AUSTRALIAN SOCIAL POLICY CONFERENCE 2023

Making the invisible visible: using Census data to measure potential demand for human services

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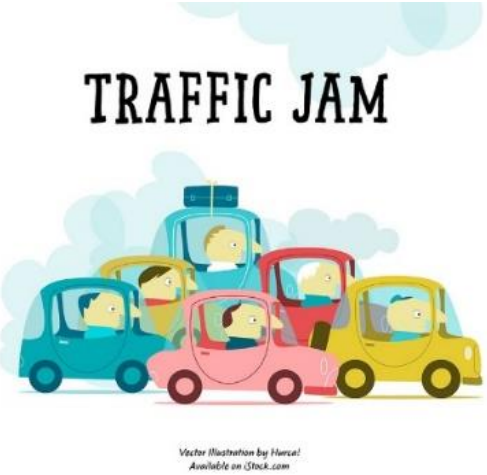
Why use data for planning?

- For many human services the drivers of demand are well understood
- And there is directly relevant data available to inform planning



What happens if we don't use data to plan?

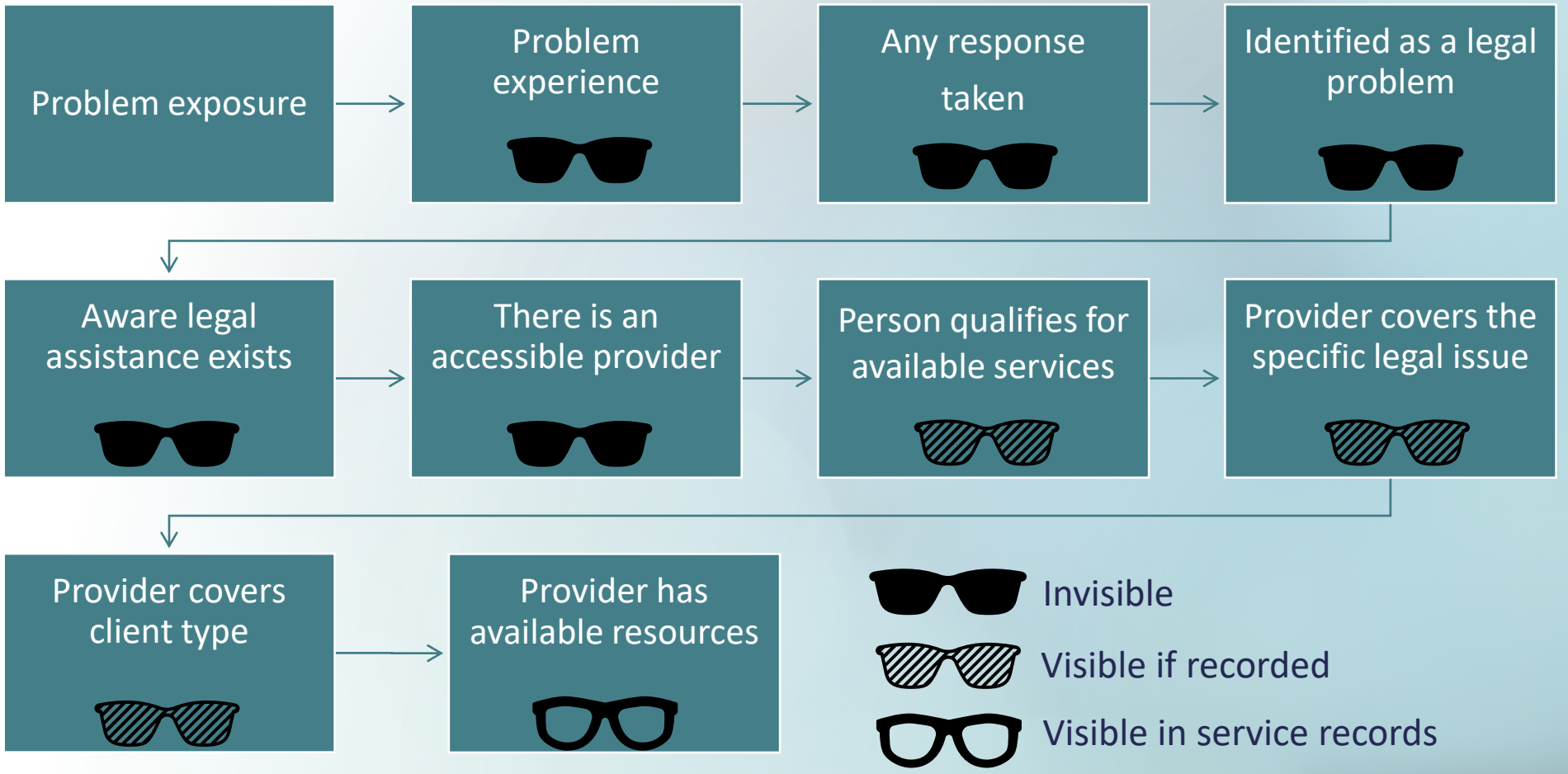
Other factors will determine/influence resource allocation: politics, visible issues, loudest voices, funding opportunities

