Data and Reporting discussion paper

Law and Justice Foundation of NSW submission, August 2024

Discussion Paper
Outcomes framework – the development of an outcomes framework will help guide future service improvement and investment.

Data reporting – improved data collection can ensure governments have the information they require whilst reducing burden and duplication for the sector.

Data systems - improved data systems can deliver operational efficiencies for the sector, including in relation to data reporting.

General questions:
1. What are the key considerations to ensure the overall uplift of the sector's data capability can occur holistically?
2. What would a sequenced workplan look like to ensure key underpinning components are being progressed coherently?
3. In addition to the following three broad areas, are there other key components requiring investment to uplift data and reporting?

1. Outcomes framework

Purpose statements

In order to develop a robust, relevant and effective outcomes framework and data reporting process, the purpose for each component must be clear. Joint purpose statements that articulate the intention and scope of an outcomes framework and data reporting system are fundamental to guiding the structure of each component, information to be collected and use of information collected.

High-level input

- Until the outcomes have been chosen it is not possible to determine whether new data sources are required. This is revealed in the gap analysis part of development.
- However, often, frameworks can be developed where indicators are 'under development'. This is, in part, the iterative part of framework development.
- The available research suggests that development of shared frameworks is a multi-year undertaking and requires significant investment.

AGD statement	Foundation comment
An Outcomes Framework is an important piece of the legal assistance data and reporting framework.	A service/quality improvement framework can lead to greater impact by building and developing the evidence base about what works and why.

Developing an Outcomes Framework is an evolving exercise, requiring specialist expertise and extensive sector and stakeholder consultation.	Much of the expertise will be in validating indicators and measures. Some outcomes cannot be readily measured, in some cases appropriate proxy indicators may be identified, but some outcomes may be unknowable).

For discussion:

- What are the key elements of an Outcomes Framework?
- What could be incorporated into the new agreements vs what would need to be progressed over the course of the new agreement?

Shared and sector-wide outcomes frameworks present significant challenges and need to be high-level and flexible if they are to have utility and be adopted by the organisations they cover. However, these challenges are worth overcoming as an outcomes-based approach encourages services and governments to tailor policy and service delivery to the needs of clients.

Q1 What are the key elements of an Outcomes Framework:

1. **Evidence base**
    a. For an effective outcomes framework, we need to establish that the activity/intervention leads to or results in the desired outcome. To do this we need robust evidence that doing x results in y.
    b. There isn't yet a consolidated repository that draws together all such evidence that could support an outcomes framework.
    c. The evidence base for what works in legal assistance services in Australia requires significant investment and development. Without robust and rigorous evaluations and efficacy studies (and wide dissemination of results), it is expected that there will be significant evidence gaps to take into account.
    d. Evidence can include published research and reviews of available literature. Case studies can also be an important source of supporting information.

2. **Outcome and indicator bank**
    a. Ideally, indicators and measures will have been tested for validity (the ability to accurately measure what is intended), and reliability (the ability to consistently measure the same thing, and usability (is it practical to collect the respective data).
    b. Outcomes are the changes that occur for individuals, groups, and/or communities during or after the delivery of programs/services.
    c. Indicators are specific, observable and measurable markers that represent achievement of or progress towards outcomes. They indicate what is needed to change in order to achieve a desired outcome.
    d. Outcome measures are the tools and data sources that will be used to provide the more granular specific detail about what will change (service data, surveys, instruments).

3. **Data sources**
    a. When choosing indicators for a new outcomes framework it is typical for there to be considerable data gaps. A gap analysis will identify which indicators currently have data available and/or collected and which have no existing data source identified and new data are required.
    b. It's common for outcome and indicator banks to list data as 'under development' where indicator have been identified for which no data source is readily available.

4. **Sector engagement and agreement**
    a. The research shows very clearly that organisations using shared measurement should have consensus on the shared outcomes that are included in a framework while also allowing for flexibility for organisations to specify the outcomes important to them. A

successful framework will strike the right balance between an organisation's individual needs and remaining relevant to whole-of-sector.

b. Developing a shared (or sector-wide framework) needs to accommodate the diverse ways in which services are provided to clients across the sector. If the level of abstraction is too low (too specific and detailed) the outcomes and measures may not have wide application across the whole sector, however, if it is too high (too general) it is then difficult to operationalise and will lack meaning.

Q2 What could be incorporated into the new agreement vs what would need to be progressed over the course of the next agreement?

A collaborative planning document developed by the Law and Justice Foundation, Victoria Law Foundation, and Health Justice Australia in 2022 is attached that provides an overarching approach to developing a sector-wide Outcomes Framework

The Foundation recommends a bottom-up approach that is sector-led to identify appropriate outcomes and supported by research to establish appropriate indicators and measures. A commitment by the sector to engaging in this kind of work could be incorporated into the new agreement. It would also require a commitment of funding. Shared (or sector-wide) frameworks are time and resource-intensive. Identifying and developing outcomes and associated indicators and measures would be a multi-year endeavour (estimate of 2-3 years). Incorporating these into a framework and achieving consensus is likely to take another year.

