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The Director
Standing Committee on Social Issues
Parliament House
Macquarie St
Sydney NSW 2000

Dear Sir/Madam,

Inquiry into service coordination in communities with high social needs

Thank you for the opportunity to make a submission to the above mentioned Inquiry by the Standing Committee on Social Issues (the Committee). I note that the purpose of the Inquiry is to inquire into and report on service coordination in communities with high social needs, including:

- a) The extent to which government and non-government service providers are identifying the needs of clients and providing a coordinated response which ensures access to services both within and outside of their particular area of responsibility.
- b) Barriers to the effective coordination of services, including lack of client awareness of services and any legislative provisions such as privacy law.
- c) Consideration of initiatives such as the Dubbo Minister's Action Group and best practice models for the coordination of services, and
- d) Any other related matter.

Overview

This submission is informed by my office's broad jurisdiction and many years of experience overseeing the provision of services by both government and non-government agencies, particularly to vulnerable members of the community, including children and young people; Aboriginal people; people with a disability; and inmates of juvenile justice and adult correctional centres.

Our relevant work includes monitoring and reviewing the delivery of community and disability services; reviewing the deaths of certain children and people with a disability; overseeing the handling of complaints about police conduct; exercising our employment-related child protection responsibilities; and our work in relation to improving service delivery to Aboriginal communities – including our recently acquired function to monitor and assess designated Aboriginal programs.

Much of our systemic work over the past decade has focused on improving the delivery of services to vulnerable members of the community. We have advocated for changes to legislation, policy and operational practice aimed at facilitating better targeted, efficient and effective responses to the needs of these groups. Our observations and recommendations have been informed by extensive

consultations with key government and non-government agencies, peak bodies and community leaders.

Several of our reports and submissions in recent years are relevant to the matters being considered by the Inquiry. A select list of these reports and submissions is provided at **Appendix A**. For the purpose of addressing the Inquiry's specific terms of reference, the remainder of our submission focuses on three key issues that we have repeatedly highlighted, in a range of contexts, as needing to be addressed in order to improve outcomes for vulnerable individuals and high need communities. These are:

- implementing place-based models of service planning, funding and delivery
- strengthening the operation of integrated case management programs, and
- improving the proactive and systematic sharing of critical information by agencies

Key systemic issues

1. Place-based service delivery

In a number of reports since 2010, starting with our *Inquiry into service provision to the Bourke and Brewarrina communities*, we have emphasised that efficient and effective place-based models of service planning, funding and delivery are an integral part of improving the identification of, and response to, vulnerable families and high needs communities. We have noted the impacts of poorly integrated and inefficient service systems operating in local communities, including: the failure to identify and meet the needs of those most vulnerable; the continued funding of NGOs that are failing to provide a good quality service; and the limited return on investment from a number of agency programs.

Our work has highlighted that particularly in small, relatively isolated towns, the funding of programs designed to enhance service availability can create multiple and often 'competing' programs, reference committees and multi-agency case management groups – often with overlapping objectives and target client groups. We have been critical of the 'top-down' approach that too frequently characterises service delivery to high need communities, resulting in the failure of 'off the shelf' programs to deliver intended outcomes.

Our various review activities over a number of years have clearly demonstrated the need for an overarching framework to be in place which is tailored to the needs of individual communities that:

- relies on evidence to identify need and to determine priority areas for funding, as part of an ongoing 'whole of community' service planning and mapping exercise
- funds services based on the priority areas that have been identified (and according to a rigorous procurement process that assesses the capacity of individual services to deliver), and
- ensures that the level and nature of services which are provided by funded agencies are tracked, and the related outcomes are monitored.

Our work has also emphasised the need for robust and effective governance arrangements to drive a genuinely integrated service approach.

In addition, effective governance must also include ongoing assessments of funding contracts to determine whether those who are being referred for support are actually receiving a service, and whether the desired outcomes are being achieved by both individual services and the local service system as a whole. In our view, for funding bodies to effectively discharge their planning and contract administration responsibilities, they also need to be constantly assessing where there are service gaps, and taking this into account in their service planning processes. Further, funding bodies should be ascertaining those services which are not being fully utilised – this should inform service planning (and related procurement decisions).

From our experience in reviewing human and justice systems in relation to a number of communities, we are convinced that a more disciplined approach to planning, funding and related governance arrangements is essential to building an effective and seamless place-based service system. Such a system is also dependent on the planning and funding decisions (and related governance arrangements) being driven from a ‘whole of community’ perspective. In order for this to be achieved, the decision making related to planning and funding, and the related governance arrangements, need to be jointly driven by all relevant federal, state and local government agencies working in partnership with key non-government and community representatives in building an effective place-based service system. Key issues around the leadership (and associated authority) that is required to break down siloed decision making, and to drive integrated planning and service delivery in local communities, must also be addressed before such a system can be built. In this regard, giving an individual responsibility without also giving them the requisite authority is unlikely to be successful.