- Inefficient resource allocation and lack of service equity: multiple service providers targeting same location / client / problems
- Lack of client responsiveness: services offered in wrong location / time of day / mode / language

The Australian legal assistance sector

- Multiple not-for-profit legal assistance providers
  - Legal Aid Commissions
  - Community Legal Centres: generalist and specialist
  - Family Violence Prevention Legal Service
  - Aboriginal Legal Service
  - Telephone help lines (Law Access in New South Wales, Legal Help in Victoria)
  - Partner services, including Health Justice partnerships
- Multiple funding streams: State, Commonwealth, other sources
- Effective publicly funded legal assistance provision recognizes that:
  - The range of legal problems is diverse, some requiring specialist legal skills
  - The most vulnerable clients also have complex non-legal needs
  - Not all services have to be place-based but some do, for some clients, some of the time

The pathway from invisible to visible need



Visible demand

Visible to legal service providers

Calls/visits/email/chatbot to:

- Legal help lines, Legal Aid, Community Legal Centres, Aboriginal Legal Services and other partner providers

Potentially visible to legal service providers

CRIMINAL LAW

Arrests

Offenders appearing in court

Breaches of orders

Prisoners/prison locations

Juvenile justice centres

FAMILY LAW

Separation/divorce

Child access court applications

Children in child protection system

Risk of serious harm assessments

CIVIL LAW

Tenancy and social housing tribunal matters

Exclusions from school

Unpaid fines & enforcement actions

Employment tribunals

Ombudsmen complaints

Centrelink actions

Refugees

Natural disaster locations

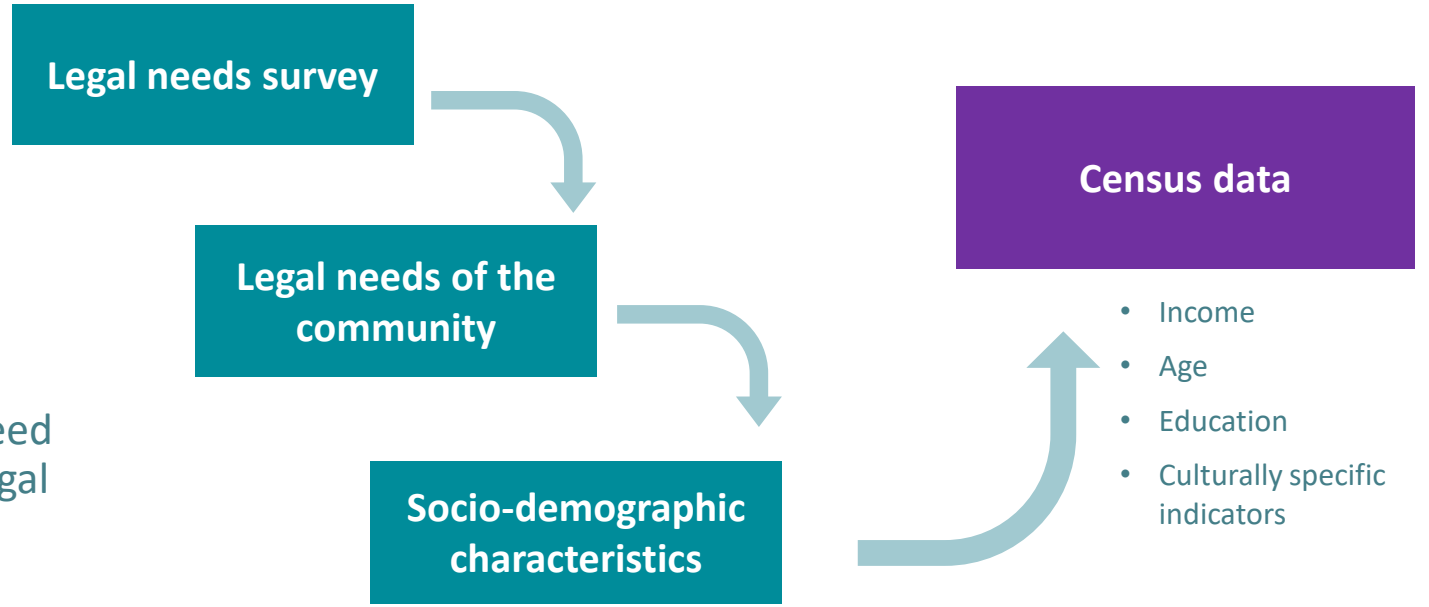
Invisible demand for services

- Lack of appreciation of the legal dimension of problems
- Lack of awareness of available legal assistance services
- Can’t access services, don’t meet provider requirements, conflict issues or practical reasons
- Requires a proactive strategy from providers to locate and meet this type of need

