



From all sides podcast transcript

Episode 20, Louise Glanville, CEO Victoria Legal Aid

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Episode Transcript

IV Thank you for joining us for this episode of, From all sides, a podcast by Cube Group, where we explore the strategic, organisational and human sides of the major issues facing public value organisations in the current world, and particularly the current COVID 19 crisis. Our series focuses on the different ways the COVID 19 pandemic impacts public service leaders and their organisations. And we discuss the ways we can be better prepared to lead Australia through response and recovery.

Cube group acknowledges the traditional owners on the land in which we work. Cubes offices is on the land of the Wurundjeri people of the Kulin nations. We acknowledge them as the traditional owners of the land on which we work and pay our respects to elders past, present and emerging. And Aboriginal elders and community members who may be listening today. For more information on each episode of the podcast, please visit our website cubegroup.com.au. We hope you enjoy the conversation.

Hello, today is Tuesday and our guest is Louise Glanville, the CEO of Victoria Legal Aid. Legal Aid provides help to Victorians to understand and handle their legal problems with a focus on protecting the rights of Victorians and representing those who need it the most. Almost every public purpose organisation has had to adjust its operations in some way during this pandemic, to continue to function during extended periods of physical distancing.

Many have been built on historical face-to-face business models, which creates the most profound changes in a physically distanced environment. And many have had rules or principles or systems, long standing practices that don't easily translate into a virtual environment. However, I think our justice system could lay claim to facing among the greatest of these tests.

The magistrate's court completes some 84,000 cases each year, that's 320 for every working day of the year. Thousands of people into the courts each day, and even those of us who aren't close to the court system can just imagine how common it is within courts, to see large groups of people in enclosed settings, perhaps poorly ventilated areas.

At the VLA, Louise has been deeply a part of the courts and the justice system, rapidly adapting in the face of the pandemic, including adapting VLA's own operations. We're delighted to have her with us to share those experiences. Louise, thanks so much for being part of this conversation.



IE Thanks, Tom. It's great to be here.

IV Can we start just by telling us about where we're speaking to you from? What is what is your remote working arrangement and how have you found it?

IE Well, actually, I'm down on Wathaurong country, which is near Geelong. And I should start by paying my respects to elder's past, present and emerging and note that their lands were never ceded. Portarlington is about half an hour from Geelong, and on the Bellarine. You look across at Melbourne. You can catch the wonderful Portarlington ferry across to Docklands, on a daily basis, if you need to, which I haven't needed to do every day in this environment. It's very beautiful and a great place to be.

IV Well, let's start with a bit of background on the courts and justice system through the COVID pandemic. Most people listening whether we're closely involved in the courts or justice system or not, we'd have a general sense that your day in court, the face-to-face reality of court, is pretty important. Could you give us a sense of just how much is the justice system, the court system, a face-to-face enterprise? And how big a shock was it to have the physical distancing that came along with COVID-19?

IE Clearly, the court system but generally justice more broadly, is very much a face- to-face enterprise. Most of the work of Victoria Legal Aid is in courts across Victoria, so not just in Metro Melbourne, but all over the state. And all courts, both federal and state courts, because we also do much family law. We do a lot of work in the AAT and VCAT, which are the tribunals. The key tribunals in Victoria and Australia, generally, the bulk of our work is in the in the area of crime and child protection. It gives you a sense of all the courts that we're in.

Very much face-to-face, that's the way the court work has been done over the years. Some of the VLA's work is online, and has been for a while. Things like our legal help phone lines, the web chat that associates with that, those sorts of things are not face-to-face. We use different mechanisms for that but generally, the courts are very reliant on that face-to-face interaction to get their work done.

A big part of our work in courts is the duty lawyering piece. On any given day, everyone assembles around nine in courts, 9am in courts, and they wait until their matter is heard. Duty lawyering is very face-to-face and you're picking up things and seeing people as they come in the door. What this means is that, very much in my view, the work of courts has been designed around judges and lawyers, that has some limitations in a big way because everything has to be so transactional and so face-to-face.