Our 2012 report to Parliament, *Responding to child sexual assault in Aboriginal communities*, recommended that the Department of Premier and Cabinet (DPC), together with other key stakeholders, should develop and implement a strategy for delivering effective place-based planning and service delivery within a number of high need communities in rural and remote locations (Rec 89).

- ***Current progress towards implementation***

In response to our 2012 report, the NSW Government indicated a commitment to developing and implementing place-based service delivery reforms in Aboriginal communities. It has since launched a number of initiatives that reflect our suggestions about the need to redesign the service system to better identify and meet local needs. DPC has the lead in developing and implementing an effective place-based service delivery strategy through its Service Delivery Reform Initiative and has embarked on the Far West Initiative (FWI) as part of this broader reform agenda. The FWI aims to develop a new whole of government model for service delivery and governance in Far West NSW. We have met with DPC to inform its work and are closely monitoring the progress of the initiative.

Given the extent and reach of the services it funds and provides, the Department of Family and Community Services (FACS) also has a critical role to play in relation to place-based service delivery. This year FACS has launched ‘co-design projects’ in a number of its districts, including Western Sydney, Nepean Blue Mountains and Central Coast. The projects are designed to bring together local stakeholders to collaborate on developing solutions that respond to the needs of local communities, with a particular focus on improving outcomes for vulnerable children and their families.

FACS has also advised us of a number of other place-based approaches it has initiated. For example, in the Illawarra region, FACS and other agencies are working in partnership with the local community in Nowra on improving wellbeing outcomes for Aboriginal families, with the current focus being educational engagement for Aboriginal children under the age of nine. The initiative is aimed at identifying new ways of funding and delivering services, for example, a multi-agency response to pooling resources. Authority will be given to local community leaders to test governance models and strategies that improve service delivery for Aboriginal children and families. In Western NSW, FACS is also working closely with several Aboriginal communities to identify how it can operate more effectively and in partnership with community leadership.

The leadership of FACS’ Western District Director and CEO of NSW Kids and Families in establishing the state’s first joint community and agency family referral service in Bourke is particularly notable. The service, known as the Maranguka Community Hub, is a multi-purpose centre where families can come as a first point of contact to discuss issues or problems they may be experiencing, and to seek help in accessing appropriate assistance in relation to their needs. The Hub was conceived by community leaders in response to our 2010 inquiry into service provision to the Bourke and Brewarrina communities, and commenced operating in May this year. We provided support to facilitate the Hub’s establishment. The Western NSW Family Referral Service will have

two staff at the Hub. FACS Western NSW District provided the premises, and will also locate a caseworker and an administration assistant at the Hub. As well, Western NSW Local Health District will contribute to the Hub. More recently, a federal agency has agreed to explore providing financial support to Maranguka to enable it to employ a senior operations manager.

The implementation of the Department of Education's *Connected Communities* strategy in 11 locations across NSW also provides a strong platform to pursue a place-based approach to service delivery in high-need communities, while simultaneously implementing innovative approaches to educational engagement and achievement. When the strategy was launched in March 2012, we recognised it as a promising initiative with the potential to address many of the concerns we have identified through our work. The strategy aims to build genuine partnerships between schools and their local Aboriginal communities, and gives executive principals unprecedented authority to tailor education responses to the needs of those communities. Participating schools are intended to operate as 'service hubs', playing a lead role in identifying the most vulnerable Aboriginal families and ensuring they are connected with the necessary supports.

Connected Communities is one of the key components of OCHRE – the NSW Government's plan for Aboriginal Affairs. Under Part 3B of the *Ombudsman Act 1974*, we are required to monitor and assess OCHRE. As such, we are closely monitoring the implementation of *Connected Communities*.

Although our consultations with schools and community leaders in Connected Community sites to-date have identified a range of positive initiatives and outcomes, it is also important to recognise the extent of the challenges facing many of these communities. And while schools have a critical role to play in addressing entrenched disadvantage in vulnerable communities – they (and the Connected Communities strategy itself) cannot on their own successfully resolve a range of complex issues. These require a holistic, long-term, whole-of-government and community approach. As we have argued previously, for the *Connected Communities* strategy to achieve its main goals, it needs to be underpinned by a place-based service delivery approach in each site and an 'intelligence driven' approach to child protection (discussed further below). Systematic identification of children at risk and proactive information sharing between schools and other agencies is vital to linking vulnerable young people and their families with early intervention, child protection and other services.