Options for locating invisible demand

- Local knowledge and networks – community partners
- Creative thinking about location of services (e.g. Health Justice partnerships)
- Legal needs surveys
- Small area estimates utilising survey and Census data
- Place based indexes of disadvantage: SEIFA
- ABS Census population data

Designing the indicators



- Counting people who are more likely to need public legal assistance *if* they experience a legal problem

- Apply what we know about legal needs to ABS Census data to create an indicators to provide a count of how many people in an area are:

  - Likely to experience legal problems, and
  - Likely to qualify for legal assistance due to their low level of income, and
  - Have a low level of educational attainment
  - And / or require culturally appropriate services

The indicators

NLAS(Capability) 2021

- Age 15–64
- Low personal income
  < $33,800/year
- Low educational attainment
  - Year 12 for those aged 15–44
  - Year 11 for those aged 45–54
  - Year 10 for those aged 55–64
  - No qualifications above Cert 2
  - Not studying

NLAS(Community) 2021

- Age 15+
- Low household equivalised income
  < $52,000/year
- Low educational attainment
  - Year 12 for those aged 15–44
  - Year 11 for those aged 45–54
  - Year 10 for those aged 55–69
  - Year 9 for those aged 70–79
  - Year 8 for those aged 80+
  - No qualifications above Cert 2
  - Not studying

NLAS(Languages) 2021

- Age 15+
- Medium personal income
  < $52,000/year
- At least one language spoken at home is not English
- Low proficiency in English

NLAS(Aboriginal and Torres Strait Islander) 2021

To be considered and developed in collaboration with the Aboriginal Legal Service

Previously included all 10-17 year olds and adults with a personal income <$52,000/year

Introducing legal capability

OR…Some of us need more help than others

"…the abilities a person needs to recognise and effectively deal with law-related issues…"

- Knowledge
- Problem solving skills
- Access to resources
- Social connection
- Confidence and well-being

Dynamic characteristic: influenced by context and circumstances but some aspects are relatively static

Need for Legal Assistance Services (NLAS) indicators

- Counts of people ***more likely to need legal assistance*** if they experience a legal problem
- ***Consistent*** across any geographic area
- Available at ***different levels*** of geography and computed for ***custom*** areas
- Compare ***relative*** potential demand between any geographic areas
- Can be ***adjusted*** to reflect changes in population characteristics over time
- ***Transparent*** method of computation

- Only a measure of ***potential*** demand
- Not an absolute count, but a ***relative*** indicator
- ***Limitations*** of census data

But why not SEIFA?

