1. Executive Summary

The Sexual Offences Legal Education Project (ILEP) produced strong results in improving practitioner’s handling of sex offence matters, with significant support for the program and clear strengths of the model in its use of respected legal experts, professional feedback and multi-faceted training. ILEP has been met with great demand and support from stakeholders which has emerged from intensive stakeholder engagement.

The program has produced positive outcomes in a number of areas including in improving practitioners’ confidence in handling sex offence matters – between 79% and 86% of survey respondents agreed that the ILEP improved their confidence in handling sex offence matters. Between 96% and 100% of survey respondents indicated that they planned to apply the learning and skills they had obtained from ILEP, and 100% of all survey respondents and interview participants indicated that they would recommend the ILEP to others. Over half of survey respondents agreed that the ILEP had improved their confidence in engaging with victims of sexual assault.

Strengths of the model include the involvement of senior legal experts, the provision of professional feedback to participants and the multi-faceted structure of the program.

The Victorian Office of Public Prosecution (OPP) was funded in 2009 by the Legal Services Board to ‘lead and deliver an innovative legal training program that would take a collaborative multi-agency approach to interactive based training for prosecutors and defenders in sexual assault cases’. The ILEP is a pilot program of professional development and training which aims to address complex legal and procedural considerations affecting practitioners practising in the area of sex offences, thus improving the way sex offences are handled by the criminal justice system.

Synergistiq was commissioned by the OPP to undertake an evaluation of the ILEP as funded by the Victoria Law Foundation. The evaluation involved data collection activities address all three stages of the ILEP. The Stage 1 Online Learning Program was explored using registration and system data, and an online survey of participants. The Stage 2 face to face workshops were exploring using registration data, interviews with a sample of participants and presenters, surveys after each workshop and professional feedback forms completed by presenters. The Stage 3 courtroom de-brief was explored through interviews with participants in the de-brief session.

The evaluation found that stakeholder engagement and support has been a critical strength of the development and rollout of the ILEP, with strong support from practitioners from a range of backgrounds and levels of experience. The mix of practitioners at the workshops created a unique learning environment, and stakeholders articulated a strong need for continued professional development in this area.

The ILEP is an effective package, with individual stages that complement each other well but can also operate independently. The Online Learning Program is a user friendly and comprehensive learning tool, while the workshops provide a challenging and interactive approach to deepening skills and knowledge. The courtroom de-brief was highly valued by participants, and is a unique and innovative model that

Stakeholder engagement and support

- ILEP was successfully marketed through OPP and stakeholder networks
- ILEP grew out of intensive stakeholder engagement, enabling senior legal practitioners to be involved in both delivery and participation, acting as ambassadors for the program
- ILEP continued to generate a high level stakeholder support throughout implementation
- The participation of a mix of practitioners in the workshops resulted in a more effective and engaging training
- Continuing support for ILEP was demonstrated in increasing word of mouth and practitioners recommending it to others
- Strong support was articulated for future professional and skills based training options to address identified need for professional development for practitioners working with sex offences

ILEP effectiveness

- User friendly and comprehensive learning package
- Engaging and interactive workshops involving legal experts
- Professional feedback on skills and knowledge well received
- Content well pitched and targeted to the intended audience
- Different stages of ILEP can be used together or stand-alone

ILEP impacts

- Notable improvements in confidence in handling sex offence matters, understanding of legislation and procedure, and understanding of best practice cross-examination
- Some improvements to engagement and understanding of needs of victims
- High likelihood of application of skills and knowledge

The implementation of the ILEP has produced notable improvements in many areas, in particular in participants’ perceived improvements to their confidence in handling sex offence matters, understanding of legislation and procedure, and cross-examination and examination-in-chief. The ILEP has also shown promising results for improving participants’ confidence in engaging with victims of sexual assault, and understanding of their needs. Furthermore, the evaluation has found that there is a high likelihood that participants will apply the skills and knowledge they have obtained to their work.

The implementation of the ILEP has demonstrated a high level of stakeholder support for professional learning in sex offences, with a particular need for skills based training and professional feedback.
Recommendations

**Overall**
- That government build on the momentum of, and support for, the ILEP in the follow up to the pilot and pursue funding to enable continued delivery and development of the ILEP.
- That government canvass delivery options for the ILEP, such as through public-private partnerships and other collaborative approaches including engagement with stakeholders such as the Victorian Bar Association.
- That any future training build on the infrastructure and resources developed through the ILEP as a foundation for professional development in the area of sex offences.
- That consideration be given to using a similar format and structure for any future training, incorporating a combination of online resources with face to face, interactive work and feedback components.
- That the pitch of any future training mirror that of the ILEP, with different options for less experienced and more experienced practitioners.

**Online Learning Program**
- That government explore options for the Online Learning Program to be continued, with a commitment to regular updating of content. The reliability of the Online Learning Program, like any comprehensive resource, rests on the likelihood and frequency of updating, which is a resource intensive investment requiring dedicated funding from a legal and technical perspective.

**Face to face workshops**
- That government work with the Victorian Bar Association and other stakeholders to explore opportunities to continue a series of face to face workshops using the existing structures and foundations of the ILEP.
- That any future training continue to involve high level, senior legal experts in the participation, presentation and championing of the training so that stakeholder engagement and support continues to build.
- That any future training incorporate professional feedback from senior legal experts.
- That the online simulation be tested further to explore its effectiveness in conjunction with, and independent of, other training options such as workshops.

**Courtroom de-brief**
- That government continue to engage with senior legal experts in exploring options for regular and ongoing professional feedback, provided to practitioners in the context of trials and handling cases through a professional peer review based framework.
2. Introduction

Synergistiq was commissioned by the Victorian Office of Public Prosecution (OPP) to undertake an evaluation of the Sexual Offences Interactive Legal Education Project (ILEP). The aim of the ILEP is to improve the way sexual offences are handled by the criminal justice system (CJS), by:

- Promoting a best practice approach to advocacy and case preparation in sexual offence cases
- Increasing the knowledge, skills and confidence of prosecution and defence practitioners in relation to sexual offence cases
- Increasing awareness of the sexual offence legislative and procedural framework and improve consistency in the application of the legislation
- Increasing awareness, sensitivity and responsiveness to the needs and experiences of victims of sexual assault.

The ILEP incorporates three stages, as illustrated below:

- **Stage 1: Online Learning Program**
  - Modules covering the history of sex offence legislation and procedure, the needs of victims and their experience of the CJS, and specific areas of legislation and procedure
  - A supplementary manual
  - A quiz

- **Stage 2: Face to face workshops**
  - Covering topics such as avoiding appellable error, best practice cross examination, dealing with the evidence of adult victims, best practice cross examination of children, and conferencing.

- **Stage 3: Courtroom de-brief**
  - Providing participants with professional feedback provided by an experienced legal peer reviewer after completing a sex offence trial.

Synergistiq’s evaluation of the ILEP involved exploring each of the three Stages through surveying and interviewing ILEP participants and examining ILEP registration and system data.

This report provides the findings and analysis from the evaluation, and is structured as follows:

- Chapter 1: Executive summary
- Chapter 2: Introduction (this Chapter)
- Chapter 3: Background
- Chapter 4: What did we do?
- Chapter 5: What did we find?
- Chapter 6: What does this mean?
- Chapter 7: Conclusions and recommendations
- Appendices
- References
3. Background

Sex offences are a complex area of law, involving changing legislative and procedural requirements and vulnerable witnesses such as child and adult victims who have traditionally experienced negative outcomes as a result of their experience of the criminal justice system.³ Re-trial rates in this area continue to be high⁴, which places additional stress on victims and people who are accused of sex offences.

This has been an area of significant law reform, including a comprehensive review by the Victorian Law Reform Commission, which culminated 201 recommendations in 2004.⁵ One of these recommendations referred to training for practitioners working in the area of sex offences to support the reforms and to ensure that practitioners are able to respond to the complexity of sex offences and engage appropriately with victims of sexual assault.

The OPP was funded in 2009 by the Legal Services Board to ‘lead and deliver an innovative legal training program that would take a collaborative multi-agency approach to interactive based training for prosecutors and defenders in sexual assault cases’.⁶ The ILEP is a pilot program of professional development and training which aims to address complex legal and procedural considerations affecting practitioners practising in the area of sex offences.

Extensive consultation with key stakeholders provided the foundation of the ILEP, with new and innovative approaches included in the model.⁷ The ILEP combines online approaches with face to face, interactive approaches, and intensive feedback.

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⁶ Office of Public Prosecutions (2012), ibid.
⁷ Office of Public Prosecutions (2012), ibid.
4. What did we do?

4.1 Data collection activities

Our evaluation incorporated a range of data collection activities for the three stages of the ILEP.

**Stage 1: Online Learning Module**

Data collection for the Online Learning Program primarily involved two surveys and an examination of the Online Learning Program registration and system data.

An initial survey of participating stakeholders was undertaken immediately after they completed or participated in the Online Learning Program. This was followed up with a second survey conducted approximately two months later.

Additionally, during Stage 2 Workshop interviews, participants were asked about their experience with the Online Learning Program, including their overall experience of the Online Learning Program, their habits of use, their views on how the online program and the workshops complement each other, or for those who did not use the Online Learning Program, their reasons for not participating.

**Stage 2: Face to face workshops**

Immediately following the workshops, participants were requested to complete a survey relating to the workshop. For Workshops 1 and 2, this survey was online and distributed a few days after the workshop. For Workshops 3 and 4, participants were asked to complete paper surveys at the conclusion of the workshop. The workshop registration data was also examined.

In order to gain a more nuanced and in-depth understanding of the workshops, a sample of participants from all workshops were interviewed either in person or over the phone according to their preference. This occurred roughly one month after each workshop so that participants had the opportunity to practise and reflect on the knowledge and skills gained during the workshop.

Interview participants were selected through a targeted sampling approach to ensure that views from a range of practitioners could be gathered. A mix of practitioners from different agencies (VicBar, Victoria Legal Aid, Law Institute Victoria and the OPP) were engaged, along with practitioners who are involved in primarily prosecuting matters, primarily defending matters, and both. A mix of barristers and solicitors were engaged, as well as practitioners with a range of years of experience. A number of presenters from the workshops were interviewed about their impressions of the workshop they were involved with, in some cases commenting on the ILEP overall. A list of participants, including demographic information only, is presented at Appendix A.

Finally, feedback forms completed by presenters at one of the workshops were analysed for themes and high level findings. Presenters provided feedback on four criteria: knowledge of the law; preparation; communication and advocacy skills; and professional duties, behaviours and ethics.

**Stage 3 – Courtroom de-brief**

Data collection for the courtroom de-brief involved interviews with all participants, including the barrister receiving feedback, the expert legal peer reviewer, the facilitator, the judge presiding over the trial and another judge who provided feedback on the model. A total of five interviews were conducted.
Other data sources

Additional data sources for the evaluation include an interview with a key OPP representative and unsolicited feedback provided to the OPP about the ILEP.

