

EVALUATION OF CASEWORK SERVICE

2018-19

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EXECUTIVE SUMMARY

Background and purpose

Consumer Action Law Centre (“**Consumer Action**”) is an independent, not-for-profit consumer, credit and debt advocacy organisation in Melbourne. Our purpose is to make life easier for people experiencing vulnerability in Australia. We do this through financial counselling and legal services, community and sector development activities, and research, campaigning and policy work aimed at making systems fairer.

Our casework service (“**the service**”) is delivered by the lawyers in our legal practice, and one senior financial counsellor, and provides representation and casework assistance to individual clients selected through a formal case intake process. More rarely, the service provides intensive ongoing assistance to help support and build the capacity of caseworkers, such as other community lawyers and financial counsellors, as they continue to represent their clients. Only people living in Victoria – and the caseworkers who assist them – are eligible for the service.

The casework service plays a central role in Consumer Action’s theory of change. The service aims to create change across all three impact domains – empowering consumers, making our sector more effective and improving system fairness.

If the service does its job well, clients will enjoy better legal outcomes, improved financial health and reduced stress and worry, as well as the opportunity to use their story to advocate for better legal protections and fairer business practices for consumers. These aspects of the service’s impact, which relate to the ‘empowered consumers’ impact domain, are the primary focus of the evaluation.

The service also contributes in a myriad of ways to making our sector more effective and systems fairer for vulnerable consumers, including by building the capacity of community caseworkers to help their clients, reporting unlawful conduct and its harms to regulators, documenting client stories for our policy and campaigns team, and seeking to achieve favourable precedents in VCAT, the courts and in ombudsman schemes for the benefit of all consumers. However, these activities were beyond the scope of this evaluation.

The purpose of this evaluation was to assess the effectiveness of the service in helping clients achieve these immediate and longer-term outcomes and to make recommendations for service improvement.

A secondary purpose was to offer follow-up assistance to clients who may need it.

The evaluation focused on clients we had assisted with representation and casework in about the last year. To be eligible for interview, a client’s file must have been concluded in the nine months to 31 March 2019.

This was a mixed-methods evaluation, involving two main methods of data collection: reviewing client records, including demographic data; and in-depth, qualitative interview with clients over the phone.

Consumer Action Law Centre

We sought to make sense of the data in a collaborative way by facilitating workshops with the lawyers who deliver the service. They considered the synthesised evaluation data and helped to contextualise and understand the picture it was painting. The workshop discussions significantly informed both the conclusions and recommendations of this report.

Key findings and conclusions

- The casework service is effectively targeting clients in vulnerable circumstances. However, some groups in the community who we know have unmet legal needs, such as people who identify as Aboriginal or Torres Strait Islander and sole parents and carers, may be underrepresented in our service statistics. Older people may also be underrepresented.
- The most common type of legal problem we assist with through our casework service is irresponsible lending, but most enquiries to our Consumer Advice Service relate to defective products or services. The casework service assists with only a small number of cases involving defective products or services.
- Clients consistently remember the lawyers who provide them with casework assistance, and readily express their admiration and gratitude, even many months after their case is concluded.
- Before they begin receiving casework assistance, clients often experience deeply uncomfortable and even distressing thoughts and feelings in relation to their case. They also frequently struggle with financial difficulties.
- Things change for clients when they begin receiving casework assistance. They feel supported, have a better understanding of their situation, including their rights and options, and feel more confident about resolving their legal problem. Likewise, clients feel more positive each time they interact with their lawyer.
- Occasionally, clients don't feel confident about continuing with their case, including because they are worried about the risks associated with taking action.
- Clients almost always understand what their lawyers tell them. Lawyers use a range of strategies to ensure clients understand what they say. Clients find it harder to understand lawyers when they use legal or technical language.
- Likewise, clients say their lawyers are good at providing regular and timely updates in a way that meets their individual needs, including over the phone and via email.
- Sometimes, lawyers arrange face-to-face meetings and use Skype to build rapport and trust with clients, explain complex information, and collect and manage client documents. Clients describe these experiences as positive and helpful. However, practice around this is inconsistent.
- Most clients recall being asked to share their story, and clients are typically very motivated about doing so, driven by a strong desire to improve system fairness for others. Sharing their story for the purposes of achieving systemic change is empowering for clients.
- The service helps clients achieve good legal, financial and wellbeing outcomes, and clients are very happy with the outcomes they achieve. Overall, clients are extremely satisfied with the service and say they would recommend it to others.
- Most clients say they are changed by their case; they are better informed consumers, have learned that help is available and how to access it, and feel more resilient and hopeful. However, some continue to feel anxious and fragile as a result of the wrongdoing they fought.

- Despite knowing about and having positive experiences with the service, most clients don't contact us to ask for help when new consumer, credit or debt problems arise. But when further help was offered as part of the evaluation, clients with new legal problems readily accepted it.

Recommendations

1. The organisation should seek to understand whether and to what extent certain client groups – especially groups known to have significant unmet legal needs, including Aboriginal or Torres Strait Islander Victorians and people from migrant and non-English speaking backgrounds – are underrepresented in our service statistics, and why.
2. The most common type of legal problem we assist with through our casework service is irresponsible lending, but most enquiries to the Consumer Advice Service relate to defective goods or services, which typically cause less detriment to the client. Does it matter that the legal problems we assist with through our casework service are not representative of the legal problems we see through the Consumer Advice Service? Are they more representative of the legal problems we see through the Worker Advice Service and Koori Helpline? The organisation should consider these questions in light of our commitment to prioritising resources to assist clients who are experiencing vulnerability.
3. Lawyers should continue to use the strategies and techniques described in this report to ensure effective verbal and written communication with clients. These include breaking down information into 'steps'; confirming information in writing; taking the time to explain things and explaining things in different ways; and avoiding the use of legal or technical language. The service should consider providing relevant training to lawyers to enhance and further develop their communication skillsets.
4. The service should explore the use of face-to-face meetings and Skype with casework clients and consider providing guidance to lawyers about when they are appropriate or should be preferred. This should include consideration of barriers and practical issues for clients, including in relation to travel, parking and other access needs.
5. People who are struggling under the weight of their legal problems can experience deeply uncomfortable and even distressing thoughts and feelings. The service should consider making 'difficult conversations' or similar training available for lawyers. The purpose of the training would be to better enable lawyers to deliver 'bad news' to clients, including that we can't offer casework assistance, in a way that is both direct and sensitive, and to make appropriate referrals for legal and non-legal support.
6. Lawyers acknowledge that while it is their professional duty to explain risk to clients, doing so can result in clients choosing not to pursue a claim that has good prospects and where the likelihood of risk eventuating is low. The service should provide guidance to lawyers about how to talk about risk with clients in a way that enables them to feel confident about taking action.
7. Lawyers should not underestimate the desire or capacity of clients to contribute to our campaigns, or how empowering being asked to contribute can be for them. To the extent that

lawyers make assumptions about clients in vulnerable circumstances, these should be habitually named and challenged, including during the case intake process.

8. The service should amend its 'file closure' letter to include information about when and how the client can contact us again for assistance with consumer, credit and debt problems.
9. The organisation should explore creating systems that reduce the time involved in collecting, synthesising, analysing and reporting service and monitoring and evaluation data, including from surveys.
10. The organisation should develop and implement strategies for closing the feedback loop, including by: delivering further assistance to clients who participate in service evaluations, if they need it; sharing client feedback with lawyers and providing additional training and support, where appropriate; and communicating evaluation findings, recommendations and resulting service improvements to clients, other stakeholders and the sector.
11. The service should repeat this evaluation in April/ May next year. The evaluator should code the data using an approach that is consistent with the one used in this evaluation. This should enable us to compare findings and track progress.
12. A date should be set for the evaluation findings workshop in May 2020 *at least three months in advance*.

ABOUT THE CASEWORK SERVICE

Consumer Action Law Centre

Consumer Action is an independent, not-for-profit organisation dedicated to making consumer markets fair and life easier for people experiencing vulnerability and disadvantage. Experts in consumer and consumer credit law and policy, we deliver financial counselling and specialist legal assistance to people living in Victoria, and advocate for strong and effective legal protections and industry practices that benefit all Australians. We also train and support our colleagues in the community sector to be effective caseworkers and advocates for systemic change.

Consumer Action creates impact by empowering individuals to resolve financial problems, pursue legal remedies and hold creditors and traders to account, making our sector more effective, and shaping a fairer system. Our theory of change is captured in [our impact framework](#), which shows how our client-facing services, sector development work and campaigning intends to achieve these outcomes.

What is the casework service?

The casework service (“**the service**”) is delivered by the lawyers in our legal practice, and one senior financial counsellor, and provides representation and casework assistance to individual clients selected through a formal case intake process. More rarely, the service provides intensive ongoing assistance to help support and build the capacity of caseworkers as they continue to represent their clients.

In the 2018-19 reporting period, the service provided representation and casework assistance to 133 individual clients.

Clients are referred to the case intake process by our lawyers, financial counsellors and, less frequently, our policy and campaigns team. In the 2018-19 reporting period, most clients came to our attention because they called our Consumer Advice Service for legal advice (71%) or the National Debt Helpline for financial counselling assistance (17%). Others were referred when their caseworker contacted our Worker Advice Service (12%).

The service can assist client in relation to a wide range of consumer, credit and debt problems, including disputes about defective goods and services, banking, bankruptcy, consumer leases, credit, debt collection and debt assistance services, door-to-door sales, electricity, gas, water, telephone and internet bills, insurance, mortgages and unfair contract terms. Only people living in Victoria are eligible for assistance.