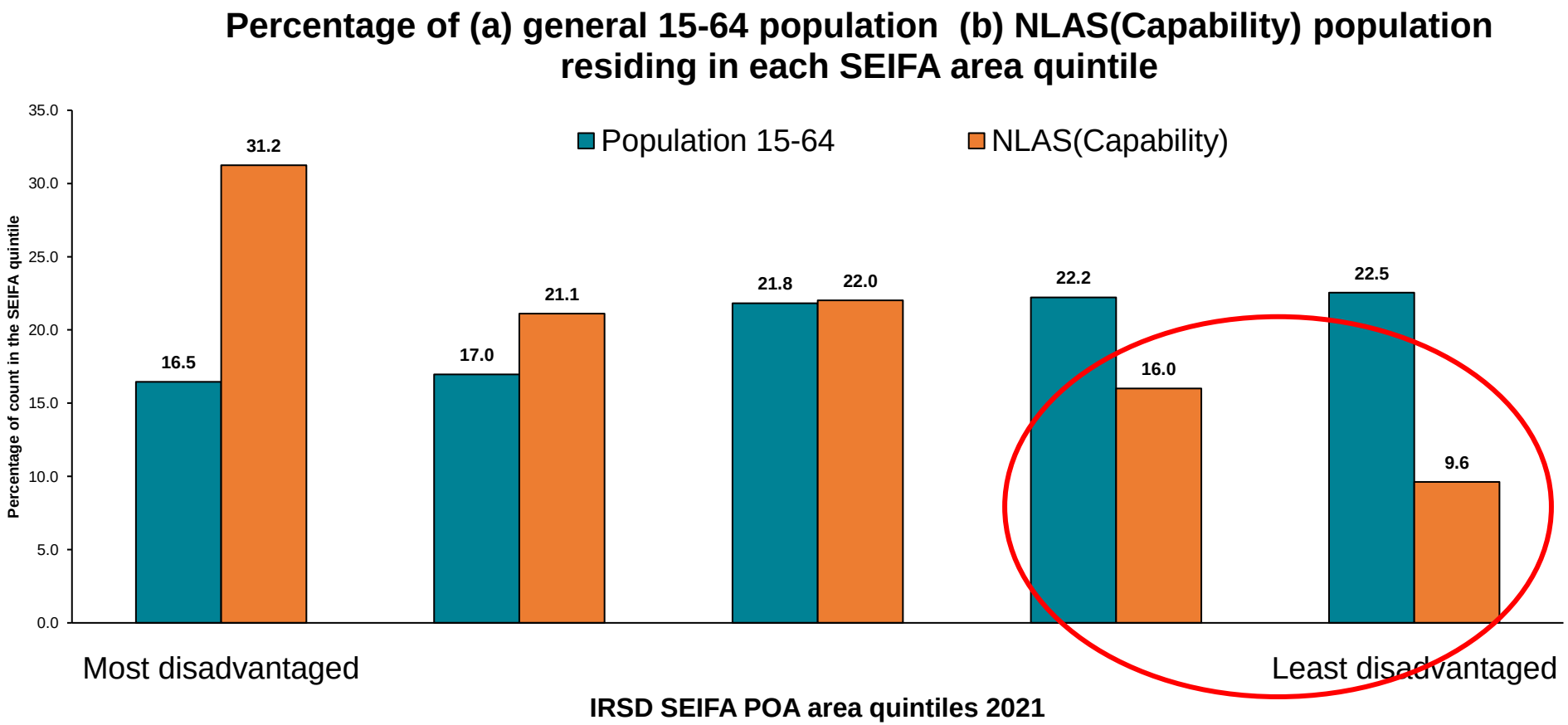
IT IS VERY POPULAR

- SEIFA is robust and well tested
- Different versions depending on purpose
- Available at multiple geographies
- Provides a qualitative description of an area
- That generally conforms with provider perceptions