4.2 Evaluation questions and outcomes explored

The evaluation explored three key evaluation questions:

1. To what extent is the ILEP achieving its short term outcomes?
2. To what extent are practitioners receptive to the content and goals of the ILEP?
3. To what extent is the format of the ILEP effective in engaging participants?

The expected outcomes of the ILEP model that were explored in this evaluation included that practitioners involved in the program increase their awareness of sexual offence legislative and procedural frameworks, that they report increased awareness of the needs of victims of sexual assault, and that they report increased knowledge, skills and confidence in handling sexual offence matters. The outcomes also included that participants are aware of and will engage with the ILEP, that they will recommend the ILEP to others, and that they plan to use or start to use their learnings from the ILEP.

4.3 Data considerations and survey response rates

The scope of the evaluation was not sufficient to include seeking approval from Victoria Police ethics, and as a result Victoria Police members were not included in consultations for the evaluation.

For Stage 1, 42 responses were received across the initial survey and the follow up survey. Out of the 145 participants sent invitations to complete the initial survey, 28 provided valid responses, giving a 19% response rate for that survey. Stage 1 follow-up survey invitations were sent to 130 participants, and 14 valid responses were received, giving an 11% response rate.

For Stage 1 survey analysis, comments are generally focused on the overall group of participants who responded to the Stage 1 and 2 surveys. However a small number of statements are made in this report that relate to the different responses of specific subgroups, such as comparing the responses of barristers to those of solicitors, or the responses of new practitioners to those of experienced practitioners. While this provides a more nuanced understanding of the data, it is important to remember that by examining subgroup within the overall group of respondents, the numbers in each subgroup become quite low and any differences should be considered as indicative only.

For the Stage 2 Workshop surveys, response rates were comparatively high, with 73 responses across the four workshops. The numbers of respondents for each workshop are:

- Workshop 1: 16 respondents (37% response rate)
- Workshop 2: 14 respondents (33% response rate)
- Workshop 3: 27 respondents (69% response rate)
- Workshop 4: 16 respondents (41% response rate).
Despite the higher response rates for the Workshop surveys, these nevertheless represent between 14 and 27 individual participants at each Workshop and therefore caution is still advised in interpreting their responses in isolation of other data.

In order to mitigate the impact of small sample sizes, several data collection methods were used, as described earlier in this Chapter. Using a process of triangulation in comparing data sources, our analysis builds a more robust picture of the ILEP program and its impact on participants.
5. What did we find?

This Chapter presents the findings from our data collection activities according to the particular ILEP stage to which they apply. In exploring these findings, this section follows key stages of the implementation of the ILEP, as illustrated in the diagram below:

The structure of this Chapter is as follows:

- Stage 1: Online Learning Program
- Stage 2: Face to face workshops
- Stage 3: Courtroom de-brief
- How well did the different stages work together?

5.1 Stage 1: Online Learning Program

The Online Learning Program was a comprehensive manual on sexual offences, designed to be used as a practical guide to assist practitioners in case preparation. The Online Learning Program addressed legislation, information about victims and accused, and conferencing. There were a range of references included in the Online Learning Program, such as legislative tables and links to relevant sites, and it also included a quiz at the end for practitioners to test their knowledge of the content. The quiz comprised 20 multiple choice questions on court procedure, legislation and offences.

The Online Learning Program was explored through system and program data, an initial survey of participants and a follow up survey, and comments made through workshop interviews. Unless otherwise specified, survey data relates to the initial survey of participants. Follow up survey data is only presented where these findings were different to the initial survey.

**Promotion and engagement of participants**

**Who participated?**

379 users had registered for the Online Learning Program at 7 November 2012. However, of these, around one third had been assigned a registration but had not actually entered the Online Learning Program. Nevertheless, 262 users were classified as ‘in progress’ or ‘complete’ at 7 November 2012.
For this evaluation, those who registered but were still in the ‘assigned’ category at 7 November 2012 are not considered Online Learning Program ‘participants’. The word ‘participants’ is be used to refer to those who registered and were either ‘in progress’ or had completed the online program by 7 November 2012.

One third of all participants for the Online Learning Program were members if Victoria Police (n=80). A further 24% registered with a Vic Bar email address (n=64), 15% registered with an OPP email address (n=45) and 6% registered with a VLA email address (n=17). The remaining 21% of registrations are categorised as ‘unknown’ or miscellaneous. Several Online Learning Program participants used personal emails such as ‘bigpond’ or ‘gmail’, and so have been classified as ‘unknown’.

*Figure 1:* Registration status by organisation

For most agencies, excluding VLA, just over half of those registered were ‘in progress’, meaning they had logged on to the Online Learning Program but not yet completed all the components, including the quiz. The agency with the highest completion rate was VLA, with 62% (n=16) of those who registered with a VLA email address completing the Online Learning Program.

Respondents who completed an initial survey for the Online Learning Program were asked how long they had been practising for. Figure 2 illustrates the range of experience that participants brought to the Online Learning Program.
One third of respondents to the initial Online Learning Program survey (n=9) had less than five years of experience, while almost one fifth (n=5) had over twenty years of experience.

Survey respondents also were asked whether they primarily prosecute or defend matters, or both. A little over half of respondents to the initial survey (n=16) indicated that they primarily prosecute matters. A quarter (n=7) stated that they primarily defend matters, while just under a fifth (n=5) stated that they prosecute and defend matters.

Half of all initial survey respondents (n= 14) indicated that they deal with a new sex offence matter at least once a week, and almost all respondents indicated that they deal with a new matter at least once every 6 months. All OPP respondents stated that they deal with a new sexual offences matter at least once a week.

Exactly half of the respondents to the initial Online Learning Program survey had previously completed specific training relating to sexual assault, and half had not. A much larger proportion of OPP solicitors than barristers had completed previous training relating to sexual offences. Examples given of previous training included in-house training at the OPP for OPP solicitors, and Continuing Professional Development (CPD) training sessions run through the Vic Bar and through the OPP for the barristers.

**How they found out about it**

To market the ILEP, the OPP engaged a number of strategies. Certain participants were contacted directly by email, and the OPP website advertised the program, as did the Law Institute of Victoria’s journal. Fliers were put up in barristers’ chambers, and many participants found out about the program through speaking with friends and colleagues. Feedback from a key representative of the OPP highlighted the importance of high level stakeholders in the lead up to the ILEP and in its implementation, noting that intensive stakeholder engagement had occurred which involved senior legal representatives as ambassadors to the program. The OPP also organised a high profile launch for the ILEP, including representation from key senior stakeholders such as senior legal practitioners, members of the judiciary and politicians.

Respondents to the Online Learning Program initial survey explained how they found out about the ILEP’s online learning program. The following graph shows the percentage of respondents who found out about the Online Learning Program through the various means.
Figure 3: How participants found out about the ILEP

Figure 3 illustrates that approximately a third of survey respondents (n=9) found out about the ILEP through the direct email sent by the OPP, and an additional two respondents found out through the OPP website. Almost one fifth of respondents (n=5) found out about the ILEP through a friend or colleague. Those who found out through ‘other’ means provided further information, stating that they learnt about the ILEP through the Vic Bar website, through the Herald Sun, and even through a DPP visit to the United Kingdom.

**Depth of engagement**

As illustrated earlier in this section, whilst a large number of users had registered, one third had not actually entered the Online Learning Program, just over half were categorised as ‘in progress’, and one in seven were categorised as ‘complete’, meaning that they had completed the quiz. The quiz comprised twenty multiple choice questions on a range of topics such as legislation and procedure, and users could complete the quiz more than once. For the 40 users who completed the quiz, the average quiz result is high, at 89% for the twenty questions asked of respondents.

Participants were generally more likely to give correct answers to questions about procedure. For the questions on tendency and coincidence, committal proceedings, jury directions for example, over 80% of respondents answered correctly. For the question on prosecutor conferencing, all 78 participants who responded got this question correct.

The question that most participants answered incorrectly, was the question about the ‘Crimes Act 2006’. For this question, only 66.25% of the 80 respondents\(^8\) answered the question correctly. It appears that there may have been some initial confusion about the purpose of the quiz and the use to which the results will be put. In workshop interviews, a number of barristers noted that there was some suggestion that practitioners would not receive briefs from the OPP for sexual assault matters if they do not score well on the quiz.

The system data presented in Figure 4 illustrates the length of time spent in the Online Learning Program.

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\(^8\) This figure is higher than the number of users who completed the quiz, as users could do the quiz more than once and so questions were often answered more than once. Additionally, it may be that some users started but didn’t finish the quiz, and their responses would also be included in the higher numbers for individual questions.
Figure 4: Length of time spent in the Online Learning Program

Figure 4 excludes users who have spent less than a minute in the Online Learning Program, and demonstrates that a small number of users (n=18) spent over five hours in the system.

A number of workshop interview participants spoke of their experience of the Online Learning Program. For some, it was not a lack of interest but a lack of time which prevented them from accessing the Online Learning Program. Time was also a factor for those who did undertake the Online Learning Program, with many not yet making it all the way through, and several choosing to complete a section at a time:

I did it in roughly 2-3 hour chunks; I did a whole module at a time (I didn’t want to stop half-way through a module). I’m not even finished it completely yet...I’ve probably spent 5-6 hours on it so far (Participant)

That said, interviewees also noted that being online meant that participants could access it in their own time, when convenient.

Relevance

Respondents to the Online Learning Program initial survey rated how relevant they found each component of the Online Learning Program, as presented in Figure 5.
The highest rating component was the section on ‘Trial and Evidentiary Issues’, which all respondents found to be either relevant or very relevant. ‘Legislative Reference Tables’ and the component on ‘Post Trial’ issues also rated highly for relevance.

The positive response to the Online Learning Program material was reflected in many of the interviews conducted for this evaluation. As mentioned above, while some interviewees felt the material took a long time to get through, many considered that the Online Learning Program gave a good overview of the subject matter. Indeed, several participants indicated that it would be good to have similar programs for other areas of law, not just sexual assault.

**Content, format and layout**

Respondents to the Online Learning Program initial survey rated the various components in relation to how engaging and well-structured they felt it was.

*Figure 6: Agreement ratings for content, format and layout*
All respondents either agreed or strongly agreed that the material was presented in a logical order and that the online nature of the program was appropriate. Feedback received in the workshop interviews echoed this point.

*I’d say the manner of presentation is a big strength. (Participant)*

Several participants stated that it was pitched at the right level, and spoke highly of the layout and structure. 36% (n=20) of respondents agreed or strongly agreed that they find face-to-face and other mediums more engaging than online trainings.

Not all those interviewed agreed however, with some expressing the view that the material took a long time to get through, that it was a good summary but did not go into great depth, and that it would have been useful to be able to print the material.

