



# PeakCare

## Queensland Inc.

The Research Director  
Health and Community Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

27<sup>th</sup> February 2014

Dear Sir / Madam

**Re: *Communities Legislation (Funding Red Tape Reduction) Amendment Bill 2014***

PeakCare Queensland Inc. (PeakCare) welcomes the opportunity to make a submission in response to the *Communities Legislation (Funding Red Tape Reduction) Amendment Bill 2014*, which was introduced into the Legislative Assembly by the Hon Tracy Davis MP, Minister for Communities, Child Safety and Disability Services on 11 February 2014.

PeakCare is the peak body for child protection services in Queensland. PeakCare has 60 member agencies, which are a mix of small, medium and large, local and statewide, mainstream and Aboriginal and Torres Strait Islander non-government organisations that provide family support, child protection, and out-of-home care services (eg. foster and kinship care, residential care) to children and young people who are at risk of entry to, or in, the statutory child protection system and their families. PeakCare has an additional 16 members that are individuals and other entities supportive of PeakCare's policy platform relating to the safety and wellbeing of children and young people, and the support of their families.

PeakCare members directly provide care and support for some of the most vulnerable of Queensland's citizens - children and young people who have been harmed or are at risk of harm from parental abuse and neglect. PeakCare members are often in receipt of grant funds from a number of different Queensland Government agencies (eg. Communities, Child Safety and Disability Services, Housing, Health) due to the range of services which they deliver, for example, social welfare, educational, community housing, employment, and youth justice.

*Government objectives for introducing the Bill*

PeakCare is broadly supportive of the policy intent of the proposed legislation. Reducing administrative burden where, for example, record keeping, procurement, contract management or accountability requirements are duplicative, unnecessary, contradictory, or disproportionate to the potential harm to service users or the financial risks involved is a high priority for both government

and non-government agencies. Removing the requirement on organisations to undergo an Approved Providers application process before applying for government funding is also supported as a red tape reduction measure. In terms of protecting vulnerable children, young people and their families, our focus is on reducing the administrative burden on service providers and on funding agencies and that this objective should be considered independently of deliberations about the best way for government to regulate the child protection system.

We are firmly of the view that any 'savings' that result from reducing red tape should remain with the service provider to support the Bill's objective of revitalising frontline services. Unless there are concerns about the organisation's performance, any efficiencies gained through red tape reduction should, in principle, be directed by the funded organisation to enhancing or increasing frontline services. Savings should not be retained by the funding body or transferrable to the funding body.

In respect to increasing contestability and service users having greater choice in selecting providers, PeakCare wishes to stress that extreme care needs to be taken when offering services to children, young people and their families in contact with the child protection system. Queensland's population is increasingly diverse and spread across a vast area. Many families have multiple, complex and specialist needs relating to, for example, family violence, substance use, mental illness, and housing instability. PeakCare is of the view that well resourced, collaborative, local area planning should underscore identification and procurement of service providers that can best deliver the range and mix of services required. A disproportionate focus on efficiency and economies of scale could mean that choice of provider, culturally competent services, quality, or client outcomes are sacrificed.

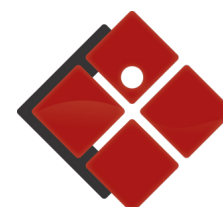
#### *Common legislative base for funding across Queensland government agencies*

PeakCare is supportive of the concept of a common legislative base for funding non-government service providers across Queensland government portfolios, an issue which this Bill is asserted as having the potential to address. Consistency in funding and contract management requirements relating to non-government service providers across portfolios with 'community services' responsibilities was raised by PeakCare when the *Community Services Act 2007* was being developed for the then Department of Communities. That this Bill now seeks a common legislative base for the current Department of Communities, Child Safety and Disability Services to include two significant and previously excluded areas of specialist community services - child protection and disability - is to be commended. The Bill also supports the view that a whole-of-Queensland government approach is needed across portfolios that indirectly deliver social and community services given the likelihood of Machinery of Government changes when policy priorities and perceptions about the preferred alignment of program areas changes.

