

REVIEW OF AUDITOR-GENERAL'S REPORT No. 1 OF 2013:
CARE AND PROTECTION SYSTEM

STANDING COMMITTEE ON PUBLIC ACCOUNTS

SEPTEMBER 2015

REPORT 15

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RESOLUTION OF APPOINTMENT

The Legislative Assembly for the ACT appointed the Standing Committee on Public Accounts on 27 November 2012.

Specifically the resolution of 27 November 2012 establishing the Standing Committees of the 8th Assembly, as it relates to the Public Accounts Committee states:

(1) The following general purpose standing committees be established and each committee inquire into and report on matters referred to it by the Assembly or matters that are considered by the committee to be of concern to the community:

(a) a Standing Committee on Public Accounts to:

(i) examine:

(A) the accounts of the receipts and expenditure of the Australian Capital Territory and its authorities; and

(B) all reports of the Auditor-General which have been presented to the Assembly;

(ii) report to the Assembly any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Assembly should be directed;

(iii) inquire into any question in connection with the public accounts which is referred to it by the Assembly and to report to the Assembly on that question; and

(iv) examine matters relating to economic and business development, small business, tourism, market and regulatory reform, public sector management, taxation and revenue;¹

TERMS OF REFERENCE

The Committee's terms of reference were to examine the Audit report and report to the Legislative Assembly.

¹ ACT Legislative Assembly, *Minutes of Proceedings*, No. 2, 27 November 2012, pp. 24–27.

TABLE OF CONTENTS

Committee membership	i
Secretariat	i
Contact information	i
Resolution of appointment.....	ii
Terms of reference	ii
RECOMMENDATIONS.....	V
1 INTRODUCTION	1
Terms of reference	1
Conduct of inquiry.....	1
Structure of the report	2
Acknowledgements.....	2
2 THE AUDIT REPORT	3
Audit background and objectives.....	3
Audit conclusions	3
Audit findings.....	7
Audit recommendations	10
Summary of recommendations.....	12
3 COMMITTEE COMMENT	13
Responses to recommendations in the Audit report.....	13
Independence of statutory office-holders	17
Governance matters.....	18
Progress on implementation of recommendations	19
Conclusion	20
APPENDIX A SUMMARY OF AUDIT REPORT RECOMMENDATIONS	23

RECOMMENDATIONS

RECOMMENDATION 1

3.14 The Committee recommends that the ACT Government devise, in consultation with statutory office-holders, and implement a new model for funding inquiries into systemic matters by statutory office-holders.

RECOMMENDATION 2

3.17 The Committee recommends that the ACT Government introduce in the ACT Legislative Assembly—legislative amendments which, if passed, would provide reliable and constructive definitions for ‘consideration’ and ‘systemic matters’ for the purposes of subsection 11(2) of the *Public Advocate Act 2005*.

RECOMMENDATION 3

3.28 The Committee recommends that the ACT Government table in the ACT Legislative Assembly, within 90 days of the tabling of this report, a comprehensive description of the Integrated Management System, specifying to what extent it is an administrative, training and/or software system.

RECOMMENDATION 4

3.32 The Committee recommends that the ACT Government report to the ACT Legislative Assembly, by the first sitting day in 2016, on the progress and effectiveness of the Government’s implementation of the recommendations, made in Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, that have been accepted either in-whole or in-part. This should include: (i) a summary of action to date, either completed or in progress (including milestones completed); and (ii) the proposed action (including timetable), for implementing recommendations (or parts thereof), where action has not yet commenced.

RECOMMENDATION 5

3.39 The Committee recommends that the ACT Auditor-General conduct a performance audit of statutory office-holders in the ACT within two years of the tabling of this report, examining: (i) transparency of financial information; (ii) performance and accountability indicators; (iii) protocols between statutory office-holders and host agencies; and (iv) effectiveness of governance frameworks and enabling legislation.

RECOMMENDATION 6

- 3.46** The Committee recommends that ACT Government directorates and agencies should regularly monitor and review core governance elements that underpin good public administration to make sure that any shortcomings are promptly and appropriately addressed.

1 INTRODUCTION

- 1.1 Auditor-General's Report No. 1 of 2013: *Care and Protection System* (the Audit report) was presented to the ACT Legislative Assembly on 7 March 2013.
- 1.2 In accordance with the resolution of appointment of the Standing Committee on Public Accounts (the Committee), the Audit report was referred to the Committee for examination.
- 1.3 The Audit report states that it presents:

...the results of a performance audit that reviewed the ACT Government's care and protection services for children and young people who are considered to be at high risk and vulnerable.²

TERMS OF REFERENCE

- 1.4 The Committee's terms of reference were to examine the Audit report and report to the Legislative Assembly.

CONDUCT OF INQUIRY

- 1.5 On 30 April 2013 the Committee received a briefing from the Auditor-General in relation to the Audit report.
- 1.6 On 12 June 2013 the Committee received a submission from the Government in relation to the findings of the Audit report. In response to a request from the Committee³, the responsible Minister provided a progress update on implementation of recommendations (April 2014) and again in May 2015.
- 1.7 As noted earlier, under its resolution of appointment, the Committee examines all reports of the Auditor-General which have been presented to the Legislative Assembly. The Committee has established procedures for its examination of these reports.⁴

² ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 1.

