DEVELOPING A PERFORMANCE MONITORING FRAMEWORK FOR COMMUNITY LEGAL CENTRES

Final Report

October 15, 2008

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1   Introduction

The National Association of Community Legal Centres (NACLC) commissioned ARTD to develop a methodology to measure the outcomes that CLCs achieve. The original focus of the project was to establish how the CLSIS database can be used, and further developed, to report outcomes.

The initial stage of the project involved establishing performance indicators that can be used to measure the immediate and second order outcomes, using a program logic approach. However, in undertaking the initial stage of the project, ARTD has identified that the CLSIS database in its current form is limited in its capture of potential outcome measures and, whilst it can be modified to address this, ARTD does not recommend its use for measuring the identified outcomes.

Instead, following discussion with NACLC, it was decided to re-scope the project to examine other methodologies that can be used to support the measurement of outcomes. The project was also to examine options to develop performance reporting for CLC processes that better capture the nature of the activities CLCs undertake. The output of this work will be a proposed performance reporting framework, and a work plan which sets out the activities that will need to be undertaken to realise reporting against the framework.

This discussion paper outlines a proposed performance reporting framework and potential methods for capturing the outcomes that CLCs achieve. The paper presents options available to NACLC and the Attorney-General's Department, but it does not advocate the adoption of any specific approach or approaches. NACLC and the Attorney-General's Department will need to consider the options in light of funding availability, resource implications and organisational priorities.

ARTD

2 Performance monitoring framework

2.1 General approach

The original task for this project was to identify performance indicators that can be used to measure the immediate and second order outcomes for CLCs. Broad outlines of these indicators have been identified in previous work undertaken by ARTD and NACLC. Our approach to the work was to use program logic and a simple outcomes hierarchy as a framework. The outcomes hierarchy has been derived from the existing NACLC program logic diagram.

Although the task was to identify performance measures for immediate and second order outcomes, we have chosen to locate the performance measures within a broader performance monitoring context for CLCs. This is important for three main reasons:

- it shows that a range of different performance indicators are needed at different levels in order to get a holistic view of program performance

- it is important to understand pre-conditions, processes and lower order outcomes as well as higher order outcomes. Without also understanding lower order outputs/ outcomes it is difficult to interpret why higher order outcomes have been achieved/ not been achieved

- it shows that different methods are needed to collect the data for performance indicators at different levels. While ongoing collection of service delivery data may supply some of the data, other data collection/ research activities are needed to collect data at other levels.

2.2 Performance monitoring matrix

The performance monitoring matrix shown in Table 1 is read from the bottom up as shown by the arrows in the left column. Each lower order outcome needs to be achieved, at least to some extent, before the next higher order outcome can be achieved.

Situating the immediate and second order outcomes within this broader performance management framework illustrates that their achievement is dependent on a number of pre-conditions and lower order outcomes. This is important from a policy point of view. If the focus is only on the higher order outcomes, and it is found that they are not achieved to the expected level, then it is difficult to know what the appropriate policy response should be. However, if good data exists on processes and lower order outcomes, then the source of problems is more likely to be identified and appropriate policy responses easier to formulate.

It is important to note that the higher order outcomes are subject to a range of influences beyond the control of CLCs or program managers. Both immediate and second order outcomes are subject to societal influences, and the further up the outcomes hierarchy one goes, the less direct influence a particular program or intervention can have. No single program, agency or government department should take <u>sole</u> responsibility for outcomes at this level.