Should the Government decide to utilise the amended *Communities Services Act* as a template for procurement across Queensland Government agencies, current inconsistencies in approaches to procurement, contract management and disputes resolution would require attention. PeakCare would be pleased to participate in these deliberations.

#### *The right balance between legislation and administrative decision making*

PeakCare is supportive of the Bill's approach to legislating only those elements that are required to be in law and managing other processes and issues administratively, for example, in funding



contracts. In PeakCare's views, co-design of funding, procurement and contract management processes and documents by government, and non-government peak bodies and services is the preferred means to achieve fair, transparent and equitable arrangements for applicant and funded organisations.

#### *Review rights*

Although, as is the case now, applicants for funding and funded organisations can seek judicial review about the decision making process and decision, PeakCare is concerned about the removal of the external review avenue to the Queensland Civil and Administrative Tribunal for funded organisations in respect to funding related decisions. The option to pursue an external review process is integral to transparency and fairness for the simple reason that the aggrieved party views the mechanism as independent of the original decision-maker.

#### *The implications for child protection services of the definitions of 'serious concerns'*

PeakCare is supportive of the legislation containing explicit criteria about what constitutes a 'serious concern' for government about the delivery of contracted services. As indicated earlier, PeakCare's member agencies provide services to children and young people subject to or at risk of statutory child protection intervention. Numerous Queensland and other public inquiries have identified that children and young people removed from their parent's care were and evidently continue to be abused or neglected by their appointed foster, kinship and / or residential carers. This also includes where those carers failed to protect the child from harm (i.e. by omission). Staff and management of out-of-home care services are mandated to report significant harm to a child in their care. Notwithstanding that the harm to the individual child indicates that the child may not be receiving the legislated or moral standard of care to which they are entitled, the care service and the statutory agency are required to have, and to adhere to, processes about identifying, reporting, and responding to allegations of harm or suspected harm. Clarity about thresholds for individual harm triggering a serious concern and decision making points for the Department to determine that the act constitutes a serious concern under the legislation will therefore require careful consideration. For out-of-home care services, determining the extent to which an individual carer's act or omission compromises the organisation's funding will also need further exploration.

Another 'serious concern' that has implications for non-government services providing family support, child protection and out-of-home care services relates to funds being improperly used. More flexibility and less prescription in funding program guidelines and service agreements are long standing issues which funded services have raised with government and during the recent Queensland Child Protection Commission of Inquiry. Examples include service providers' desire to be more responsive to service users in terms of the duration of services provided, more flexible in terms of matching the level and nature of supports to service users, and service users being able to access top-up or post-case closure support. To date, funded non-government organisations have been subject to siloed buckets of funding, inhibited at a local level by inconsistent and sometimes punitive approaches by departmental contract management officers, and prescriptive reporting about service throughputs. If family support or out-of-home care services were to offer the above examples of individualised responsive and flexible supports, many would be perceived by departmental officers as being in breach of their service agreement. How this provision of the Bill will be implemented must go hand in hand with the co-design and review of evidence informed child and family programs.



*Protecting privacy and confidentiality*

To protect client and staff confidentiality, PeakCare recommends that the provisions in the Bill outlining funders' powers to require information from funded organisations be amended. Non-government organisations working with vulnerable children and families hold a wide range of confidential information on service users and staff. This information is subject to various State and Commonwealth laws and protections (eg. information privacy laws, legal professional privilege, workplace laws). PeakCare is of the view that additional protections should be included in the legislation to ensure sensitive personal information is treated appropriately.

Thank you again for the opportunity to make a submission. Please contact me if you have any queries or require further information.

Yours sincerely



**Lindsay Wegener (Mr)**  
Executive Director  
PeakCare Queensland