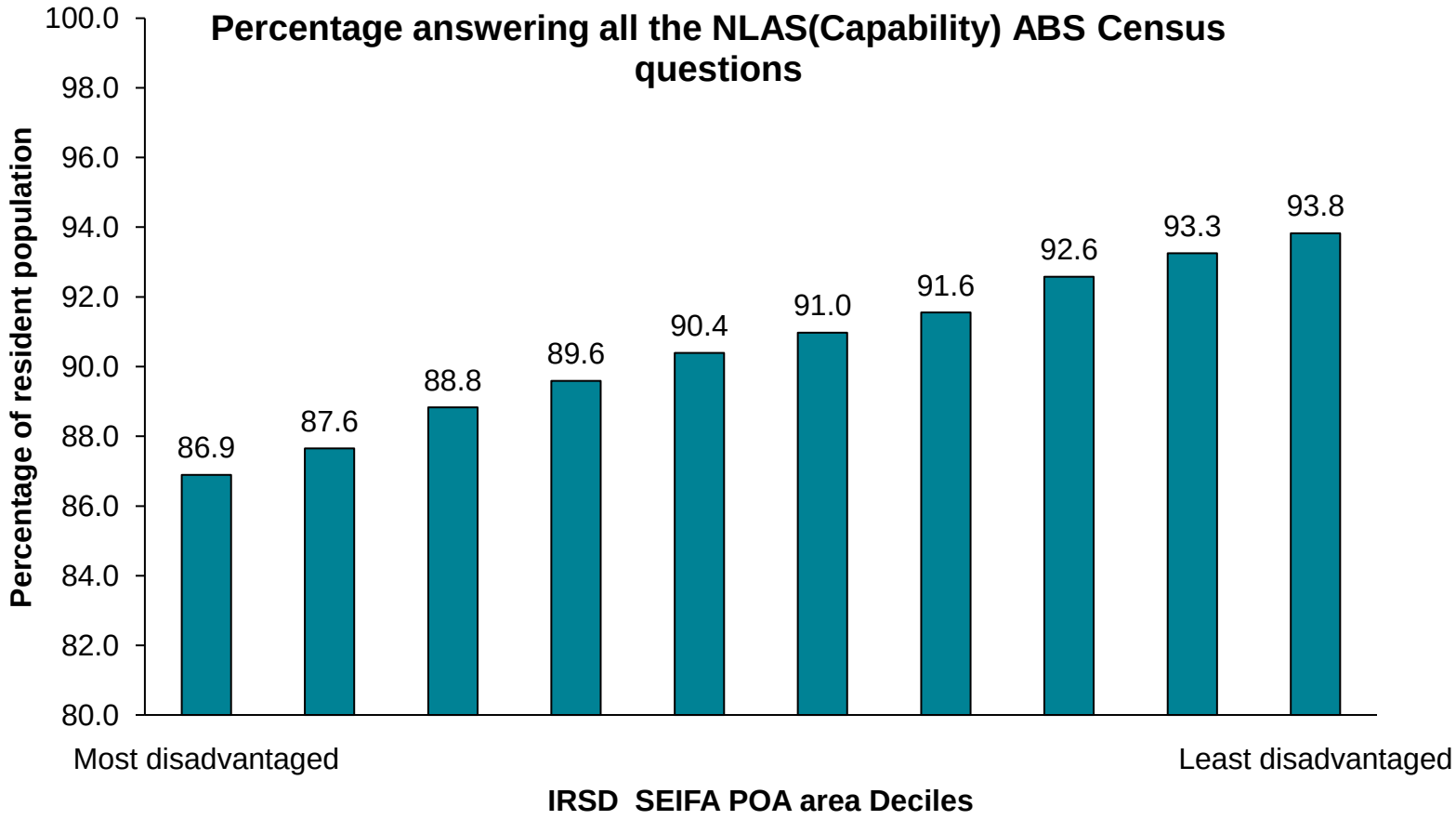
BUT

- The ecological fallacy: it describes an area not the individuals residing within it
- This is most problematic the less homogenous, or more mixed, an area is

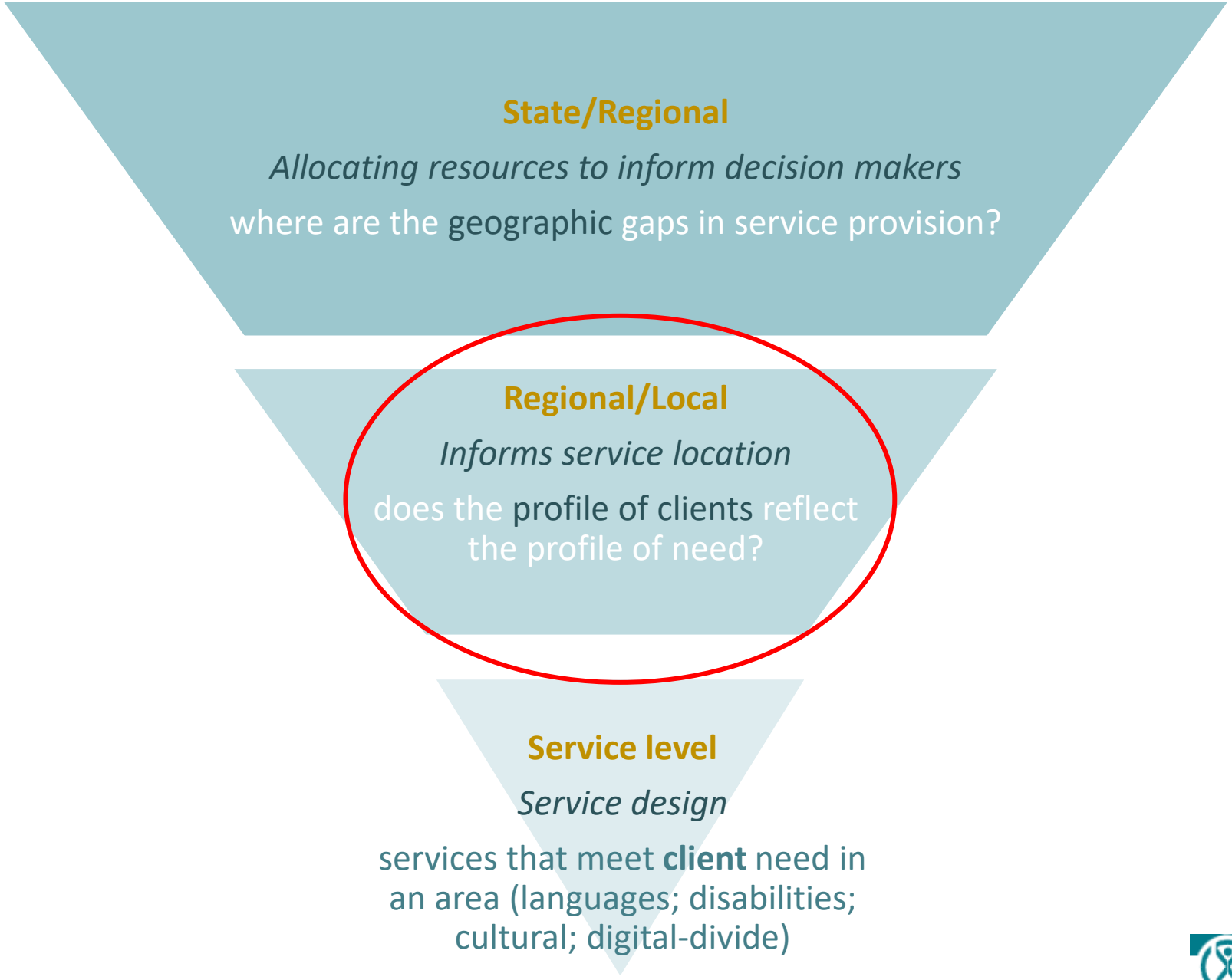
Focusing services on the most disadvantaged SEIFA areas may miss a lot of potential need