*For me there was a lot of stuff that I already knew, it was everything that you teach to a beginner about how a criminal trial works. It’s difficult to pitch it but you could have some sort of way to present more sophisticated option[s]. I was able to skip through though. (Participant)*

Almost all survey respondents found the program material to be engaging, and roughly 9 in 10 believe that the test questions accurately assessed their understanding of the subject matter.

Similar views were expressed in interviews, with most interviewees who had completed the Online Learning Program speaking very positively about the materials, and some mentioning that they have referred back to it since completing the program.

*The educative component (the materials) are fantastic. It’s a great resource to go to now even. (Participant)*

**Success factors**

The success factors for the Online Learning Program appear to be the structure in which the material is presented, which appears to be logical and user friendly, allowing participants to navigate easily. This was illustrated by the results relating to the content and layout of the program.

The accessibility also appears to be a strength, with practitioners able to access the Online Learning Program in their own time and approach it in whatever way suits them best. For instance, some interview participants talked about sitting down and doing the Online Learning Program module by module, in order to get through the large volume of material. The online nature of the program also means that practitioners in regional areas can access it.

The comprehensive nature of the Online Learning Program also appears to be a strength, with participants noting that it provided all the relevant information for someone involved in sex offences. In particular it appears that the Online Learning Program is suited to newer practitioners, to be used as an introductory manual and reference.
Outcomes

A number of outcomes were explored through surveys of Online Learning Program participants. Respondents were asked to rate their agreement with a number of statements to assist in determining the impact of the program. Respondents rated the extent to which they agreed that the Online Learning Program had improved their:

- Confidence in handling sex offence matters
- Confidence in engaging with sexual assault victims and complainants
- Awareness of the needs of sexual assault victims and complainants
- Awareness of sexual offence legislation and procedure
- Understanding of sexual offence legislation and procedure.

The figures that follow illustrate the comparative agreement results for each of these five outcomes. Results relevant to working with victims and complainants of sexual offence matters are considered separately to responses relating to handling of matters and legislation and procedure.

Figure 7: Handling sexual offence matters and legislation and procedure

All three of these outcomes rated very highly, with almost all respondents (n= 25) agreeing or strongly agreeing that the Online Learning Program improved their understanding of sexual offence legislation and procedure. Three respondents disagreed that the Online Learning Program improved their awareness of legislation and procedure. The less frequently respondents take on new sexual offence matters, the more they rated their improvement in confidence to handle sexual offence matters. Respondents agreed more that their understanding of the legislation and procedure improved than their awareness of the legislation and procedure.
Slightly over half agreed or strongly agreed (n=14) that the Online Learning Program improved their confidence in engaging with sexual assault victims and complainants. The less frequently respondents take on new sexual offence matters, the more they rate their improvement in confidence to engage with sexual assault victims and complainants.

New practitioners were more likely than experienced practitioners to agree that the Online Learning Program improved their confidence in engaging with victims and complainants of sexual assault, and that the Online Learning Program had improved their understanding of the needs of sexual assault victims and complainants. Solicitors were more likely than barristers to agree that the Online Learning Program increased their awareness of the needs of sexual assault victims and complainants, and increased their confidence in engaging with victims and complainants of sexual assault.⁹

**Application of knowledge and continued use of resources**

Online Learning Program initial survey respondents were asked to indicate how likely it was that they would apply what they learnt.

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⁹ It is important to remember, that given the low numbers of survey responses, commentary on characteristics of sub-groups of respondents is not statistically reliable.
All respondents agreed or strongly agreed that they planned on using the resources provided by the course in their work. Almost all respondents agreed or strongly agreed that the material was relevant to their work and that they plan on applying the knowledge gained from the course in their work.

While many of those interviewed agreed that they found the resources useful and had already referred back to it, others stated that they have since run trials and have not yet used the Online Learning Program material.

In two workshop interviews, participants felt that a lot of the Online Learning Program material duplicates material available in the Judicial College of Victoria’s (JCV) Criminal Charge Book. Discussions with the OPP reflected that during the development of the ILEP, the OPP conducted a thorough comparison of JCV and ILEP content to ensure that the ILEP was targeted and not overly duplicative in its focus. Some material overlaps, however the purpose, content and audience of the JCV Charge Book and the ILEP Online Learning Program are different, and the ILEP includes more practical examples. The Online Learning Program references the JCV Charge Book, and the OPP obtained written permission from JCV to do so.

The follow-up Online Learning Program survey re-visited a number of concepts with respondents. Half of respondents to the follow-up survey (n=6) had already discussed what they learnt with others, and half (n=7) had also returned to the online system to access resources, the supplementary manual, links and to complete the quiz. Resources and the supplementary manual were the most popular reasons why Online Learning Program follow-up survey respondents returned to the online program.

**Recommending to others**

Respondents to the Online Learning Program initial survey were asked if they would recommend it to others. All 26 respondents to this question answered that they would recommend it, and indicated the people to whom they would recommend it, as presented in the Figure 10.

**Figure 10: Who would you recommend the Online Learning Program to?**

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10 Given the small number of responses to the follow-up survey, caution should be used in interpreting these results in isolation from other data sources.
As illustrated above, respondents indicated they would recommend the Online Learning Program to a range of practitioners, primarily barristers, solicitors and Victoria Police.

Of the follow-up survey respondents, 8 out of 12 had already recommended the Online Learning Program to other people. Three of the four respondents who indicated that they had not recommended the Online Learning Program to others explained that they had not yet had a relevant occasion to recommend it, the people they would have recommended it to would have already known about it, and that they have discussed it but not explicitly recommended it.

5.2 Stage 2: Face to face workshops

Four face to face workshops were held in May and June 2012. The workshop titles were as follows:

- Workshop 1: Strategies for best practice preparation of a sexual offence trial and the avoidance of appellable error
- Workshop 2: Dealing with the evidence of adult sexual offence victims and best practice examination-in-chief and cross-examination
- Workshop 3: Dealing with the evidence of child sexual offence victims and best practice examination-in-chief and cross-examination
- Workshop 4: Best practice conferencing of sexual offence victims and accused charged with sexual offences.

The workshops each had a capacity of approximately 40 participants, with 163 practitioners attending the four workshops in total.

The workshops were explored through registration data, surveys of workshop participants, and interviews with participants and presenters.
Promotion and engagement of participants

Who participated?

Between 39 and 43 participants attended each workshop, with many participants attending more than one Workshop.

Figure 11 below illustrates participants who attended each workshop, according to their agency. This has been generated from the registration data for each workshop.

*Figure 11: Workshop attendance by agency type*

![Bar chart showing workshop attendance by agency type]

The majority of workshop attendees were members of the Victorian Bar, followed by solicitors from the OPP.

Workshop survey respondents were asked a number of questions about their work and experience, which are considered to be reasonably representative of the broader group of workshop attendees given the high response rates for the surveys.

When asked whether they are primarily involved in prosecuting matters, defending matters, or both, there was a reasonable spread at each workshop, with 41% primarily involved in prosecuting, 26% primarily involved in defending, and 28% involved in both. Those who mainly defend were much less represented in Workshops 2 and 4 than those who do both.

Workshop survey respondents represented a range of levels of experience with respect to years of practice. Figure 12 illustrates this range.
Across all workshops, a third of survey respondents (n=25) had five or less years of experience, a further third (n=25) had between six and ten years of experience, and one in ten (n=7) had over twenty years of experience.

As with the Online Learning Program survey respondents, almost all of the workshop survey respondents take on new sexual offences matters between at least once a week and at least once every six months. 27% (n=19) of respondents take on a new sexual offence matter at least once a week. For the OPP respondents, all but one took on new sexual offence matters at least once every week or month.

Forty-two percent (n=30) of workshop survey respondents indicated that they had done previous professional development training in sexual offences. Most of the OPP respondents had completed previous sexual offences professional development training, while 64% of the barristers had not. The most common examples of previous sexual offences professional development included internal OPP training sessions, Criminal Bar Association training sessions and other OPP training sessions.

Excluding participants from the first workshop11, around half of all workshop survey respondents (n=27) indicated that they had attended more than one workshop. Furthermore, 80% of survey respondents (n=45) indicated that they planned on attending future workshops.

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11 Participants from Workshop 1 were not asked if they had already attended more than one workshop, given that this workshop was the first of the four to be held.
How did they find out about it?

Figure 13: How participants found out about the ILEP

Direct email notification was the means by which the largest number of workshop survey respondents found out about the workshops. With the exception of Workshop 1, as time passed, more respondents attended the workshops after hearing about the program through colleagues, and at least one respondent from each agency had heard about the workshops through a colleague. Most of those who learnt about the workshops through the OPP website were barristers.

We wanted a spread of our staff to go so that many of us could benefit from the professional development experience. Skilling up relevant staff was a key consideration in the choice of who went. (Participant)

Overall, there appears to have been great interest in the workshops and enthusiasm from different organisations encouraging their practitioners to attend. One interviewee noted that the ILEP is ‘in all the publications these days’, and that ‘everyone doing sex cases are talking about it’. As places were limited, some participants indicated that they were not able to attend as many workshops as they would have liked, with some agencies nominating attendees.

Depth of engagement

It’s not like a lecture; it’s like a master-class, which is a great teaching tool. (Participant)

Many interviewees commented on the need for the workshops, because of the complexity of sex offences, the change in the law that has taken place, the importance of giving practitioners the opportunity to practise and receive feedback, and the need for skills based training. The goal of improving what happens at court by reducing appeals and delays was also noted, as well as improving the way the system operates from a prosecution and defence perspective. One presenter commented that she felt some practitioners believe that sex offences are straightforward, and that in reality it’s very complex.

They’re an absolutely different breed of matter; they’re intense, the law’s complicated, and the clients and the witnesses are complicated. It’s an area in which you’re often dealing with children. It’s high stakes work and it’s always hard fought. (Participant)
The survey and interview data for the workshops illustrate a high level of engagement of participants. Figure 14 below illustrates the extent to which survey respondents agreed that the format of the workshops were engaging.

Figure 14: Extent to which survey respondents found the format of the workshops to be engaging

Most survey respondents from each workshop agreed or strongly agreed that the format of the workshop was engaging. Only two respondents disagreed or strongly disagreed about this; from Workshop 1 and 3. Participants and presenters interviewed commented that on the whole people were enthusiastic, engaged, supportive, and participated actively. A number of interviewees commented that to receive feedback from experienced practitioners and judges was an opportunity that they rarely get. The level of engagement and support is again demonstrated by the comments from interviewees that the workshops were hard to get into and places filled quickly. Interviewees also commented that it’s hard to keep practitioners engaged after a long day in court, but that they felt the workshops successfully achieved this.

Relevance

Workshop survey respondents rated the extent to which the workshop they attended was relevant to their work, as presented in Figure 15.
All survey respondents from workshops 1 and 4 rated the workshop as either quite or very relevant to their work. For Workshops 2 and 3, almost 9 out of 10 respondents stated that the workshop they attended was either quite or very relevant, and no respondents saw any of the workshops as not relevant to their work. This was reflected in the workshop interviews, with most interviewees considering the workshops to be relevant to their work. Generally, the more frequently participants take on new sex offences matters, the more relevant they found the workshops to be.