Table 1: CLCs Performance Monitoring Framework

	Indicators of success	Performance indicators	
Community sustainability is improved	• Better health and less stress • Less unemployment • Less homelessness • Individuals and communities have the capacity to deal with agencies to assert and defend their rights • The work of CLCs leads to savings for government and NGO services	• National, state and regional statistics for CLC target groups: – unemployment rate – homelessness rates – crime rates – social cohesion – court attendances for some types of matters, e.g. family law • Illustrative case studies identifying, or as examples of, cost savings achieved for the public sector and NGO services as a result of CLC services	ABS and other community level data Cost benefit analysis Case studies
Resolution of legal problems for individuals and communities	• Problems do not escalate or multiply • Legal problems and disputes are resolved • Improved knowledge and skills of legal system and rights • Test cases, submissions and campaigns highlight policy and legal problems for the target group • Clients pursue appropriate legal resolutions/ preventative strategies in future	• Illustrative case studies by CLCs showing: – support provided for legally complex cases/ matters – support provided for cases/ matters involving significant client complexity – community development work – policy and law reform work (including test cases and preventative work (include education and law reform) – resolution of disputes – advice leading to improvements in clients' personal circumstances (i.e. financial circumstance, housing quality, etc) – advice that has prevented a matter going to court or avoided other prolonged/ costly consequences – CLCs achieving savings for other public and NGO services – CLCs working collaboratively with other agencies, workers • % of cases/ matters resolved in the interests of the client (decided through cooperative peer review) by: – problem type/client /legal complexity	Regular case studies Special purpose research Peer review Case studies
Targeted individuals and communities receive legal support	• Targeted groups receive appropriate legal support (advice, casework, education, information and referrals) • CLCs take on client cases • CLCs advocate on behalf of clients • Clients have opportunities to access legal education • Clients are satisfied with the experience of accessing CLC services • Issues faced by target groups are identified and brought to the attention of policy makers and law reform •	• % of cases/ matters by type and level of matter complexity • % of clients who are satisfied with: – access (% okay or easy) – information (% understood or understood very well) – responsiveness (time taken to get an appointment) – treatment (% clients that felt they were listened to/ treated with respect) • Extent (of time) of services delivered by type: – advice, information and referral – casework – community legal education – advocacy and law reform: identification and attention brought to law and policy issues	Service delivery data collection Client surveys*

	Indicators of success	Performance indicators	
		– community development – strategic and cooperative stakeholder engagement	

Information reaches the target group about the range of CLC services available	• Target group requests/ needs services that are available
	• The requested/ needed services match those outlined in strategic delivery plans
	• CLC clients match the expected target group profile
	• CLCs have the capacity and strategies to identify legal needs in their local areas
		• Extent of match between planned and delivered services
		  – % of clients in planned target groups
		  – % of cases/ matters in priority law/ problem areas
		• % of matters by impact level (matter complexity) in:
		  – family/ individual circumstances
		  – individual capacity
		  – family violence/ abuse
		• % of clients by demographics:
		  – gender, age, Aboriginal
		• Strategies and actions undertaken by CLCs to stay in touch with their local communities
			Service delivery data collection

CLCs have the capacity to deliver services	• CLCs have adequate understanding of community needs
	• CLCs have access to:
	  – adequate funding
	  – required volunteers and pro bono services
	  – qualified and dedicated staff
		• % of CLCs that have evidence based strategic delivery plans
		• % of CLCs with unfilled skilled positions for more than 3 months
		• % of CLCs with unfilled volunteer positions for more than 3 months
		• % of CLCs with funding levels that reflect needs ranking
		• % of CLC Management Committees that have an appropriate number and mix of members
			Service delivery data collection/ program reviews

Sections of the community face barriers accessing justice and protecting their legal rights	• Sections of the community face legal barriers • Lack of access leads to adverse personal and community outcomes (increase in social marginalisation/ exclusion and disadvantage) • Targeted communities face legal barriers	Research evidence informs policy and resource allocation	Literature review

*Currently part of CLSIS.

3 Different sources of performance information

The Performance Monitoring Framework shows that a range of different data sources and methods are required to create a holistic picture of performance for CLCs. It identifies eight possible sources and methods for performance information:

1. Service delivery data collection (CLSIS)
2. Illustrative case studies
3. Special purpose research/ longitudinal studies
4. Client surveys
5. Literature reviews
6. ABS and other broad community data
7. Cost benefit analysis
8. Peer review.