Not everyone is visible in the Census



Planning for purpose



Making the gap in service provision visible

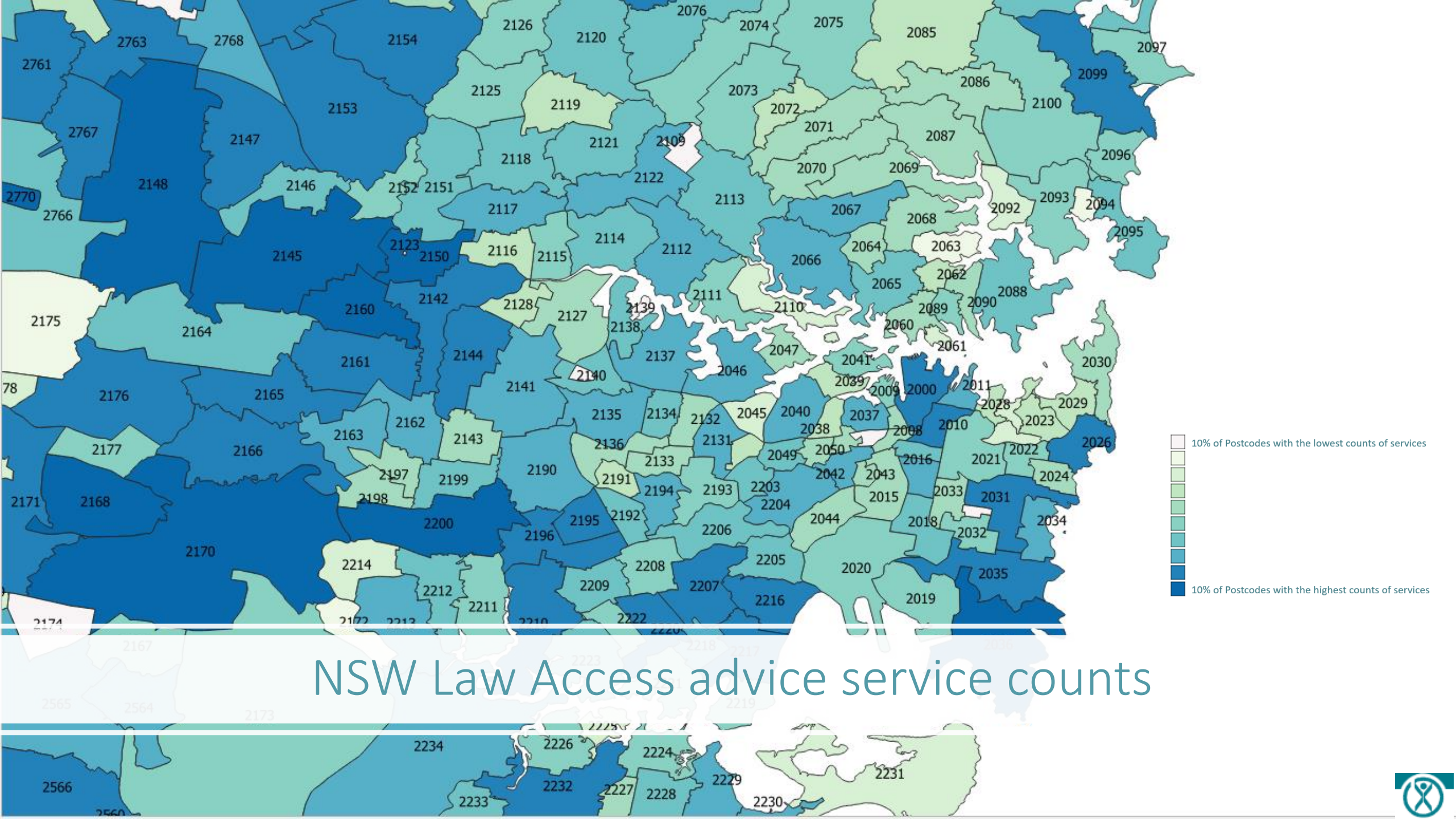
- Service counts by geography can be compared to the Census based indicators of potential demand