While the initiatives outlined above are indicative of positive work on the part of government agencies – demonstrating a genuine willingness to explore new ways of engaging with the communities they service – it will be important to ensure that any successes and failings are informing work unfolding elsewhere and are appropriately integrated within an overarching interagency governance structure. For example, the governance models being examined through 'co-design' and the FWI should involve the Local Decision Making governance bodies (the Murdi Paaki Regional Assembly in Far Western NSW and Barang on the Central Coast) being established via OCHRE in relevant locations.

Without strong, rationalised governance arrangements, there is a risk that the weaknesses which place-based service delivery approaches are intended to remedy, will instead be reinforced.

We are continuing to closely monitor progress towards the implementation of a place-based approach to service delivery in high need communities. For further background information, we refer the Committee to Chapter 21: 'Place based service delivery' of our 2012 report, *Responding to child sexual assault in Aboriginal communities* and Chapter 5: 'Building an efficient service system' of our 2014 report, *Review of the NSW child protection system: Are things improving*.

2. Integrated case management

There is a growing recognition that effectively identifying and responding to the needs of high risk families requires sophisticated and collaborative service practices, and a service system that drives such practices. Case management practices and systems which are truly integrated across government and non-government agencies are a critical component of shared responsibility, and a precondition for

improving service responses to vulnerable clients who have needs that cannot be easily met by any one agency.

In NSW, attempts to create more holistic responses to vulnerable children and their families have largely relied on the initiative of individual agencies investing in trials of integrated case management programs. In broad terms, these programs attempt to respond to the multiple issues affecting clients with complex needs by using various frameworks that try to deliver coordinated agency interventions. However, as we observed in our report about *Responding to Child Sexual Assault in Aboriginal Communities* (2012), current practices in relation to engaging high need families are often complex, inefficient and disjointed. That report strongly argued the need for NSW to move toward a more integrated approach to engaging high-need families, including through the development of a high level framework to support more efficient and effective place-based case management practices.

Despite this, there is still no adequate, overarching framework to drive integrated case management across NSW. In our *Review of the NSW child protection system: Are things improving?* (2014), we noted the significant weaknesses associated with the implementation of the two main interagency case management programs operated by FACS: *Family Case Management* and *Supporting Children, Supporting Families* and emphasised that in the absence of an overarching framework, locally integrated case management initiatives will be limited in their effectiveness. Our report recommended that given the history of past failures in this area, FACS should develop and implement operational frameworks to improve the operation of integrated case management programs (Rec 4c). Following its recent advice that the District-based ‘co-design’ work, noted earlier in this submission, will focus on integrated intervention and assessment, we have asked FACS to provide us with more specific details.

3. Information sharing by agencies

For a number of years, the NSW Ombudsman has been at the forefront of advocating for the need to strengthen information sharing by agencies, particularly in relation to child protection risks.

- **Chapter 16A**

In our submission to the 2008 Special Commission of Inquiry into Child Protection Services in NSW (Wood Inquiry), we argued for the introduction of a simple and practical system for the exchange between agencies of information that promotes the safety, welfare and well-being of children. We identified a number of legislative restrictions hampering the effective implementation of section 248 of the *Children and Young People (Care and Protection) Act 1998* (the Act), which permits Community Services to exchange with a prescribed body information about the safety, welfare and well-being of a particular child or a class of children.

We suggested that certain agencies with significant responsibilities relating to the safety, welfare and well-being of children (such as police, schools, health services and relevant early intervention and out of home care non government service providers) should be able to communicate directly with each other, without having to rely on Community Services to pass on critical information and without being restricted by privacy concerns.

Justice Wood’s final report emphasised the need to prioritise child safety above privacy concerns and recommended that agencies, including NGOs, should be free to exchange information for the purpose of the safety, welfare and well-being of a child or young person (Rec 10.7). In response, the Act was amended in 2009 to introduce Chapter 16A, which permits information that promotes the safety, welfare or wellbeing of children or young people to be exchanged between prescribed bodies, despite other laws that prohibit or restrict the disclosure of personal information, and whether or not the child or young person consents to the information exchange. Chapter 16A also requires prescribed bodies to take reasonable steps to coordinate decision making and the delivery of services regarding children and young people. Since Chapter 16A commenced, we have consistently worked to raise agencies’

awareness of its availability and to ensure they have appropriate policies and procedures in place to facilitate its use.

- ***An intelligence-driven approach to child protection***

Our submission to the Wood Inquiry also proposed the need to adopt a more rigorous interagency practice to identify the most vulnerable children in need of a child protection response. Since then, we have persistently called for the implementation of an intelligence-driven child protection system that, as part of a broader, place-based model of service delivery, promotes identifying, analysing, prioritising and acting on information held by agencies with child protection responsibilities. This is consistent with the principle of ‘shared responsibility’ embedded in the Keep Them Safe reforms introduced following the completion of the Wood Inquiry.