The service prioritises giving assistance to clients who may be experiencing disadvantage or vulnerability. Factors that may be relevant to whether a client is prioritised include:

- age
- source and level of income
- disability or significant health issues, including mental illness
- relationship status and caring responsibilities
- whether the person is confident speaking, reading and writing in English
- whether the person is a recent migrant or refugee
- whether the person identifies as Aboriginal or a Torres Strait Islander
- homelessness or risk of homelessness
- whether the person is a victim/ survivor of family violence
- whether the person has experienced abuse or other trauma
- gender and sexual identity

A client is considered for representation or casework assistance when they are referred for 'case intake', a weekly meeting of lawyers and other staff who together determine whether we 'take on' their case. Our case intake policy requires that we consider whether the client is experiencing vulnerability or disadvantage; whether their case could contribute to our policy or campaigns work, or our understanding of an emerging systemic issue; the merits of the case; access to justice considerations, including whether alternative free assistance is available to the client; the impact that not 'taking on' the case would have on the client, as well as any relevant community or stakeholder relationships; and the present capacity of the service.

In addition, the service aims to 'take on' the particular number of clients stipulated by our Universal Workplan, which contains our funded targets. In 2018-19, that number was 130.

Furthermore, under a pilot that began in March 2019, the service aims to 'take on' clients in accordance with these internal benchmarks:

- 50% for the primary reason that they could contribute to current policy or campaign work;

- 25% for the primary reason that they relate to an emerging systemic issue (as observed by lawyers and financial counsellors working on our telephone advice services); and
- 25% for access to justice reasons (where neither of the above apply).

Service impact

Our impact framework shows how the service intends to create change across all three impact domains –empowering consumers, making our sector more effective and improving system fairness.

The first of these impact domains, empowered consumers, is at the centre of this evaluation. Through the service, our lawyers provide legal representation and casework assistance to individual clients. The immediate beneficiaries of the service are the clients themselves, who we have assessed through our case intake process as experiencing vulnerable circumstances and unlikely to succeed in resolving their legal problem without our help. If the service does its job well, clients will enjoy better legal outcomes, improved financial health and reduced stress and worry, as well as the opportunity to use their story to advocate for better legal protections and fairer business practices for consumers.

More rarely, the service provides intensive ongoing assistance to help support and build the capacity of caseworkers as they – rather than the service – represent their clients. Of course, the ultimate beneficiaries of the service in these cases are the clients, who are also typically experiencing vulnerability and have limited capacity for legal self-help. However, the impact of the service is multiplied when caseworkers use what they learn to help more than one client and share their knowledge with colleagues. If the service does its job well in these cases, caseworkers will be more able to help clients resolve their legal problems and better understand how they can contribute to systemic change. However, because the service only directly assisted individuals in the 2018-19 reporting period, these cases are beyond the scope of this evaluation. Also, these outcomes are more commonly achieved through our Worker Advice Service.

As well as empowering consumers and making our sector more effective, the service offers us vital intelligence on unfair practices and inadequate protections that impact vulnerable Australians, as well as the adequacy (or otherwise) of dispute resolution forums, including the courts, VCAT and ombudsman schemes. By observing and capturing that information, our lawyers build the evidence base that informs our policy and campaigns plan and we can use to advocate for reform. Because of their lived experiences, clients of the service can also be highly effective advocates for change. Accordingly, our lawyers seek to involve them in our systemic change work, including by recording case studies and supporting them to tell their stories to decision-makers and media, and even to parliamentary inquiries and Royal Commissions. In these ways, the service seeks to create change in our second impact domain – ‘fairer system’. However, the extent to which the service achieves this is beyond the scope of this evaluation.

The intended impact of the service is reflected in our case intake policy, which says that the purpose of the service is to:

- (a) assist individual consumers to resolve their particular consumer disputes, either through direct engagement and assistance or through assisting and building the capacity of workers to assist their clients;

- (b) achieve positive developments for consumers generally through identifying systemic issues and the generation of favourable judicial and quasi-judicial precedent, improved industry practice, law reform or other favourable policy development; and
- (c) identify trending issues... emerging from the Consumer Action legal and financial counselling telephone services.

ABOUT THIS EVALUATION

Purpose

Put simply, the impetus for this evaluation was a desire to learn whether the service is achieving the outcomes we intend it to. Our theory of change, captured in this [impact framework](#), says that the service creates impact by helping clients achieve better legal outcomes, improved financial health and reduced stress and worry. It also enables them to share their story and contribute in other meaningful ways to making legal protections stronger and business practices fairer.

Accordingly, the purpose of this evaluation was to:

1. evaluate the effectiveness of the service in empowering clients:
 - a. to achieve a positive legal outcome;
 - b. to achieve other positive outcomes (such as improved financial health and or reduced stress and worry); and
 - c. through the opportunity to share their story;
2. learn about clients' experience with the service;
3. understand how satisfied clients are with the service;
4. make recommendations to maintain and/ or improve the effectiveness of the service.
5. offer further assistance or referrals to clients in vulnerable circumstances, where appropriate.

The evaluation focused on clients the service had assisted in about the last year.

Method

This was a mixed-methods evaluation, involving two main methods of data collection: reviewing casework service client records, including demographic data ("**client records**") and an in-depth, qualitative interview with casework service clients ("**client interviews**").

Client records

During the period covered by the evaluation, financial counsellors and lawyers used customer relationship management ("**CRM**") Filemaker Pro to create an electronic file for every unique enquiry they received through the National Debt Helpline, Consumer Advice Service, Koori Helpline, Worker Advice Service and community engagement activities. They used the electronic file to record information about the client, including their name, gender, suburb/ postcode, income and family type, and whether they have disability, require an interpreter, identify as Aboriginal or Torres Strait Islander, are a victim/ survivor of family violence and/ or are living with substance abuse or problem gambling,

among other things. They also recorded file notes that captured the client's instructions and details of any initial assistance we provided.

For clients referred to case intake, our financial counsellors and lawyers used Filemaker Pro to record all the information they wished to be considered at the case intake meeting, including in data fields entitled 'Client Circumstances', 'Case Summary' and 'What Client Wants'. They also used it to capture the discussion at the case intake meeting, including whether we agreed to 'take on' the client and the scope of assistance we agreed to provide.

At the time, lawyers would open a physical paper file for any case we had agreed to 'take on'. However, certain administrative details, including the name of the lawyer responsible for the case, and the date the casework service file was opened, were recorded in the electronic file. Likewise, when the file was concluded, lawyers would capture information about the work they had performed and the outcome they achieved in the electronic file in Filemaker Pro.

Our Manager Impact Monitoring & Evaluation, who conducted the client interviews, reviewed the relevant electronic file before each client interview and captured certain details in the interview form. These included the date the client interacted with the service, certain demographic information and the type of legal problem the client sought help with.

Client interviews

The client interviews involved asking clients 11 main qualitative questions, and sometimes follow-up questions designed to promote recall and elicit more detailed responses. (For example, in the interview guide, 'Did anything change for you when [lawyer's name] got involved?' is followed by, 'What changed?'). We also asked a 'net promoter score' ('**NPS**') question.

We asked clients whether they remembered us representing them, what things were like for them before and after we 'took on' their case, whether their lawyer was easy to understand and kept them updated about their case, how confident they felt about their case, whether they were happy with their case outcome, and whether and in what ways they changed because of their experience.

At the time of drafting the interview questions, we had just kicked off an SMS post-call survey for clients of our telephone legal advice and financial counselling services. In response to the question, 'Is there anything else you wish to share?' clients were tending to describe how they felt about their interaction with these services rather than what they'd learned or done. It was becoming clear to us that feeling heard, empathised with, respected and not judged (for example) really mattered to our clients. And so despite the fact they were not outcomes in our impact framework, we asked, 'Generally, how did you feel after speaking to [lawyer's name]?' in the interview guide.

We also asked a 'Net Promoter Score' ("**NPS**") question: how likely is the client (on a scale of 0 to 10, where 0 is "Not at all likely" and 10 is "Extremely likely") to recommend us to a friend or colleague?

The NPS is an index ranging from -100 to 100 that measures the willingness of respondents to Consu recommend a product or service to others. The NPS is widely used as a proxy for gauging overall client satisfaction and trust, and it has enjoyed significant take up by purpose-driven organisations.

The score itself is calculated by subtracting the percentage of 'detractors' (respondents who give a score of 0-6) from the percentage of 'promoters' (respondents who give a score of 9-10). Typically,

respondents are asked to explain the score they give. Consistent with this, we also asked clients, 'What are your reasons for giving that score?' and 'What changes would we have to make for you to give us a higher score?'

If we assessed that the client was vulnerable, we also asked, 'Do you need further help with your problem at this stage?'

As a final question we asked, 'Is there anything else you want to tell us?'

Selecting clients for interview

We identified clients in Filemaker Pro who met these criteria:

- The service provided casework/ representation assistance to the client.
- The client's file was closed between 1 July 2018 and 31 March 2019 (that is, up to around nine months ago).
- The client's file was not closed because their conduct was unreasonable (e.g. they were abusive towards staff).
- The client had not made a formal complaint about the service.
- The client was not so vulnerable (e.g. had disclosed suicidal thoughts) that it would be inappropriate to call them.
- There were no safety concerns.

We debated at some length whether to include clients who had complained about the service, of which there had been only one or two in the year. On the one hand, not including them would reduce the number of dissatisfied clients available for interview, potentially skewing the results and denying us the opportunity to learn from their experiences. On the other hand, we already knew why they were dissatisfied because they'd told us, and their number (of two or three) was probably too few to affect the results significantly. Moreover, at least one complaint had been resolved on the basis that we wouldn't contact the client again. And so, ultimately, we decided to remove complainants from the list of clients eligible for interview.

Collecting data from client records

Before placing each call, the interviewer would take note of the relevant client data (including the client's name and age, and any characteristics correlated with vulnerability), as well as the name of the lawyer responsible for their file, their legal problem and the dates they interacted with the service. If the client agreed to be interviewed, the interviewer would record these details in the survey tool. The interviewer also reviewed the file notes and noted the advice that was given.

Conducting the interviews

There were 81 clients who met the criteria.