- Law Access, a legal help line now part of Legal Aid NSW – collects counts of services delivered by postcode of client residence

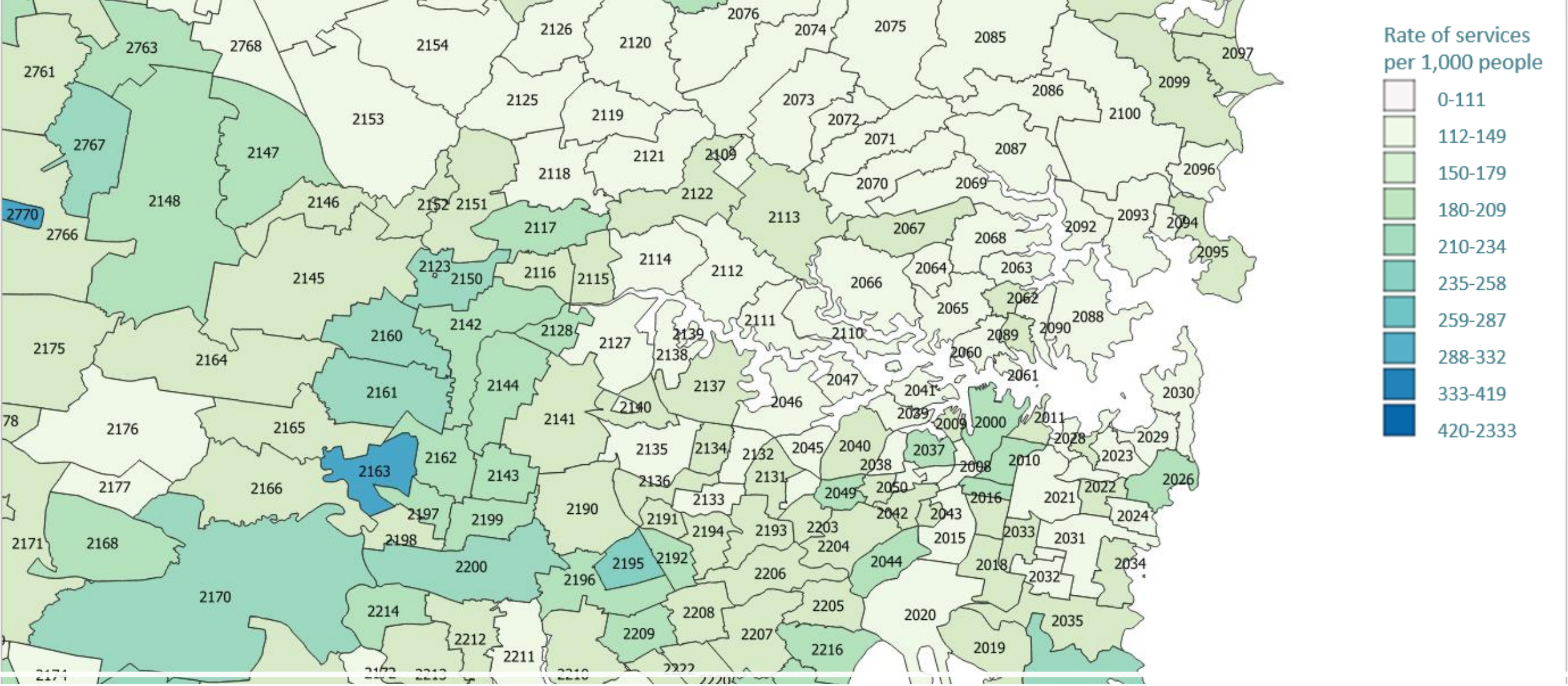
- Paralegals provide information, lawyers provide advice – the latter targeted at those least able to afford a private lawyer

- Was access to legal advice equitable across NSW?