I think the court processes themselves, are very focused on events. It might be a mention hearing or another sort of hearing, that is part of the structure of the way the court works but generally relies on that face-to-face engagement more thoroughly. So, COVID, of course, exploded that pretty immediately. We were very, at Legal Aid, very much affected early on.

It would have been, I always get my dates mixed up here, but 2020 in February, late February, we had our first case internally of COVID, which was pretty early on in Melbourne, which meant that we had to close down sections of our office and send people home pretty quickly. That was a pretty scary time, in some ways, worrying about peoples' wellbeing, our staffs' wellbeing.

But also, most importantly, Tom wanting to keep the essential legal services we provide going. So that's a real, that double commitment to our staffs' wellbeing, but being able to serve as those



who are pretty disadvantaged and most vulnerable, which is the sort of client base that legal aid has, is pretty important to us. So, that was a big shift, at that time, having to move out and start doing things in a different way.

IV And the courts are obviously a pretty essential function for the way our society operates. Just give people a sense of what happened in those early lockdown periods with the courts. How quickly were things put on hold, delayed? What things were able to be continued? Just give us a picture of that that environment you were working within.

IE Things did move quite quickly, although I look back now and think it was slow, in some respects. In the experiencing of it, it went quite quickly. Probably the first thing to say is that, many matters still continued in court. Things like urgent family violence matters and other matters that are urgent for some reason that, needed to be heard face-to-face, were heard face-to-face, but many matters were delayed.

We still now have long delays with trials and that relates to things like, how can you bring a whole lot of people together in a COVID environment? If you think of all the people that might be in a courtroom. It's not just a judge, and that person's support people. It's family that might be in there. It's the accused that's in there. It's juries that will be in there. It's those who are defending, those who are prosecuting. All those people are in the room. There had to be some really quick thought about how you move that work out of the face-to-face environment.

I think important to add too, there were decisions where some matters needed to continue face-to-face that, that really still did happen. But on the whole, most matters in the courts moved offline. And if you think of, just take the Magistrates Court in any given day, there'd be about 2000 people going through the Magistrate's Court in Melbourne. It's a very big court that includes, people who are there for the matters to be heard but also, practitioners who are there and court staff who are there.

You think of COVID and what we're experiencing in those days, the very much unknown nature of it. And how it was really important for us to be able to move up and out quickly, and indeed for the courts to do the same. So, quite a bit moved online.

IV And one of those biggest moves for you, you mentioned it earlier but moving from the face-to-face on the day duty lawyer service to, introducing a digital duty lawyer to help before court. Can you tell us a bit about what that is first, and then we'd love to explore the process of setting that up in such an environment?

IE Duty lawyering is the core of what Legal Aid does, in all courts. It's a time of meeting with the client, of discussing issues, of confirming what's going on, seeking other material that's needed during the advocacy work in the court. It's quite an intense thing, and very, very important often to everyone's wellbeing in the court setting. We had to design a new way of doing that, because we couldn't necessarily go into the court, in the same way. For bail matters, the bail court still sat largely so, that was something that we continue to do face-to-face, often.

For a lot of other matters, it was done by designing a new model, a new service delivery type, Tom, which we called help before court. I think it's been pretty successful, which is great. It had some hiccups early on, as any new service design would have. You have to think about the fact that, not everybody is enabled by digital technology. Not everybody has the sort of technology you need and that's the very first point that we need to consider.



You would always want to have choice for people in this space, I think, in that way. But it was thinking about the points of service delivery. It was thinking about how the systems, the different systems of the different parts of the system worked. The tech systems and how they worked with the system, as a whole. I think the key point there was also thinking about, how our staff would experience that from a Legal Aid's perspective.

The lawyers, their bread and butter a bit is, they like the public appearance, a lot of them. They get nervous by it, some bad things happened in COVID, as a consequence of this sort of shift or some things that were also very funny. I think we were talking earlier about animals and cats wandering across computers, as people were trying to present a case on behalf of their client and those sorts of things so, very tricky things happened.