Our Manager Impact Monitoring & Evaluation interviewed eligible clients over about a three-week period using a flexible script and interview guide (see Appendix A). Initially, she called them in a random order. Later, to ensure that every lawyer had at least one of their clients included in the evaluation, she made deliberate selections based on only that criterion. In total, she called 34 clients and ultimately interviewed 21. All clients she reached agreed to be interviewed.

The interviewer recorded responses *verbatim* (to the extent possible) using a prepared survey tool in Microsoft Forms.

We intended the interviews to be friendly, free-flowing and conversational so that clients would feel at ease. As the clients told their story, the interviewer captured their responses in the form, circling back to questions not addressed.

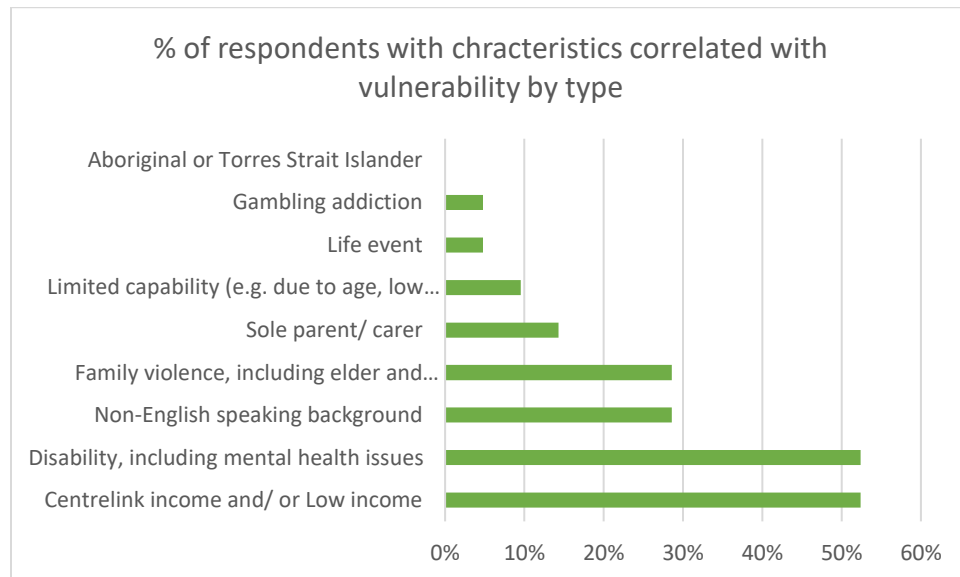
Like in previous evaluations, conducting the interviews was very time consuming. It would often take the interviewer an hour or more to reach, interview and complete notes for a single client.

However, through a process of reflection and action, we developed and implemented a range of strategies to maximise the chances of reaching a client. For example, we observed that clients were more likely to answer their phone *in the afternoon*. They also found that sending an SMS to a client before calling – especially where they had made a firm arrangement with the client to call them back – was also somewhat helpful. However, these involved the interviewer working across multiple platforms: Microsoft Excel, Filemaker Pro (the organisation’s CRM), Microsoft Forms and web app SMS Broadcast.

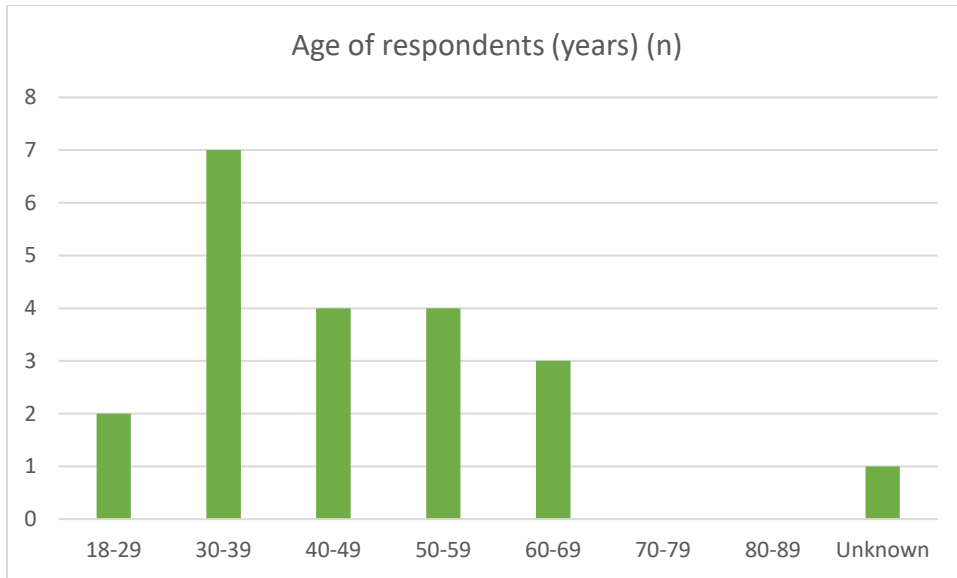
RESULTS

Profile of respondents

All participants (100%) had **one or more** characteristics correlated with vulnerability, with low income and/ or Centrelink income (52%) and disability (52%), including mental health issues being the most common.



The mean age of clients interviewed was 43.5 years. The median was 43 years.



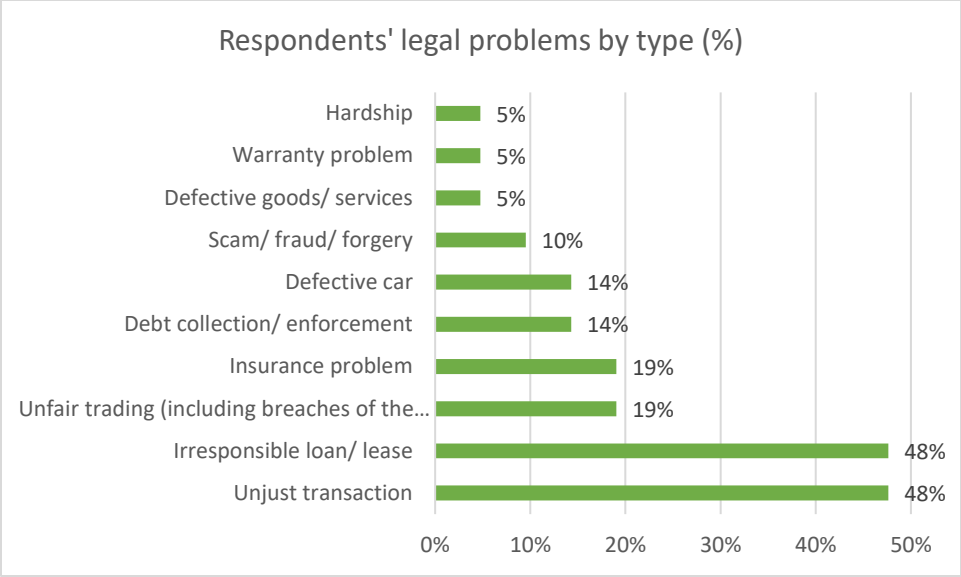
Compared to the general population of clients of the service in the 2018-19 reporting year, the clients we interviewed were, on average, somewhat older/ younger (43 years compared with XX years) and more likely to have characteristics correlated with vulnerability (100% compared with XX%).

What legal problems did we assist with?

Irresponsible or inappropriate lending (48%) was the most common legal problem. Other problems included problems arising from unfair trading, including breaches of the Australian Consumer Law (19%), insurance problems (19%), problems with debt collection and enforcement (14%) and disputes about defective cars (14%).

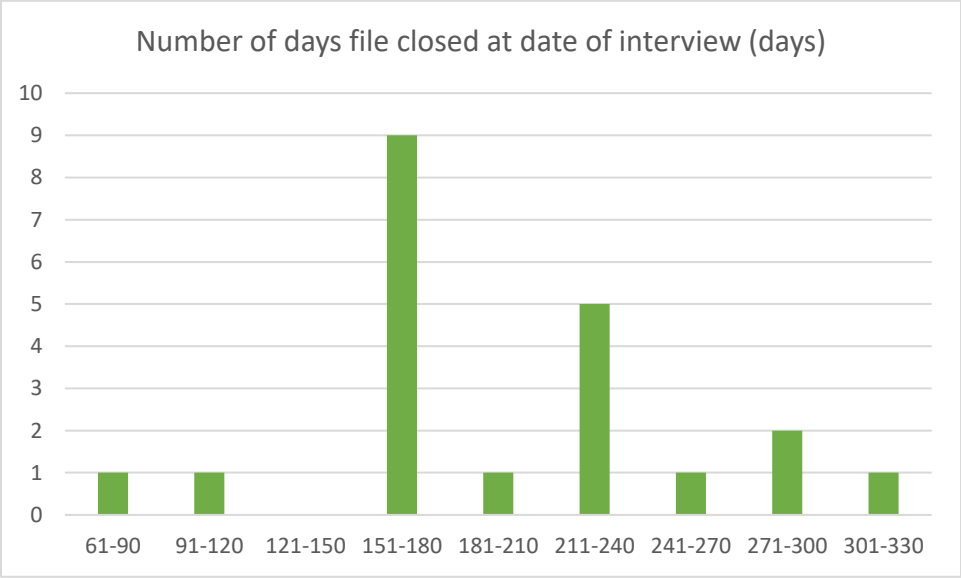
Problems relating to scams, fraud or forgery (10%) were less common, and we assisted only one client in relation to disputes about hardship (5%), warranties (5%) and defective goods or services (5%).

Some cases involved more than one problem.



How long ago did we close the files?

We interviewed clients between 69 and 330 days after their file was closed. The average interval was 200 days (and the median was 180 days). (Source: Filemaker Pro.)



Did the client remember the service assisting them?

All clients remembered the lawyer (or lawyers) who ran their files.

Their answers were definitive. For example:

"Yes, of course."

"Very much so."

"I'll never forget... I've got the rest of my life to talk about you people"

What were things like before we took on their case?