**Content, format and layout**

The content, format and layout of the workshops were appropriate for the purposes of the activities and presentations. Survey respondents were asked to rate their level of agreement regarding the extent to which they find face to face workshops to be an appropriate mode of professional development. All or almost all survey respondents from each workshop agreed or strongly agreed that face-to-face workshops are an appropriate method of presenting professional development.

**Pitch**

A number of interviewees commented on the pitch of the workshops. Most interviewees felt that even practitioners with many years of experience would benefit from the workshops (especially Workshop 2). Some felt that participants should have a certain level of experience to benefit from them. Most felt that only practitioners involved in sex cases should attend.

**The timing, size and duration of workshops**

Time was considered the biggest limitation by a number of interviewees, who noted that a longer session would have allowed for more questions to be asked, more scenarios to be considered and so on. However, those same interviewees also recognised the need to balance resources and the difficulty in finding time for busy practitioners. Overall, interviewees felt the timing and pace of the workshops was good.

*It was fast paced and fast moving, no dead time - a good way to handle the workshop.*

*(Participant)*
A number of interviewees also noted that smaller group discussions were more beneficial and allowed for more people to participate. Some interviewees commented that discussions were sometimes dominated by more confident practitioners, that at times only one or two participants per table had the opportunity to do the role-play, and that smaller groups might create a more comfortable setting for feedback.

While it was good to have the mix of people and opinions, there were some people on our table who did not offer anything, and part of that was because on a table with 8 to 10 barristers, there are always going to be some who lead or even dominate the discussion. (Participant)

The realistic environment

A number of factors were considered to be helpful in making particular workshops more realistic. The courtroom setting from Workshop 2 was seen as conducive to a feeling of realism, whereas the venue of Workshop 3 detracted from the experience as some could not see the front, and role-play participants had to face away from their lecterns.

The quality of those acting as witnesses, particularly in workshop 3, was also seen as a big contributing factor to the sense of realism.

The solicitors who played the roles of the witnesses were magnificent. I don’t know what they were told but they’d clearly been given instructions to do certain things. For example, to be evasive when asked a certain question etc. It felt real and the feedback was invaluable. (Participant)

One interviewee who played the part of a witness felt that others would also benefit from that experience, as a way of assisting practitioners to understand the system from the perspective of their clients.

Resources and materials

Several of the workshops involved resources and required some preparation in advance. Most of the comments made by respondents on these resources were positive, including that the problems and scenarios were thoughtful and realistic. The Workshop 1 materials were felt to be comprehensive and a good supplement to the JCV manual, but one interviewee commented that they could have been more user-friendly.

The preparation material was considered to be important, and while it was commented that most participants were prepared, some were less so and this impacted their experience.

Workshop 3 – Online simulation

Workshop 3 included an online simulation, which involved the use of a computer generated avatar and multiple choice questions regarding cross-examination of child witnesses. The online simulation was one of the more pioneering aspects of the ILEP and was intended to give participants the opportunity to practise their skills at a convenient time and in a non-intimidating environment.

Although it was intended that this simulation be available to participants prior to the workshop, technical issues meant that it did not become available until after the workshop had taken place. This changed the function of the simulation from being something which raised questions in participants’ minds and got
them thinking about the subject matter, to be more of a reinforcement of what was learnt during the workshop.

If I’d done the simulation before the workshop, I would have gotten many of the questions wrong, and I would have been pondering ‘why was I wrong?’ And for me that would’ve been a good thing for me ... I would have been turning it over in my mind, and gone into the workshop full of curiosity. (Participant)

Nevertheless, interviewees who had completed the simulation appreciated the opportunity to validate and reinforce what they had learnt at the workshop.

One interviewee indicated that limiting participants’ input to selecting from multiple-choice questions was limiting in that participants couldn’t generate their own responses entirely, but understood that this was an inherent part of a computer program.

Although the interviewees understood it to be a simulation, the fact that the avatar was not seen to be realistic elicited a variety of responses. One commented that it was as realistic as it could have been, and another explained that he was not expecting it to be ‘super real’. Others described the image as ‘almost robotic’ and explained feeling distracted by the image. Some of the interviewees compared the simulation to the realism of Workshop 3’s role-play, which had real humans in a court context, stating that they preferred the face-to-face.

**Success factors**

A number of factors appeared to have contributed to the success of the workshops, including the mix of attendees, the quality of the presenters, the opportunity to receive and provide feedback, and the interactive nature of the exercises.

**Mix of attendees**

The broad mix of participants was one of the most prevalent themes in the workshop interviews, with almost every interviewee commenting very positively on this mix. Comments included that they learnt a lot about the needs and considerations of ‘the other side’, in what was a supportive and collegiate environment. Interviewees felt that this mix allowed for collaboration and a fuller exploration of the law.

Seeing their application of the law to the scenarios in the workshop environment exposed us to a side of the law that we wouldn’t normally see; particularly the preparation side from the defence perspective.... (Participant)

Interviewees felt they gained a greater understanding of the perspective of others, which they felt would then improve their practice and their ability to support witnesses, clients and victims. Furthermore, interviewees commented that it put all sorts of practitioners in the same room, working towards the same goal.

There’s no idea of ‘us and them’, rather it’s ‘let’s all work together and use the resource, attend the training, come together over these issues’ (Presenter)

The content was considered to be well balanced in terms of a focus on prosecution and defence.
Presenters

As mentioned earlier, the ILEP grew out of intensive stakeholder engagement. Because of this approach, the ILEP was able to involve senior legal representatives as participants in the ILEP, as presenters, and also as ambassadors. The quality of the presenters emerged as a strength of the workshops, which was made possible because of the approach to stakeholder engagement taken by the OPP.

Interviewees all spoke about the strength of the presenters at each workshop, with strong praise for the involvement of judges and senior practitioners. Interviewees felt that the involvement of respected and experienced judges and practitioners was a key reason for the success of the workshops, and critical in the feedback process. Interviewees commented that lawyers very rarely have the opportunity to interact with judges in this way, and they highly valued this.

Not only were the judges a big highlight for people who actually did attend, because of their knowledge and skill, but they may also have been part of the attraction for people in registering for the workshops.

After work workshops are difficult especially with work commitments. It was an incentive to say ‘You can't blow this off’, you don't get that opportunity to get so close to a judge usually. (Participant)

The role and expertise of the facilitators drew some mixed feedback, with interviewees commenting that in some instances a lack of experience in the area was a drawback, and that this contributed negatively to the workshop.

Feedback

Presenters provided feedback to participants on their performance in Workshop 2 on four criteria: knowledge of the law; preparation; communication and advocacy skills; and professional duties, behaviours and ethics. Given the nature of the interactive exercise, most comments were provided on the criteria of communication and advocacy skills. Feedback was provided on a range of issues relating to structure, simple and clear questioning, manner, and leading questions.

Presenters providing feedback commented on the manner of participants, supporting the participants’ empathetic and unaggressive approaches and criticising unnecessary aggression. Presenters provided feedback to some participants about needing to ask questions that are clear, simple, and contain a single proposition only. Some participants appeared to ask leading questions, and others appeared to miss particular lines of questioning, according to the feedback. Comments were also provided around the pace of examination and cross examination, and a number of positive comments were made regarding participants’ ability to take feedback and then modify their approach.

One interviewee noted that some of the feedback criteria were more extensive than the material covered in the workshops. This is also indicated in some of the responses in the feedback forms provided.

Interviewees highly valued the opportunity to receive constructive and positive feedback from their peers, and from experienced judges and practitioners. Interviewees noted that there are little, if any, opportunities for feedback on practice.

It was great to have the opportunity to have feedback in a friendly environment from judges on our evidence techniques. There's no opportunity for that in courtroom or even social context – from judges especially, but also our peers (Participant)
Participants felt that the environment was supportive and friendly, and the feedback was helpful, relevant and practical. They valued the opportunity to discuss approaches with peers based on realistic, mock scenarios. One interviewee felt that participants really took on board the feedback provided.

I was incredibly excited to have that interaction with Judge [    ]. The structure was good in terms of feedback, which was really helpful. She gave quite practical help and tips regarding cross examination. I thought the participants really took on board the comments. (Participant)

One presenter noted the importance of allowing this feedback to be provided in a way that doesn’t result in participants losing confidence. Some interviewees noted that it was largely the more confident or senior practitioners who participated. One presenter noted that repeating the same scenario after feedback had been provided would allow participants to put into practice what they learnt.

The direct feedback from a judge was one of the best parts about it, and that’s why I think phase 3 would be such a valuable opportunity. (Participant)

Interactive nature

Interviewees enjoyed the opportunity to actively participate using realistic scenarios and practical exercises. They felt an interactive approach was better than a lecture or passive presentation, and the focus on practical skills was relevant. One interviewee noted the importance of the opportunity to practise, in a realistic environment, but where the client isn’t in the back of the courtroom with his/her livelihood at stake. Interviewees noted that there are not many opportunities for practitioners to practise the skills and receive feedback.

Interviewees who attended multiple workshops commented that some workshops were more practical and interactive than others, with workshop 2 being seen as more practical and interactive than Workshops 3 and 4.

The questions were seen as realistic and serious, meaning they were engaging and relevant to practitioners who work in the field. Interviewees also spoke very positively about the resources, such as the case summaries provided.

The problems were bowel-clenchingly difficult … The problems were thoughtful, and pitched at those who we were - by in large not novices. They generated a lot of good discussion and better understanding of the topic. (Participant)

Outcomes

As with the Online Learning Program, a number of outcomes were explored relating to the impact of the ILEP, and participants were asked to rate their agreement with a number of statements on these outcomes. Survey respondents rated the extent to which they agreed that the workshops had improved their confidence in handling sex offence matters and their confidence in engaging with sexual assault victims and complainants. Further to this, questions were included that addressed the particular focus of each workshop.
Confidence in handling matters

The figure below illustrates survey results relating to whether the workshops increased participants’ confidence in handling sexual offence matters overall.

Figure 16: Improved their confidence in handling sexual offence matters

The majority of respondents for each workshop indicated that they agreed or strongly agreed that the workshop improved their confidence in handling sexual offence matters. Workshop 2 elicited more mixed results, with a larger proportion of respondents appearing ambivalent but also a larger proportion strongly agreeing with the statement. Overall, the level of agreement across all workshops was very high.

In the interviews, some participants noted that they felt they had developed a greater understanding of particular areas of the law, and best practice cross examination. One interviewee, for example referenced a comment made by another participant in the workshop who said that he was able to draw more information out by being ‘nice to the witness’.

Confidence engaging with victims

The figure below illustrates survey results relating to whether the workshops increased participants’ confidence in engaging with victims and complainants.
In relation to the extent to which workshops improve respondents’ confidence in engaging with sexual assault victims, Figure 17 above illustrates some mixed results for the workshops.

