

## Introduction

The NSW Council of Social Service (NCOSS) is pleased to provide comments in response to the Their Futures Matter Access System Redesign Discussion Paper (the Discussion Paper). These comments have been informed by consultations with and advice from NCOSS members, partners and key stakeholders. NCOSS welcomes the opportunity to discuss any of the issues raised in this document.

NSW currently has a diverse community sector. Services provided by non-government and community based organisations (referred to as the community sector in this document) range from targeted services, which focus on support provision and coordination for specific populations, to more generalist services designed to benefit all of the NSW community. People living in NSW have a right to a support system that cares for them and deserve a vibrant, sustainable community sector.

NCOSS has a history of engagement with and provision of advice to the NSW Government on important reforms to service delivery for vulnerable people in NSW. This has included important reforms to improve outcomes for children, young people and families such as Families First, Keep Them Safe (KTS), Skilled to Thrive, Targeted Early Intervention program and Their Futures Matter (TFM).

Non-government and community based organisations funded by the Department of Family and Community Services (FACS) are now operating in an environment characterised by constant reform and change. Consistent with advice previously provided to TFM, there continues to be a lack of clarity in on how TFM will interface with and complement other reforms. Related reforms include; Targeted Earlier Intervention program reforms (TEI), recommissioning of Out-of-Home Care (OOHC) services, the Permanency Support Program reforms, implementation of the Human Services Outcomes Framework, the National Disability Insurance Scheme (NDIS), the 'investment approach' and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

It appears that the scope of TFM system redesign may extend beyond programs intended to prevent escalation to OOHC (services for vulnerable children and families). Clarity is sought on the relationship between TFM and targeted and specialist services, as well as other funding programs and initiatives including those in portfolios such as health and education. There is a pressing need for timely, clear information to be provided to community sector service providers on the relationship between TFM and other reforms as well as a need for more detail on individual reforms. This could be addressed through the specification and articulation of all programs included within the scope of the TFM reform. To increase sector understanding of the frameworks that underpin the TFM reform more information should also be provided on the investment approach and the liability model, and how these intersect with a public health approach to system redesign.

## A genuine partnership between government and the community sector

The current information asymmetry between service providers, TFM and commissioning bodies has the potential to undermine service system design. In order to participate fully in service system design service providers require timely access to the evidence base, including data used to drive decision making and resource allocation.<sup>1</sup> This access should include information on the assumptions that underpin data analysis and modelling as well as access to the report of evidence reviews commissioned by TFM.

The NSW Government continues to devolve responsibility (and associated risk) for the delivery of community services to the community sector. This is in recognition of the sector's expertise, its connectivity to local communities and its ability to deliver value for money. A genuine partnership between government and community sector agencies is therefore a prerequisite for the design of an effective service system. Research has identified that there is potential for a reset of existing relationships between government agencies (funding bodies) and service providers in order to develop co-governance arrangements and shared risk management.<sup>2</sup> This will require strategies to rebuild trust between the government and the community sector, provide clarity on respective roles and the provision of timely information to improve transparency.

Suggestions for enablers of an effective partnership between TFM and service providers are included in the section titled System-wide Enablers, however it is important to highlight that addressing the existing information asymmetry between commissioning bodies, government agencies and service providers is central to the development of the trust required for a genuine partnership.

There is also a need for improved coordination between government agencies to ensure that the key universal service components, health and education, are full partners in the access system redesign. To facilitate this it is recommended that oversight of TFM should sit with a central agency, preferably the Department of Premier and Cabinet.

There continues to be a need for an effective mechanism in NSW for non-government and community based organisations to have timely input into reforms that impact on their service delivery. This is the case for TFM. While NCOSS has been represented on the Ministerial Advisory Group (MAG) on Vulnerable Children, Young People and Families, to date this has primarily been an information sharing

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<sup>1</sup> Western Australia Council of Social Service (WACOSS), *Co Design Toolkit*, 2017, <<http://www.wacoss.org.au/wp-content/uploads/2017/07/co-designtoolkit-combined-2-1.pdf>>.