There is limited information available on the resources required to develop and implement sector wide framework. What the literature does tell us is to expect a relating long-time horizon for developing, testing, and refining. Estimates are between two and four years. It is also expensive. A systematic review of this type of exercise observed that shared measurement systems may take several years and millions of dollars to develop – however, they also conclude that the cumulative annual savings can dwarf the initial time and money invested.[1] In addition, though, these systems must be supported by investment into research and evaluation. Without rigorous studies we cannot build the evidence base required to support the framework nor understand what activities outcomes are attributable to.

For beyond 2030 – implementing the framework along with any associated improvements to data reporting to harmonise outcome measurement.

2025-2030

A bottom-up approach promotes good engagement, harnesses the broader knowledge base and is better at identifying risks or gaps in strategy. A successful process will require cooperation and engagement with all parts of the sector. This process is resource intensive and time-consuming but is likely to produce a meaningful framework that is useful to the sector.

Development approach

- To facilitate meaningful framework development using a co-design approach, preparatory work to identify appropriate outcomes (with sector-wide relevance), indicators and measures is required.
- The framework is then built from the component parts (outcomes, indicators and measures). The sector is potentially best placed to inform this preparatory work. There are already relevant, useful outcomes, indicators and measures used within some

[1] 1. Butler K. (2022) Legal assistance services outcomes frameworks: a rapid scoping review. Sydney: Law and Justice Foundation of NSW

services/jurisdictions. There is considerable scope to learn from what is already working well and an opportunity to bring together disparate efforts that are not yet applied consistently nor comprehensively across the sector.
- With this approach the outcomes framework benefits from the expertise of the sector. Indicators and measures ideally should be tested for validity (the ability to accurately measure what is intended) and reliability (the ability to consistently measure the same thing). Given that data practices and analytical capability varies across service providers, it is expected that this would be an iterative process.

2. Performance Indicators and Reporting

High-level input

- Transparency and agreement on the purpose(s) of reporting are important to ensure that reporting requirements are fit for purpose, can achieve the intended aim(s) and can provide insights that are in line with expectations.
- Data requirements will be different for different purposes. It is unlikely that a single dataset or a set of reporting requirements will fulfill a broad range of purposes adequately.

AGD statement

High quality legal assistance data is essential for us to ensure transparency and accountability. Data is critical for planning, monitoring programs, evaluating performance and contributing to informed and evidence-based decision making.

Provider burden regarding data reporting is a significant concern and we would like to understand this issue more specifically, so that we can reduce inefficiencies whilst still meeting our departmental requirements and responsibility to government.

For discussion:

- What should be the priorities for improved data collection to be implemented in the short-term vs over the life of the next agreement?
- How can we align changes to data reporting with the development of the outcomes framework and the improvement to data systems?

The reporting that might be reasonably required to ensure transparency and accountability is unlikely to adequately support evaluation, service planning or evidence-based policy. High-level reporting of multiple aggregate reports in various formats is generally inefficient and/or is of limited value to answer broader research or policy questions.

To provide meaningful insights, legal assistance data needs to be complete, consistent and accurate. To truly represent legal assistance service provision, it should include all services (from all providers, across all funding sources). Consistency and accuracy can be further improved with adequate investment into all aspects of data capability, including training. The Data Standard Manual (DSM) has been a significant effort and an appropriate approach, but with an insufficient feedback loop to identify what works and what doesn't. The DSM would perhaps benefit from being reframed as a tool to support the sector in improving consistency (in terminology and counting rules – but not implying uniformity of service delivery) rather than a constraining set of reporting requirements. Further improvements should be sector-led, with adequate support and training for implementation, and approached with a common understanding of the purposes of

data collection and where a tool such as the DSM might fit within broader outcomes-related discussions.

High quality legal assistance data can provide useful insights but doesn't necessarily inform the nature and extent of legal needs in the community, what works, or the impact of legal assistance more broadly. However, a reliable dataset may support ad-hoc analyses and contribute to building the evidence amongst other sources and projects. For example, it may help with identifying patterns and trends over time in the types of problems for which legal assistance has been provided, knowing that such trends only reflect the **provision** of services and not necessarily trends in the experience of legal issues or in demand for services.

3. Data Systems

AGD statement

An investment in data systems has the ability to improve the sector's data capability and is an opportunity to reduce the reporting burden for service providers.

For discussion:

- If there was to be an investment in data systems improvements in the next agreement, how should these improvements be implemented and sequenced to align with the development of an outcomes framework and improved data reporting?