³ The Committee wrote on 23 December 2013. The Minister replied in a letter dated 10 April 2014, which was received by the Committee on 24 April 2014.

⁴ Please see Standing Committee on Public Accounts, 'Inquiries into referred ACT Auditor-General's reports', available from: http://www.parliament.act.gov.au/in-committees/standing_committees/Public-Accounts

- 1.8 In accordance with these procedures, the Committee resolved on 10 March 2015 to conclude its consideration of the Audit report with a summary report.
- 1.9 The Committee met on 17 April 2015, 19 May 2015 and 18 August 2015 to discuss the Chair's draft report which was adopted on 21 September 2015.

STRUCTURE OF THE REPORT

- 1.10 The Committee's report is divided into three sections:
- Chapter 1—Introduction and conduct of inquiry
 - Chapter 2—Audit background and findings
 - Chapter 3—Committee comment

ACKNOWLEDGEMENTS

- 1.11 The Committee thanks those who assisted it in the course of its inquiry including the Auditor-General, responsible Minister(s), directorate and agency officials.

2 THE AUDIT REPORT

2.1 This chapter presents an overview of the background to, and key findings of, the Audit.

AUDIT BACKGROUND AND OBJECTIVES

2.2 The Audit report stated that the objective of the Audit was to provide:

...an independent opinion to the Legislative Assembly on whether the Community Services Directorate is providing adequate and immediate support to children and young people deemed to be at high risk and vulnerable, and if these services are being monitored and overseen by relevant statutory office holders.⁵

2.3 The report stated that it examined:

...the intake, response and intervention processes associated with the Government's care and protection services and mainly considered activities and decision making that occurred prior to a decision being made regarding the type of out-of-home care best suited to a child or young person. It did consider some aspects of out-of-home care related to quality assurance and monitoring of out-of-home care and the accuracy of information held by the Care and Protection Services Branch on children and young people in out-of-home placements.⁶

2.4 The report also stated that it did not examine other care and protection service provided by the Care and Protection Services Branch such as early intervention and family support programs.⁷

AUDIT CONCLUSIONS

2.5 The Audit report concluded:

Whether the Community Services Directorate is providing 'adequate and immediate support to children and young people deemed to be at high risk and vulnerable' was not able to be determined due to issues reported on in this audit. However, it is recognised that the Directorate has invested considerable resources since early 2012 into a change agenda, *Refreshing the Service Culture*, and has been successful in

⁵ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 2.

⁶ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 1.

⁷ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 1.

recruiting caseworkers from overseas to address local staff shortages. While having these caseworkers is fundamental for providing 'adequate and immediate support', given the issues identified, the Directorate's ability to provide 'adequate and immediate support' is at risk. The Public Advocate and the Children and Young People Commissioner (in the Human Rights Commission) are monitoring and overseeing the support services provided by the Community Services Directorate. However, their effectiveness and efficiency is restricted due particularly to a lack of clarity of terms in the legislation.⁸

2.6 The Audit report made a number of conclusions in relation to the following five themes:

- best interests of a child or young person;
- knowledge management and governance;
- the working environment;
- working together; and
- statutory office-holders.

2.7 A summary of the main conclusions against each of the above themes is set out below.

BEST INTERESTS OF A CHILD OR YOUNG PERSON

2.8 In relation to the 'best interests of a child or young person' the Audit report stated the following.

- That the 'Director General, Community Services Directorate, has statutory parental responsibility for children and young people in out-of-home care' but 'cannot rely on the Directorate's own system to provide accurate information to be able to answer the question for all those in care; *Where are they (including during school hours)?*'⁹
- That this was due in part to the fact that the Directorate had inaccurate information on the schools attended by some children and young people in kinship care, and on the location of some children and young people in foster care.¹⁰
- That some children and young people placed on long term orders 'may never be visited' by staff from the Care and Protection Services Branch. In addition, it suggested, there was 'no policy to guide visitations for monitoring the welfare of children and young people in out-of-home care'.¹¹

⁸ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 2.

⁹ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 3.

¹⁰ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 3.

¹¹ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 3.

- That improvements were required in the Care and Protection Services Branch's 'risk based approach to guide its intake, response and intervention processes for managing children and young people'. This included capturing the views and wishes of children and young people early in its processes, 'providing comprehensive reasons for transferring a child or young person from a parent or carer to the Director General' and 'having an electronic data management system that allows information on children and young people to be readily accessed'.¹²
- That as Aboriginal and Torres Strait Islander children and young people, particularly males, were over-represented among those in the care of the Director General, information on 'the culture and language/s spoken by children and young people' should be 'recorded and reported numerically' in order to 'enable better service planning'.¹³

