres Strait Islander people (predominantly women) who experience family violence. Djirra runs early intervention and prevention programs to improve access to justice and to strengthen the resilience and wellbeing of Aboriginal and Torres Strait Islander women. Djirra also conducts policy and advocacy work contributing its expertise to important government initiatives and inquiries, including the Royal Commission into Family Violence in Victoria.

Eastern Community Legal Centre

Eastern Community Legal Centre (ECLC) is a multidisciplinary legal service that works to prevent problems, progress fair outcomes and support the wellbeing and resilience of communities and community members in Melbourne's East. ECLC provides free legal help to people in Boroondara, Knox, Manningham, Maroondah, Whitehorse and the Yarra Ranges. The centre has a range of health justice and community partnerships and programs, with a focus on integrated practice and eight priority communities, including family violence and elder abuse. It leads early intervention and primary prevention activities, as well as strategic advocacy to change unfair laws and improve systems and practices.

Fitzroy Legal Service

Combining the Darebin Community Legal Centre and Fitzroy Legal Service, this legal service undertakes a range of programs including free legal advice and free specialist clinics, free legally aided and private client legal representation services, drug outreach, family violence outreach, and a Migrant Employment Law Clinic. The centre also produces legal publications, including the Law Handbook, undertakes community legal education and runs campaigns to improve the rights of clients. It also makes policy and law reform submissions to promote social justice, such as the Australian Law Reform Commission's Review of the Family Law System and numerous submissions to Victorian Parliamentary Inquiries.

Flemington Kensington Community Legal Centre

Flemington Kensington Community Legal Centre provides legal information, advice and casework for people who live, work and study in Flemington or Kensington, including in outreach settings. It runs specialist programs, including Safe from Harm, a specialist family and domestic violence program. Its Police and Accountability Project is a specialist, innovative public interest legal project that provides victim-centred remedies, strategic litigation, and evidence-based research and policy to provide justice and to drive police accountability.

Gippsland Community Legal Service

Gippsland Community Legal Service provides legal help for people living in the Baw Baw, Latrobe Valley, Wellington, East Gippsland, South Gippsland and Bass Coast areas. It has a particular focus on disadvantaged groups and those with special needs. The service also undertakes legal community education and law reform campaigns, prioritising issues which impact those who suffer economic and social disadvantage and to ensure that laws reflect the current values and needs of modern society – with a particular focus on the impacts of law on the communities it serves.

Hume Riverina Community Legal Service

Hume Riverina Community Legal Service offers free legal advice to people living in North East Victoria and the southern Riverina of NSW covering a wide area with multiple outreach locations. It runs a number of programs to increase access to legal help for the community, including the Invisible Hurdles Project for young people experiencing family violence in North East Victoria and the Holistic Assistance and Legal Outreach (HALO) project. It also provides talks to community groups about how the law works to increase access to justice.

JobWatch

JobWatch is an independent, not-for-profit employment rights community legal centre which provides information and assistance to Victorian, Queensland and Tasmanian workers about their rights at work. The service provides a free telephone, information and referral service, and legal representation and advice for disadvantaged workers. It also provides community legal education, including publications on employment law. The service also runs campaigns to promote workplace justice and equity for workers and engages in research and law reform to promote the workplace rights of Australian workers.

Justice Connect

Justice Connect is a unique Victoria-wide service (also operating in other jurisdictions) that connects people and groups to legal services they need. Through a pro bono network of over 10,000 lawyers, advocates and social workers, it offers a national service for not-for- profits and a range of services for individuals including its Homeless Law, Seniors Law, Public Interest Law and Court Programs. Justice Connect is also investing in digital innovation to scale impact through its Gateway Project.

Law and Advocacy Centre for Women

The Law and Advocacy Centre for Women is a legal service dedicated to helping women who are in, or at risk of entering the criminal justice system. It provides advice and representation in criminal matters, including bail applications, as well as applications to the Victims of Crime Assistance Tribunal, infringements, fines and intervention orders. It provides a wraparound service which includes in-house social work and case management support, aimed at addressing the causes of women's offending.

