



Response to the NSW Office of Communities

Developing a NSW Volunteer Strategy Discussion Paper.

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Council of Social Service of NSW (NCOSS)

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About NCOSS

The Council of Social Service of NSW (NCOSS) is an independent non-government organisation (NGO) and the peak body for the non-government human services sector in NSW.

NCOSS has a vision of a society where there is social and economic equity, based on cooperation, participation, sustainability and respect. NCOSS works with its members on behalf of disadvantaged people and communities towards achieving social justice in New South Wales.

Established in 1935, NCOSS is part of a national network of Councils of Social Service, which operate in each State and Territory and at the national level.

NCOSS membership is composed of community organisations and interested individuals. Member organisations are diverse including unfunded self-help groups, children's services, registered training authorities, emergency relief agencies, chronic illness and community care organisations, family support agencies, housing and homelessness services, mental health, alcohol and other drug organisations, local indigenous community organisations, church groups, peak organisations and a range of population-specific consumer advocacy agencies.

Sector Development at NCOSS

The NCOSS Sector Development Unit supports our sector to effectively operationalise its social justice objectives and values. Through industry services, advocacy, research and policy development we proactively support a high quality and effective community sector.

The major goals of the NCOSS Sector Development Unit are to:

1. Support and resource the ongoing development of a high quality and effective community sector.
2. Positively influence key government policies that impact on the sustainability, capacity and vitality of the community sector.

One of our key roles in supporting the sector involves improving the governance capacity and performance of human services NGOs. The Boards of Management responsible for the governance of NGOs are comprised of volunteers. Consequently NCOSS has a specific interest in ensuring that the needs of these volunteers are included in the proposed NSW Volunteering Strategy.

Introduction

Volunteers in NSW make a substantial contribution through their participation as members of the Boards of Management of not for profit, non-government organisations (NGOs). These volunteers are legally responsible for the governance

of these NGOs and will require specific attention in the proposed NSW Volunteering Strategy.

This submission is focused on this specific form of volunteering in NSW and addresses those themes outlined in the discussion paper that are most relevant to volunteers on Boards of Management.

These include:

- 1) Providing Support and Information
- 2) Supporting volunteer recruitment and retention
- 3) Supporting the diversification of the volunteer base.

The proposal from the NSW Department of Attorney General and Justice, for the inclusion of volunteers under the *Anti Discrimination Act 1977*, is also considered in the context of supporting volunteering.

Responses to Themes

1. Providing support and information for greater participation

In recognition of the need for greater transparency and accountability within the Boards of Management of funded NGOs, there has been a substantial increase in the compliance requirements of Governments and funding bodies during the past five years.

In some instances, failure to achieve compliance with some requirements may result in personal liability for Board members, ranging from financial penalties through to the possibility of a gaol term for very serious breaches. The *NSW Associations Incorporation Act 2009* is a recent example of this type of potential legislative impact.

Few Boards of Management have sufficient funding to access external support to assist them to understand their risk management and compliance responsibilities. This is particularly the case with small NGOs.¹

The need to improve the “knowledge of, and the capacity to meet, the governance requirements for not-for-profit organisations’ boards and management”² was recognised by the Productivity Commission’s *Contribution of the Not-for-Profit Sector Research Report*. This concern was noted primarily in relation to the need for specific training to support risk management and compliance issues, as well as program evaluation³. The report also recognised that training and support could be the critical link between a Board’s success and failure.

¹ Small = less than 15 FTE staff

² Productivity Commission, *Contribution of the Not-For Profit Sector Research Report*, Commonwealth of Australia, Melbourne, 2010, Recommendation 9.2, p XLVII

³ *Ibid* pp 249, 272, 273

A requirement that Government funding bodies ensure the provision of resources, training and support to assist Boards of Management would assist compliance with funding agreements. Such information and support could also encourage participation by building the confidence and skills of these volunteers.

2. *Supporting volunteer recruitment and retention*

There is a growing concern that without appropriate support, training and resources, there will be a decrease in the number of volunteers prepared to take on the level of responsibility required of a member of a Board of Management.

The proposed strategy needs to recognise the value of accessible and affordable training for Boards of Management, specifically in the areas of governance, risk management and compliance issues. A range of approaches is recommended including e-learning, face-to-face and 'train the trainer' models to meet the diverse needs of volunteers across the state. Appropriate peak bodies could also have a significant role in providing support/training to their member and sector organisations.

A major issue that is impacting on the retention of volunteer members of Boards of Management is the "red tape" associated with NSW Government funding policies. Many NGOs access a range of government funding sources to support their programs and often each source has its own tendering process and compliance requirements.

A large proportion of volunteers that join Boards of Management do so out of a desire to engage with their communities and contribute to the development of local services and amenities. Many become disillusioned and disengaged when they are confronted with the high levels of compliance requirements and, in some instances, unacceptable levels of personal risk.

A 2009 report by the NSW Department of Premier and Cabinet⁴, acknowledged the need to reduce the 'red tape' associated with funding contracts and recommended a number of strategies to address this issue across human service agencies. Some advances to reduce the 'red tape' have been implemented by NSW human service funding agencies over the past 18 months. However NCOSS has also noted an increase in the regulatory burden placed on NGOs from 'non funding' bodies.

An example of this is the proposed expansion of the *Anti-Discrimination Act 1977* to include volunteers, currently being considered by the Department of Attorney General and Justice. While NCOSS supports in principle the Act being amended to include volunteers, we would encourage the NSW Government to be mindful of some of the potential consequences in terms of increasing the compliance requirements on NGOs and potential associated costs. It is important that the Volunteering Strategy make explicit the need for ongoing support, both financial and educative, for NGOs to ensure compliance with the Act.

⁴ NSW Department of Premier and Cabinet, *Non-Government Organisation Red Tape Reduction* December 2009

In addition it is worth noting that, at least in the area of age discrimination, there are insurance issues that may impact of the capacity of NGOs to adhere to the Act in relation to volunteers. Most insurance policies that provide cover for accidental injuries to volunteers have age limits and without appropriate insurance it is not lawful to engage volunteers in organisational activities. NCOSS therefore recommends that this factor is fully considered in terms of the potential impacts, including the possibility of reluctance for NGOs to provide volunteering opportunities.

It has been suggested that volunteers provide their own portable personal accident volunteer insurance. It is inevitable that volunteer numbers will reduce if this becomes standard practice, as it is unlikely that unemployed people, students or pensioners who currently volunteer, could afford the insurance.

Access to free or subsidised public liability insurance for volunteers may be an option to consider.

3. Supporting the diversification of the volunteer base

Members of emerging communities, particularly amongst recently arrived humanitarian and refugee groups, have been identified as a specific group of volunteers in need of intensive resourcing and support. As these people and communities both establish, and seek to establish, their own associations, there is a growing demand for assistance to enable them to understand and meet their responsibilities as volunteers on Boards on Management.

Research undertaken by Blacktown City Council identified the major characteristics of emerging communities in its region (predominately from Sudan, Afghanistan and Iraq), as well as their settlement and social needs. ⁵ The latter included community development, education and training and volunteering opportunities.

The provision of more English language services would also substantially support the diversification of volunteers by enabling people from emerging communities to more effectively participate on Boards of Management.

For further information please contact:

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⁵ Blacktown City Council, *Blacktown Emerging Communities Action Plan (BECAP)*, February 2009