

Children and Families Tripartite Forum

Submission to the Productivity Commission on the Draft Report into Expenditure on Children in the Northern Territory

Background

1. The Children and Families Tripartite Forum (Tripartite Forum/Forum) was established in July 2018. Its vision is that 'children and young people in the Northern Territory grow up safe, thriving and loved in their families, cultures and communities' (Tripartite Forum, Terms of Reference).
2. The Tripartite Forum is a key component of the reform program arising from the Royal Commission into the Protection and Detention of Children in the Northern Territory (Royal Commission). The Royal Commission identified the need for wide-ranging, whole-of-government, cross-sectoral reforms in services for children, young people and families, in, or at risk of entering, the child protection or youth justice systems in the Northern Territory.
3. The Royal Commission recommended the establishment of the Tripartite Forum to address an identified need for structured and sustained high level engagement between the Northern Territory Government, Commonwealth Government and Community Sector regarding children experiencing vulnerability, young people and families, and child protection and youth justice issues.
4. The Tripartite Forum's Terms of Reference were approved on 23 July 2018 and are publicly available on the Reform Management Office's website: <https://rmo.nt.gov.au/tripartite-forum>
5. The Tripartite Forum comprises of members from the Commonwealth and Northern Territory Government, Aboriginal Peak Organisations Northern Territory (APO NT), Northern Territory Council of Social Service (NTCOSS) and North Australian Aboriginal Justice Agency (NAAJA). The Forum is chaired by an 'Aboriginal person who is independent or can act independently of all Member agencies, is very familiar with the Northern Territory, its population and unique operating environment, and is committed to improving outcomes for all children and families in the Northern Territory'. The current Chairperson is Ms Donna Ah Chee.
6. As outlined in the Terms of Reference, Members have a shared commitment to
 - a. Prioritising early intervention and prevention to bring about transformative social change, particularly for Aboriginal children, families and communities and creating contemporary child protection and youth justice systems, acknowledging that these reforms will have broader benefits and outcomes for all families and children in the Northern Territory; and
 - b. Working together collaboratively and transparently in equal partnership to achieve the purpose of the Tripartite Forum.
7. The Tripartite Forum is recognised as a key stakeholder and important oversight body for reforms to improve outcomes for children and families in the Northern Territory that is influential in its advice to both the Commonwealth and Northern Territory Governments.
8. The Tripartite Forum held a special meeting with the Productivity Commission on 29 August 2019 to discuss the Productivity Commission's study into expenditure in the area of children and family services in the Northern Territory.



9. The Forum identified a number of key elements that should be considered central to future funding arrangements, including
 - a. Local decision-making, partnerships and ensuring Indigenous people have a say in the design and delivery of services in their communities;
 - b. Early intervention and a public health approach;
 - c. Supporting Indigenous capacity development; and
 - d. Evidence informed programs and increased accountability.
10. The Tripartite Forum again met with the Productivity Commission on 15 November 2019 when the Productivity Commission presented its Draft Report.

Executive Summary

11. The Tripartite Forum welcomes the Productivity Commission's Draft Report that examined Commonwealth and Northern Territory Government expenditure in the Northern Territory in the area of children and family services relevant to the prevention of harm to children.
12. As recognised in the Productivity Commission's Draft Report, 'keeping children safe and well is a shared responsibility, between families, communities and governments' (PC Draft Report, page 13). The Tripartite Forum is supportive of Northern Territory and Commonwealth Governments improving funding coordination and both governments genuinely engaging with communities to come to a shared understanding of the current issues affecting children and families.
13. The Productivity Commission's Draft Report highlights the significant investment made by both Commonwealth and Northern Territory Governments in funding services to prevent harm to children in the Northern Territory. The Tripartite Forum agrees that better coordination will enhance capacity to improve outcomes for children and families.
14. The Tripartite Forum supports the public health and place based approach that underlines the draft recommendations and supports continued investment in prevention and early intervention working closely with communities and families.
15. While the Productivity Commission's draft recommendations apply to all children in the Northern Territory, the Draft Report acknowledges the unique set of cultural and historical factors that shape the experience of Aboriginal children in the Northern Territory. The Draft Report acknowledges that historical experiences are one factor in driving the overrepresentation of Aboriginal children and young people in the out-of-home care and youth detention systems (PC Draft Report, page 42-43). The Tripartite Forum also acknowledges this view.