By outlining which data sources and research methods are most relevant to which types of indicators, we want to prevent unrealistic expectations of the extent to which outcomes performance indicators can be derived from service delivery data collection (CLSIS). While it is possible to expand the range of information collected by CLCs as part of service delivery, there is a point at which it stops being cost-effective and becomes too big a burden for CLCs. ARTD does not recommend introducing extensive additional ongoing data collection associated with service delivery as it could be to the detriment of the services that CLCs provide.

In making this recommendation, we make a clear distinction between ongoing service delivery data collection and periodic snapshot data. Service delivery data is collected on an ongoing basis as part of delivering services. Some of this service delivery data is fed into CLSIS. Periodic snapshot data, on the other hand, may be collected for a specific period and may be from a sample of clients/ activities. In the following sections we outline in more detail the roles of the different proposed data sources.

3.1 The role of ongoing service delivery data collection

Systematic CLC service delivery data is collected through the CLSIS database. Much of this data is about processes and first order outcomes. The data is used on an ongoing basis by service providers and program managers to "steer" the program. They look for whether the quantities and types of services delivered are according to expectations. If unexpected patterns of service delivery are discovered, then more detailed investigations/ consultations would be needed to find out why it is so.

Alternative methods would be required to investigate unexpected patterns because the service delivery data, on its own, does not provide rich information about why services were delivered in a certain way. CLSIS also does not focus on what happens to clients as a result of the work of CLCs, or the complexities faced by CLCs when delivering services.

Theoretically, it would be possible to expand CLSIS to include a broader range of data, including outcomes data. However, collecting systematic data on immediate outcomes would require further work in terms of classifying types of services and their immediate outcomes. Anything beyond immediate outcomes would require follow-up of all clients to determine outcomes some time after CLCs ceased providing support. This would be time consuming, and ultimately would impinge on service delivery.

These limitations represent a conundrum for CLCs and those funding them. On the one hand, CLCs want complexity and the breadth of outcomes they achieve to be represented in monitoring data. On the other hand, they do not want to spend so much time collecting data that it makes service delivery difficult, or diminishes service delivery.

Our view is that it is not feasible, or at least not cost-effective, to capture client outcomes and the complexities of service delivery through CLSIS. Instead, we have highlighted alternative, less resource intensive, methods which are designed to provide snapshots of outcomes, and to illustrate outcomes and complexity.

3.2 Illustrative case studies

One way to illustrate service complexity and how services contribute to outcomes without collecting large amounts of systematic outcomes data is to use case studies. Case studies can be completed on an ongoing basis but be presented periodically (i.e. once or twice a year), and may help program managers to get a more comprehensive view of the program, and may help to interpret service delivery data.

These case studies should be purposively selected by CLCs according to pre-determined criteria to illustrate different types of clients, matters and outcomes. The number and type of case studies required can be determined in funding agreements. A potential case study structure was developed by ARTD as part of a previous project to support NACLC's funding submission. This structure has since been reviewed by NACLC, and is included as an appendix to this report.

We recommend that case studies are used to demonstrate the achievement of outcomes in relation to the following different contexts and activities:

- matters where advice services have enabled clients to improve or prevent deterioration to their personal circumstances (financial, housing quality, etc)
- matters where advice prevented a problem escalating and requiring a court resolution
- legally complex cases that have been resolved (use of one or more appeal channels, involving an area of law not determined specifically, and other strategic litigation and casework)
- cases/ matters that have been resolved where the client's circumstances has made the case complex (family/ individual circumstances, individual characteristics, e.g. mental health, family violence/ abuse, other issues)
- the role and impact CLCs have in their undertaking of community development activities
- the role and impact of strategic policy activities or test cases designed to highlight systemic issues with the law, policy, and/or their implementation
- the role of CLCs in achieving savings for other public and NGO services, i.e. prevention of homelessness (would incorporate an economic costing element)
- examples of CLCs working collaboratively with other agencies to assist clients resolve their problems (and the causes of the problems).