Most clients recalled that they were struggling financially and/ or experiencing a range of deeply uncomfortable and even distressing thoughts and feelings before we began providing casework assistance to them.

Some clients described how difficult things were and how stressed they felt about their situation:

"It was really difficult... Because I was struggling to pay for the things I got."

"Let's say... I got to the stage where I was having seizures... I was thinking about those [debt collector] calls, and those people are so nasty... I know they've got a job to do... Between you and me, I could have taken my life over it."

"Oh, um, just horrific. I thought I was going to lose my house... [I was] coming from a domestic violence situation, where... the police were involved, children... I was on anti-depressants... It was shitful, basically."

"Oh, before... Yeah, it was horrible. I felt... It was so bad. I managed to trap myself in a cycle of debt with some payday loans... And I couldn't really find a way out."

And some talked about not knowing what to do or how to get help:

"It was very stressful... In the past, my dad was saying, go and get help. But I was too scared to get help. I didn't think anyone would help me... That's how I felt originally..."

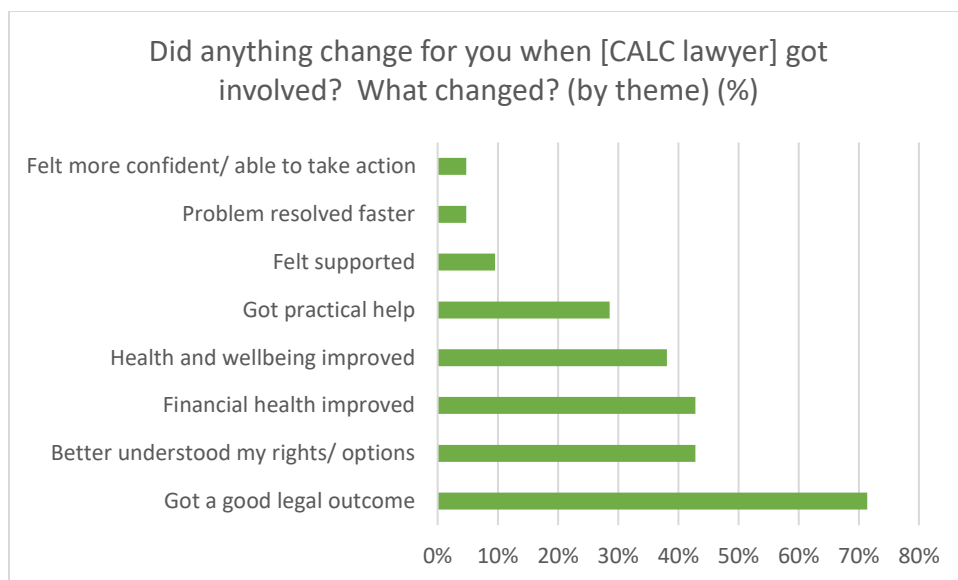
"Terrible. Oh yeah, I terrible. I didn't know where to go. I was lost and confused..."

"Very overwhelming. I didn't really know where to turn for the claim. It was really scary. I didn't know what was happening with my own health, let alone with the income protection I'd paid for. Overwhelming, to say the least."

"Very hectic, [me] not understanding what was going; not knowing even my own rights, where to start, what I was entitled to and not entitled to..."

What changed when we began representing them?

A common response to the question, "Did anything change for you when [lawyer's name] got involved?" was, "Everything" (for the better).



Some clients described having a better understanding of their situation and feeling by their supported:

"Um, I had a sense of comfort."

"Oh, everything... You know the whole thing, was on track, you know? And my case was put together."

"Just having another person to help me understand what was going on and what I could do to fix it..."

"Oh, I just felt like someone was batting in my corner. The whole time they made [me feel as though] I wasn't sort of dreaming that this was wrong... Everyone I spoke to was very confident in the case. So that was a huge burden, I guess, that was lifted. I never really had to think... Which was good, because I was already going through my own stuff..."

Most clients talked about the outcomes they were able to achieve once they had casework assistance:

"Everything just went a lot better. Just more... It got sorted very quickly."

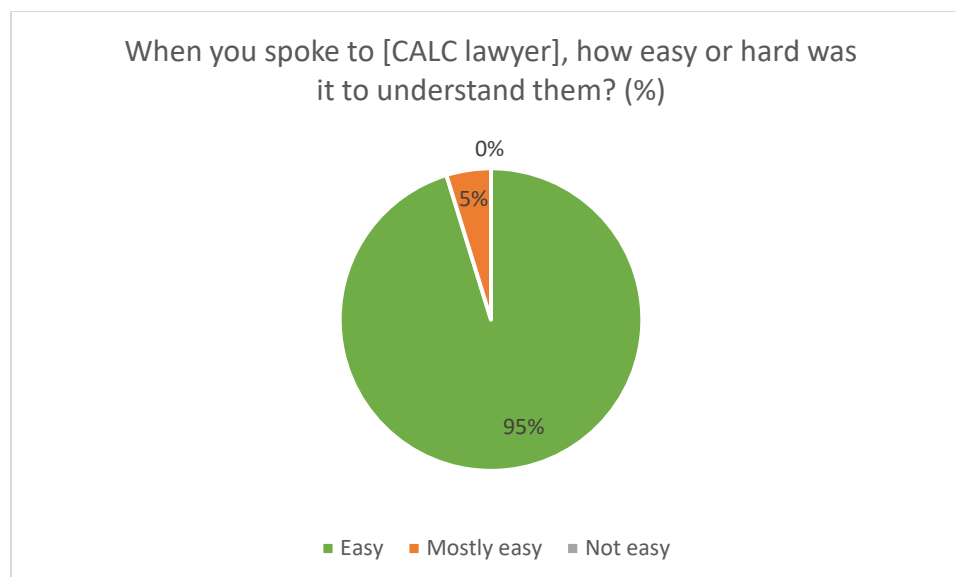
"Now I am well settled without any issues. No one is hassling me, no one is chasing."

"I was able to do a little more with my life. I wasn't so stuck in debt that my ex stuck me in."

"Everything. It was mainly... Cigno was the biggest detriment in my life... I've pretty much managed to turn my life around."

Were their lawyers easy or hard to understand?

All respondents said their lawyer was easy or mostly easy to understand.



Some clients described the strategies they observed lawyers using, including taking time to explain things, breaking things down, providing information in writing and using Skype. For example:

"[My lawyer] broke it down for me, because I didn't have a very high education. [My lawyer would] also send documents or email me as well as a follow up so I'd have a sense of what to do. It would be, step one, do this; step two, do that."

"We even had email conversation as well... Because [my lawyer] would really take the time to explain things, especially in a different way when I didn't understand things the first time."

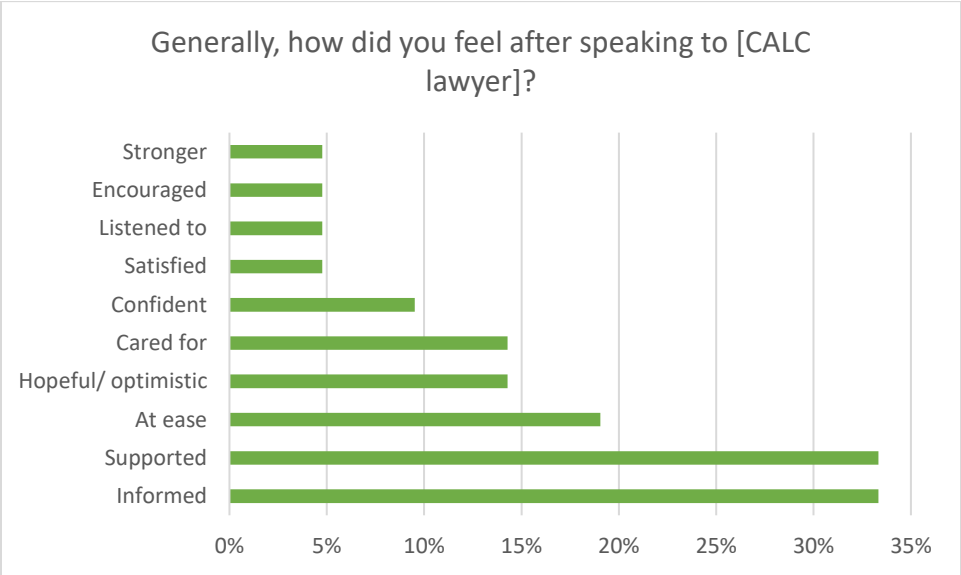
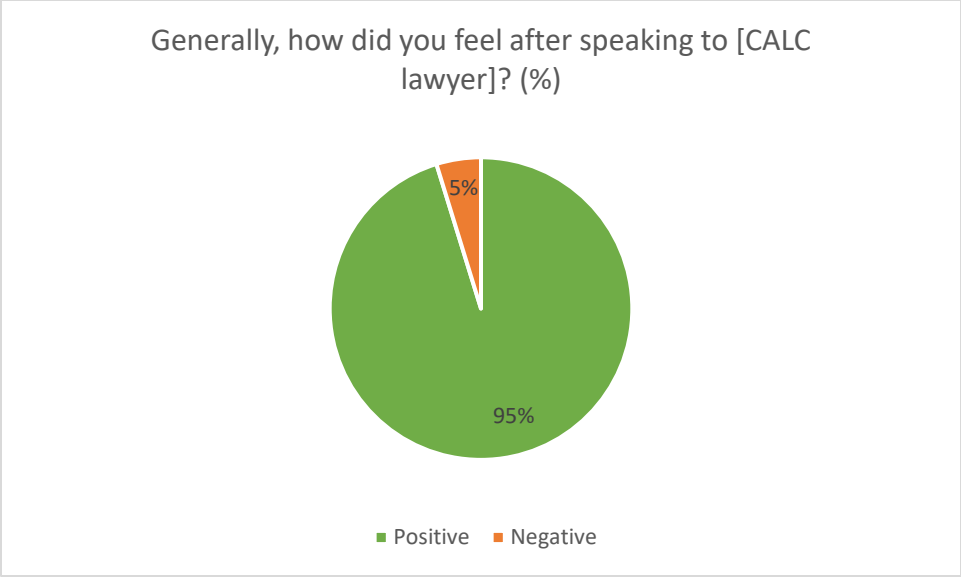
"Because I have auditory processing disorder... Sometimes she would put it in layman's terms, in a way that I would understand. Spending that bit of extra time explaining things helped a lot more."