Given the nature of what the court is and the performing, people have to learn to do that, in a digital way. And that's hard, because I'm sitting here, and I can see you now, even though this is a podcast, we're doing this face-to-face, which is great. I can see what's happening in your domain, as you can see what's happening in mine. And nothing's always smooth here.

I've got a partner of 30 years, and she pops in and out of the room sometimes, when I'm not expecting it. Children decide to demand your attention, at a particular point in time. And because the matters in courts are so serious, it's sometimes hard to contain your environment, like you can do in a workplace or in a court. Even the design features of how we supported staff with that type of thing, was really important to think about to, at least understand their experience and what they would be feeling and the additional anxiety that, that probably created.

But mainly how they could really take on this new environment or deal with all the emotional complexity of it, as well. And do the best job they could do for their clients. I think it was a really, quite a challenging thing. There's been some good outcomes from it, I'd have to say. For example, family dispute resolution, which is something that was generally done in face-to-face, as part of court process and practices and systems more generally, in family law. Doing that online has been incredibly successful, because people are often more comfortable doing that, within their own environment, provided they've got the resources to be able to do that, so they've got the technology that's needed.

And there's a settling piece to it, sometimes, for people to be doing things from an environment they know, rather than coming into an environment that they're not familiar with, in any particular way. It's been an interesting ride, but a rocky one in lots of ways.

IV We have had on previous conversations from this, a range of people from all sorts of contexts that have moved historically face-to-face services online. And every one of their experiences is really interesting. You mentioned that one, just the change in dynamic or interaction. What are some others that you've noticed, but are good and bad, in terms of people's access to court services, or legal support online? You mentioned that the digital literacy pieces, as well. Are there other things that you've learned in terms of, how that either helps or hinders peoples' access to legal support?

IE I think it really does depend on the person themselves. And the people that are involved in the engagement piece. We've worried about losing some people like we call them, people would disappear. That is, someone's required to attend at a place, on a time, for a matter in a court. You see them, they're face-to-face with you. You can experience them in a different way. And you can work with them, in a different way.



I think the digital move, there was a concern amongst our staff. And we have yet to really look at our data and see whether we think that people disappear into a system when there's not that same connection, which is person-to-person so, that's one concern. I've already mentioned the fact that, not everybody is enabled by moving forward digitally. Our motto in that way, has always been digital first, but not digital always because we know some people do find it pretty challenging.

It's stressful enough having to be in a court, but to have to allow yourself to be guided by a computer and a system that's, going to let you in and let you out and that you have to drive that. But essentially, you don't control that, in the same way as you control your movements, when you're in a space, face-to-face, I think is a really interesting thing to contemplate, Tom. And certainly, I think they've been some of the challenges with it.

IV Even someone like me, who's pretty literate with computers, that process of feeling a holden to the computer, to let you in or otherwise rather than walk through a particular room that, is a very unsettling experience, I'm sure, for some people. Also, curious to hear about the relationship between the duty lawyer and someone who's having their day in court that, trust and rapport or those sorts of things that, are normally pretty important to us, an advisor and support role. How have your staff found those interactions with their clients? Do you find yourself able to build that sort of component, of your work?

IE I think that face-to-face interaction is very significant. Lots of people come to the courts, particularly for longer matters, I'd say Tom. Lots of people come to courts and their time is short and they're in and out. It's a very fast-moving process. And so, the relationship piece, probably from my understanding, is more critical with those longer-term matters that, continue over long periods of time where, the relationship is really important. It has got to be one of trust and respect.

Clearly, there's a lot of weight on both sides for wanting that relationship to work, usually. A lot of the matters in the magistrate's court, they're quicker. Things move pretty rapidly. And so, that means that people often just want to get, they want to know what their circumstances are, what their options are. We want to be able to know what some of the issues are in the matter forward. We want to be able to deal with those reasonably quickly because matters are in and out, in a day. And very quickly, once they're on, they're on. And then they're off and they're finished. And the decision is made by the magistrate or the judge, in the matter.