While Workshop 3 produced the largest proportion of respondents who agreed or strongly agreed that the workshop improved their confidence in engaging with victims of sexual assault, a larger proportion of respondents from Workshop 2 participants strongly agreed that the workshop improved their confidence in that respect, than respondents from any other workshop.

Some interviewees noted that the workshops helped them in understanding the needs and considerations of victims and clients, and reinforced the need to consider this in conferencing and advocacy. One interviewee said that guidance on conferencing was important, and that the workshop provided something along the lines of ‘sensitivity training’, which they felt was helpful. One participant also noted that she felt this would also be helpful in work in non sex cases, in understanding the needs and perspectives of clients and victims.

**Workshop 1: Strategies for best practice preparation of a sexual offence trial and the avoidance of appellable error**

The focus of Workshop 1 was best practice preparation and avoiding appellable error, and so had a particular focus on understanding of legislation and procedure and appropriate preparation of a sex offence case. Workshop survey respondents were asked to rate their level of agreement with two statements: that the workshop improved their understanding of strategies for best practice preparation of a sexual offence trial, and that the workshop improved their confidence in the avoidance of appellable error.
Figure 18: Improved their understanding of strategy for best practice preparation and confidence in the avoidance of appellable error

Figure 18 above illustrates that 81% (n=13) of respondents agreed or strongly agreed that the workshop improved their understanding of strategies for best practice preparation, and 88% (n=14) agreed or strongly agree that the workshop improved their confidence in avoiding appellable error.

Interview feedback about Workshop 1 reflected the very positive survey responses. All interview participants highly valued the opportunity to hear from the presenters, and comments indicated that participants learnt a lot from the workshop.

*It has given me a greater understanding of many specific aspects of the law, and has changed the way I will operate; it has helped identify the different areas we should look at in a different way. For example, the hearsay provisions are often things we worry about when we get to court, but thanks to the workshop, I’ll now be thinking about those provisions and planning with them in mind from much earlier on during case preparation.*

(Participant)

**Workshop 2: Dealing with the evidence of adult sexual offence victims and best practice examination-in-chief and cross-examination**

The focus of Workshop 2 was on dealing with the evidence of adult victims of sexual offences and best practice examination-in-chief and cross-examination. This workshop was held in the County Court and was very interactive. Workshop survey participants were asked to rate their agreement with statements regarding their confidence in dealing with adult victims and their understanding of best practice examination-in-chief and cross-examination.
Workshop survey respondents demonstrated strong support for both of statements illustrated in Figure 19, with 86% of both (n=12) agreeing or strongly agreeing that the workshop improved their understanding of best practice examination-in-chief and cross-examination, and confidence in dealing with the evidence of adult sexual offence victims. More respondents strongly agreed with the statement regarding examination and cross-examination as compared to the outcome relating to dealing with the evidence of adult victims.

Interviews with workshop participants and presenters illustrated the value of using the courtroom environment, which created a realistic context for feedback and practising of skills. This was considered an important part of Workshop 2.

**Workshop 3: Dealing with the evidence of child sexual offence victim and best practice examination-in-chief and cross-examination**

Workshop 3 had a similar focus to that of Workshop 2, however in this case participants were asked to consider cross examination and examination of child victims of sexual offences.

### Figure 20: Dealing with the evidence of child sexual offence victims, best practice examination-in-chief and cross-examination
Figure 20 above again illustrates a positive result regarding workshop participants’ perceptions of their improvements in understanding best practice examination-in-chief and cross-examination, and in dealing with the evidence of child sexual offence victims. Similarly to Workshop 2, results were somewhat stronger for cross-examination and examination-in-chief as compared to dealing with the evidence of child sexual offence victims, but the differences between the two are small. 14 respondents (93%) agreed or strongly agreed that the workshop improved their understanding of best practice examination-in-chief and cross-examination, with the remaining respondent indicating a neutral response. 12 respondents (80%) agreed or strongly agreed that the workshop improved their confidence in dealing with the evidence of child victims, with three respondents being neutral on this point.

Speaking of how much they learnt during Workshop 3, one participant commented,

I had prepared some questions before the workshop, then after the lecture I changed about 80% of what I was going to say because of what was said during Judge [ ]’s speech. (Participant)

Workshop 4: Best practice conferencing of sexual offence victims and accused charged with sexual offences

Workshop 4 addressed conferencing of victims and accused charged with sexual offences, and the outcomes specific to this workshop are presented on the following page.

Figure 21: Understanding of best practice conferencing of victims and accused

<table>
<thead>
<tr>
<th>Question</th>
<th>N/A</th>
<th>Strongly disagree</th>
<th>Disagree</th>
<th>Neither disagree nor agree</th>
<th>Agree</th>
<th>Strongly agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tonight’s workshop improved my understanding of...</td>
<td>7%</td>
<td>46%</td>
<td>43%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tonight’s workshop improved my understanding of...</td>
<td>4%</td>
<td>39%</td>
<td>57%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 21 again illustrates strong results for Workshop 4, with almost all workshop survey respondents agreeing or strongly agreeing that the workshop improved their understanding of best practice conference of victims (n=13) and accused (n=14). The results were slightly stronger on the statement relating

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12 This percentage excludes a number of ‘skipped’ responses for this question, and only relates to the 15 actual responses to the question.
specifically to conferencing accused, as compared to conferencing victims, however the differences are small.

**Application of knowledge and skills**

Workshop participants responded positively when asked how likely they were to apply the knowledge and skills they had developed in the workshops. Figure 22 below illustrates this point using the workshop survey data.

*Figure 22: Planning to apply the knowledge gained at the workshops*

Almost all respondents agreed or strongly agreed that they planned to apply what they had learnt at the workshop in their work. Similarly, interview participants almost all felt they were likely to apply the knowledge and skills they have obtained, dependent on whether or not they were likely to be involved in a sex offences case in the future. A number noted that they already had used the knowledge gained.

Some interviewees had used it directly, such as a barrister who had used his notes from the workshop to refresh his approach for an upcoming sex trial, while others felt the benefits of the workshop would be used in more general ways.

*I won’t ‘use’ it per se – it’s not something that I will actively and deliberately use at certain moments (Participant)*

Participants also noted the impact of the workshop on their understanding of other parties in disputes, in a way which creates a more efficient process.

*It will definitely impact my understanding of their (defence) decision making, and what pressures they’re facing. That'll help me prepare information that directly addresses their pressures. It’s a way of making things more streamlined. (Participant)*


**Recommending to others**

Every workshop survey respondent and interview participant agreed that they would recommend the ILEP program to others. Almost all workshop survey respondents would recommend the ILEP to barristers, and half of respondents from each workshop would recommend the program to solicitors.

All interviewees said that they would recommend the workshops to other practitioners, but there were mixed views about who would benefit most from the workshops. Many interviewees thought most practitioners who have any involvement in sex cases would benefit. Some felt that barristers would benefit more than solicitors, and many noted that both sides (prosecution and defence) should attend. Some interviewees felt participants should have at least some experience before attending, and a number mentioned that practitioners with a lot of experience would still benefit.

* I would recommend to anybody who’s had some experience in sex offences – all the way up to people who’ve been doing it 20 years...Defence and prosecution, barristers and solicitors, as long as they have some experience in sex offences. (Participant)

Many interviewees explained that there is a need in the profession for such training.

* It would be good if it was a regular, repeated workshop. It would be great to see that level of discussion done regularly, with that level of information and participation. A lot of PD is in-house and insular, and having that mix of people doesn’t happen as often as it should, so it would be great to see more of these sessions that attract a variety of perspective. (Participant)

**5.3 Stage 3: Courtroom de-brief**

**Overview of the Courtroom De-brief**

Three trials were selected following the expressions of interest from a number of interested barristers, and the trial Judges were approached to request their participation. Two of the three cases resolved before trial, meaning that only one trial was subject to the courtroom de-brief.

The de-brief involved the prosecuting barrister, the presiding Judge, a legal peer reviewer (a senior representative of the OPP), and a facilitator. All participants were given a Professional Feedback & Review Process Information Guide which provided information on the de-brief model, roles, guidance on providing and receiving feedback, and a framework for feedback including specific topics. Topics for feedback included: knowledge of the law, preparation, communication and advocacy skills, and professional duties, behaviours and ethics. This framework aligned with that used by judges providing feedback in the Stage 2 workshops.

The presiding Judge provided feedback to the prosecuting barrister after the trial using the agreed framework developed by the OPP.

The legal peer reviewer was given relevant material to review (the transcript of the complainant’s evidence and a video tape of the final address) and prepared feedback based on the same framework used by the presiding Judge.
The de-brief session was organised after the sentence was handed down, and was attended by the prosecuting barrister (the participant), the legal peer reviewer, and the facilitator. The facilitator provided an overview of roles and process, setting the scene for the feedback. The legal peer reviewer then led the review process, providing a comprehensive overview of what the prosecuting barrister had done well and what could have been improved, with evidence of these points.

**Promotion/engagement of participants**

All interview participants were supportive of the de-brief model and in agreement that there is a need for professional feedback provided to practitioners relating to courtroom skills demonstrated in actual trials. Participants were all highly engaged with the process and showed a high level of enthusiasm.

The model was considered better than workshops and practice sessions because it is based on actual performance and allows time for reflection and consideration of the key issues. One participant talked of the importance of practitioners receiving feedback from experienced practitioners who have a background in advocacy and crime.

> Invaluable. It was gold. I can’t recommend it highly enough. (Interview participant)

There appears to be little opportunity for practitioners to receive constructive feedback, with one interview participant noting that everyone has good and bad days, but practitioners are never given feedback on what they could have done better. Another interview participant noted that barristers don’t generally observe other barristers in court, meaning that they don’t have the opportunity to see other styles and approaches, and use this to reflect on their own practice. The model was considered to be effective, with a reflection that it makes the system work better for all parties.

One participant suggested that the ILEP program should be worth a year’s CPD points, noting that their experience of the ILEP as a package had been more effective than the individual CPD programs they had attended over the years.

> We can all fall into bad habits. It’s a bit like putting your car in for a service. (Interview participant)

**Format and process**

**Feedback process**

The process was considered adequate by those participating in the de-brief, with sufficient material provided for the legal peer reviewer to prepare feedback. Interviewees agreed that the critical information to prepare and provide feedback to prosecutors are the closing address and the complainant’s evidence, however one interviewee also suggested that it would be important to include the defence cross-examination and the prosecutor’s re-examination.

Interviewees reflected that the legal peer reviewer and the presiding Judge both provided generous, well prepared and considered feedback to the prosecuting barrister, which was constructive and helpful. Feedback was provided in a conversational manner, with examples provided that illustrated the points of feedback.