KNOWLEDGE MANAGEMENT AND GOVERNANCE

2.9 In relation to 'knowledge management and governance' the Audit report stated the following.

- That the Community Services Directorate's electronic system, CHYPS, was inadequate and that this resulted in poor management of information on care and protection. The Branch did not undertake regular or scheduled quality assurance reviews on case files even though this was included in duty statements of various staff. It was considered that these shortcomings in governance detracted from the work of the Care and Protection Services Branch overall.¹⁴
- That work had commenced to address these problems. The Community Service Directorate was implementing major projects and initiatives intended to address issues identified in the Audit but, the report suggested, both risk and progress on this work should be independently monitored by the Directorate's Audit and Review Committee.¹⁵

THE WORKING ENVIRONMENT

2.10 In relation to 'the working environment' the Audit report stated that the Community Services Directorate had been successful in undertaking some overseas recruitment drives which has resulted in additional caseworkers for the Care and Protection Services Branch, but concluded that a number of further improvements could be made to improve 'workforce planning, capacity, capability and support'.¹⁶

¹² ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 3.

¹³ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 3.

¹⁴ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 4.

¹⁵ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 4.

¹⁶ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 4; 5.

WORKING TOGETHER

2.11 In relation to ‘working together’ the Audit report stated the following.

- That the number of Concern Reports had increased significantly in recent years— increasing by 70 per cent from 7,275 in 2004–05 to 12,419 in 2011–12. It suggested that Concern Reports should be analysed ‘to determine the proportion of reports that are care and protection issues’ and those reports which ‘could have been referred to other Government agencies’.¹⁷
- That there was a need for ACT Government directorates and entities ‘to improve their coordination and sharing of information’ for the benefit of ‘children and young people who may need care and protection services’, and that a system should be developed which allowed information about these children and young people to be shared by Government directorates and entities while maintaining due protections in relation to privacy.¹⁸
- That the Community Services Directorate should develop a mechanism to guide officers in their cooperative work with other ACT Government agencies. It suggested that the Community Services Directorate should also undertake accreditation of community service providers providing out-of-home care, while the Public Advocate and the Children and Young People Commissioner should monitor and oversee out-of-home care services to hold the Directorate to account.¹⁹

STATUTORY OFFICE-HOLDERS

2.12 In relation to ‘statutory office-holders’ the Audit report stated the following.

- That shortcomings in legislation affected the effectiveness and efficiency of efforts by the Public Advocate and Children and Young People Commissioner to monitor and oversee support services provided to children and young people in care and protection by the Community Services Directorate.²⁰
- That this led to the Public Advocate and the Community Services Directorate making contradictory reports in relation to section 507 and annual review reports, and that this created a risk ‘that some children and young people may not be monitored and offered advocacy support’.²¹

¹⁷ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 5.

¹⁸ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 5.

¹⁹ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 5; 6.

²⁰ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 6.

²¹ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 6.

- That there were shortcomings in governance arrangements for the Public Advocate and Human Rights Commission, and that addressing this required the cooperation of some Government directorates. Budgets of the Public Advocate and Human Rights Commission needed to be identified separately in budget papers and these agencies held accountable for these and related matters. In line with this, performance indicators for the Public Advocate and Human Rights Commission should be reviewed in order to sharpen lines of accountability.²²

AUDIT FINDINGS

2.13 The Audit provided key findings to support its conclusions. The main elements of these findings—across the five audit themes—are outlined below.

BEST INTERESTS OF A CHILD OR YOUNG PERSON

2.14 Key findings in relation to the 'best interests of a child or young person' included the following.

- That in November 2012 there were 573 children and young people in the care of the Director General in out-of-home care in the ACT. The Audit found problems in accessing information about children and young people in care because of the way it is stored, and inaccuracies and inconsistencies in data recorded. As a result the Director General could not readily answer the question: *Where are they (during non-school and school hours)?* The Audit found that in order to obtain this information, community service providers need to be contacted directly because records were not regularly updated and were thus unreliable.²³
- That 'some children and young people in foster care may never be visited, after being placed on long term orders, by staff in the Care and Protection Services Branch'. In addition, there was 'no formal policy to guide visitations for monitoring the welfare of children and young people in out-of-home care placements'.²⁴
- That the number of Concern Reports had increased significantly in the ACT, and suggested that these reports should be analysed to determine 'which reports were care and protection matters' and which 'could have been referred to other Government agencies or the Community Services Sector'.²⁵

²² ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 6; 7.

²³ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 7; 8.

²⁴ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 8.

²⁵ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 8.