In our 2011 report examining the initial impact of Keep Them Safe on the capacity of the child protection system, we specifically recommended the development and implementation of an intelligence-driven child protection system. In addition, in our 2012 report about responding to child sexual assault in Aboriginal communities, we recommended that FACS improve the quality of mandatory reporting data it provides to other agencies to enable those agencies to make evidence based safety decisions for the vulnerable children and families within their service delivery ambit, and to develop/implement informed programs that meet community need.

In our more recent *Review of the NSW child protection system: Are things improving?* (2014) we noted that despite Keep Them Safe’s considerable focus on improving information exchange between agencies, including through the introduction of Chapter 16A, the impact of these reforms has been uneven at best, with evidence suggesting that available provisions are still not being used in a systematic way to identify which children and families need support in individual locations and the kind of services they require.

We again recommended that FACS should build an intelligence driven approach to child protection practice and embed this approach within interagency initiatives. We also made recommendations about enhancing the quality of information about child protection risks which police collect and provide to Community Services; assessing whether certain designated police positions should have direct access to Community Services’ child protection database (KiDS); and developing a plan for improving the availability of policing information to inform child protection risks assessments. We are actively monitoring progress towards implementing these recommendations.

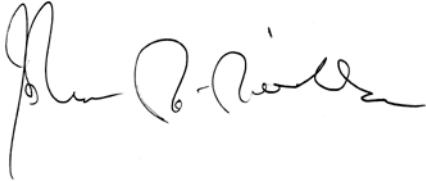
- ***Protecting victims of domestic violence***

Finally, we note that the recent introduction of the Safer Pathway reforms is a positive development with significant potential to improve the way agencies identify and respond to victims of domestic and family violence at risk of harm. The reforms are consistent with recommendations we made in our 2006 report to Parliament, *Domestic violence: improving police practice*, about the need to strengthen interagency responses to domestic violence. As the Committee is no doubt aware, significant levels of domestic and family violence characterise many high needs communities, particularly in Western NSW.

As part of the reforms, in 2014 the *Crimes (Domestic and Personal Violence) Act 2007* was amended by inserting Part 13A to allow information sharing and improve integrated responses to domestic violence. The provision facilitates the collection, use and disclosure of personal and health information in cases involving domestic violence and has effect despite NSW privacy legislation. Its use is supported by the Domestic Violence Information Sharing Protocol. While still in the early stages of implementation, the reforms – and the information sharing protocol more specifically – considerably strengthen agencies’ capacity to protect and support vulnerable families affected by domestic violence.

I trust that the above information will assist the Committee in conducting its Inquiry. If further information is required, please do not hesitate to contact Julianna Demetrius, Assistant Ombudsman (Strategic Projects) on 9286 0920 or Rebecca Curran, Principal Project Officer (Strategic Project Division) on 9286 0980.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John McMillan', written in a cursive style.

Professor John McMillan
Acting Ombudsman

Appendix A

Select list of relevant NSW Ombudsman reports and submissions

Unless otherwise stated, all reports and submissions are available on our website at:

www.ombo.nsw.gov.au

Reports

- Review of the NSW child protection system: Are things improving? (2014)
- Responding to child sexual assault in Aboriginal communities (2012)
- Review of a group of school-aged children in two Western NSW towns: confidential report to agencies (2012)
- Addressing Aboriginal disadvantage: the need to do things differently (2011)
- Keep Them Safe? (2011)
- Consultations with families of children with disabilities on access to services and support (2011)
- Inquiry into service provision to the Bourke and Brewarrina communities (2010)
- Improving service delivery to Aboriginal people with a disability (2010)
- Improving probity standards for funded organisations (2010)
- The implementation of the *Joint Guarantee of Service for People with Mental Health Problems and Disorders Living in Aboriginal, Community and Public Housing* (2009)
- The death of Ebony: the need for an effective interagency response to children at risk (2009)
- Domestic violence: improving police practice (2006)
- Working with Aboriginal communities: the implementation of the NSW Police Force's *Aboriginal Strategic Direction* (2005)

Submissions

- Federal Senate inquiry into abuse and neglect of people with disability (2015)
- FACS discussion paper on social housing in NSW (2015)
- Disability Inclusion Bill (2014)
- Public Accounts Committee inquiry into tenancy management in social housing (2014)
- FACS review of the *Disability Services Act* (2013)
- CCYP discussion paper on strengthening advocacy for children and young people in NSW (2013)
- ICAC consultation paper on funding NGO delivery of human services in NSW (2012)
- Legislative Council inquiry into services provided or funded to AHDC to children with disabilities (2010)
- House of Representatives inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system (2010)
- Submission to the Special Commission of Inquiry into Child Protection Services in NSW (2008)