Data sharing

16. The Tripartite Forum agrees with the Productivity Commission that there is a need for greater data sharing across the range of funding providers (both between and within the Commonwealth and Northern Territory Governments) to enhance planning for children and family services.
17. The Tripartite Forum proposes data should be shared with communities for the purposes of planning, monitoring and ensuring accountability for improving coordination and delivery of children and family services.
18. It is noted that further clarity is needed on what data is being referred to in the planning process, with particular consideration given to sensitive and non-sensitive data. It is the view of the Tripartite Forum that data should only be shared on a 'need to know' basis, ensuring that data is de-identified and maintains individuals' right to privacy.

19. The Tripartite Forum does not support community level data being reported publicly. This has the potential to create unnecessary and unconstructive competition between communities across the Northern Territory without recognising the diversity of each community's culture and history and lead to the potential stigmatisation of communities.
20. Further, the public reporting of data related to children and family services at a community level has the potential to reinforce a deficit focus on Aboriginal communities and incorrectly characterise Aboriginal people's ability to care and parent their children. The Tripartite Forum is of the strong view that public reporting of data will fail to adequately articulate the historical and ongoing context that many Aboriginal communities in the Northern Territory experience. The benefits of public reporting at a community level are unclear to the Tripartite Forum.
21. That said, the Tripartite Forum is supportive of the release of data at the regional level. Such as the public reporting already included in agency annual reports and the *Story of our Children and Young People*, research led by Menzies School of Health Research and commissioned by the Northern Territory Government. Public reports provide the appropriate accountability and maintain a focused commitment to improving the lives of children, particularly Aboriginal children.

Community Plans

22. The Tripartite Forum is supportive of community planning to coordinate funding decisions (PC Report, Draft Recommendation 6.1). In order to support appropriate planning at a community level, further consideration is needed on the data and authority required to enable identification of strengths of communities and support the best interests of children and families.
23. Data held by both the Commonwealth and Northern Territory Governments should also be coordinated and shared in a targeted way that supports communities to make decisions and builds ownership over these decisions.
24. Both the Commonwealth and Northern Territory Governments are committed to working together, and in partnership with the Community Sector, to develop an appropriate implementation plan. Any implementation plan will need to recognise that many current funding arrangements for both governments have committed funds already allocated for coming years and will need time to transition into new arrangements.
25. The Tripartite Forum has commenced developing a Coordinated Funding Framework that will improve coordination of children and family services. As an example, both governments have commenced discussions to ensure there is a coordinated approach to family support service programs, funding agreements, selection of service providers, service outputs and evaluations.

Children and Families Tripartite Forum

26. The Tripartite Forum is supportive of the continued role providing strategic advice to the Commonwealth and Northern Territory Governments related to children and families. The Forum is also supportive of it having a role in monitoring the development of community plans and identifying trends and gaps in children and family services to continue to advise Commonwealth and Northern Territory Governments.
27. Both the Northern Territory and Commonwealth Governments are bound by legislation on expenditure to ensure their efficient and effective management of public funds. The Tripartite Forum acknowledges these requirements and is clear that decisions related to expenditure are ultimately decisions of government. Tripartite Forum processes should clearly articulate a clear understanding that the Forum is not involved in direct funding decisions. This is to protect against real or perceived bias by members of the Forum.

28. The Northern Territory Government funds the Reform Management Office to provide support to the Tripartite Forum which includes managing meetings and correspondence, secretariat responsibilities, coordination and ad hoc policy development.
29. Any increased role for the Tripartite Forum may require additional resourcing. How the role is best supported and resourced is yet to be determined but is a matter for consideration by all parties in the context of final recommendations of the Productivity Commission's study. A full range of options should be explored and considered.

Relational contracting

30. The Tripartite Forum is supportive of a relational approach to contracting (PC Report, Draft Recommendation 7.3). A collaborative approach to planning, reviewing the outcomes of services, including consultation with service users and having a focus on continuous improvement will support improved outcomes for vulnerable children and families.
31. The Tripartite Forum also supports having relationships between funding bodies and service providers that are place based. This ensures that there is a mutual understanding of the specific regional context for service delivery and greater opportunities to build positive and constructive working relationships.
32. Community Sector representatives of the Tripartite Forum have highlighted that they find it beneficial to have a direct relationship with the funding provider rather than working through an intermediary. This direct access to the funding body allows improved communication, stronger working relationships and ensures that service providers are able to understand and influence the policy direction of governments.