- That children and young people 'who are the subject of multiple Concern Reports and/or Child Protection Reports' should be identified 'for further consideration', and that this, if implemented 'would allow early intervention assistance to be provided' to this high-needs cohort.²⁶
- That the templates used for Child Protection Reports and Appraisal Outcome Reports should be modified 'to include a section for recording the views and wishes of children and young people'.²⁷
- That the adoption of a 'new "single caseworker" model in Protection Services...should reduce the number of caseworkers who work with children and young people' and 'should result in a greater sense of stability for the child or young person'. This, it considered, would be a 'significant improvement'.²⁸
- That the 'Aboriginal and Torres Strait Islander children and young people and in particular males', were 'significantly over represented' amongst those 'placed in the care of the Director General'.²⁹

KNOWLEDGE MANAGEMENT AND GOVERNANCE

2.15 Key findings in relation to 'knowledge management and governance' included the following.

- That CHYPS, the electronic record keeping system used by the Care and Protection Services Branch, is deficient. The Audit found inconsistencies between data held on this system and data held on paper files. CHYPS should be modified to better inform decision making by Branch staff and to reduce the time required taken to produce reports.³⁰
- That a number of staff had been unable to get training in the use of CHYPS because of work demands. Many care and protection policies and procedures available to staff were out-dated; electronic links to important documents were often broken; and regular or scheduled reviews of case files were not being routinely conducted.³¹
- That the 2012–13 Internal Audit Plan of the Community Services Directorate did not include auditing programs focusing on the delivery of care and protection services.³²

THE WORKING ENVIRONMENT

2.16 Key findings in relation to 'the working environment' included the following.

²⁶ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 8.

²⁷ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 9.

²⁸ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 9; 10.

²⁹ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 10.

³⁰ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 10; 11.

³¹ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 11.

³² ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 12.

- That staff in the Care and Protection Services Branch worked in a challenging environment and had witnessed significant increases in the number of Concern Reports and Child Protection Reports received over recent years.³³
- That the Community Services Directorate had conducted international recruitment drives in 2004, 2008 and 2011; that these had resulted in an increased number of caseworkers and team leaders for the Care and Protection Services Branch; and that these were considered successful.³⁴
- That staff were reluctant to report incidents of threat to them as frontline staff and relatively few sought help from the Employee Assistance Program.³⁵
- That it was important that the two Practice Leaders' positions be filled permanently 'to improve professional practice, service quality and statutory compliance'.³⁶

WORKING TOGETHER

2.17 Key findings in relation to 'working together' included the following.

- That an 'analysis of Concern Reports' was needed 'to determine the proportion of reports that are care and protection issues and those reports that could have been referred to other Government agencies'. It also suggested that training 'for mandatory reporters on where to refer matters that are not care and protection issues may also be needed'.³⁷
- That during the Audit a significant amount of time had been spent collecting information about various ACT Government collaborative programs and initiatives for vulnerable children, young people and their families in the absence of cohesive documentation. The Audit found that the Community Services Directorate should document these programs and make the information available to relevant Government agencies, staff, the community sector and the community.³⁸
- That for a number of years forecasts of placements in the care of the Director General were lower than what had in fact occurred, and this is important in view of its potential impact on budget allocations.³⁹
- That community service providers were required to self-assess against Out-of-Home Care Standards twice a year, but found that this approach did 'not allow a comprehensive analysis of compliance' with the Standards.

³³ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 12.

³⁴ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 13.

³⁵ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 14.

³⁶ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 14.

³⁷ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 14.

³⁸ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 15.

³⁹ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 15.

- A comprehensive quality control system for out-of-home care was required, and quality accreditation of relevant community service providers should be undertaken by the Community Services Directorate.⁴⁰

STATUTORY OFFICE-HOLDERS

2.18 Key findings in relation to ‘statutory office-holders’ included the following.

- That the Public Advocate was required by legislation to refer ‘systemic matters relating to children and young people to the human rights commission for consideration.’ This had rarely occurred. Moreover, the key terms ‘systemic matters’ and ‘consideration’ were not defined in statute, and this represented a significant shortfall in the legislative framework for the relationship.⁴¹
- That in recent years there had been discrepancies in data provided by the Community Services Directorate and the Public Advocate in reporting under obligations imposed by section 507 of the *Children and Young People Act 2008*, and this raised concerns that ‘children and young people could be missed’ under such conditions.⁴²
- That there had been a reduction in the percentage of annual review reports examined by the Public Advocate. Although the Public Advocate had implemented a triage system to manage risks associated with this, the Audit identified a need to assess the effectiveness of triaging.⁴³
- That the Children and Young People Commissioner faced an increasing complaints workload. It found that while the Commissioner had addressed ‘systemic matters’ in various ways, there was likely to be a time when major inquiries/investigations would be required.⁴⁴
- That the accountability indicators for the Human Rights Commission had not ‘always been independently verifiable’; that indicators for the Public Advocate presented ‘information that is not readily understood’, and that this ‘could be improved’.⁴⁵

AUDIT RECOMMENDATIONS

2.19 The Audit made 11 recommendations (each with multiple parts) to address the audit findings—across the five audit themes, and a number of parts of recommendations were identified as ‘high priority’. The Audit recommendations are reproduced in full at **Appendix A**.

⁴⁰ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 16.

⁴¹ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 16; 17.

⁴² ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 17.

⁴³ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 17.

⁴⁴ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 18.

⁴⁵ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 19.

2.20 The Audit was a multiple agency audit involving: the Community Services Directorate, the statutory office-holders involved in care and protection services for children and young people (Children and Young People Commissioner and the Public Advocate); and the Justice and Community Safety Directorate (in the context of its accountability for reporting on the Public Advocate and Human Rights Commission performance indicators).