<sup>2</sup> J Mason, *Commissioning for outcomes in NSW – an NGO perspective*, 2018, <<http://www.acwa.asn.au/commissioning-for-outcomes-in-nsw-an-ngo-perspective/>>.

forum and there has been limited participation by the sector in decision making processes. This is not conducive to the full partnership and co-governance approach required to successfully implement human service reform. The establishment of a TFM Expert Advisory Committee, comprising key representatives of peak bodies, the sector and academia and independently chaired, would provide for systematic and ongoing input into the TFM reform process, and the opportunity to oversee key streams of work.

NCOSS also recommends the establishment of a formal agreement between the NSW Government and the community sector to successfully embed a partnership approach in the development and implementation of all community/human services reforms in NSW. The development of the agreement could be led by the Department of Premier and Cabinet on behalf of government agencies. Such an agreement could include a requirement for government/ community sector partnerships in determining service design and implementation of reforms at the local level.

## General comments on access system redesign for vulnerable children, young people and their families

NCOSS recognises that there is a need in NSW to improve outcomes for children at risk of entering the child protection system and their families. Addressing the complex needs of vulnerable children, young people and their families is a responsibility shared by all levels of government, the community sector and the community.

Many of the children, young people and families that are targeted by the TFM reform are living in what has been described by the Productivity Commission as 'deep and persistent disadvantage'.<sup>3</sup> Improving the availability of and access to adequate financial and social supports; such as sufficient income benefits, legal support, secure and affordable housing and universal services such as free health care, including dental care, and education will support families to fully participate in their communities and provide opportunities for their children to thrive.

The drivers of disadvantage and vulnerability are complex and include poverty, social isolation, stigma and discrimination. Discrimination includes the systemic discrimination that continues to confront Aboriginal people in NSW. The continuing over-representation of Aboriginal and Torres Strait Islander children in the child protection and juvenile justice systems highlights the need for a rights based approach to system redesign. A key priority for the TFM access system redesign should be that services for Aboriginal and Torres Strait Islander people are designed and delivered in accordance with principles of self-determination.

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<sup>3</sup> R McLachlan, G Gilfillan and J Gordon, *Deep and Persistent Disadvantage in Australia*, rev., Productivity Commission Staff Working Paper, Canberra, 2013.

Consistent with the *National Framework for Protecting Australia's Children* NCOSS supports a public health model approach to achieving better outcomes for vulnerable children and their families.<sup>4</sup> This approach recognises the importance of intervening early and the involvement of professionals, families and the wider community to ensure the availability and accessibility of supports so that families can get support when it is needed. The provision of universal services is a core component of such an approach.

It is important that services that build the capabilities and strength of communities and provide a buffer against adversity, such as neighbourhood centres, disability advocacy organisations and financial counselling services continue to be available and accessible to people in NSW. While not exclusively targeting vulnerable children and families, these services promote social inclusion and participation, they can fill the gap for those unable to access the NDIS, aged care packages or mental health services and they provide non-stigmatising access points for vulnerable people to engage with services. In many instances, they serve as community hubs and a gateway to information and support.

NCOSS does not support an approach to system redesign that reorientates more generalist services such as those funded under the Community Builders Program towards exclusively targeting vulnerable children, young people and families. Instead the focus should be on ensuring the availability of accessible, effective and responsive community based services for all community members, including vulnerable children and families.

The following comments are provided in response to the issues raised in the discussion paper.

## Guiding principles

NCOSS has considered the TFM principles and recommends changes to strengthen the existing principles as well as the inclusion of additional principles as follows.

The principle *children, young people, families and communities at the centre* requires strengthening. To address this NCOSS recommends the inclusion of a standalone principle that explicitly makes reference to children's rights and aligns with the United Nations Convention on the Rights of the Child (UNCRC). This will highlight Australia's obligations as a signatory to the UN Convention, make it clear that having children at the centre of design is not negotiable, and mandate best interests and participation of children and young people in design and delivery of services. The commitment to consultation with children and young people provided in the description of the principle is noted. However further

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<sup>4</sup> Commonwealth of Australia, *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009–2020*, 2009, p. 8.

information on the mechanism for ensuring participation of children and young people in service, and system, design, delivery and evaluation is required.