Mental Health Legal Centre

The Mental Health Legal Centre provides free legal services to people in Victoria who experience a mental illness, where their legal problem relates to such an illness. It runs a telephone advice line and provides legal advice and advocacy for legal issues related to a person's mental illness. The service also represents people at the Mental Health Tribunal and provides free civil legal services for those with cognitive impairment and mental health issues in Victorian correctional and forensic facilities.

Northern Community Legal Centre

Northern Community Legal Centre covers Mitchell Shire, Moreland and Hume local government areas. Its central office is in Broadmeadows, with outreach in Wallan, Sunbury, Coburg, Glenroy, Fawkner and Craigieburn. It offers legal services and community legal education, and advocates for law reform to meet the needs of the most vulnerable and disadvantaged in Melbourne's north west. Casework is provided to those with limited access to legal help including victims of family violence, refugees and newly arrived, young people, older people suffering abuse and people with a diagnosed mental illness.

Peninsula Community Legal Centre

Peninsula Community Legal Centre provides free legal services to communities in Melbourne's south-east, a catchment of over one million people. It has offices in Frankston, Bentleigh, Cranbourne and Rosebud, as well as in outreach locations. Its services include family violence duty lawyer assistance to people appearing in the Frankston Magistrates' Court, family law duty lawyer assistance at the Federal Circuit Court Dandenong, and duty services in residential tenancy at the Victorian Civil and Administrative Tribunal. It runs specialist programs such as Fines Clinic, Tenancy Assistance and Advocacy Program, Family Law to Family Violence Continuity of Service and the Work & Development Permit Project. The centre also regularly undertakes community legal education.

Refugee Legal

Refugee Legal is an independent community legal centre specialising in refugee and immigration law, policy and practice. Refugee Legal has been assisting asylum seekers, refugees and disadvantaged migrants in the community and in detention for over 31 years and has substantial casework experience and expertise. Refugee Legal's work involves the provision of key legal assistance to people who could not otherwise obtain it due to financial and other forms of distinct disadvantage often related to their cultural or linguistically diverse backgrounds or experiences of torture or trauma. Refugee Legal also conducts extensive law reform, advocacy and education programs.

Social Security Rights Victoria

Social Security Rights Victoria (SSRV) is a state-wide community legal centre specialising in social security law and policy. SSRV provides legal information and assistance on issues relating principally to Centrelink. It operates a general advice service as well as a Worker Helpline for social, community and health workers who are assisting their clients with Centrelink issues. The centre provides casework and representation at the Administrative Appeals Tribunal, community legal education, and contributes to law and policy reform on social security issues. It runs specialist programs including its Family Violence Project and its Integrated Service Project in partnership with the Financial and Consumer Rights Council.

Southport Community Legal Service

Southport Community Legal Service provides free legal advice, assistance and referral to the people of Port Melbourne, South Melbourne, Middle Park, Albert Park, Southbank, Fishermans Bend, St Kilda and West St Kilda. Operating from Port Melbourne, the centre is staffed by part-time and volunteer solicitors, law graduates and law students. It provides legal advice on a range of legal issues including family law, civil law, traffic offences, criminal law, consumer issues, tenancy, social security, wills, employment and victims of crime assistance.

Springvale Monash Legal Service

Springvale Monash Legal Service (SMLS) aims to empower and support members of our community to use the law and legal system to protect and advance their rights and broaden their awareness of legal processes. SMLS seeks to redress imbalances in access to justice through the provision of legal assistance and information, community legal education and law reform. SMLS also aims to develop the confidence, skills and ethics of law students through clinical legal education in a community environment.

Victoria Legal Aid

Victoria Legal Aid provides legal assistance to people throughout Victoria, particularly those who are financially or socially disadvantaged. The organisation provides services including free legal advice, phone legal advice, duty lawyers at courts and tribunals and legal information in various languages. The service provides advice on criminal law, family law, family violence and some civil law matters. It also provides community legal education and distributes online and printed information to increase people's knowledge of their rights and responsibilities. The service advocates for law reform and innovative legal services.

Victorian Aboriginal Legal Service

Victorian Aboriginal Legal Service is an Aboriginal community-controlled organisation providing legal services to the Victorian Aboriginal community. The service provides legal information, legal advice, duty lawyer assistance and casework services on a broad range of issues including representation and assistance in criminal, civil and family law matters. The service undertakes community legal education and advocates for law reform.