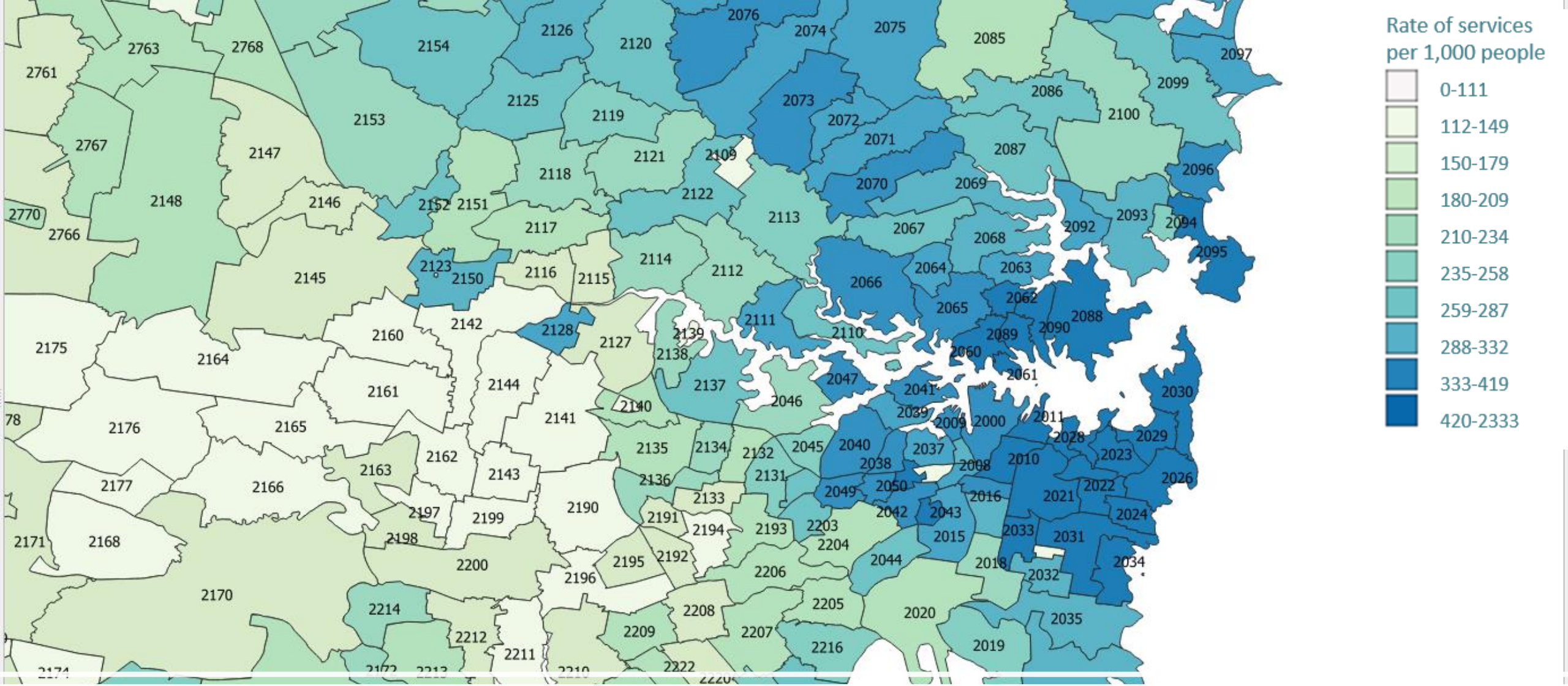
- Analysis to follow is illustrative only as the advice data is from 2012 to 2016 and will not reflect current practice



NSW Law Access advice service counts



Law Access advice services per head of 15+ population



Law Access advice services per head of NLAS(Capability) population

Conclusions and cautions

- When, in the context of finite resources, publicly funded services are targeted at those most in need, that need must be visible for resources to be appropriately allocated
- Census is an important source of information to ensure services can be targeted to the less visible potential clients and be designed to meet their cultural and other needs
- Most Census items exclude those who do not answer the Census question – so they are minimum counts only
- Can make some correction for missing data by assuming the rate of the indicator is the same amongst those not answering the questions as those that did
  - *resident population x (indicator count/number answering all the indicator questions)*
- Australian Bureau of Statistics introduce an element of randomisation (perturbation) to mask small numbers, so the counts are indicative not precise
- The counts are determined by geographic boundaries: so the precise location of a boundary can have a dramatic impact on the count for an area
- Set your criteria carefully, keep them under review, and be transparent in what you do

The end