An additional standalone principle is also recommended for inclusion that recognises the role of parents and their need for support. The following principle from the National Framework is consistent with article 18 of the UNCRC and could be adopted or used as a model. *The safety and wellbeing of children is primarily the responsibility of their families, who should be supported by their communities and government.*<sup>5</sup>

It is also strongly recommended that a specific principle concerning Aboriginal children, young people and their families is developed in partnership with Aboriginal peak bodies. At a minimum, TFM guiding principles require a principle for rights based and Aboriginal-led design and delivery of services for Aboriginal children, young people and families that explicitly references the right to a distinct status and culture and the right to self-determination.

NCOSS supports the principles outlined by AbSec - NSW Child, Family and Community Peak Aboriginal Corporation (AbSec) in *Delivering better outcomes for Aboriginal Children and Families in NSW*<sup>6</sup> and by SNAICC – National Voice for our Children and Early Childhood Australia (ECA) in *Working together to ensure equality for Aboriginal and Torres Strait Islander children in the early years.*<sup>7</sup>

The existing principle *culturally safe and accessible services* should be amended to make reference to the interdependence between service accessibility and availability. A commitment to accessibility of services needs to be accompanied by a commitment to address the lack of service availability for Aboriginal people, people from Culturally and Linguistically Diverse communities (CALD) and people, families living with disability and people who live in regional and remote NSW.

The principle *focus on prevention and early intervention* should be amended to more closely reflect a public health approach and include a specific reference to wellbeing. NCOSS considers wellbeing to be the central objective of any system that aims to improve outcomes for vulnerable children, young people and their families.

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<sup>5</sup> Commonwealth of Australia, *Protecting Children is Everyone's Business, National Framework for Protecting Australia's Children 2009–2020*, 2009, p.12.

<sup>6</sup> Aboriginal Child, Family and Community Care State Secretariat (AbSec), *Delivering better outcomes for Aboriginal Children and Families in NSW*, 2018, <[https://www.absec.org.au/images/downloads/NSW-Election-Platforms-AbSec-May-2018\\_final.pdf](https://www.absec.org.au/images/downloads/NSW-Election-Platforms-AbSec-May-2018_final.pdf)>.

<sup>7</sup> SNAICC – National Voice for our Children and Early Childhood Australia (ECA) *Working Together to Ensure Equality for Aboriginal and Torres Strait Islander Children in the Early Years*, 2019.

With regard to the principle *Governance and accountability mechanisms across a system*, consideration should be given to including the timely sharing of data and research and the provision of information on the assumptions underlying modelling, by government to service providers.

The principle *Building trust in the system through an ethical approach* could be strengthened by including explicit recognition of the importance of relationships between Government and the community sector. It is noted that the description for this principle makes reference to Government and non-government 'partners'.

It is also recommended that an additional design principle on 'partnership' is included; as partnership is essential to the delivery of TFM. The principle description should include that partnerships should be respectful, relational and formalised at the outset of the system design planning stages. As previously mentioned, partnership should be characterised by transparency in rationale of decision making, procedural fairness and information sharing. In practice this will require addressing existing information asymmetry.

## Key themes from the evidence

NCOSS acknowledges the importance of the themes and issues identified in Part 2 of the Discussion Paper and the plethora of research that informs current understanding of the drivers of vulnerability.

NCOSS supports a public health approach to vulnerable children, young people and their families at risk of entering the child protection system. Consistent with the Productivity Commission, NCOSS considers that statutory responses should only be considered as a last resort.<sup>8</sup>

A public health approach is comprised of universal support for all families and more intensive prevention and early intervention programs for vulnerable families. An ecological approach to children's early development extends beyond an individual or family paradigm and recognises the influences of the environments in which children live and that *children's development is influenced by everyday interactions between children and their economic, social, physical and political environment*.<sup>9</sup>

NCOSS supports a public health and socio-ecological approach to supporting wellbeing and recommends that system redesign includes a stronger focus on the wellbeing of the communities in which they are raised. Recognising that children, young people and their families live in communities

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<sup>8</sup> Australian Government Productivity Commission *What is known about systems that enable the 'public health approach' to protecting children* Consultation Paper, February 2019.