The focus of feedback on style and presentation was considered an important element of the de-brief.
Style underlies everything. Law and advocacy is an art form. It is not a science. There are different ways to approach things and to present things and there are positives and negatives with each. You need to have that discussed with you. (Interview participant)

Time

One interview participant suggested that perhaps time might be a limiting factor for future de-brief sessions, however others reflected that the time required to review material, prepare notes and provide the feedback was not burdensome. It is unclear from the interviews how much time is required in editing and preparing the material itself.

Strengths

Interviewees spoke of a number of strengths of the de-brief model, including the invaluable opportunity to receive constructive feedback on style and delivery, the focus of feedback on real performance and trials, incorporating time for reflection before providing feedback, and involving senior practitioners and judges with experience in crime and advocacy. The peer review approach was considered a strength. Participants felt that the de-briefs should be available on an ongoing basis, with more trials included and the opportunity for more practitioners to be involved.

I think it is a strong model – feedback is the most important thing that anyone can have in their career, it is an opportunity second to none. (Interview participant)

Improvements and opportunities

One participant suggested that the facilitator checklist provided should be more flexible, and designed for advocacy, however others felt that the model was well tailored and fit-for-purpose.

Interviewees suggested that one improvement to the model would be to randomise the trial selection so that participants would be less inclined to adapt their approach in the knowledge that they would be receiving feedback on their performance. One interviewee noted that NSW Legal Aid uses a similar approach and there may be some learnings that could be shared from that jurisdiction.

One interviewee suggested that only reasonably short trials should be included in de-briefs of this model, in order to manage the volume of material that needs to be reviewed and the complexity of the trial process.

Interviewees talked of the elements of skills based training, advocacy, style and performance as important factors to focus on in providing feedback to practitioners. One interviewee also suggested that feedback could be provided on the calling of expert witnesses, such as witnesses who can address myths relating to sexual offences and victims.

Recommending to others

Interview participants were supportive of the de-brief sessions being offered again, with one interviewee commenting that they would recommend it to ‘anyone and everyone’ doing criminal trials.

There was some discussion amongst interviewees of whether all practitioners would be willing to participant, with one interviewee suggesting that some practitioners would participate but others might be less willing, such as more senior practitioners. It was also suggested that only those open to feedback
would put themselves in that situation, and so perhaps practitioners who are most in need of feedback wouldn’t volunteer themselves. However participants did feel that the ILEP has presented a valuable opportunity for experienced as well as newer practitioners to benefit from feedback.

> What distinguishes it, is the fact that the barristers involved are not really junior. We are talking about reasonably senior and competent practitioners who do a lot of work for us. It will result in better quality outcomes for all. (Interview participant)

### 5.4 How well did the different stages work together?

There was a reasonably high level of ‘cross pollination’ of the different stages of ILEP, with a number of practitioners responding to the Online Learning Program survey indicating that they had also attended one or more of the workshops, and 46% (n=30) of workshop survey participants indicating that they had completed the Online Learning Program.

Workshop survey respondents were asked how well they felt the Online Learning Program and the workshops complemented each other. Overall, almost all respondents felt that the workshops and the Online Learning Program complemented each other quite well or very well, with Workshop 2 having the highest rating on this point.

The workshop interviews give a more nuanced view of the interaction between the Online Learning Program and the workshops. Most comments relating to the interaction between the Online Learning Program and the workshops were that they covered different material and therefore complement each other well.

> It is an integrated whole and all related to sex cases. The model involves acquisition of knowledge, performance/demonstration of skills and then evaluation of how that legal knowledge and skills are applied in practice. (Participant)

Because the Online Learning Program and workshops covered different material, some of the interviewees believed that it was not essential to have completed the Online Learning Program before attending the workshops, while others felt doing so would have enhanced the experience.

> To be honest, I did [the Online Learning Program] in a bit of a rush – I’d been trying to get to it earlier than I did. Had I been able to do it in as much depth as I wanted, it would’ve given me a really fantastic grounding for the Thursday session. (Participant)
6. What does this mean?

This section analyses the findings presented in the previous chapter, drawing out discussion of these findings to determine the implications for the ILEP. In presenting the analysis of the data, our discussion explores three key areas of significance:

- **Stakeholder engagement and support**
- **ILEP effectiveness**
- **ILEP impacts**

The key points that emerge out of the analysis are summarised below.

**Stakeholder engagement and support**

- ILEP was successfully marketed through OPP and stakeholder networks
- ILEP grew out of intensive stakeholder engagement, enabling senior legal practitioners to be involved in both delivery and participation, acting as ambassadors for the program
- ILEP continued to generate a high level stakeholder support throughout implementation
- The participation of a mix of practitioners in the workshops resulted in a more effective and engaging training
- Continuing support for ILEP was demonstrated in increasing word of mouth and practitioners recommending it to others
- Strong support was articulated for future professional and skills based training options to address identified need for professional development for practitioners working with sex offences

**ILEP effectiveness**

- User friendly and comprehensive learning package
- Engaging and interactive workshops involving legal experts
- Professional feedback on skills and knowledge well received
- Content well pitched and targeted to the intended audience
- Different stages of ILEP can be used together or stand-alone

**ILEP impacts**

- Notable improvements in confidence in handling sex offence matters, understanding of legislation and procedure, and understanding of best practice cross-examination
- Some improvements to engagement and understanding of needs of victims
- High likelihood of application of skills and knowledge
6.1 Stakeholder engagement and support

The ILEP grew out of intensive stakeholder engagement, which helped in ensuring that experienced legal practitioners were involved in presenting as well as participating in the program. The quality of the presenters was a key success factor for the workshops. Stakeholder engagement from an early stage led to there being key champions and ambassadors for the ILEP, and also meant that important stakeholder groups such as the Victorian Bar and the Law Institute of Victoria were involved in the marketing and promotion of the ILEP.

As a result of this intensive stakeholder engagement, the ILEP was met with demand from a diverse range of practitioners. Practitioners ranged in experience from very new to considerably experienced; those who focus primarily on prosecuting matters to those who are mainly involved in defending matters.

Participants’ levels of engagement were strong, illustrated by the fact that they attended multiple workshops, went back to the Online Learning Program and deepened their engagement through connecting with the different stages. Participants seemed to engage actively with the program, rather than just connecting with one stage of the ILEP on a single occasion. Furthermore, having different stages in the ILEP provides a vehicle for further engagement with participants moving back and forth between the stages to build on their learning.

Stakeholder awareness appeared to grow over the course of the ILEP. As marketing activities rolled out, practitioners initially found out about the ILEP through different forums such as direct emails from the OPP, but also through seeing posters around their offices, hearing from their clerks and hearing other practitioners talking about the program. The ILEP was also referenced at a Victoria Legal Aid conference. As this awareness built, participants in the ILEP also showed strong indications that they would talk to others and recommend the ILEP, again building word of mouth around the program.

Stakeholders also articulated an ongoing need for training of this type, because of a lack of existing opportunities for practitioners to receive professional feedback, skills training, and a need for training to keep up with the complex and ever-changing context of sexual offences.

6.2 ILEP effectiveness

The ILEP itself was well constructed in its format, approach and content. The considerable foundational work carried out by the OPP in building a structured, multi-stage training program means that there is now an established infrastructure that includes resources, content and structure which has been tested and proved to be effective. The OPP report that there has been increased interest from barristers in undertaking Crown work in the area of sexual assault as a result of ILEP and that this indicates increased engagement of practitioners in sex offences.

The content of the Online Learning Program and the workshops was pitched appropriately, allowing the range of practitioners engaging with the ILEP to benefit. There were few articulated gaps in the content, and the findings relating to relevance were strong. Both Stages 1 and 2 were considered by participants to be appropriate and engaging, however the results were slightly stronger for the workshops on these points.
**Stage 1: Online Learning Program**

The Online Learning Program was considered to be a user friendly and comprehensive learning tool that allowed users to access in their own time and at their convenience, overcoming to some extent barriers of distance and availability of other stages such as the workshops.

It is not clear how practitioners are continuing to use the Online Learning Program on an ongoing basis. The data relating to time spent in the system for the Online Learning Program shows a large number of users spending short amounts of time (less than an hour) in the system. On the one hand this might suggest that they haven’t engaged sufficiently with the material to gain the intended benefit of the Online Learning Program, however it may also indicate that practitioners are using the Online Learning Program as a reference, dipping in and out to find specific extracts or clarify a particular legislative requirement. A longer term follow up of users would be helpful in shedding light on how practitioners used the Online Learning Program over the course of its availability.

Like any comprehensive resource, the reliability of the Online Learning Program is likely to hinge on the frequency of updating of the material. The OPP have reported that since data collection for the evaluation was completed, the Online Learning Program has been updated on multiple occasions and that updates will continue to be made as required until the Online Learning Program is de-activated. The OPP has extended the Online Learning Program, beyond the project timeframes, until 31 December 2012.

The OPP is taking into consideration the successful completion of the ILEP Online Learning Program when making briefing decisions, with the OPP reporting that 29 barristers have been flagged in the OPP briefing process as having completed the ILEP Online Learning Program, with more names added daily.

**Stage 2: Face to face workshops**

The workshops were engaging and interactive, led by respected legal experts with rich experience in sexual offences. Participants could practise their skills, deepen their understanding and shift their perspective on cases in a collegiate but challenging environment. The opportunity to receive feedback from legal experts was a big drawcard, and was central to the effectiveness of the workshops. This unique approach to these workshops should be considered in any future training, as it has been a success factor for the ILEP.

The mix of participants who engaged with the ILEP in itself illustrates a high level of stakeholder engagement and support, however this mix also had an impact on the effectiveness of the ILEP. Having such a diverse combination of practitioners work together on practical and interactive scenarios in the workshops has created a unique learning environment whereby practitioners who wouldn’t traditionally work together closely have the opportunity to do so in a collegiate environment. This has resulted in a learning experience that is engaging, encouraging practitioners to shift their perspective on case preparation and dealing with victims and accused. It has also enabled participants to deepen their understanding of the law by considering cases, procedure and legislation from different perspectives.

From the small number of interviews conducted for this evaluation about the simulation, the online simulation prepared for Workshop 3 appears to have provided a unique mechanism that reiterated the learning of the face-to-face workshop. However it is suggested that the simulation could be tested further as a preparation for a similar workshop, with feedback sought from a larger group of participants. This would enable a more rigorous assessment of its value, effectiveness and potential improvements, in the context of the resources required to develop the simulation.
**Stage 3: Courtroom de-brief**

The Stage 3 courtroom de-brief was met with strong support by participants and stakeholders, and there is clearly a need for practitioners to access professional feedback on skills, performance and advocacy. Furthermore, the innovative nature of the de-brief model in providing feedback on actual performance and trials to supplement practice sessions and interactive workshops is important.

The strength of the de-brief model is the involvement of experts with experience in advocacy and crime. There are opportunities to explore refinements to the model, including through the learnings of other jurisdictions which may provide insight into trial selection and randomisation.