In some of those instances, I think the digital environment helps to contain the issue, and make it pretty clear and straightforward about what we need and what's going to happen. What we predict will happen in the hearing, and what the options are for the client who's there. So, that can be quite a positive thing. And I think sometimes the anonymity piece online a little bit, even though we're looking at each other now, you don't really know who I am. And we're not really talking about a lot of intimate things, in that way. It's a sense of the anonymity that can be quite helpful, too.

IV You started early to talk a bit about the experience of your staff, and particularly thinking about their wellbeing. I imagine for your staff as well, depending on the subject matter they're dealing with, in their spare room or wherever they are managing to work from home, adds an additional layer of challenge. Do you want to tell us a bit about the experience of your staff migrating that way, and maybe some of the things that are good, or you're worried about?



IE I think, generally our staff are incredibly robust. But I think the COVID period has been very hard. And we have a lot of youngish lawyers. I'm 61 so, I'm a bit of an old girl now. We have a lot of people in their thirties and their forties with young families. And often in shared houses, for example, if they're quite young. You're quite right that, some of the material we have to deal with, for example, sex offences, and those sorts of things, which can be quite challenging.

If you're having to keep stuff private in your house, and the only room that's really yours is your bedroom, for example, I think there can be some particular challenges for doing your work in a space and also keeping that private. But having that space as also, your space of rest. I think this is really an interesting point to contemplate. For staff, generally, who've been through COVID, but particularly for our staff, in these sorts of environments.

I think the other thing, too, Tom, is that increasingly, there's a level of fatigue. And I think this is talked about very commonly. I have actually seen it where the continuous having to be on, on the screen. And to be competent in that space is something which takes its toll. And not having immediately people around too, that you're in Melbourne, or we're in Geelong, or we're in Geelong or we're down in Warrnambool, at the court there or wherever we are.

You go to the court, you chat to colleagues there, to other people in the service system, the prosecutor or the police or whoever's there or other lawyers that you know. You do have this exchange and interaction that's, probably really positive in lots of ways, because it is you, as part of that system of work. And you had that connection and that support in some ways.

When you're home alone, it's quite different. While I think there's been many positive benefits from working from home. And many people wish to, we want to keep the hybrid model going. We think it works for our staff; our POS surveys tell us it works for our staff. I think there's some real upsides and some real downsides, in that way. I think it's been hard. And I think people have had to rethink their role, in a lot of ways. And to contemplate how you hang onto what's important to you, when you're not getting the same interactions, as you previously have had.

IV Previous guests, when we had a conversation about this issue, just reminded people that we weren't really flexibly working during this period. We were working at home, during a crisis period. And we weren't at all, set up for it. And had our systems set up, our homes set up, our HR for supporting each other and creating those things. There's certainly a maturity to come around doing this in a way that's sustainable in a hybrid model that, takes some of these benefits. But also, eyes open to some of the risks.

IE I think that's right. And as an employer of, I think we've got about 1000 staff, at Legal Aid or 950, at the moment, I think. Making sure that you're meeting occupational health and safety obligations. And when you're in a workplace, it's much easier to do that. It's hard there too, but it's much easier, because you've got it all in front of you. And then people disperse. People are now working from their homes, the way in which as an employer, you think about, is that environment safe for them? And what's our obligation as an employer and what do we need to understand about the circumstances in which staff are working? I think all of these things really have been brought into sharp relief during COVID.

IV So far, we've primarily talked about the duty lawyer service or for court. But an obviously important place is, your legal helpline, is often the first place people come to for support. Tell us a bit about how that service has changed during the pandemic and some of the issues that have come up there?



IE It's essentially a phone service and it has many different languages attached to it. We offer that in a language, for many different people who ring in. But it's really emerged more from having the phone conversations and chats, to web chatting much more thoroughly. People are liking the fact that, the exchange on webchat can be much quicker. And people can put their information and ask us things and deal with that in a way, which some people prefer.

And we've seen an increase in take up in that, Tom, during the COVID pandemic. It's also slightly quicker than the phone lines, which sometimes take a bit longer for the call to be answered. But interestingly, we've had to prioritise some phone lines during the COVID period. And the one we did prioritise, in particular was family violence, because we were aware of what was happening on the ground with that becoming a more complicated area. And the experiences predominantly of women being such that, we needed to have a more ready line that, was answered more quickly than some of our other lines.