<sup>9</sup> S Goldfeld, K Villanueva, JL Lee, R Robinson, A Moriarty, D Peel, R Tanton, B Giles-Corti, G Woolcock, S Brinkman, I Katz, *Foundational Community Factors (FCFs) for Early Childhood Development: A report on the Kids in Communities Study*, 2017, P.9.

and that these environments impact on wellbeing will require investment in communities to address poverty and disadvantage.

Poverty and inequality are key drivers in vulnerability for children, young people and their families, and should be considered in the development of TFM. There is a significant body of research that has demonstrated the negative impact of growing up in poverty on children's social, emotional, cognitive, behavioural and physical development.<sup>10</sup>

Australian research has identified that sole parent families have the highest rates of poverty with one-third of all people in sole parent families living in poverty and that the risk of children living in poverty is highest for these households (three times that for children in couple families)<sup>11</sup>. Households relying mainly on social security payments are also more likely to experience poverty (approximately five times).<sup>12</sup>

NCOSS recommends that the NSW Government work with the Commonwealth to improve the accessibility and availability of universal supports to improve the current income support system for vulnerable families.

NCOSS recognises that the relationship between poverty and poor outcomes for children is complex and that poverty extends beyond financial poverty but is also aware of the correlation between child maltreatment and economic factors.<sup>13</sup> Poverty, including financial poverty, is a hostile environment for children. Approaches that seek to improve outcomes for vulnerable children and young people should provide non-discriminatory universal services to all families including: safe, secure affordable housing; access to sufficient, non-punitive income support when required; and access to free legal and dispute resolution services.

NCOSS recommends that system redesign addresses challenges identified by service providers in regional and remote areas. During regional consultations conducted in 2018 service providers identified the following priorities for effective service delivery in NSW. It is recommended that TFM system redesign should address these:

- Affordability, security, supply and suitability of housing continues to be a significant challenge for communities.

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<sup>10</sup> D Warren, *Social Policy Research Paper No. 47 Low-Income and Poverty Dynamics Implications for Child Outcomes*, Commonwealth of Australia (Department of Social Services), 2017, p.15.

<sup>11</sup> P Davidson, P Saunders, B Bradbury, M Wong, (2018), *Poverty in Australia, ACOSS/UNSW Poverty and Inequality Partnership Report No. 2*, Sydney: Australian Council of Social Service, 2018, p.40.

<sup>12</sup> *Ibid*, p. 46

<sup>13</sup> JC Doidge, DJ Higgins, P Delfabbro, B Edwards, S Vassallo, JW Toumbourou, L Segal, 'Economic predictors of child maltreatment in an Australian population-based birth cohort', *Children and Youth Services Review*, Vol. 72, 2017, pp. 14-25.

- Local experience and expertise, along with community sector connectedness are key to successful interventions. Communities should be empowered and resourced to come together and leverage cross-sectoral partnerships in order to design and deliver effective supports. Place-based solutions that are grounded in communities work best.
- Aboriginal communities are best placed to understand local needs. Aboriginal communities and leaders know what their communities need and must be supported to self-determine at all levels of decision-making. Service delivery can be compromised if distinct local conditions are overlooked in favour of a 'one size fits all' approach. Consultations illustrated the significance of Aboriginal-led design and delivery
- Placed-based solutions that are grounded in communities. Communities need to be empowered and resourced to execute their own solutions – bringing together and leveraging cross-sectoral and collaborative partnerships.
- Funding agreements should recognise the distance and time required of regional and remote support service delivery. Short funding cycles undermine the recruitment and retention of skilled workers. Targeted approaches to funding and investment for regional, remote and rural communities would be well received.
- Isolation and lack of transport options have a significant impact on individual and community access to opportunity, services and supports. Transport services are currently overly complicated and under-funded and disadvantaged populations, including vulnerable families, have limited available, accessible and affordable transport options.<sup>14</sup>

The involvement of local communities in decision making that should underpin all service design is particularly pertinent in regional and remote communities.