2.21 The response to the recommendations (and related parts) from relevant stakeholders, as contained in the Audit report, was overwhelming agreement with a small number of part recommendations agreed to in principle and one part not agreed to. A summary of these responses is set out in Table 2.1.

Table 2.1—Aggregate stakeholder response to recommendations (multiple parts)

Recommendation	No of parts to rec	Audit area/coverage	Agency response(s)
1	19 parts	Best interests of a child or young person	Agreed to 18 parts Agreed-in-principle to 1 part
2	6 parts	Knowledge management and governance	Agreed to 5 parts Agreed to 1 part subject to funding
3	10 parts	Knowledge management and governance	Agreed to 9 parts Agreed-in-principle to 1 part
4	11 parts	The working environment	Agreed to 11 parts
5	5 parts	Working together	Agreed to 4 parts Agreed-in-principle to 1 part
6	7 parts	Working together	Agreed to 7 parts
7	2 parts	Statutory office-holders	Agreed to 2 parts
8	4 parts	Statutory office-holders	Agreed to 3 parts Not agreed to 1 part ⁴⁶ (JACS Directorate response)
9	4 parts	Statutory office-holders	Agreed to 4 parts
10	N/a	Statutory office-holders	Agreed
11	4 parts	Statutory office-holders	Agreed to 4 parts

⁴⁶ Part 8(d) of recommendation 8—that the JACSD should facilitate a process to assist the Public Advocate and Human Rights Commission to better undertake their roles, by: (d) identifying how funding, when needed, is to be provided to the Human Rights Commission to undertake major inquiries/investigations on 'systemic matters' (High Priority). JACSD commented that: **Not Agreed**—*The Financial Management Act 1996 provides a clear framework for the appropriation of funds through the budget process and the making of provision for unexpected events (through the Treasurer's Advance). There are clear guidelines about how funding is bid for, and there are clear guidelines and criteria in relation to Treasurer's Advances* (ACT Auditor-General's Report No. 1 of 2013: Care and Protection System, March 2013, pp. 37–38).

SUMMARY OF RECOMMENDATIONS

2.22 As noted previously, the Committee received a Government submission in response to the Audit report. Table 2.2—Summary of audit recommendations and broad coverage provides a summary of the recommendations across the five audit themes together with the Government position in response to each recommendation as set out in its submission (as at 30 April 2013).

Table 2.2—Summary of Audit recommendations and broad coverage (as at 30 April 2013)

Audit theme	Recommendation number and broad coverage	Government position ⁴⁷
1. Best interests of a child or young person	R 1 —CSD should improve its ability to give paramount consideration to the best interests of a child or young person, by: [The recommendation has 19 parts—10 of which are ‘high priority’]	Agreed to all but one part, which was ‘Agreed in Principle’
2. Knowledge management and governance	R 2 —CSD should improve its knowledge management and decision making, by: [The recommendation has 6 parts—1 of which is ‘high priority’]	Agreed
	R 3 —CSD should improve its governance by: [The recommendation has 10 parts—3 of which are ‘high priority’]	Agreed to all but one part, which was ‘Agreed in Principle’
3. The working environment	R 4 —CSD should improve its workforce planning, capacity, capability and support, by: [The recommendation has 11 parts—3 of which are ‘high priority’].	Agreed
4. Working together	R 5 —CSD should lead the improvement of across Government collaboration for children, young people and their families, by: [The recommendation has 5 parts—3 of which are ‘high priority’]	Agreed to all but one part, which was ‘Agreed in Principle’
	R 6 —CSD should improve its management and quality control over out-of-home care community service providers, by: [The recommendation has 7 parts—3 of which are ‘high priority’]	Agreed
5. Statutory office-holders	R 7 —CSD and the Public Advocate should (a) develop a system to ensure that information they share and report is accurate and comprehensive; and (b) assess whether the risks associated with the Public Advocate’s reduction in percentage of annual review reports being examined is adequately addressed	Agreed
	R 8 —JACSD should facilitate a process to assist the Public Advocate and Human Rights Commission better undertake their roles, by: [The recommendation has 4 parts—1 of which is ‘high priority’]	Agreed for all except one part, which is ‘Not Agreed’
	R 9 —The Public Advocate and Human Rights Commission should enhance their ability to meet legislative requirements and improve their governance arrangements, by: [The recommendation has 4 parts—nil are ‘high priority’].	Agreed
	R 10 —The Public Advocate and Human Rights Commission and JACSD should finalise their protocols and include information on the process these independent statutory office holders should use to seek additional funding, both supplementary funding and ‘one off’ funding. [Not ‘high priority’]	Agreed
	R 11 —CMTD should provide a mechanism to: (a) increase the transparency of financial information on the Public Advocate and Human Rights Commission presented in budget papers; (b) increase the accountability of the Public Advocate; (c) increase the quality of performance indicators used by the Public Advocate and Human Rights Commission; and (d) hold the Public Advocate and Human Rights Commission accountable for reporting on their performance indicators. [The recommendation has 4 parts—nil are ‘high priority’]	Agreed

⁴⁷ Government Submission: Auditor General's Report No 1/2013 *Care and Protection Systems*, received 12 June 2013.