Some service providers have dedicated significant resources to develop systems that suit their needs. It would be useful to gain a better understanding of the context in which service providers currently manage their data: what information is captured, in what format, for what purpose, how it is used, in what system, how it is extracted/reported, etc. to identify meaningful investment opportunities.

What are the lessons learnt from the provision of unit-record data to the ABS (from the perspective of service providers, from the perspective of ABS, and the perspective of governments)?

Further exploring the possibilities of seamless data extraction from providers' systems into a repository that securely holds de-identified unit-record data might be useful. Such a dataset should allow for automated high-level reporting that removes the need for manual de-identification, and for filling in templates in different formats and across different reporting periods, thus reducing the reporting burden.

Aligning data reporting requirements with an outcome framework will depend on the choices of indicators and measures, which are identified after there is agreement on appropriate shared outcomes.

Outcomes Framework

The below overarching planning document (OPD) was developed collaboratively between the Law and Justice Foundation of NSW, Victoria Law Foundation, and Health Justice Australia. This document was originally developed and shared in 2022 in the context of the current (2020-2025) NLAP with the intention of supporting timely development of a draft Outcomes Framework for the next NLAP.

Background

Under the 2020-2025 NLAP the Commonwealth and the States agreed to be jointly responsible for developing an outcomes-based framework for legal assistance services for potential implementation from 1 July 2025.[2] It was proposed that this development would occur through a transitional co-designed approach, in partnership with the states, territories, and the legal assistance sector.[3]

Outcomes *– are changes you expect to result from an intervention (service).*
Indicators *– are what needs to change in order to achieve the outcome.*
Measures *– are how the indicator will be measured, i.e., tools, instruments.*

An outcomes framework identifies a set of outcomes together with established indicators and measures to quantify impact. The focus of an outcomes framework can be specific service initiatives, organisations, or for whole of sector. Optimal approaches may vary dependent on the focus of the framework. Initiative or service focused frameworks may choose to undertake a program logic approach, while organisations may prefer a broader approach building on organisation values, objectives, or mission statements.

Developing sector-wide outcome frameworks have an additional challenge to remain relevant, appropriate, and achievable for all enterprises within the sector. An outcomes framework that is useful, informative, easily applied and achievable will require broad participation, opportunities for information sharing, consultation and contribution from the sector.

Approach

A bottom-up approach that is sector-led is supported by extensive research and yields good engagement, harnesses the broader knowledge base and is better at identifying risks or gaps in strategy. A successful process will require significant cooperation and engagement with sector actors. While this process is resource intensive and time-consuming it is likely to produce a meaningful framework that is useful to the sector.

To facilitate meaningful framework development using a co-design approach, preparatory work to identify appropriate outcomes, indicators, and measures is required. The framework is then built from the component parts, i.e., outcomes, indicators, measures. The legal assistance sector is best placed to inform this preparatory work. There are already relevant, useful outcomes,

[2] NLAP, Clause 30 (e).
[3] NLAP – Overview Paper

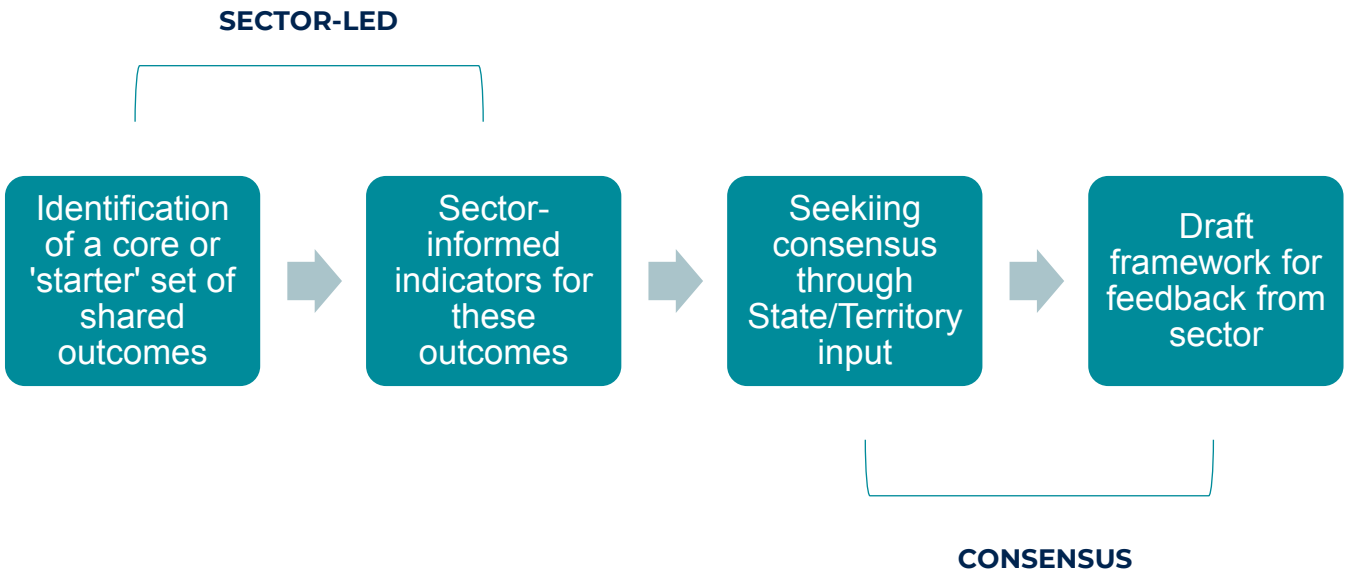
indicators and measures used within some services and/or jurisdictions. There is considerable scope to learn from what is already working well and an opportunity to bring together disparate efforts that are not yet applied consistently nor comprehensively across the sector.