Villamanta Disability Rights Legal Service

Villamanta Disability Rights Legal Service provides legal assistance to Victorians who have a disability. The service provides a free telephone information, advice and referral service, and legal assistance and casework. It also provides assistance with NDIS matters and appeals and undertakes law reform and community legal education. The centre provides services to anyone who has a disability and lives in Victoria; any advocate, friend or relative of a person with a disability; carers who support a person with a disability; and non-government or not-for-profit service providers.

West Heidelberg Community Legal Centre

West Heidelberg Community Legal Centre provides free legal services to disadvantaged people of Banyule. As a program of Banyule Community Health, the legal centre aims to meet clients' diverse needs by connecting clients with health and social support services. The centre provides legal advice, casework, information, education and referrals. Areas of advice include fines, tenancy, family law and family violence, intervention orders, victims of crime compensation, minor criminal offences and child protection issues for Aboriginal and Torres Strait Islander people. Its various outreach programs include a La Trobe Student Union legal service; specialist programs include a pilot program to improve services for the Somali Australian community.

WEstjustice

WEstjustice provides free legal help to people in Melbourne's western suburbs. The service provides legal advice on matters including tenancy, motor vehicle accidents, fines, family violence and family law, credit and debt, and consumer disputes. The service has offices in Footscray, Werribee and Sunshine, and various outreach legal advice services. The Centre also runs specialist legal services focusing on particularly vulnerable client cohorts including newly arrived migrants, young people and victims of family violence. It also provides community legal education and advocates for law reform.

Women's Legal Service

Women's Legal Service Victoria (WLSV) is a not for profit organisation which has been providing free legal services to women since 1982. WLSV works with and for women experiencing particular disadvantage to address legal issues arising from relationship breakdown or violence. WLSV does this by:

- providing legal advice and representation to women experiencing disadvantage

- advocating for law and policy that respects and promotes the rights of women

- building the capacity of other professionals and the community to identify and respond appropriately to legal need

- leading work in the legal and justice sector to promote gender equality and prevent violence against women.

Young Workers Centre

The Young Workers Centre seeks to empower young people working in Victoria with the knowledge and skills needed to end workplace exploitation and insecurity by supporting young workers who want to learn more about their rights at work, or who need assistance in resolving workplace issues. The centre produces resources to help workers understand their rights, such as fact sheets on topics like the National Employment Standards and information for hospitality workers. The centre also runs a telephone information and advice line and offers legal representation for workers experiencing workplace issues such as bullying, wage theft, unfair dismissal and harassment. It also researches and campaigns on common problems faced by young people at work.

Youthlaw

Youthlaw is Victoria's state-wide community legal centre for young people under the age of 25 years old. Through providing legal services, education programs and advocating for law reform within a human rights and social justice framework, the centre aims to address legal issues facing young people in Victoria. Based in Carlton, the centre also has a drop-in clinic based at Frontyard Youth Services and connects with young people across the state through its innovative Skype legal service. Other programs include its policy and advocacy program and its family violence program duty lawyer service at Melbourne Children's Court.

Appendix B: Questionnaire

Questions

Part 1: Data collection system

The questions in this section are about the program or system used to collect and store the data your organisation collects and the person/s responsible for managing data collection.

1. Do you use CLASS? If not, what is the name of your system?

2. [*If answer YES* to 1] In CLASS, do you use only the mandatory fields or has your organisation added additional fields, for example to include other demographic questions?

3. [*If answer NO* to 1] Is your data system (not CLASS) unique to your organisation?

4. Is data consistent across all your programs? For example, is data collected consistent across your face-to-face and outreach programs (e.g. school lawyer or health-justice partnership) locations?

Part 2: Variables collected

The questions in this section are about what data your organisation collects.

5. Can we please have a list of variables from your data system and any paper intake forms that are used?

6. [*If answer NO* to 5] When you look at your data, what is a row? For example, is it a client, a matter or case, or a charge?

7. Why do you collect additional fields and what are they?

8. [*If answer NO* to 5] Do you collect information on legal problem type?

9. What are unique identifiers used for?

   a. Run conflict checks?

   b. Identify repeat clients?