## System elements

It is noted that the system redesign will include human services elements that are Commonwealth responsibilities, including those delivered by the state, such as access to universal health care through general practice, education and income support. TFM provides an opportunity for the NSW Government to work with the Commonwealth to address some of the downstream levers that increase stress on vulnerable families and compound disadvantage such as inadequate income and punitive practices. It is noted, for example, that the Senate Community Affairs References Committee inquiry into ParentsNext reported having received extensive evidence of the program causing anxiety, distress and harm for many of its participants.<sup>15</sup>

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<sup>14</sup> NCOSS, *What we heard Insights from NCOSS regional community consultations 2018*.

<[https://www.ncoss.org.au/sites/default/files/public/policy/2018-08-22%20whole\\_report\\_Final%20Version.pdf](https://www.ncoss.org.au/sites/default/files/public/policy/2018-08-22%20whole_report_Final%20Version.pdf)>

<sup>15</sup> Commonwealth of Australia, The Senate Community Affairs References Committee *ParentsNext, including its trial and subsequent broader rollout* March 2019.

<[https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024267/toc\\_pdf/ParentsNext,includingsitrialandsubsequentbroaderrollout.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportsen/024267/toc_pdf/ParentsNext,includingsitrialandsubsequentbroaderrollout.pdf;fileType=application%2Fpdf)>.

The recent consultation paper released by the Productivity Commission identifies key system characteristics for a public health approach to protecting children. NCOSS commends the consultation paper to TFM.<sup>16</sup>

With regards to the system elements outlined in the Discussion Paper NCOSS is pleased to provide the following comment.

As previously indicated NCOSS supports the retention of neighbourhood centres as services that focus on community capacity building, social networks and participation for the whole community. Cohesive strong communities will support parents and families to seek support during periods of difficulty.

NCOSS supports multiagency coordination however notes that the approach by government to coordination has largely reflected the power and information asymmetry between government and the community sector. How this works in practice, “on the ground”, limits the capacity for coordination. Many service providers engage with a range of government agencies to access services for their clients without the formal agreements, such as MOUs, that exist between government agencies. Partnership between government agencies and service providers will be essential to the development of a multiagency response.

Consultations with NCOSS members highlighted the importance of timely access to legal advice and support for vulnerable families at risk of entering the child protection system. Parents and guardians need access to timely, free legal advice to assist them to keep their children safe within their families. Community legal centres are important components of the early intervention service system and work with FACS, the Legal Aid Commission and Aboriginal Legal Services (ALS) to deliver child protection legal services and casework.<sup>17</sup> NCOSS recommends that additional funding is provided to community legal centres in order to expand the Community Legal Centre Care Partner network and to strengthen existing Community Legal Centre Care Partners.

The Keep Them Safe Outcomes Evaluation Report identified workload, anxiety and skills as the primary reasons that professionals continued to report children below the ROSH threshold.<sup>18</sup> Given the increased demand on the service system there is no reason to assume that these factors would not continue to drive a preference for reporting rather than responding amongst professionals. This highlights the need for any system redesign to be accompanied by significant commitment to and investment in professional development of professionals, and paraprofessionals, including those

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<sup>16</sup> Australian Government Productivity Commission *What is known about systems that enable the ‘public health approach’ to protecting children* Consultation Paper February 2019

<sup>17</sup> <https://www.clcns.org.au/policy-child-protection>

<sup>18</sup> R Cassells, N Cortis, A Duncan, C Eastman, G Gao, G Giuntoli, I Katz, M Keegan, M Macvean, A Mavisakalyan, A Shlonsky, J Skattebol, C Smyth, K Valentine, *Keep Them Safe Outcomes Evaluation Final Report*, Sydney: NSW Department of Premier and Cabinet. 2014, p.51.

working in services that have not traditionally been considered to be part of the 'child protection' system. Building the capacity and confidence of workers to respond rather than report will require significant additional investment by government.