One client said it was harder to understand their lawyer when he used technical language:

"A few things he was talking about it I didn't understand because [my lawyer] was using legal terms. But 90 per cent of the time it was easy to understand."

How did they feel after talking to their lawyer?

All but one of the respondents (who we didn't continue to represent after completing a merits review) described feeling positive emotions after speaking to their lawyer.



For example, clients said they felt:

"Really good. I felt like it wasn't going to be hard any more."

"I felt better. And then I'd get a phone call from them and.... for a while I'd be okay. If it hadn't been for [my lawyer] helping me, I don't think you and I would be having this conversation..."

"Better. Like, I felt better because [my lawyer] was always positive. [My lawyer] said, if we can't do it this way, we'll do it that way. [My lawyer] always had a back-up plan."

"Like... just that they were really for me. They were really confident in what they were doing and the advice that they gave me."

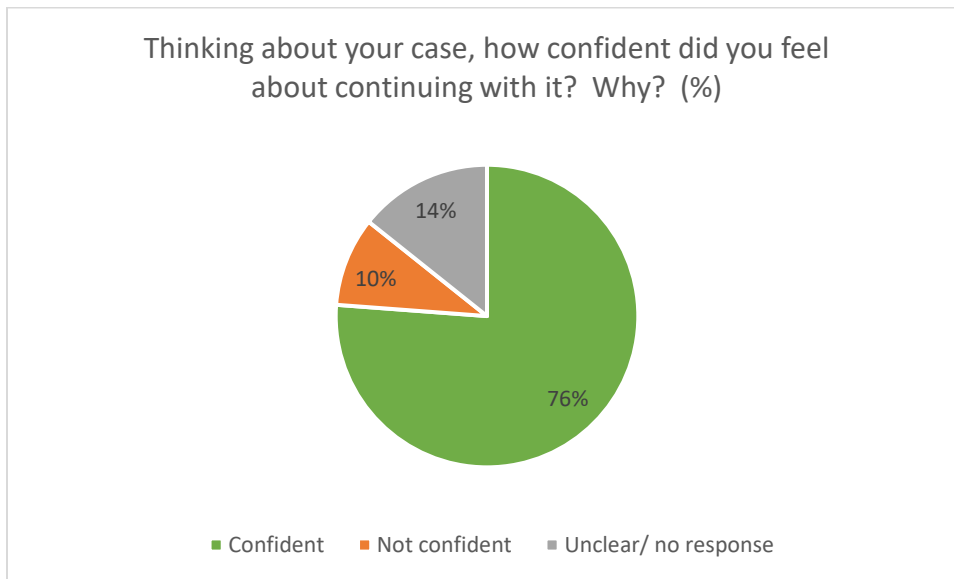
"The best. She was always... She would take a kind of personal [approach]... and work it though properly and everything came to a conclusion and she made sure I understood.... everything fine."

"Encouraged, I think, to continue with what we were trying to do. And I guess to be forewarned and forearmed in negotiation through those dealings... It was... knowing someone had my back in that sense."

"It was like relief that someone, like... I found someone who can actually take my case on and deal with something that wasn't supposed to happen, really."

How confident did they feel about continuing with their case?

All but two of the clients said they felt confident about continuing with their case when they were represented.



Most clients described how their lawyer made them feel more confident about moving forward with their case. For example:

"I was very nervous and very unsure before talking to the lawyer. But after I felt a lot better and more confident."

"Oh pretty confident. She gave me the ins and outs of everything; if I didn't follow through or if I did... I felt very confident about how she informed me."

"Yeah, I was made aware that I had a case. That I wasn't the only one [affected by Gogetta] apparently... That gave me confidence to continue."

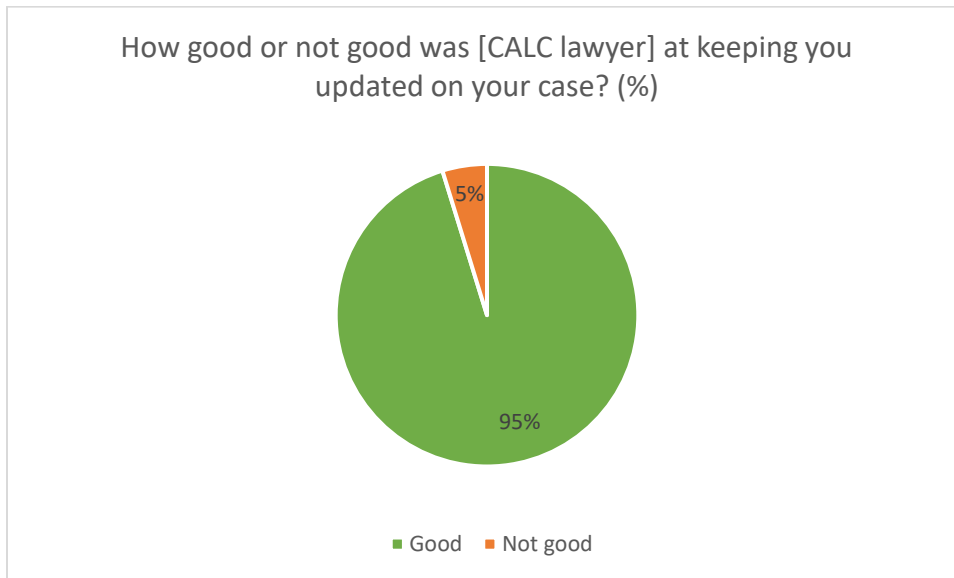
"I felt like I was bullet proof... That's the only way I can put it."

Two clients, including one who chose not to proceed with his case, reported feeling less confident:

"[The lawyer] probably was prepared to take the next step... But we worried that if [our vendor terms creditor] got some kind of letter from lawyers... she'd just sell the property for whatever she wanted and leave us with nothing."

Did their lawyers keep them updated?

All but one of the respondents (who we didn't continue to represent after completing a merits review) said their lawyers were good at keeping them updated on their case.



Clients reported that they enjoyed regular and timely updates from their lawyers in a way that met their individual needs, including through phone calls and emails. For example:

"[My lawyer] was fantastic. He was calling me probably every week or so telling me what was happening."

"Yeah, very good. Yeah, [my lawyer] would call pretty often; if there was anything new... she would pretty much contact me straight away. If she couldn't get in touch straight away, she'd email."

"[My lawyer] was really good at [keeping me updated]. She would call - not constantly - but if she heard anything, she'd call or email, say, call me when it's convenient. She was very flexible with all that."

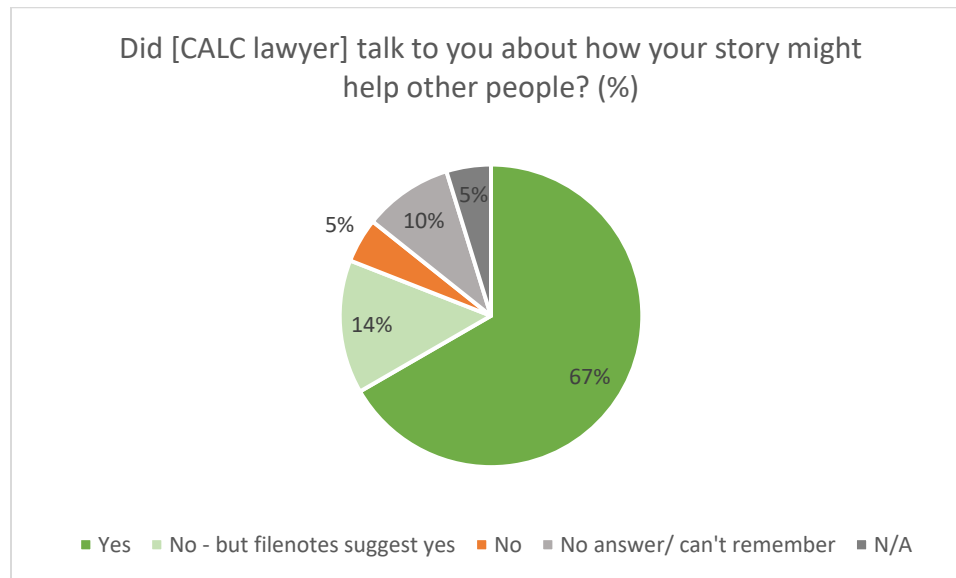
"Super good. [My lawyer] didn't waste my time and call me when... we didn't need to discuss [things]. She emailed me after every conversation so I could go through everything and it was documented. She was really good."

One client remembered her lawyer taking steps to ensure continuity of service while she was away on leave:

- "Amazing, yep, kept me updated all the time. Even when she went on holidays - I think she went on holidays while she was on my case - she had someone in place and made sure I knew that and that I felt confident speaking to him. And he was great, too. She gave him enough information so he knew what was going on."

Did lawyers talk to them about sharing their story?

Most (14 of the 21) clients said their lawyer had talked to them about how their story might be used to help other people. (However, file notes indicate that lawyers did discuss systemic issues and complaints etc. with most of the other seven clients.)



Clients reported feeling motivated by the idea that, by sharing their story, they could help create change that would benefit others. For example:

"[My lawyer asked], could my case be used - which I think it has been - in case studies, and I gave them permission for that. And I wanted to help other people if I can."