Like any professional development opportunity, it is important that feedback is marketed to a broad range of practitioners, not just those who actively seek out development opportunities.

Further testing of the de-brief model would be beneficial, however the pilot suggests that integration of professional feedback into ongoing practice would be a valuable investment, and it appears that the ILEP courtroom de-brief may be an efficient and effective model to pursue in the future.

**The combination of ILEP stages**

The different stages of the ILEP complemented each other well, and participants engaged with different opportunities as it suited them. It is not entirely clear to what extent the different stages of the ILEP are necessary for the success of the program however, and it appears likely that although they complement each other well as a package, the different stages could also be effective as stand-alone training programs.

Participants spoke about the pitch of the different stage of the ILEP, with some suggesting that the stages could be targeted at practitioners with different levels of experience. The Online Learning Program appears to be an effective learning tool for newer practitioners, providing a comprehensive overview of legislation and procedure, with resources and reference material presented in a user-friendly format.

The workshops appear to build on this base knowledge to provide a more in-depth exploration of particular issues in case preparation and handling of matters. This approach may well be better suited to practitioners with some experience who would like to deepen their knowledge and skill in a particular area.

The workshops provide a unique opportunity for practitioners to practise their skills, whilst the Online Learning Program can supplement the workshops by providing preparation material or post workshop reference material.

**6.3 ILEP impacts**

**Handing sex offence matters**

The data strongly suggests improvements in areas relating to the understanding and awareness of legislation, procedure, cross examination and handling of sex offence matters, with the Online Learning Program and the workshops both yielding strong results in these areas. It is interesting to note that, after the 2 month ‘embedding period’, an even larger proportion of survey respondents agreed that the Online Learning Program had increased their confidence in handling matters. The benefits of the program therefore appear to maintain at least for some time beyond the immediate training.
While the focus of the Online Learning Program was largely on the substantive law, the workshops focused more on advocacy and client engagement skills. Both stages produced strong results in increasing participants’ confidence in handling sex offence matters, however the workshops produced slightly stronger results in this area suggesting that the workshops may be a more effective approach for improving general confidence in handling matters. The advocacy and case preparation aspects to the workshops could be the drivers of this outcome, as well as the skill required to conduct effective and appropriate examination-in-chief and cross-examination. These areas are likely to be more appropriately dealt with in a face to face environment, allowing for feedback, discussion and questions, than an online resource that doesn’t allow the same level of interactivity.

The Online Learning Program is probably more appropriate for helping practitioners to explore legislative requirements and case law, given that there is such complexity in this area of law and a substantial amount of legislative change and reform has occurred. The design of the Online Learning Program allows it to be more comprehensive in covering the breadth of material that might apply to sex cases, which workshops are unlikely to be able to cover because of their time limited nature. The Online Learning Program did produce strong results in terms of increasing participants’ understanding and awareness of legislation and procedure, which underpins this point.

**Engaging with victims of sexual offences**

Findings relating to participants’ understanding of the needs of victims of sexual assault and their confidence in engaging with victims were positive overall, however tended to score lower than findings related to legislation, procedure, and handling of matters.

The more mixed findings in this area may be linked to incentives and motivations in engaging with the ILEP – if practitioners are attracted to the ILEP because they want to improve their grasp on the legislation or procedure, they may not be consciously looking to improve their awareness of the needs of victims. This might be a secondary goal for participants, or not a conscious goal at all.

Furthermore, the focus of the Online Learning Program was less on how to engage with victims appropriately and more on substantive law, with the needs of victims and complainants covered mostly in the introduction. The workshops for which engagement with victims was likely to be more a more central focus (for example, Workshop 3 – Dealing with the evidence of child victims) produced more positive outcomes relating to engaging with victims. It may be that future training options may need to consider different types of approaches to increase practitioners engagement with the needs of victims of sexual assault.

Given the scope of this evaluation, the outcomes discussed above are only able to reflect on the perceptions of participants on their own improvements. This has obvious limitations relating to positive response bias and perception bias, and does not necessarily point to actual change in behaviour. However the evaluation also explored the extent to which participants were likely to apply the knowledge and skills they had obtained or developed. Participants indicated that they were very likely to apply the learning in practice, which to indicates a strong likelihood of improvements in practice of members of the profession.

**6.4 Cultural change**

While exploring cultural change was not one of the key questions for the ILEP evaluation, a number of indicators of cultural change arose from our analysis. The strong support articulated by stakeholders for
the ILEP and training in this area more broadly suggests an enthusiasm for learning and development of best practice in case preparation and handling of matters. The mix of practitioners attending the workshops created a new and unique learning environment, where practitioners could interrogate cases from different perspectives, gaining an appreciation for the needs of ‘the other side’, but also an ability to be more thorough and proactive in their case preparation.

Stakeholders’ enthusiasm for working together also points to an opportunity for further training and development that combines barristers, solicitors, experienced and newer practitioners, practitioners from all different agencies and those who are involved in prosecution as well as defence. This appears to be a novel approach for the profession, and one that was readily embraced by participants.

Engagement with key representatives from the OPP and the judiciary (as presenters for the workshops) illustrated that there is a strong level of support for the ILEP from senior practitioners and champions across the profession. This engagement was developing before the implementation of the ILEP, partly contributed to by the efforts of the OPP in leading the development of the ILEP and conducting intensive stakeholder engagement. This created buy-in and cross-profession support, and appears to have been an important foundation for the ILEP.

Furthermore, strong support for feedback expressed by participants indicates a readiness for practitioners to improve their skills and work towards best practice in handling sex offences, and a desire to be guided by experienced professionals from both prosecution and defence backgrounds.

Each of these points indicate the contribution of the ILEP towards cultural change in the area of sexual offences, as well as a readiness of the profession to engage with professional development leading to best practice in sex offences.

### 6.5 Strengths and improvements

Strengths and possible improvements and suggestions for future training options are presented below.

<table>
<thead>
<tr>
<th>Stage</th>
<th>Strengths</th>
<th>Possible improvements and suggestions for future training options</th>
</tr>
</thead>
<tbody>
<tr>
<td>All stages</td>
<td><strong>Sustainability</strong></td>
<td>Document and package the ILEP resources to ensure that this can be used and built on by training providers and stakeholders in the future</td>
</tr>
<tr>
<td></td>
<td>Considerable foundational work has been done to develop the infrastructure of the ILEP</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Engagement of stakeholders has been successful, and demand for the ILEP or similar training and development is strong</td>
<td>Build on the stakeholder engagement conducted to date to ensure that practitioners from a range of backgrounds are engaged in future training options provided by the OPP or other stakeholders</td>
</tr>
</tbody>
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synergistiq pty ltd. abn 20 059 274 430 ph +61 3 9946 6800 97 drummond street, carlton, victoria 3053 australia
### Stage 1: Online Learning Program

<table>
<thead>
<tr>
<th>Stage</th>
<th>Strengths</th>
<th>Possible improvements and suggestions for future training options</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structure</strong></td>
<td>The structure of the Online Learning Program makes it relatively easy to navigate</td>
<td>Consider labelling modules or units in relation to the level of experience they are targeting to allow for easier navigation. Consider smaller modules to allow practitioners to work around busy schedules and a lack of large blocks of time</td>
</tr>
<tr>
<td><strong>Accessibility</strong></td>
<td>The online nature of the program means that users can access it whenever it is convenient for them</td>
<td>Incorporate online components into future training packages.</td>
</tr>
<tr>
<td><strong>Content</strong></td>
<td>The content is comprehensive and provides a useful learning tool and resource, particularly for newer practitioners</td>
<td>Reconsider the role and purpose the quiz, and ensure that participants are clear about this purpose if including a quiz in future training options. Ensure the resources and content are updated regularly to improve reliability for use in court. Consider further marketing of the Online Learning Program to newer practitioners.</td>
</tr>
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The ILEP demonstrated some positive outcomes in improving practitioners’ engagement with victims of sexual assault. It may be worth considering different and additional strategies to boost practitioners’ engagement with training and development in dealing with the needs of victims of sexual assault, perhaps through trialling and comparing different approaches, and testing their relative effectiveness within a broader package of professional development.
<table>
<thead>
<tr>
<th>Stage</th>
<th>Strengths</th>
<th>Possible improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 2: Face to face workshops</td>
<td><strong>Presenters and facilitators</strong>&lt;br&gt;Use of respected, senior legal practitioners with specialist knowledge and experience in sex offences</td>
<td>Consider the use of facilitators with greater expertise in the subject matter</td>
</tr>
<tr>
<td></td>
<td><strong>Feedback and interactive activities</strong>&lt;br&gt;Incorporating professional feedback in a safe, collegiate environment</td>
<td>Consider, where practicable, smaller group discussions, exercises and feedback</td>
</tr>
<tr>
<td></td>
<td>Providing interactive and practical exercises using realistic scenarios</td>
<td>Where possible and appropriate, use realistic environments such as courtrooms for practical work&lt;br&gt;Explore the effectiveness of the online simulation further, to determine what value it has as a learning tool</td>
</tr>
<tr>
<td></td>
<td><strong>Targeting</strong>&lt;br&gt;Encouraging participation by a range of practitioners at each workshop to ensure a diverse mix of attendees</td>
<td>Use direct invitations sent to a mix of practitioners to generate interest in future training</td>
</tr>
<tr>
<td></td>
<td>The content was well pitched and challenging</td>
<td>Consider marketing the face to face workshops to practitioners with a base level of experience</td>
</tr>
</tbody>
</table>
7. Conclusions and recommendations

This section brings together the analysis discussed in Chapter 6 to answer the evaluation questions and highlight key outcomes. Recommendations are included after the conclusions provided to each evaluation question.

7.1 Conclusions

To what extent is the ILEP achieving its short term outcomes?

The outcomes articulated in the ILEP model explored in this evaluation included that practitioners involved in the program report increased awareness of sexual offence legislative and procedural frameworks, increased awareness of the needs of victims of sexual assault, and increased knowledge, skills and confidence in handling sexual offence matters. The outcomes also included that participants are aware and will engage with the ILEP, that they will recommend the ILEP to others, and that they plan to use or start to use their learnings from the ILEP.

The ILEP has produced strong results indicative of achieving its intended outcomes, in particular in areas such as increasing participants’ confidence in handling sex offences, dealing with legislation and procedure, and cross-examination and examination-in-chief. Positive results were observed for outcomes related to awareness of the needs of victims and engagement with victims, however these results were not as strong.

There is a very high likelihood that participants in the ILEP will apply the skills and knowledge gained to their work, which will help to contribute to medium term outcomes for the profession.

To what extent are practitioners receptive to the content and goals of the ILEP?

The ILEP generated demand from a range of participants across all stakeholder groups, roles, and levels of experience, indicating that stakeholders are receptive to the content and goals of the ILEP. Furthermore, the positive response from those involved in the ILEP support this idea, and the suggestion that practitioners are working towards a shared goal of improving practice and building skill. The finding that every participant in the evaluation indicated that they would recommend the ILEP to others also points to support from the profession.