3 COMMITTEE COMMENT

- 3.1 In the Committee's view, the Audit examined a significant area of program and service delivery which has a high level of public interest.
- 3.2 The Committee has carefully considered the Audit findings and the response(s), including progress on implementation, from the Government (and other stakeholders) regarding the Audit recommendations (as detailed in the previous chapters).
- 3.3 The Committee considers the Audit findings are important, and some raise significant concerns. Accordingly, the Committee discusses these further in this chapter and makes recommendations in response.

RESPONSES TO RECOMMENDATIONS IN THE AUDIT REPORT

- 3.4 The Committee notes agency responses to recommendations included in the Audit report.
- 3.5 The responses detailed in the Audit report for the most part indicated agreement to the 11 numbered recommendations and sub-sections.
- 3.6 Responses by the Public Advocate and the Human Rights Commission indicated consistent agreement with the recommendations. The Committee is of the view that this is encouraging as some elements of practice highlighted by the Audit suggested a lower level of formal information collection and management than would normally be expected of public sector agencies. The Committee looks forward to these processes being formalised, and this contributing to the current high standing of these agencies in public perception.
- 3.7 Responses by the Justice and Community Safety Directorate were also, for the most part, in agreement with Audit findings as they related to the Directorate's area of responsibility.
- 3.8 An important exception however was in the Directorate's response to Recommendation 8(d), assigned a 'High Priority', which suggested that the Directorate should identify:

...how funding, when needed, is to be provided to the Human Rights Commission to undertake major inquiries/investigations on 'systemic matters'.⁴⁸

⁴⁸ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp. 36; 189.

- 3.9 In relation to this recommendation the Directorate indicated that ‘the *Financial Management Act 1996* provides a clear framework for the appropriation of funds through the budget process’.⁴⁹
- 3.10 In the Committee’s view this response avoids the substance of the recommendation. The Audit findings indicate not only that statutory office-holders in this area are limited, by resources, in their capacity to inquire into systemic matters, but also that their reliance on the conventional budget bid process makes them reliant on the good graces of government for inquiries of any scale.
- 3.11 For this reason the Committee considers that the Government position, stating that the *status quo* should prevail, is not an adequate response to the recommendation.
- 3.12 The Committee is therefore of the view that the current model for funding inquiries into systemic matters by statutory office-holders should be reviewed with appropriate consultation with key stakeholders.

Recommendation 1

- 3.13 The Committee recommends that the ACT Government, in consultation with statutory office-holders, review the current model for funding inquiries into systemic matters by statutory office-holders.**
- 3.14 The Committee notes that the Directorate’s response to Audit Recommendations 8 (b) and (c) recommending a clarification in statute of ‘consideration’ and ‘systemic matters’ reserves a right to consider whether these should be clarified in statute. In the Committee’s view the Audit report proves beyond doubt that this is an important area requiring legislative amendment if a proper differentiation between the Public Advocate and the Human Rights Commission is to be achieved.
- 3.15 The Committee is therefore of the view that for the purposes of subsection 11(2) of the *Public Advocate Act 2005*—clarification of terms ‘consideration’ and ‘systemic matters’ should be prioritised.

⁴⁹ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p.38.

Recommendation 2

3.16 The Committee recommends that the ACT Government introduce in the ACT Legislative Assembly—legislative amendments which, if passed, would provide reliable and constructive definitions for ‘consideration’ and ‘systemic matters’ for the purposes of subsection 11(2) of the *Public Advocate Act 2005*.

3.17 In connection with recommendations falling within the responsibility of the Minister for Disability, Children and Young People (now Minister for Children and Young People), the Committee notes that many of the responses contained in the Audit report hinge on references to the ‘Integrated Management System’. This is considered in greater detail in the following section.

INTEGRATED MANAGEMENT SYSTEM

3.18 In many cases, responses to the Audit’s concerns about the accuracy, aggregation, and availability of information of key information on Care and Protection’s clients relied upon references to the ‘Integrated Management System’, as they had in responses published in the Audit report and in the Government submission (April 2013). It appears to the Committee that the high degree of reliance on the Integrated Management System in responses to the Audit report imposes an obligation on the Government to specify the attributes of the System.

3.19 In the Committee’s view the Audit report did not inquire into this question as deeply as it may have done. As a consequence, an open question remains as to what the Integrated Management System really is—is it a software system; a system of protocols and requirements for case management; or a combination of the two? Responses to recommendations refer to ‘modules’ of the Integrated Management System having been brought into service, but again it remains unclear as to whether these are administrative or software ‘modules’.