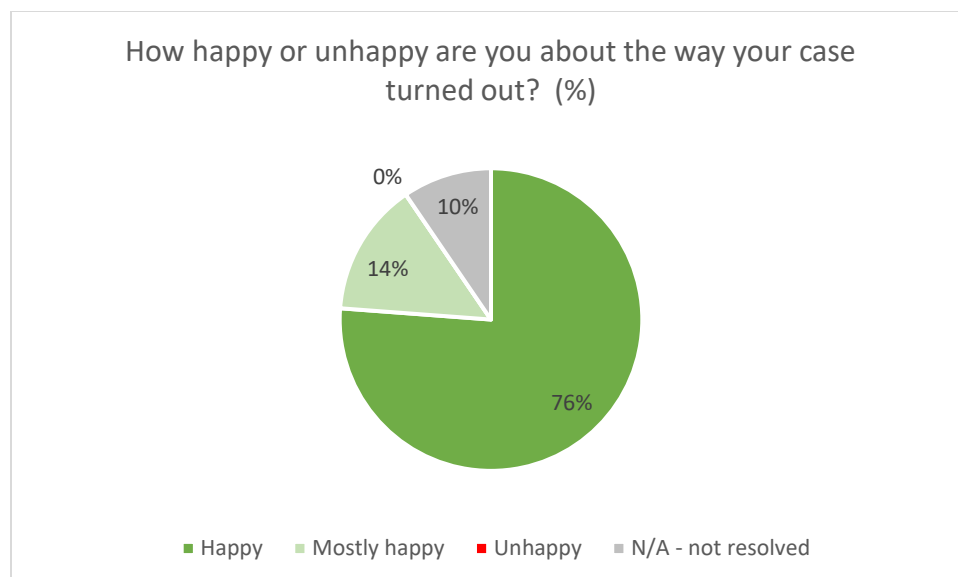
"Absolutely. That was part of the rationale for continuing with the process, to ensure that it wouldn't happen to other people."

"[My lawyer] asked at least once whether I was interested in having my story used as an example... I think it was something against Cigno... which I thought was good. And I think that at the time I was open to that. Very willing to contribute."

"[T]hey got me to try to do a couple of things, like write up a thing for the Ombudsman about issues [that affect] other people with cars... I said I would be happy to share my story to help. They asked me those questions and I always said yes... There's only so much you can do with the law the way it is."

Were they happy with their outcome?

All but three clients were happy with the outcome achieved in their case. Of the three who didn't say they were happy, one we performed a merits review only (and so didn't assist him to resolve his legal problem) and one opted not to continue with his case. The third client acknowledged that she achieved the best possible outcome in the circumstances.



Many clients described the outcome they achieved and its impact on their financial health and/or wellbeing. For example:

"Very happy... that we didn't have to... pay money that we didn't have... I guess [we'd been paying] 500 dollars a week. I don't have it. It was a relief."

Some focused on the role their lawyer had played in achieving their outcome:

"Yeah, pretty good, pretty happy. I was... impressed they helped us much as they did. I wish more people could get more help quicker."

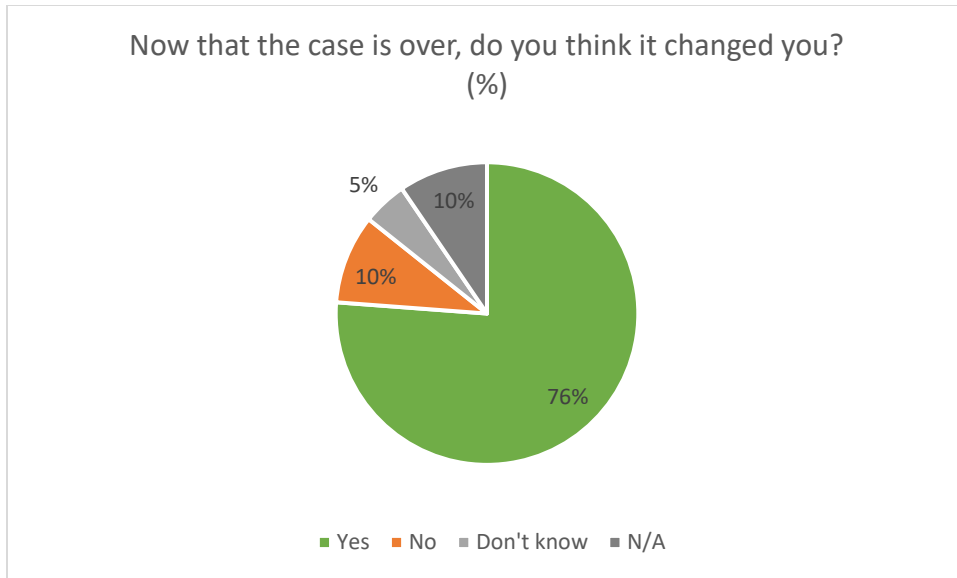
"I was more than happy with what happened with the case. Yes, because before the lawyers helped me I was in a hopeless situation... But after their assistance everything just changed. I have a brighter future."

Others described the impact of having a lawyer who cared about them:

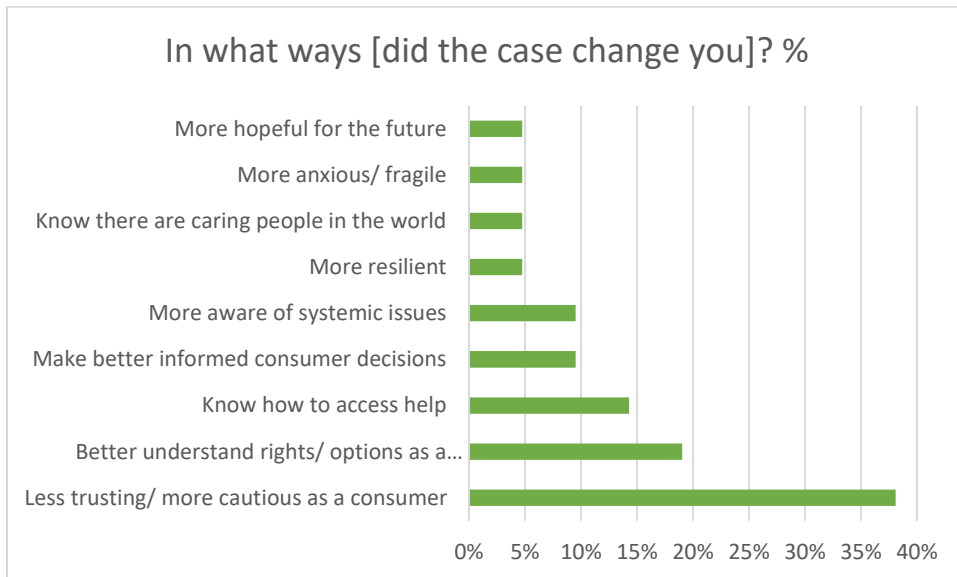
"Very happy. Everyone was so good; that was the best part of it... [My lawyer] helped me through it. She knew what I was going through. I'm very grateful everyday that she helped me. Some people do [their job] for money or because they have to, but [my lawyer] did it because she cared. Of a night time, I'd go off to bed, and if I'd got a [debt collector] phone call that day but not spoken to [my lawyer], I'd be in tears. But when you hear from someone who does care about what you're going through... because they want to help, that makes a huge difference. I'm that person she was helping... And I'll always be grateful forever."

Did the experience of their case change them? How?

Most clients said they had changed because of their case. Only two said that they were unchanged.



Many clients reflected that had become better informed consumers: less trusting/ more cautious, with a better understanding of their rights and systemic issues. Others had learned that help was available and how to access it, or felt more resilient or hopeful. One client reported feeling more anxious/ fragile because of the debt collection she'd experienced, despite the contact having stopped many months before.



The now better-informed consumers said they were more aware of the risks and harms associated with certain products and how to protect themselves. For example:

"I learned not to get things on rental!"

"A lot more aware of some of the factors involved in these cases and the level of power and abuse through companies that seek out vulnerable people. Yeah, a lot more aware than I would have been a year ago."

"More conscious now of actively avoiding falling into those traps. Before I was very naive and ignorant of what the situation could end up as."

Some clients talked about learning that help is available, including from people who genuinely care:

"Oh yeah. In a positive away. It actually gave me a clear view of where to get help. You shouldn't just trust... company people that you just call... There is help out there and you can get help."

"Um, yeah... It did, actually. To the point where... Sometimes you feel like nobody cares, [like] there's nobody there. I'm sure there are other people that have [my lawyer's] job.... I don't know whether she was just very good... but she seemed to care. It... made a big difference for me."

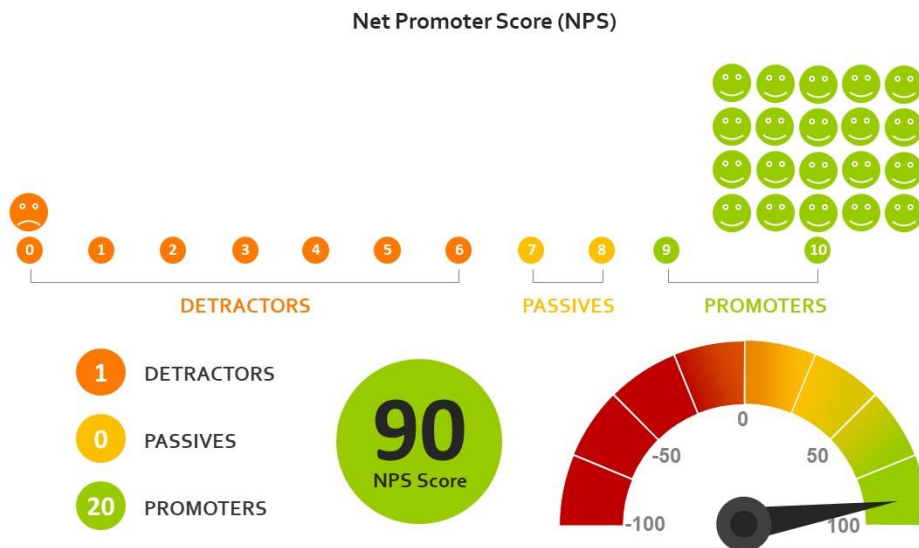
One client described feeling hopeful about the future:

"In terms of changing, it changed my life totally. Like I said before, before the lawyers got involved in my case, I was in a terrible situation. I was in place where I saw no future. I had a sense of hopelessness. But after the lawyers helped me, I could see there is a future; I could look forward to the future."