3.3 Special purpose research/ longitudinal studies

Understanding the longer-term outcomes for people who have received support from a CLC will require research that involves a follow-up component. Special purpose or longitudinal research studies are the only way to capture whether advice services have led to:

- problems not escalating, multiplying or re-occurring
- sustainable legal resolutions
- improved knowledge of legal rights and courses of action
- improved confidence and skills to deal with situations
- improved personal circumstances, such as issues relating to an individual's health, employment, financial circumstances, etc.

Methodologies are being established for undertaking research, through a small number of recent projects that have sought to examine the impact of advice on people's resolution of their legal problems and their lives. Studies that have followed up a small cohort of individuals who have accessed a particular advice service include:

- The Legal Services Research Centre (UK) (2007) recently completed research into the impact of debt advice, which comprised four studies, one of which was a longitudinal advice agency study. Interviews were undertaken with clients after advice sessions, and then the clients were contacted for follow-up interviews after 6 months and 12 months. The interviews focused on the client's financial situation, the effect the debt had on them and their general personal circumstances. Advisors were also required to complete a questionnaire which asked them details of the advice provided and the expected outcomes
- Moorhead et al's (2006) research into problem clusters also utilised a follow-up interview program which identified health benefits and changes to personal circumstances associated with clients having resolved their problems
- The Advice Services Alliance (UK) (2008) has written up a pilot methodology that has sought to measure the outcomes of employment advice provided by a Law Centre. http://www.asauk.org.uk/fileLibrary/pdf/ILCOutcomesPilot.pdf

3.4 Use of client satisfaction data

Community Legal Service Program (CLSP)-funded CLCs are required to conduct client satisfaction surveys. Whilst these surveys are important for informing CLCs' service delivery, the results should be used cautiously to interpret outcomes. Research by Moorhead and Sherr (An Anatomy of Access, 2004) highlights that clients' satisfaction with advice services received ill reflects the quality of advice provided. Therefore, client satisfaction data should not be used to measure performance in relation to the quality of advice received. Client satisfaction data can be used to measure performance at a lower level though, in areas such as access to, and awareness of, CLCs.

The performance framework includes performance measures currently available within the CLSIS database. These are appropriate in that they focus on access, information and service. However, this will not cover all of what individual CLCs will need to know from their clients. The requirements embedded in CLSIS should be seen as providing the minimum requirements, while individual CLCs will need to tailor client surveys to their own needs.

A key requirement for CLCs is that client surveys can be efficiently administered. They need to be relatively short, and not involve extensive follow-up of clients once support has finished.

3.5　Peer review

Peer review is often used in the legal advice sector to assess the quality of work of a supplier. It is a potential methodology to establish the quality of the service provided by a CLC to clients, and when the CLC has sought to resolve a problem in the interests of their client. Peer review processes are already embedded in some CLC procedures (for example, cross-checks of some case files; supervising solicitors or a 'responsible person' to check advice given by employed and volunteer lawyers). There is potential for one CLC to peer review the cases delivered by another CLC and determine whether a case/ matter was resolved in the interest of a client.

However, in considering peer review as a method, implications for client privilege need to be considered. Depending on the extent of review, explicit client permission may be required.

3.6　Other methods

Within the performance monitoring framework, we have also specified literature review, use of community level ABS data and cost benefit analysis. These data methods/ sources are expected to be used less frequently:

- literature reviews may be used occasionally to confirm whether new evidence is available which impacts on the basic understanding about the needs of CLCs' target groups, including met and unmet legal needs
- ABS data may be used to monitor community level outcomes to which CLCs are expected to contribute (but which are impacted on by a range of factors beyond the control of CLCs)
- cost benefit analysis can be undertaken to establish the economic value of services, particularly in relation to savings that can be achieved for other public services. NACLC commissioned an assessment of the economic value of CLCs in 2006.

3.7　Triangulation of evidence

Periodically, all the proposed data sources may be rolled up in a more comprehensive assessment of program performance in the form of an evaluation or program review. An evaluation would be expected to comprehensively assess the worth of the service provided by CLCs, triangulating[1] a range of different information from a range of sources.

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[1] Refers to using more than one method to study the same thing.