A co-design approach that invites the legal assistance sector across jurisdictions to identify the outcomes they believe represent their values, purposes and activities supports an evidence-based framework. Critically, this preparatory work will canvas and develop valid, meaningful and achievable indicators and measures.

Prior to the development of an outcomes framework, it will be important to obtain support of proposed indicators and measures from the sector. Therefore, it is essential to learn from those jurisdictions and services that have already embarked on outcomes development and measurement. This includes what outcomes are already being measured, how indicators and measures have been operationalised, and what has been useful. This also provides the opportunity to learn about what resources and other support is required to capture outcomes.

With this approach the outcomes framework benefits from the expertise of the sector. Indicators and measures ideally will have been tested for validity (the ability to accurately measure what is intended) and reliability (the ability to consistently measure the same thing). Given that data practices and analytical capability varies across service providers, it is expected that this would be an iterative process.

Stages of the development approach



Sector-led Stages

This stage of the process would be led by the sector and should be facilitated by consultants or researchers with outcome measurement expertise. It is likely to involve a mixture of 1:1 interviews, workshops, and online surveys. The aim is to identify outcomes, indicators, and measures of use to the sector.

Core or 'starter' set of shared outcomes and indicators

The most effective outcomes frameworks reflect what is most important to the services they relate to and are manageable to implement. This can take time to develop and is most effective when it draws on what has been tried, tested, and found to be useful in the sector. Parts of the sector have already been developing outcomes and indicators and this stage should aim to identify and draw together this work resulting in a bank of outcomes and indicator which will inform the next stage.

Process: A successful process seeks to draw upon the depth of expertise, experience and progress that has been made within the legal assistance sector, to develop a core set of outcomes and indicators that are useful to organisations and to their funders. Due to the technical nature of outcome measurement, research/evaluation and data expertise is likely to be required in development to provide expertise on outcomes measurement, data use and utility. In addition to this expertise within services, the facilitators of this stage should have specialist research expertise to facilitate the collaborative process and support the development and implementation of rigorous measures that work across a number of different service types.

Activities may include: –

- **Gathering information** on key outcomes, indicators and measures used in the sector through review of existing documentation, participation in existing research and evaluation networks within the sector, surveys, consultations
- **Sharing leading examples**: through one or more showcases and workshops of outcome measures
- **Identifying/developing shared outcome measures** for testing/validating through an outcomes network workshop
- **Supported trials** to test/validate measures/measurement tools in new contexts
- **Reporting back** results of the trials/knowledge translation

The process is driven by participants (the sector) and facilitated by research experts/consultants.

Time required: Approx. 12 months for sector-led stage.

Output: A bank of operationalised outcomes and indicators that can be shared by services across the sector, further tested and validated through their use and which can potentially populate an outcomes framework.

Seeking consensus stage

This stage would be led by the Commonwealth AGD, working with the IGC, Advisory Group or working groups. Feedback on drafts should be sought through consultation from the sector.

Seeking consensus on which outcomes and indicators should be included in the Framework will be a crucial stage of the process. Input from States and Territories should be sought to agree inclusion of agreed outcomes into the framework. This approach aims to support this activity by providing to the Commonwealth AGD/IGC relevant groundwork and possible options to consider via the output from sector-led stages.

Process: This stage is led by AGD/IGC with input from the States and Territories. A feedback loop to the sector is recommended.

Time required: Commonwealth-led stage is dependent on process decided by AGD/IGC.

Output: Agreed structure of framework (domains, type of outcomes), agreed set of outcomes.

Draft Framework

A draft framework developed by the Commonwealth AGD and IGC for consultation/comment by the sector.

Process: Commonwealth & IGC to jointly develop draft framework.

Output: Draft framework.