3.20 Some further information was provided by the Minister for Community Services in annual report public hearings of 7 November 2014 held by the Standing Committee on Health, Ageing, Community and Social Services.⁵⁰

3.21 The Minister told the Committee that:

The policies, procedures and practice guidelines for the Care and Protection Services integrated management system were delivered, resulting in better practice in streamlining a number of procedures. And development of an integrated statutory

⁵⁰ Standing Committee on Health, Ageing, Community and Social Services, *Transcript of Evidence* 7 November 2014, p. 62.

service commenced, which will provide an integrated model of case management to make things easier for clients. We have seen improved outcomes for young people transitioning from care thanks to the efforts of the youth on orders team and the youth support and transition team.⁵¹

3.22 An official from the Community and Services Directorate added:

The integrated management system for us is now fully delivered as of September. That is a complete information and quality assurance system right across every single process. Every policy, procedure and practice in care and protection over the past 18 months, two years, has been reviewed, has been updated, has been put into an electronic portal so that it is accessible on a real-time moment by every worker in our care and protection system.⁵²

3.23 From these statements, it appears to the Committee that the Integrated Management System may be a collection of systems, considering that a 'portal' is required to provide a point of integrated access to users.

3.24 However, in light of these descriptions, and the heavy reliance on reference to the System in responses to the Audit report recommendations, the Committee consider that an adequate, comprehensive description of this key system has not as yet been provided by the Government.

3.25 The Committee is therefore of the view that the Government should provide a comprehensive description of the Integrated Management System—detailing the extent to which it is an administrative, training and/or software system.

Recommendation 3

3.26 The Committee recommends that the ACT Government table in the ACT Legislative Assembly, within 90 days of the tabling of this report, a comprehensive description of the Integrated Management System, specifying to what extent it is an administrative, training and/or software system.

⁵¹ Mr Mick Gentleman MLA, Standing Committee on Health, Ageing, Community and Social Services, *Transcript of Evidence* 7 November 2014, p. 62.

⁵² Dr Mark Collis, Standing Committee on Health, Ageing, Community and Social Services, *Transcript of Evidence* 7 November 2014, p. 70.

Recommendation 4

- 3.27 The Committee recommends that the ACT Government report to the ACT Legislative Assembly, by the first sitting day in 2016, on the progress and effectiveness of the Government's implementation of the recommendations, made in Auditor-General's Report No. 1 of 2013: *Care and Protection System*, that have been accepted either in-whole or in-part. This should include: (i) a summary of action to date, either completed or in progress (including milestones completed); and (ii) the proposed action (including timetable), for implementing recommendations (or parts thereof), where action has not yet commenced.**

INDEPENDENCE OF STATUTORY OFFICE-HOLDERS

- 3.28 As noted, the Audit made findings with respect to the independence of the statutory office-holders involved in care and protection services, in this case the Public Advocate and the Human Rights Commission—in particular, the Children and Young People Commissioner.
- 3.29 The Committee is of the view that the applicability of these findings to other statutory office-holders within the ACT jurisdiction merits further consideration and possible inquiry, specifically concerning the following matters:
- transparency of financial information on statutory office-holders as presented in the budget papers;
 - extent to which performance and accountability indicators reflect the delivery of key activities of statutory office-holders within allocated budgets;
 - extent to which protocol(s) outlining responsibilities and administrative arrangements between host agencies (respective Directorates and/or Ministers) and statutory office-holders have been developed, implemented and updated; and
 - effectiveness of governance frameworks and, where applicable, articulation with enabling legislation.
- 3.30 The Committee is aware that the Auditor-General's forward program for performance audits for 2015–16 (and beyond) lists a potential audit covering statutory office-holders.⁵³

⁵³ ACT Auditor-General's Office, 'Performance Audit Program 2014-15 and Potential Audits to Commence in 2015-16', p.11.

- 3.31 The forward program notes that ACT statutory office-holders fulfil a range of functions, and that they may be responsible for an agency and its delivery of services, have an advisory or consultative role, or perform independent oversight or regulation functions for a particular activity.⁵⁴
- 3.32 The forward program suggests that such an Audit could examine:
- the role of the statutory office holders, including their governance and administrative arrangements and compliance with legislation;
 - potential duplication of activities or gaps in roles and responsibilities; and
 - broader government arrangements for the governance, coordination and oversight of statutory office holders.⁵⁵
- 3.33 Whilst the Committee looks forward to such an audit, it notes that, at this stage, it is designated as a potential audit. The Committee believes that the findings of this Audit as they relate to the respective statutory office-holders suggests that the applicability of these findings to other statutory office-holders within the ACT jurisdiction merits further consideration and possible inquiry.

Recommendation 5

- 3.34 The Committee recommends that the ACT Auditor-General conduct a performance audit of statutory office-holders in the ACT within two years of the tabling of this report, examining: (i) transparency of financial information; (ii) performance and accountability indicators; (iii) protocols between statutory office-holders and host agencies; and (iv) effectiveness of governance frameworks and enabling legislation.**

GOVERNANCE MATTERS

- 3.35 The Audit report acknowledged that whilst the scale and complexity of the issues considered necessitated a significant amount of time to complete the Audit, it suggested:
- ...the time taken was exacerbated by other factors, including the Community Services Directorate's management of information and records being poor, which meant that accessing information and then checking its validity was time consuming.⁵⁶

⁵⁴ ACT Auditor-General's Office, 'Performance Audit Program 2014-15 and Potential Audits to Commence in 2015-16', p.11.