4   Data definitions

Explicit in the performance monitoring framework (Section 2) are a number of data items, which need to be further defined to enable systematic measurement. While considerable further work is needed to identify and define the items, this section outlines some initial directions.

4.1   Service delivery types

The performance monitoring framework specifies a range of performance indicators for assessing the extent of delivery of different service types. In CLSIS, services are divided into four main types:

1. Information
2. Advice
3. Casework
4. Non-casework.

These categories are quite broad, and some CLCs are concerned that not enough details about non-casework are captured. However, CLSIS allows capture of a number of sub-categories of non-casework:

- Community legal education
- Law reform and legal policy
- Other projects
  - Community development
  - Public relations
  - Access and equity
  - Social justice/ campaigns
  - Organisations management/ support
  - Continuing professional development
  - Service extension and development.

These appear to broadly cover the areas of CLCs' work, and are congruent with the taxonomy of services provided by CLCs, as outlined in the Review of the Community Legal Centres Funding Program, 2006.

Yet some CLCs have expressed concern that insufficient details are captured about their non-casework. Given that the CLSIS Data Dictionary covers all the non-casework categories above, it may be an issue of data input and reporting. For example, CLSIS may capture a law reform project when it is finished but may not capture all the individual actions in a long running law reform campaign. Similarly, one community legal education matter may be a whole series of seminars, which may not be captured.

Another limitation has been the lack of capacity for CLCs to run reports themselves. This is currently being addressed by the Attorney-General's Department.

Some of the outcomes for 'non-casework' categories only result after a long period of time, and during the interim there is a need for evidence that demonstrates that the work being undertaken is having an effect. This reinforces the need for capturing all CLCs' activities as outlined above, and may be extended to include outputs such as recording policy reports written, letters of complaint, meetings attended, etc.

4.2   Complexity

Cases come in many forms so simply counting them does not provide a good picture of the work of CLCs. One of the key differences between cases/ matters is how complex they are.

The amount of time CLCs spend on a case is a broad indicator of complexity. The more complex the case, the more time the CLC will need to spend to resolve it. Generally, complexity can come from client complexity and/or from legal complexity.

4.2.1 Client complexity

Client complexity is an indicator of the level of need and disadvantage experienced by the client. For example, a client with a mental illness will take significantly longer to assist than one without a mental illness.

We have been provided with a draft "Complexity Index" which has been developed in the sector. This index includes ratings of a range of factors, under four main headings:

1. family/ individual circumstances
2. individual capacity
3. family violence/ abuse
4. other issues.

While this method for measuring client complexity would need further work and consultation in the sector, it provides a useful starting point.

4.2.2 Legal complexity

Legal complexity relates to complexity of the legal content/ work involved in the case. Complexity is often characterised by multiple appeals and extensive court appearances. While a number of different cases can be complex, certain types of cases are often associated with legal complexity, such as:

- cases which deal with a new area of law
- strategic litigation - test and public interest cases
- unclear jurisdiction
- clients with multiple and inter-related legal problems
- factual complexity.

4.3   Resolution in interests of a client

A direct outcome of the work undertaken by CLCs is that the case/ matter is resolved in the interest of the client. Systematically measuring this would require common definitions of what "resolved in the interest of the client" means in different circumstances, and may require peer review to determine. For example, a resolution may not be the best 'legal' result objectively, but may be considered the best outcome when personal circumstances are taken into account.

A framework for assessing resolutions would need to recognise that:

- not all CLCs' work is directly related to a specific client or clients
- "resolved in the interest of the client" may vary across different types of cases/ matters, and take into account individual characteristics and/or circumstances of each client.

4.4   Use of case/ matter outcomes

In developing performance indicators we do not propose the use of data which indicates outcomes of cases in terms of whether they have been won or lost, as this would ill reflect the nature of CLCs' work. Often CLCs take on cases that are in the wider public interest in that they can illustrate inadequacies of the law or its application, or test its ability to provide a useful remedy or solution. To use a performance measure of cases won would not account for this important aspect of the work of CLCs.