Strategies to improve the skills and confidence of the workforce to effectively respond rather than report should be accompanied by awareness raising campaigns designed to increase community understanding of the challenges faced by parents and to reduce stigma. The work of the FrameWorks Institute, in partnership with the Parenting Research Centre, to improve public understanding of parenting, is one example of promising approaches in this area<sup>19</sup>. Similarly campaigns such as the *Every Child* campaign have the potential to increase public awareness and support for vulnerable families.<sup>20</sup>

NCOSS recognises that there is a need for greater capacity within the community sector to build skills in data analytics, quantitative approaches to outcomes measurement and in general. Increasingly data is being integrated in to the core business of service providers however there continues to be a need for further investment so that service providers have the resources required, including workforce, to fully utilise the data being collected. Additionally the increased availability of open source data provides opportunities for service providers to access more information to improve service design and delivery. Building data capacity and capabilities for the community sector to utilise data would be a key component of a community sector industry plan (see below).

## System-wide enablers

It is noted that the discussion paper focuses primarily on service providers, largely the community sector, in the identification of system-wide enablers. The NSW government has an important role in the stewardship of the system and as a commissioner and funder of services has a clear responsibility for system enablers.

NCOSS notes the extensive work undertaken by the Productivity Commission on Human Services reform and the observation that governments should focus on improving their stewardship of family and community services.<sup>21 22 23</sup> The Productivity Commission has made recommendations for government on how to effectively fulfil the role as system steward and has highlighted areas where

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<sup>19</sup> <https://www.parentingrc.org.au/publications/talking-about-the-science-of-parenting/>

<sup>20</sup> <https://www.everychild.co/>

<sup>21</sup> Productivity Commission, *Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services*, Report No. 85, Canberra, 2017.

<sup>22</sup> Productivity Commission 2016, *Introducing Competition and Informed User Choice into Human Services: Identifying Sectors for Reform, Study Report*, Canberra, 2016.

<sup>23</sup> Productivity Commission, *Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services*, Report No. 85, Canberra, 2017, p.247.

governments need to improve.<sup>24</sup> To strengthen the enablers identified NCOSS recommends that the following areas, identified by the Commission, should be included:

- Greater coordination and planning across government to improve services for people with multiple and complex needs.
- More transparency and accountability, including through provision of information held by government to all services providers and service users.
- Smoother transitions that preserve continuity of outcomes and minimise potential negative effects on users from the transition, including information being provided to service providers in advance of reforms.

With regards to the enabler *funding and strategic commissioning* NCOSS recommends that the NSW Government adopt the recommendations concerning human services contracting made by the Productivity Commission.<sup>25</sup> In particular the increase in contract lengths for family and community services will improve certainty and stability for service providers and service users.

Given the scale of the reform proposed under TFM, other reforms currently underway impacting on service providers in NSW, and the need for a strong community sector that is fit for the future, NCOSS strongly recommends that the NSW government invest in the development of a community sector industry plan that:

- articulates a clear vision for the sector;
- sets out the pathway to achieve that vision; and
- is accompanied by a community sector development fund to support service providers to successfully transition to the desired future state.

It is noted that reform in other sectors has been accompanied by industry development funds that aim to provide sectors with the skills and capabilities required to transition to new ways of working.

For example in 2009 NSW recognised that the NDIS reforms would require cultural and structural change in the disability sector. The \$22 million Industry Development Fund (IDF) was implemented to respond to the priorities identified with disability service providers. Evaluation found that the IDF has been good for the sector. There was a clear recognition of the value of both the state investment in driving change and the government/non-government partnership in administering the IDF.<sup>26</sup>

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<sup>24</sup> Productivity Commission, *Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services*, Report No. 85, Canberra. 2017, p.8.

<sup>25</sup> Productivity Commission, *Introducing Competition and Informed User Choice into Human Services: Reforms to Human Services*, Report No. 85, Canberra. 2017, p. 263.

<sup>26</sup> The Nucleus Group, *Review of the Industry Development Fund Summary Report*, 2015, <[http://idfsw.org.au/images/files/idf\\_public\\_facing\\_report.pdf](http://idfsw.org.au/images/files/idf_public_facing_report.pdf)>.

The implementation of a similar approach to assist with the transition to TFM, and other community services reforms, could benefit the government, the community sector and communities in NSW.