10. Can fields be added or altered?

11. Are your fields all numeric and/or coded or does your data also include text/natural language?

12. When is data entered into the system and who typically does this?

13. If you don't report on this annually, for example in an annual report, how many rows/cases do you collect per year?

Part 3: Flexibility and consistency

These questions are about the flexibility of the data you collect and how the data connects to other data programs, systems or sets in your organisation.

14. Does the data you collect link to other datasets? For example, if you are using CLASS or Actionstep, can you link those records to another data base or spreadsheets?

15. If yes, which ones?

16. Do you record referrals out, for example where someone calls about services, but is ineligible?

17. Do you record referrals in, for example where another legal assistance organisation/other organisation refers the client to you?

18. Do you record secondary consults? For example, where you have an agreement or relationship with another organisation where you may provide some legal information or advice to another legal service or social worker/teacher etc?

19. How often and why does your data entry system change? For example, does it change because of funder requirements?

Part 4: Data Quality

These questions are about the accuracy and quality of data collected by your organisation, and any known consequences or impacts of inaccurate or missing data.

20. In your opinion, how would you assess the quality of the data that your organisation collects? For example, are there frequent errors / missing data?

21. Are there any known consequences of such errors or omissions?

22. How is the accuracy of data assessed? Is it assessed automatically or manually?

Part 5: Use and accessibility

These questions are about how data your organisation collects is used.

23. Do you use your data for any of the following purposes?

    a. Planning?

    b. To review programs or lawyer/employee workloads?

    c. Monitoring and evaluation of programs or services?

    d. Reporting requirements, for example, to government bodies or funders?

    e. To conduct your own research?

    f. Giving it to external researchers or bodies for research?

    g. For advocacy or campaigns?

24. How many funders do you need to report to?

25. Do individual funders have multiple reporting requirements, for example, because they provide different streams of funding?

26. Can you think of an example that would showcase or highlight how using administrative data has helped your organisation? For example, to identify needs, design services, complete an evaluation or to obtain funding?

27. [*If yes* to 22d] Do you use a standard reporting template?

28. [*If yes* to 22f] Are there any restrictions on this, for example, does data need to be anonymised or aggregated?

29. [*If yes* to 22f] What does the external organisation use this data for?

Part 6: Documentation and technical details

These questions are about how your organisation sets out the process for data collection and storage, including training users.

30. Do you have a guide for the data that your organisation collects (for example, that sets out the kind and type of data you collect) so that others in the organisation understand what is being collected?

31. Do you have a user training guide or manual for those who input data?

32. Are employees who input data trained in data entry for the specific program or system?

Part 7: Future data needs

These questions are about understanding how your organisation uses data for monitoring, evaluation or reporting, including how confident members of your organisation are with using data for these purposes.

33. From your perspective, is there anything that you like to know from your data that you currently don't?

34. What would you like to use your data for that you currently do not?

35. Do you think you are currently fully capturing your impact on your community as a service?

36. [*If no to* 34] What would you need to measure in order to fully capture your impact?

37. What are the barriers to achieving this?

38. What do you need to overcome these barriers?

39. Is there anything else that you think we should be aware of in doing this project?

Appendix C: Detailed intake form comparison table

This Appendix sets out and compares the variables used by participating organisations to collect information about clients, commonly using intake forms. Different organisation intake forms are presented (i.e. there are more than five organisations represented in Table 1.)

The table reproduces the acronyms as they are used in the intake forms. See below for a key to the acronyms. For a discussion of Appendix Table 1 see Section 4.3.

Key for acronyms/terms used in Appendix Table 1		
Variable	**Acronym**	**Definition**
Income and Centrelink	NSA	New Start Allowance
	DSP	Disability Support Pension
	AP	Advance Payment
Financial Disadvantage	Temp	Temporary
Identify as Aboriginal and/or Torres Strait Islander	TSI	Torres Strait Islander
Disability status	ABI	Acquired Brain Injury
	PTSD	Post-Traumatic Stress Disorder
	ADD	Attention Deficit Disorder
Priority Clients	CALD	Culturally and Linguistically Diverse
	Dep	Dependant
	Excl	Excluding
	Crim	Criminal
General	NA	Not Applicable
	Y/N	Yes/No
	Nil	None
	VLA means test	Victoria Legal Aid means test

Appendix Table 1. Examples of variables (client information) collected by participating organisations