How satisfied were clients with Consumer Action Law Centre?

When asked how likely (on a scale of zero to 10) they would be to recommend CALC to a friend or colleague, all but one client responded 10 out of 10. (The one client who didn't provide a 10 gave us a zero. This was the client we didn't continue to represent after completing a merits review).

Taken together, these scores give the service a Net Promoter Score of 90, which indicates an unprecedented level of satisfaction with and trust in the organisation.



Clients were very enthusiastic in their responses to the NPS question. In explaining their score, clients talked about the professionalism of their lawyer, the encouragement and support they received and the outcomes those things enabled them to achieve. For example:

"Can I say 1000?! If I had a friend with a similar problem, I would highly recommend it to them!"

"I would do 10 straight way because without CALC to help people like us we would have no chance. [Insurers] have... money behind them to hire a good lawyer; without you I wouldn't get through this."

"10. Probably, just 'cause of the way they were towards me, I found them very friendly and helpful. Sometimes I find it hard to trust people and they made it easy for me to open up and trust them."

"10. Just because, you know, when you're in that situation, you're not financial enough to find someone who will support or advocate for you... [You think, I] can't get out of this... But you can... I don't even know how I stumbled across [Consumer Action]. I can't even remember because there was so much going on. I didn't think we'd be able to do it!"

"I'd put it all over social media: don't hesitate, don't pass go, go straight to... CALC! I would highly recommend. Highly! I think it's so professional and well done. And I've got a lot of experience, you know? 10!"

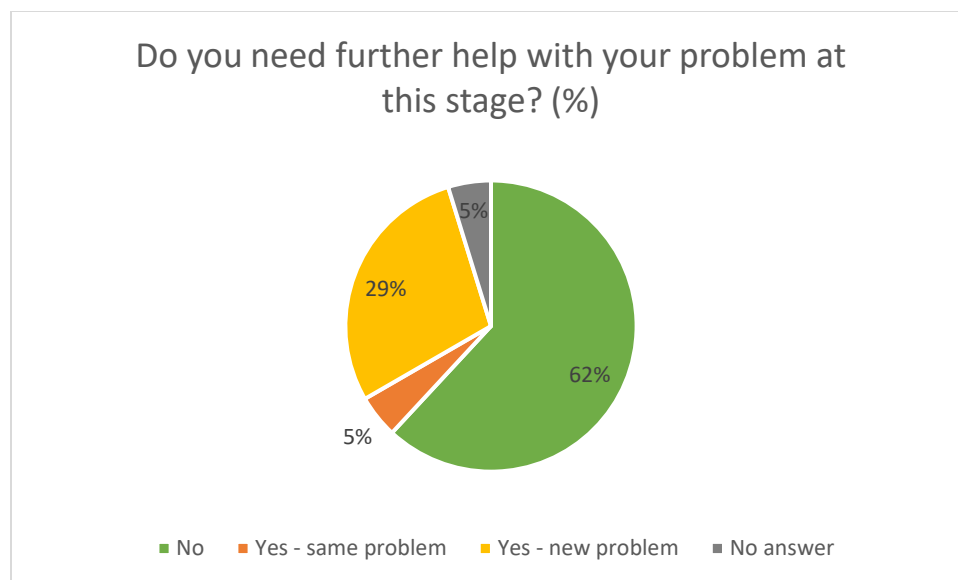
"Just having the support; having professionals that helped me understand what was going on and shining a light on the different options that I had, especially when I was in a really tight financial position. It was amazing. It made all the difference in my life to have that assistance. 10."

"Definitely 15! Easy. Just because... They were on it from the start. Right from the very start, the first person said they thought I had a really good case... You only take on cases that are mutually beneficial,... They never led me along... They said, you've got a good case. It went on for at least six months... it went on for along time. I'd definitely be inclined to recommend [CALC] highly."

"10+. I mean, the service [my lawyer] gave was just professional and straight up... She did what she could to get me out of the problem I was in... Her work was excellent."

Did they need any further help from us?

One third of respondents said they needed further assistance, one in relation to a problem we'd already assisted with (but stopped because the client chose not to continue with his case), and six with new consumer, credit or debt problems.



The client who wanted to revisit his case with our lawyers said:

"An opinion can't hurt... A lot has happened since [you closed my file]. [My wife and I are] still together, but it's left me missus in a pretty ordinary way... The bit about... getting us into that [vendor's terms] contract at the start, when I [already had debts], that sort of... added to the pressure, to keep the money going, keep the house going."

Other clients described their new problems. For example:

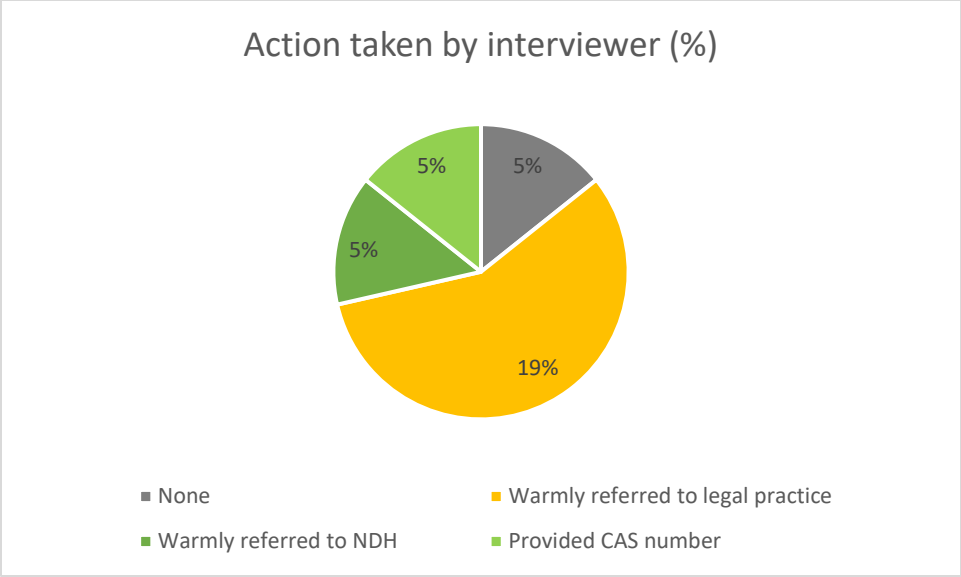
"I did have an issue with my ex-partner... He actually got [an electronic device] in my name through [a consumer lease provider]. He smashed it as part of family violence, and I got stuck paying for it..."

"I have something in a pawn shop that I need to be able to get out for legal reasons. I'm in a bit of a situation... where my now current ex has taken me to court... for things that never happened..."

"We're in the same kind of situation right now... where we're kind of in the dumps again... I'm struggling with work. I had a fall in January, I still haven't been paid WorkCover... I was away for a couple of months on top of that; I was away with my mother overseas who is dying at the moment... I can't afford [my home loan] repayments now..."

"I've still got one more [insurance] cover that's open that I haven't [claimed on]... the disability one... At the moment, I'm sort of lost, I don't know what to do. Physically, it takes me a long time to read something anyway..."

The interviewer warm-referred the clients to the legal practice or our financial counselling team, as appropriate. She provided the number for our consumer advice service to one client.



MAKING SENSE OF THE DATA

As with the evaluations of our other services, we took a collaborative approach to making sense of the interview data. Our lawyers and their managers were invited to a workshop where we presented the results of the evaluation, which the interviewer had coded and synthesised for easy consumption, as well as the direct quotes included in this report.

Five lawyers and two managers (also lawyers) participated in the workshop.

We hoped that the lawyers would help contextualise the feedback and draw conclusions about it, as well as generate ideas for improving the service.

To help focus their attention, we asked the lawyers, as we moved through the results, to consider:

- What is the **main message** I am hearing from these results? What is one thing these results have taught me, got me thinking about?
- What is **one change** I/ the legal practice/ Consumer Action could make to improve these results?

The lawyers and their managers ultimately contributed significantly to the conclusions and recommendations in this report. The following is a summary of their discussion at the workshop.

The lawyers immediately considered the results in the context of the recently completed evaluation of our consumer advice service, which provides clients with only discrete assistance, such as information, advice or a referral. They said it made sense to them that clients interviewed in this evaluation were very satisfied with our organisation, having enjoyed the benefit of ongoing representation assistance to resolve their legal problems.

Looking at the profile of clients who participated in the evaluation, they saw evidence that our casework service very effectively targets people experiencing vulnerability. However, they noted that none of the clients we interviewed identified as Aboriginal or Torres Strait Islander. (By contrast, we provided casework assistance to six Aboriginal clients (representing 0.05% of all casework clients) in the

2018-19 reporting period). They also queried whether sole parent/ carers were underrepresented in the sample. (By contrast, we provided casework assistance to 38 sole parents (representing 29% of all casework clients) in 2018-19.

They noted that clients who participated in the evaluation were representative of all casework clients in terms of age, which was younger than they expected.

They observed that while 'defective good/services' is the most common problem we assist with through the consumer advice service (35%), those cases make up only 5% of all cases we take on for casework assistance. Likewise, while around half (at least 48%) of all the cases we take on for casework assistance involve 'irresponsible lending' or an 'unjust transaction', those cases represent only around 12% of enquiries we assist with on the consumer advice service. In other words, there is inconsistency between the types of cases that come in via the Consumer Advice Service and the types of cases we make the strategic decision to run.

They accepted at face value and were gratified by feedback that all the clients in the evaluation remembered the service and almost all felt their lawyer was good at keeping them updated about their case, found their lawyer easy to understand, felt happy about the outcomes they achieved and were highly satisfied with the organisation.