Transition to Aboriginal organisations

33. The Tripartite Forum supports the transition of children and family services delivered to Aboriginal Territorians to Aboriginal Community Controlled Organisations (ACCOs) where appropriate (PC Report, Draft Recommendation 7.5).
34. The Tripartite Forum proposes that the recommendation on transitioning children and family services to ACCOs include clear milestones for transition that are documented in contracts, agreed timeframes that allow for ongoing acquisition of capacity for effective service delivery and outcome key performance measures that are monitored and reported against throughout the length of the contract.
35. Where ACCOs require support to build their capacity, this should be supported and funded by the responsible government.
36. The Tripartite Forum encourages the Productivity Commission to broaden Draft Recommendation 7.5 to address issues related to the processes of commissioning children and family services. The Tripartite Forum has identified limitations in competitive grants processes as an approach to supporting the transition of services to ACCOs. Often such processes favour larger, predominantly non-Aboriginal organisations who have greater organisational capacity to develop a grant response, but may not always be the organisation preferred by the community to deliver a service.
37. The Tripartite Forum recommends that a range of commissioning options are considered to address this, including collaborative planning and co-creation models in partnership with the children and family sector, ACCOs and communities themselves. There are also opportunities to further explore direct engagement of organisations, particularly where there are limited services in operation.

38. The Tripartite Forum recommends that funding bodies develop new or enhance existing frameworks for assessing cultural capability of organisations. This is particularly relevant when funding bodies make decisions to fund a non-Aboriginal organisation when an Aboriginal organisation may be a potential service provider.
39. Both Commonwealth and Northern Territory Governments could consider the spectrum of partnership arrangements between ACCOs and non-Aboriginal organisations as a way to build organisational capacity. Should a partnering arrangement be commissioned, funding or service agreements will need to clearly articulate the agreed approach, activities, key milestones and outcomes to how the two (or more) organisations will share information and ultimately transition to Aboriginal community control.

Longer term contracts

40. The Tripartite Forum supports longer term contracts for delivering services for vulnerable children and families where appropriate, noting that the Productivity Commission's Draft Recommendation 7.1 suggests a minimum of seven years as a default contract length. The Tripartite Forum agrees that longer contracts provides increased certainty to establish services, build necessary networks and relationships, provide stability and build a skilled workforce and improve quality and outcomes.
41. The Tripartite Forum notes there is a risk that longer term contracts have the potential to exclude some ACCOs from the children and family services sector for longer periods of time if existing providers receive longer contracts. This is counterproductive to the intent of both the Commonwealth and Northern Territory Governments' policy direction to continue to build the capacity of ACCOs in the children and family services sector and transition services to ACCOs.
42. The Tripartite Forum also notes the importance of recognising the complexities of remote service delivery particularly where there is limited capital grant funding available. The Tripartite Forum suggests that if coordinated planning is being conducted at a community level, consideration is given to the available infrastructure, both for service delivery as well as for housing for staff.

Evidence based practice

43. The Tripartite Forum agrees that it is important to build an evidence base for what works for children and families in the Northern Territory (PC Report, Draft Recommendation 8.1). It is also important to understand and build evidence for the specific communities and regions across the Northern Territory recognising that differences among communities exist. This can include having a different history and experience of child and family policies implemented by both Commonwealth and Northern Territory Governments.
44. The Tripartite Forum supports the need to build a culture of continuous improvement that is embedded in program and service design. This must include seeking feedback from those who use services.
45. Likewise, the development of community plans must also be supported by local evidence and experience of what has and has not worked in the past, from both Commonwealth and Northern Territory Governments, the Community Sector and communities themselves.

Role of the Children's Commissioner

46. The Tripartite Forum does not support recommendation 9.2 as framed. The Tripartite Forum recommends that the Northern Territory Office of the Children's Commissioner continues to focus on supporting and protecting vulnerable children, and this purpose should not be diluted by broader responsibilities relating to monitoring the allocation of funding or implementation of the broader reform.

47. It is also noted that both the Commonwealth and Northern Territory governments have funding responsibilities for children and family services in the Northern Territory. As such, any oversight role should sit with a body that has authority to oversee both Commonwealth and Northern Territory governments' expenditure.

Conclusion

48. All Tripartite Forum members have a strong commitment to working together and in partnership with communities to ensure that children and families experiencing vulnerability in the Northern Territory are well supported. The Productivity Commission's study into expenditure on children and family services in the Northern Territory is an important report to document current activities and provide ongoing direction in children and family services.

49. The Tripartite Forum looks forward to further engaging with the Productivity Commission and reviewing the Final Report of this study.