Variable	Example 1	Example 2	Example 3	Example 4	Example 5
Date of birth/ age	**Question: Date of birth** • Date of birth • Unknown • Not stated • Estimated year of birth	**Question: Age** Age brackets	**Question: Date of birth** Blank space to fill in	**Question: Date of birth** Less than 18 years	**Question: Date of birth**
Gender	**Question: Gender** [Eight options] • Male • Female • Not male or female/ • Transgender • Intersex • Indeterminate • Other • Unknown	**Question: SEX** [Three options] • Male • Female • Other	**Question: Gender** [Three options] • Male • Female • Other	**Question: Gender** [Three options] • Male • Female • Other	**Question: Gender** [Six options] • Female • Male • Not male or female • Transgender • Intersex • Blank box to complete
Income and Centrelink	**Question: Main income (must select one)** [Four options] • Centrelink benefit • Employed $__per week (gross) • Meets or exempt from VLA means test • Cannot access funds temporarily	**Question: Income Source:** [Four options] • Centrelink • Other • No income • Earned – Approximate amount per week	**Question: Centrelink** [Six options] • Yes • NSA • DSP • AP • Not stated • No	**Question: Centrelink payments (tick all applicable)** [Nine options] • Age pension • Disability support • Parenting payment • Carer's • Veterans payment • Youth allowance • Abstudy • Newstart • Other	**Question: Do you receive a Centrelink payment?** [Three options] • Yes • No • What type of payment

Income and Centrelink (cont.)			**Question: Income scale (Per Week)** [12 options] • None • $1-199 • $200-299 • $300-399 • $400-599 • $600-799 • $800-999 • $1000-1249 • $1250-1499 • $1500-1999 • $2000+ • Not stated	**Question: Income scale: per week/per annum)** • Negative income • Nil income • $1-$199 ($1-$10,399) • $200-$299 (10,400-15,599) • $300-$399 (15,600-$20,799) • $400-$599 ($20,800-$31,199) • $600-$799 ($31,200-$41,599) • $800-$999 (41,600-$51,999) • &1000-$1249 (52,000-$64,999) • $1250-$1499 ($65,000-$77,999) • $1500-$1999 (78,000-$103,999) • $2000+ ($104,000+)	**Question: How much do you receive from both your wages and Centrelink payment per week before tax?** [Eleven options] • None • $1-199 • $200-$299 • $300-$399 • $400-$599 • $600-$799 • $800-$999 • $1000-$1249 • $1250-$1499 • $1500-$1999 • $2000+
Financial disadvantage	**Question: Financial disadvantage indicator** [Five options] • Yes – cannot access funds • Yes – Centrelink benefit • Yes – Other • No • NA	**Question:** [Not specifically asked]	**Question: Financial disadvantage indicator** [Six options] • Yes – cannot access funds • Yes – Centrelink Benefit • No • NA • Yes- Other, Please Specify	**Question: Financial disadvantage** [Five options] • Centrelink benefit • No means to pay • Temp out of funds • Yes – other • No	**Question: Financial disadvantage** [Five options] • Yes, no means to pay • Yes, Centrelink benefit • Yes, not access funds temporarily • No • Unknown
Identify as Aboriginal and/ or Torres Strait Islander	**Question: ATSI Status** [Four options] • No • Yes, Aboriginal • Yes, TSI • Inadequately described	**Question: Do you identify as:** [Four options] • Aboriginal • TSI • Both • Neither	**Question: Are you Indigenous** [Four options] • Aboriginal • TSI • No • No, but immediate family YES (i.e. child)	**Question: Indigenous?** [Three options] • Aboriginal • TSI • Neither	**Question: Are you Aboriginal or Torres Strait Islander Descent** [Two options] • Yes • No