There's been some of the changes that we've had to make. Different lines, priority lines, thinking of webchat more thoroughly. Giving people choices and options for how they engage because as you say earlier, it's that engagement piece and when people are ready for it, is the point that's important. And having different choices in that, has been has been really significant for people to be able to access.

IV What are the two or three things that, you have seen and experienced in and around the court system, that you'd like to see continue in the future, and you'd like us to learn from this great experiment?

IE The impacts are largely cultural, if I can put it that way that, we've seen a big cultural shift in the way organisations do their work now. And that's meant a whole lot of things. And I could talk about this for a long time. But if I had to pick the top three things that that you're suggesting, I think what COVID really indicated is that, in the justice system, we have to be mindful of the system itself and not just think of it as courts or police or correction services.

They are the bigger players but there's smaller players in it, that are really the glue that holds all that together and prosecution services is one, private practitioner is another. And VLAs are another with community legal centres. We all form part of that system, that legal assistance sector. And I think, what COVID assisted with is, encouraging a thoughtfulness around the system and what the system needs, as distinct from what individual organisations need.

And that's going to make a really big difference, because it's also often, a better outcome for clients. And that's the second point I'd make is that, COVID really has forced us to sharpen our lens on, what are the key issues for people in any legal matters. But also, has highlighted very thoroughly, Tom, the intersection between people's legal issues, their social issues, and economic and other issues, that they're actually experiencing health issues.

And many of these areas are ones where we don't think of people holistically. We don't think of people who we work with, in a holistic enough way. We think of their legal problems, so we dissect that bit out. But this connection between legal, social health, other problems for individuals, is vitally important for us to be able to address and move forward on people's needs more thoroughly.

I think COVID has really assisted in this way, as well, to really put clients first and to think about what the client experience is, not just what the experiences of the lawyers and judges are and magistrates but what the experience of clients is. And that's a really important thing. So, that's the



third thing is putting users at the centre, sharper lens on key issues. And thinking about that system approach more broadly.

IV I noticed in this, we're talking about the changes from going online. And actually, most of our conversation is not about technology. It's not about IT, or computer programs, it's actually about the experience or the practice of it. What is the personal challenges that you've found in part of this transition?

IE I think it's been a very hard time generally, for people, this transition. But also, combined with COVID and everything else people were having to deal with whether it was home schooling, or looking after or caring for others, it's been an incredibly emotional time, Tom. And changing the way you work from face-to-face, to a more digital model, should never be the whole picture.

But it's a massive thing, in lots of ways, for people to have experienced. And that's come with lots of angst and challenges that, previously people didn't have to deal with in their daily lives.

And I'm talking about, yes, their own stuff. But I think I'm talking generally about people that I know and work with, in my own family, about what it's meant to get through and survive and continue that fatigue point I've mentioned before. I think the emotion for me, has been really thinking about how do you support people when you no longer see them? And how do we lead in environments when you're no longer having direct connection to people.

And I mean, pressing the flesh. I mean that, you're actually there with someone in a room. Digital work is an engagement. And you see people and you talk to people, and you can talk to them about many different things. But it doesn't nail this point around the lack of connection that you have, when you're not seeing people from time to time, at least face-to-face, so you can really look them in the eye and say, "How's it going?"

And I think people had to hold that in themselves, that's hard. And I think leaders can assist by showing their own, it's not a vulnerability, but it's showing how they're feeling, in any particular instance. My own experience of talking to staff about my own tiredness, my own frustration, my own desire for will things ever be back to normal? We used to talk about. It really does take its toll and takes its toll both for staff in the workplace, but at home too.

I think it's been a really key experience that people have had. I think we need to own that and see it and work to try and understand it. And how people can be supported more thoroughly when they have to do these very challenging shifts and moves to continue essential services and their essential work.

IV Our guest today has been Louise Glanville from Victorian Lega Aid. Thanks so much, Louise for being a part of this conversation.

IE Thanks, Tom.

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