They considered the feedback clients provided about communication. They agreed that the feedback – almost all positive – highlighted some of the strategies and techniques lawyers use to ensure effective communication with clients, including breaking down advice into 'steps'; confirming information in writing; taking the time to explain things and explaining things in different ways; and avoiding the use of legal or technical language.

They also agreed that face-to-face meetings are a very effective way to build rapport and trust, explain complex information (for example, about conditional costs agreements) and collect and manage client documents. However, they said that lawyers had discretion about whether to arrange face-to-face meetings and that practice varied widely between lawyers. They said sometimes there are practical issues to consider, such as in relation to travel and parking, and that Skype can be a good alternative in some circumstances. However, they said that they don't often use Skype because of certain technical problems they've encountered.

The lawyers considered how things were for clients before we took on their case (generally speaking, financially and emotionally very difficult), and how things changed after we began assisting them. They reflected on what this means for clients we decide not to provide casework assistance to and how we might say 'no'.

They were interested to hear about the two clients who had not felt confident about continuing with their case, particularly the client who chose not to continue with his case for fear it would worsen his situation. The lawyers reflected on the challenges of ensuring that clients are fully apprised of the risks associated with attempting to resolve their legal problem (for example, provoking an aggressive response from the creditor/ trader or an adverse costs order) in circumstances where the prospects of their case are good or it is unlikely that those risks would eventuate. They suggested that taking time to walk clients through 'best case', 'worst case' and 'likely' scenarios, and to discuss any worries the client may have, can help clients feel more confident about pursuing a claim.

The lawyers said they felt inspired by the feedback clients provided about sharing their stories. They reflected that clients typically respond very well to the idea that their legal problems arise because of systemic wrongdoing or inadequate legal protections for consumers and have a strong drive to improve system fairness for others, despite their vulnerable circumstances. They said the feedback served as an important reminder not to underestimate the desire or capacity of clients to contribute to our campaigns, or how empowering being asked to contribute can be for them.

The lawyers were concerned that, despite clients reporting very positive experiences with the service, they tended not to contact us again when they encountered new consumer, credit or debt problems. They suggested amending the 'file closure' letter to include information about when and how to contact us for assistance.

CONCLUSIONS

The casework service is effectively targeting clients in vulnerable circumstances. However, some groups in the community who we know have unmet legal needs, such as people who identify as Aboriginal or Torres Strait Islander, sole parents and carers and people from migrant or non-English speaking backgrounds, may be underrepresented in our service statistics. Older people are also underrepresented.

The most common type of legal problem we assist with through our casework service is irresponsible lending, but most enquiries to our Consumer Advice Service relate to defective products or services. The casework service assists with only a small number of cases involving defective products or services.

Clients consistently remember the lawyers who provide them with casework assistance, and readily express the admiration and gratitude they feel, even many months after their case is concluded.

Before they begin receiving casework assistance, clients often experience deeply uncomfortable and even distressing thoughts and feelings in relation to their case. These include feeling stressed, anxious and overwhelmed, not knowing what to do or where to go for help, and even thoughts about suicide. They also frequently struggle with financial difficulties.

Things change for clients when they begin receiving casework assistance. They feel supported, have a better understanding of their situation, including their rights and options, and feel more confident about resolving their legal problem. Likewise, clients feel more positive each time they interact with their lawyer, including informed, supported and relieved.

Occasionally, clients don't feel confident about continuing with their case, including because they are worried about the risks associated with taking action. Lawyers acknowledge that while it is their professional duty to explain risk, doing so can result in clients choosing to not to pursue a claim that has good prospects and where the likelihood of risk eventuating is low.

Clients almost always understand what their lawyers tell them. Lawyers use a range of strategies to ensure clients understand them, including taking time to explain things and explain them in different ways, using plain English, breaking down information into 'chunks' and confirming information in writing. Clients find it harder to understand lawyers when they use legal or technical language.

Likewise, clients say their lawyers are good at providing regular and timely updates in a way that meets their individual needs, including over the phone and via email.

Some lawyers arrange face-to-face meetings and use Skype to build rapport and trust with clients, explain complex information, and collect and manage client documents. Clients describe these experiences as positive and helpful. However, practice around this is inconsistent.

Most clients recall being asked to share their story, and clients are typically very motivated about doing so, driven by a strong desire to improve system fairness for others. Sharing their story for the purposes of achieving systemic change is empowering for clients.

The service helps clients achieve good legal, financial and wellbeing outcomes, and clients are very happy with the outcomes they achieve. Overall, clients are extremely satisfied with the service and say they would recommend it to others.

Most clients say they are changed by their case. Many reflect that they are better informed consumers, have learned that help is available and how to access it, and feel more resilient and hopeful. However, some continue to feel anxious and fragile as a result of the wrongdoing they fought.

Despite knowing about and having positive experiences with the service, most clients don't contact us to ask for help when new consumer, credit or debt problems arise. But when further help was offered as part of the evaluation, clients with new problems readily accepted it.

RECOMMENDATIONS

Understand our reach

1. The organisation should seek to understand whether and to what extent certain client groups – especially groups known to have significant unmet legal needs, including Aboriginal or Torres Strait Islander Victorians – are underrepresented in our service statistics, and why.
2. The most common type of legal problem we assist with through our casework service is irresponsible lending, but most enquiries to the Consumer Advice Service relate to defective goods or services, which typically cause less detriment to the client. Does it matter that the legal problems we assist with through our casework service are not representative of the legal problems we see through the Consumer Advice Service? Are they more representative of the legal problems we see through the Worker Advice Service and Koori Helpline? The organisation should consider these questions in light of our commitment to prioritising resources to assist clients who are experiencing vulnerability.

Communicating with clients

3. Lawyers should continue to use the strategies and techniques described in this report to ensure effective communication with clients. These include breaking down information into 'steps'; confirming information in writing; taking the time to explain things and explaining things in different ways; and avoiding the use of legal or technical language. The service should consider providing relevant training to lawyers to enhance and further develop their communication skillsets.

4. The service should explore the use of face-to-face meetings and Skype with casework clients and consider providing guidance to lawyers about when they are appropriate or should be preferred. This should include consideration of barriers and practical issues for clients, including in relation to travel, parking and other access needs.
5. People who are struggling under the weight of their legal problems can experience deeply uncomfortable and even distressing thoughts and feelings. The service should consider making 'difficult conversations' or similar training available for lawyers. The purpose of the training would be to better enable lawyers to deliver 'bad news' to clients, including that we can't offer casework assistance, in a way that is both direct and sensitive, and to make appropriate referrals for support.

How to talk about risk

6. Lawyers acknowledge that while it is their professional duty to explain risk to clients, doing so can result in clients choosing to not to pursue a claim that has good prospects and where the likelihood of risk eventuating is low. The service should provide guidance to lawyers about how to talk about risk with clients in a way that enables them to feel confident about taking action.

Sharing stories can be empowering

7. Lawyers should not underestimate the desire or capacity of clients to contribute to our campaigns, or how empowering being asked to contribute can be for them. To the extent that lawyers make assumptions about clients in vulnerable circumstances, these should be habitually named and challenged, including during the case intake process.

Say, we're here for you

8. The service should amend its 'file closure' letter to include information about when and how the client can contact us again for assistance with consumer, credit and debt problems.

Better systems for data collection, synthesis, analysis and reporting

9. The organisation should explore creating systems that reduce the time involved in collecting, synthesising, analysing and reporting service and evaluation data, including from surveys.

Close the feedback loop

10. The organisation should develop and implement strategies for closing the feedback loop, including by:
 - a. providing further assistance to clients who participate in service evaluations, if they need it;
 - b. sharing client feedback with lawyers and providing additional training and support, where appropriate; and
11. sharing evaluation findings, recommendations and resulting service improvements to clients, other stakeholders and the sector.

Repeat this evaluation

- 11.** The service should repeat this evaluation in April/ May next year. The evaluator should code the data using an approach that is consistent with the one used in this evaluation. This should enable us to compare findings and track progress.
- 12.** A date should be set for the evaluation findings workshop in May 2020 *at least three months in advance*.

APPENDIX A – EVALUATION INTERVIEW QUESTIONS

The following questions were answered by the interviewer by reference to Filemaker Pro data:

1. Filemaker Pro reference number
2. Client's name
3. Year of birth
4. Client's postcode
5. Characteristics that may make client vulnerable (select all that apply)
6. Problem type (select all that apply)
7. Lawyer's name
8. Date file closed

The following questions were answered by the respondent:

9. Do you remember [lawyer's name] helping you with your case?
10. What were things like for you before [lawyer's name] started helping you?
11. Did anything change for you when [lawyer's name] got involved? What changed?
12. When you spoke to [lawyer's name], how easy or hard was it to understand him/ her?
13. Generally, how did you feel after speaking to [lawyer's name]?
14. Thinking about your case, how confident did you feel about continuing with it? Why?
15. How good or not good was [lawyer's name] at keeping you updated on your case?
16. [ONLY if the Policy Priority 1 field in the Case Study & Case Intake tab in Filepro is filled, ask this question. Otherwise, type: 'No Policy Priority'.] Did [lawyer's name] talk to you about how your story might help other people? What did you understand about it?
17. How happy or unhappy are you about the way your case turned out? Why?
18. Now that the case is over, do you think it changed you? In what ways?
19. How likely are you to recommend Consumer Action Law Centre to a friend or colleague?
20. What are your reasons for giving that score?
21. What changes would we have to make for you to give us a higher score?
22. [ONLY IF the person is experiencing vulnerability or disadvantage, ask this question. Otherwise, type: 'Not eligible for further help'.] Do you need further help with your problem at this stage? Would you like me to ask one of our lawyers to assess whether we can help you further/ [other appropriate assistance, including referral]?
23. Is there anything else you want to tell us?