Problem(s)	**Question: Problem Type** [fill blank]	**Question: Problem Type** [Four problem types] • Description • Code	**Question: Problem type** [Two problem types] • Problem 1 • Problem 2	**Question: What is the legal issue?** [Four problem types]	**Question: Nature of legal or social issue** [Four problem type and separate check boxes to identify broad legal category (criminal, civil, family) and whether the legal matter is state or Commonwealth]
Homeless status	**Question: Homelessness** [Three options] • Yes • No • At risk	**Question: Are you currently homeless?** [Two options] • Yes • No	**Question: Homelessness status** [Five options] • Yes • No • Not stated • NA • At risk	**Question: Indicators (tick if yes)** [among others listed] • Risk of homelessness	**Question: What priorities were identified?** [among others listed] • Risk of/experiencing homelessness
Living arrangements	**Question:** [Not asked (apart from homelessness status: yes, no or at risk).]	**Question:** [Not asked]	**Question: Accommodation** [Eight options] • Renting • Buying • Homeowner • Public housing • Boarder • Refuge • With family • Other	**Question: Therapeutic approach (pls tick and give details** [tick box under the instructions section Includes Housing]	**Question: Living arrangements** [Five options] • Renting • Rooming house • Public/Social Housing • Owning/buying • Other

Family violence	**Question: Family violence** [Three options] • Yes • No • At risk of	**Question: Are you currently or have you ever experienced family violence?** • Yes • No	**Question: Family violence** [Four options] • Yes • No • Not stated • NA	**Question: Family violence** [Three options] • Yes • No • At risk	**Question: Family violence** [Four options] • Yes • No • At risk • unknown
Disability status	**Question: Disability** [Three options] • Yes • No • Unknown [If Yes, a further tick box also includes five options]: • Mental health • ABI • Intellectual impairment • alcohol use • Drug use • PTSD	**Question: Do you have a physical disability?** • No • Yes, state type **Do you have an intellectual disability?** • No • Yes, state type **Do you have a mental illness?** • No • Yes, state type	**Question: Do you have a disability you want us to know about?** • Yes (details) • No	**Question: Disability Indicator** • Yes • No **Disability type:** [Four options] • Sensory/ Speech; Intellectual • Physical • Psychological • Head Injury/Stroke/Brain Damage	**Question: Disability Type – can be multiple** [Nine options] • Acquired brain injury • Autism Spectrum Disorder (ASD) • Communication/ hearing • Intellectual Disability • Neurological disability • Physical • Psychosocial • Specific learning/ ADD • Other
Employment status	**Question: Main income** [Four options] • Centrelink benefit: Type • Employed $ … per week (gross) • Meets/exempt from VLA means test • Cannot access funds temporarily	**Question: Employment** [Three options] • Employed • Unemployed • Other • Status: • Retired • Not stated	**Question: Are you currently working?** [Three options] • Employed • Unemployed • Other	**Question: Employment status. Are you currently?** [Four options] • Employed • Unemployed • Other • Unknown	**Question: Are you working at the moment** • Y/N

	Example 1	Example 2	Example 3	Example 4	Example 5
Relationship status	**Question: Who do you live with?** [Four options] • Me and my children • Other family • My partner and our children • Not living with family (e.g. share house, living alone)	**Question: Relationship status** [Seven options] • Single • Separated • Widowed • Married/de facto • Divorced • No. of dependent children • No. of other dependents	**Question:** [Not asked]	**Question: Family details** [Five options] • Never married • Separated • Widowed • Married/de facto • Divorced • Do you have children (u18) who live with you? • Y/N	**Question: Relationship status** [Six options] • Married/De facto • Widowed • Separated • Divorced • Never married • Not stated • Question: Family type [Five options] • Sole parent with dependent children • Two parents with dependent children • Not living in a family • Family type other • Not stated
Priority clients	**Question: What priorities were identified?** [Eight options] • Risk of/ experiencing Family Violence • Mental Health/ Disability • Youth • Older person • Risk of/experiencing homelessness • CALD • Other identified • Centrelink	[Not explicitly identified in intake form]	[Listed under Casework assessment] **Question: Priority Client** • Yes • No **Question [if Yes]** [Five options] • Refugee, newly arrived • Mentally ill • Family Violence • Youth • Elder Abuse	[Priority group as follows] • Gender • Children and Young people Aged 24 or Under • Age (for comparative purposes) • Older persons • People experiencing Financial Disadvantage • Income level (Nil, low, medium, high) • Family living with dep children living at home (married/Defacto; All Excl Married/Defacto)	[Same as Example 4]

- Disability and/or Mental Illness
- Indigenous Australians;
- People who are culturally linguistically diverse (Yes Interpreter/Translator required, Main language spoken at home not English);
- People experiencing Family violence (family law, civil or crim law)
- Outer regional and remote clients;
- Homelessness indicator