In addition, resolution of a problem in the client's interest may involve a CLC dropping the case or not seeking a legal resolution, but instead, for example agreeing to a settlement in some way, for example a longer period of notice or time to pay a debt; or where a client has significant mental health problems, taking or continuing legal action may exacerbate their problems and may not be in their best interests.

Therefore, rather than simply counting cases that have been won, lost and dropped, examination of the outcomes of advice needs to focus on the impact the advice had in enabling a client to resolve their problems, and client-related impacts (i.e. improved housing circumstances, reduced stress, more money). These can be demonstrated through a range of research methods, such as longitudinal research, follow-up surveys and interviews.

Findings from surveys and telephone interviews that use closed questions can be summarised in a report using tables and charts to illustrate responses. Telephone interviews and focus groups could be used to develop case studies that reflect:

- the client's problem/s
- the nature of the advice provided
- action taken by the client and/or the CLC
- the impact of the action taken on the problem/s
- the impact of the problem/s being resolved on the client's circumstances
- the potential impact of receiving advice from a CLC on future problems the client might face
- (potential impact on community/ society, i.e. cost savings to public services, reduced social exclusion).

Whilst examining client outcomes across a CLC's service may be appropriate, more focused studies on particular services or areas of law could also be undertaken if examination of particular issues is required. This may be particularly suitable where a CLC has developed a new service, is responding to a particular issue in their community or is operating in a new area of law.

5 Next steps

This paper has been developed to give a broad picture of how performance can be measured for Community Legal Centres. The Performance Monitoring Framework shows a range of different data sources and methods for measuring performance. In outlining the data sources and methods, we do not advocate the adoption of all these, or the adoption of any ones in particular. Rather, we suggest that all of them can be relevant at different times and for different purposes.

In order to ensure that the Performance Monitoring Framework is used strategically, and that the necessary resources are available, an agreement is needed between NACLC and the Attorney-General's Department. This needs to cover which data sources and methods should be used when, to give an adequate picture of performance. This will require considerations of who should do what when, and how it is going to be funded.

As indicated in the Performance Monitoring Framework, measuring the performance of Community Legal Centres is likely to involve a mix of ongoing data collection and periodic special focus research. Some components may be integrated into funding agreements and other components may need to be managed as separate research projects.

Appendix A: Potential case study structure

Problem
Joanne works part-time in the packing section of an auto parts warehouse, and lives with her two children in a rented flat. After her partner left her five months ago she became the sole breadwinner for her family. The reduced income means that she has taken out two loans at high interest rates and borrowed more on her credit cards in order to make ends meet. But she is having trouble juggling her rent and payments on her loans and credit cards. She recently received a letter of demand from a debt collection agency.

Does not / unable to seek advice → Joanne's debt gets larger. She takes out an additional loan → Joanne gets behind with her rent and is issued with an eviction notice → Joanne is evicted by her landlord

She suffers increased stress and begins to experience episodes of depression

Her health problems worsen, one of her children starts to miss school and Joanne has to take more time off

Joanne and her children are homeless

Negative outcome

Joanne starts to take time off work. This is a cost to her employer

Increased costs to employer, child welfare and health services

Child welfare and housing agencies respond – costs to welfare services

Positive outcome

Joanne increases her work hours to help her pay off her debts – positive economic impact

She is able to exercise her rights to receive fair and equitable support

Joanne will require little support from welfare services

Her debt payments become more manageable and she feels she can work towards becoming debt-free

Joanne is now receiving all the financial support she is entitled to, making her more able to meet her debt repayments

She is better able to identify and deal with problems and less likely to let problems escalate. She knows where and when to get help

Seeks legal advice from Community Legal Centre → Local CLC contacts her creditors and advises that her new credit loans are unfair and may be challenged. It negotiates both a lower amount owed and, by way of a hardship variation, smaller instalments → CLC helps Joanne gain additional income support and appropriate child support payments → Joanne understands her entitlements and the need to resolve problems early and can negotiate for herself