There is clearly a perception amongst stakeholders of the need for professional and skills based development in this area, and that the profession is lacking in opportunities to receive feedback on practice. The participation by high level judges in the delivery of the ILEP is indicative of stakeholder support for the goals of the ILEP, and is also a key success factor for the ILEP.

Practitioners’ active participation in the workshops, their high level of pre-workshop preparation, taking the workshops seriously and active involvement in practice sessions also illustrates a high level of support for the goals and content of the ILEP.

Engagement of practitioners in pioneering aspects of the ILEP, such as professional feedback and the online simulation illustrates an enthusiasm for the ILEP and professional, skills based training in this area.
To what extent is the format of the ILEP effective in engaging participants?

The Online Learning Program, workshops, and courtroom de-brief all generated strong demand and support from stakeholders. All stages of the ILEP were well received, with a high level of engagement and support from stakeholders.

The Online Learning Program appears to be particularly effective in engaging participants who need an accessible and comprehensive resource on substantive law that is user friendly and easily navigated. Its use might be particularly high for newer practitioners who are looking for a comprehensive overview of legislation and procedure relating to sex offences, and as a refresher for more experienced practitioners. It is not as clear how practitioners are using the Online Learning Program, with some indication that users may either be engaging only superficially with the material, or be using it as a reference or source document, or a combination of the two. The reliability of the Online Learning Program, like any comprehensive resource, rests on the likelihood and frequency of updating, which could be a resource intensive investment.

The workshops provide a challenging, interactive and unique opportunity for participants to practise their skills, learn from experts and receive valuable feedback on their practice.

Stages 1 and 2 appear complement each other well, with the Online Learning Program providing a comprehensive resource which provides all the relevant information for newer practitioners, and the workshops then providing a forum to deepen knowledge, skill and practice in specific areas.

The courtroom de-brief was received with strong support from all involved, indicating promising prospects for further use in ongoing professional development for practitioners. The lack of opportunity that currently exists for practitioners to receive feedback on cases at trial, and the importance of that feedback in improving advocacy and case preparation, suggest that this is an important aspect of the ILEP. The courtroom de-brief presents a unique and innovative model for practitioners to receive feedback on actual performance and skills.

The implementation of the ILEP has demonstrated a high level of stakeholder support for professional learning and development in the area of sex offences, with a particular need for skills based training and professional feedback. The evaluation has uncovered some clear strengths of the model and some potential adaptations and improvements for any future training considerations. The evaluation has demonstrated very promising results with respect to the ILEP’s short term outcomes. With these points in mind, the recommendations below have been developed.

7.2 Recommendations

Overall

- That government build on the momentum of, and support for, the ILEP in the follow up to the pilot and pursue funding to enable continued delivery and development of the ILEP.
- That government canvass delivery options for the ILEP, such as through public-private partnerships and other collaborative approaches including engagement with stakeholders such as the Victorian Bar Association.
• That any future training build on the infrastructure and resources developed through the ILEP as a foundation for professional development in the area of sex offences.

• That consideration be given to using a similar format and structure for any future training, incorporating a combination of online resources with face to face, interactive work and feedback components.

• That the pitch of any future training mirror that of the ILEP, with different options for less experienced and more experienced practitioners.

**Online Learning Program**

• That government explore options for the Online Learning Program to be continued, with a commitment to regular updating of content. The reliability of the Online Learning Program, like any comprehensive resource, rests on the likelihood and frequency of updating, which is a resource intensive investment requiring dedicated funding from a legal and technical perspective.

**Face to face workshops**

• That government work with the Victorian Bar Association and other stakeholders to explore opportunities to continue a series of face to face workshops using the existing structures and foundations of the ILEP.

• That any future training continue to involve high level, senior legal experts in the participation, presentation and championing of the training so that stakeholder engagement and support continues to build.

• That any future training incorporate professional feedback from senior legal experts.

• That the online simulation be tested further to explore its effectiveness in conjunction with, and independent of, other training options such as workshops.

**Courtroom de-brief**

• That government continue to engage with senior legal experts in exploring options for regular and ongoing professional feedback, provided to practitioners in the context of trials and handling cases through a professional peer review based framework.
Appendix A: Workshop interview participants

Participant 1: Barrister from the VicBar, primarily involved in defence work
Participant 2: Solicitor from the OPP, involved in prosecution
Participant 3: Barrister from Victoria Legal Aid, primarily involved in defence
Participant 4: Solicitor from the OPP, involved in prosecution
Participant 5: Barrister from the VicBar, primarily involved in prosecution
Participant 6: Solicitor from the OPP, involved in prosecution
Participant 7: Solicitor from Victoria Legal Aid, primarily involved in defence
Participant 8: Barrister from the VicBar, involved in both prosecution and defence
Participant 9: Barrister from Victoria Legal Aid, primarily involved in defence
Participant 10: Barrister from the VicBar, primarily involved in prosecution
Participant 11: Barrister from the VicBar, involved in both prosecution and defence
Participant 12: Solicitor from the OPP, involved in prosecution
Participant 13: Solicitor from the Law Institute of Victoria, primarily involved in defence
Participant 14: Barrister from the VicBar, involved in both prosecution and defence
Participant 15: Barrister from the VicBar, primarily involved in prosecution
Participant 16: Presenter from Workshop 1, Supreme Court Justice
Participant 17: Presenter from Workshop 2, County Court Judge
Participant 18: Presenter from Workshop 3, County Court Judge
Participant 19: Presenter from Workshop 4, senior practitioner
Appendix B: Interview schedules

Workshop interviews – participants
The following questions were used to guide semi-structured interviews with workshop participants.

1. Can you please tell me a bit about your role and experience?
   - How long have you been practising?
   - Are you primarily involved in defending or prosecuting matters?
   - What is your level of experience in working with sexual offence matters?

2. Did you participate in any of the other ILEP professional development activities, such as the Online Learning Program?

3. What was your experience of these activities?

4. Which workshop(s) did you attend?

5. How did you find out about the ILEP workshops?

6. What are your reflections on your experience of the workshop(s)?

7. What do you think the strengths of the workshop are?

8. What might the limitations be? What would you change about the workshop?

9. How relevant was the workshop to your work?

10. How likely are you to apply the skills/knowledge to your work?

11. Have you already applied the skills/knowledge to your work?

12. Were there any gaps in the content?

13. How do you find the combination of the ILEP modes of professional development (Online Learning Program and workshops)? (Are there any gaps or duplication?)

14. Would you recommend this to other practitioners?

15. If so, who?

16. Is there anything else you would like to say?
Workshop interviews – presenters

The following questions were used to guide semi-structured interviews with workshop presenters.

1. Which workshop were you presenting at?
2. As presenter, what was your role?
3. What are your reflections on the workshop overall?
4. What do you think the strengths of the workshop were?
5. What might be the limitations? What would you change?
6. In the session(s) that you were involved in, what was the level of engagement exhibited by participants?
   - Enthusiasm?
   - Positive participation?
   - Taking it seriously?
7. Is there anything else you would like to say?
De-brief interview – Legal peer reviewer

1. Can you please tell me a bit about your role and experience?
   - How long have you been practising?
   - Are you primarily involved in defending or prosecuting matters?
   - What is your level of experience in working with sexual offence matters?

2. Can you tell me a bit about how you viewed the trial in relation to which you provided feedback (i.e video taped sections of the trial, full trial or excerpts)?
   - Was this adequate for you in developing feedback?

3. What are your reflections on the Professional Feedback model?

4. As a legal peer reviewer, what do you consider your role to be?

5. Have you had experience of providing professional feedback before? If so, how would you describe your approach to the provision of feedback?

6. What do you think the strengths of the model are?

7. What might be the limitations? What would you change?

8. What is your awareness of the other elements of the ILEP (i.e. the online learning program and the workshops)? Did you draw on any aspects of those other parts of the ILEP in giving professional feedback?

9. Is there anything else you would like to say?
De-brief interview – Participant

1. Can you please tell me a bit about your role and experience?
   - How long have you been practising?
   - Are you primarily involved in defending or prosecuting matters?
   - What is your level of experience in working with sexual offence matters?

2. Did you participate in any of the other ILEP professional development activities? (Online Learning Program, workshops etc)
   - If so, which ones?
   - What was your experience of these?

3. How did you find out about the ILEP Professional Feedback Session?

4. What are your reflections on your experience of the Professional Feedback Session?

5. Did you find the role of the legal peer reviewer helpful? Appropriate?

6. What do you think the strengths of the model are?

7. What might the limitations be? What would you change about the model?

8. Do you think your colleagues would participate in something like this?
   - Why? Why not?
   - What would stop them? What would it take to make them more likely to participate?

9. Would you recommend the Professional Feedback Sessions to other practitioners?
   - If so, who?
   - Who would this activity suit?

10. Do you think the Professional Feedback Sessions should be offered again?

11. (If they participated in the online learning program or the workshops) How do you find the combination of the ILEP modes of professional development (Online Learning Program, workshops, and Professional Feedback)? (Are there any gaps or duplication?)

12. Is there anything else you would like to say?
De-brief interviews – Judge providing feedback

1. Could you please tell me a bit about your role in the professional feedback sessions?
   - Have you provided feedback for the de-brief session?
   - Were you involved in collecting information for the session? (ie. video tapes of the trial etc)

2. What are your reflections on the professional feedback model?

3. What do you think the strengths of the model are?

4. What might the limitations be?

5. Is there anything else you would like to say?
De-brief interviews – Facilitator

1. What are your reflections on the Professional Feedback model?
2. As a facilitator what do you consider your role to be?
3. What do you think the strengths of the model are?
4. What might be the limitations? What would you change?
5. In the session(s) that you were involved in, what was the level of engagement exhibited by participants? (Note that the one facilitator participates in all debriefs)
   - Enthusiasm?
   - Positive participation?
   - Taking it seriously?
6. Is there anything else you would like to say?
Appendix C: Survey format

Surveys for the Online Learning Program and the face to face workshops captured information on a number of different topics, including:

- Basic demographic information
- Professional experience
- How participants found out about the ILEP
- Involvement in other aspects of the ILEP
- Frequency of taking on new sex offence matters
- Previous training in sex offences
- Perceptions of the impact of the ILEP in handling matters and engaging with alleged victims of sexual assault
- Perceptions of other potential impacts of the ILEP, such as awareness and understanding of legislation and procedure, and best practice examination-in-chief and cross-examination
- Perceptions of the format, content and structure of the ILEP
- Perceptions of the relevance of the material covered
- How likely participants are to apply the knowledge or skills from the ILEP to their work
- How well the different stages of ILEP complement each other
- Whether participants would recommend the ILEP to others.
References


Parkinson, D (2008), ‘Supporting victims through the legal process: the role of sexual assault service providers’ ACCSA Wrap No. 8