⁵⁵ ACT Auditor-General's Office, 'Performance Audit Program 2014-15 and Potential Audits to Commence in 2015-16', p.11.

⁵⁶ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 2.

- 3.36 In addition, the Audit report stated 'on occasion, information supplied was inaccurate or out-dated'. The Audit report noted that these matters 'although affecting this audit, are outside its scope' had 'been raised with executives in the Directorate'.⁵⁷
- 3.37 The Audit makes significant findings with respect to core governance matters:
- risk management;
 - records management;
 - strategic and business planning;
 - audit and assurance activities; and
 - collaborative working across government.
- 3.38 These are areas of concern to the Committee. Such elements underpin good public administration and are relevant not only to the agencies audited in this instance but also to all agencies across the ACT public service.
- 3.39 The Committee notes that on several occasions throughout this Assembly it has made recommendations with respect to many of these core aspects of good public administration. The Committee is disappointed that weaknesses continue to be identified.
- 3.40 The Committee considers it has an important role in providing scrutiny over these core areas of public administration and would like to see, in time, a higher standard of public administration achieved in the ACT public sector across the board.

Recommendation 6

- 3.41 The Committee recommends that ACT Government directorates and agencies should regularly monitor and review core governance elements that underpin good public administration to make sure that any shortcomings are promptly and appropriately addressed.**

PROGRESS ON IMPLEMENTATION OF RECOMMENDATIONS

- 3.42 On 23 December 2013 the Committee wrote to the then Minister for Disability, Children and Young People, requesting a progress update on implementation of agreed recommendations.

⁵⁷ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 2.

The Minister responded in a letter of 10 April 2014, which included an account, in tabular form, of the Government's progress to date.⁵⁸

- 3.43 The Committee has carefully considered the progress update for each of the recommendations reflecting their status (April 2014) as received from the Minister for Disability, Children and Young People. The Committee notes that whilst some recommendations are complete, work against several recommendations was scheduled for completion by either the end of the 2014–15 financial year or 2015 calendar year.
- 3.44 The Committee wrote again to the responsible Minister in August 2014 to request a further update to that provided in April 2014. The response from the Minister for Children and Young People was received in May 2015.⁵⁹ The Committee is pleased to see that there has been continued progress made, and of the four recommendations not yet complete,⁶⁰ the Directorate expects only one to remain in progress at the end of November 2015.⁶¹
- 3.45 The Committee emphasises that it is the action taken by applicable agencies to implement audit recommendations that is all important, in helping achieve better efficiency and improving accountability of the Government, not the recommendations *per se*. Furthermore, failure to implement agreed audit recommendations means that the Government will continue to be exposed to risks associated with the deficiencies and weaknesses identified in the audited areas.

CONCLUSION

- 3.46 The Committee notes that the clients of care and protection services include some of the most vulnerable members of our community, and that their safety and well-being must attract our highest priority. This Audit has been a useful mechanism in checking whether this is so.
- 3.47 The Committee is therefore of the view that the Audit has been important in assessing the efficiency and effectiveness of an area of public administration that has attracted considerable comment and controversy over a number of years.
- 3.48 In view of the findings and recommendations of the Audit the Committee looks forward to further advice from responsible agencies on progress in response to Audit recommendations.

⁵⁸ Letter from Minister for Disability, Children and Young People, Ms Joy Burch MLA, dated 10 April 2014, received by the Committee 24 April 2014.

⁵⁹ Correspondence from Minister for Children and Young People dated 21 May 2015.

⁶⁰ Recommendations 1(s), 2(c), 3(h) and 6(b).

⁶¹ Recommendation 1(s).

- 3.49 The Committee would like to thank the Auditor-General, responsible Ministers, directorate and agency officials, for their time, expertise and cooperation during the course of this inquiry.
- 3.50 The Committee has made **six** recommendations in relation to its inquiry into Auditor-General's Report No. 1 of 2013: *Care and Protection System*.

Brendan Smyth MLA

Chair

24 September 2015

Appendix A SUMMARY OF AUDIT REPORT RECOMMENDATIONS

The Audit report recommendations are reproduced in full below.

Recommendation 1⁶² (Chapter 2 – Best interests of a child or young person)

The Community Services Directorate should improve its ability to give paramount consideration to the best interests of a child or young person, by:

- (a) modifying CHYPS to facilitate quick access to all Concern Reports for a particular child or young person so that comprehensive information is available for a risk assessment (High Priority);
- (b) monitoring children and young people who are the subject of multiple Concern Reports and/or Child Protection Reports for further consideration, when warranted (High Priority);
- (c) a Team Leader's approval being required for not completing Appraisal Outcome Reports within the 28 day target;
- (d) including sections for recording the views and wishes of a child or young person in templates for Child Protection Reports and Appraisal Outcome Reports (High Priority);
- (e) providing detailed information in statements for removal, in addition to using wording from the *Children and Young People Act 2008*, when parental responsibility is transferred from a parent or carer to the Director General, under emergency action (High Priority);
- (f) requiring caseworkers to succinctly document on the 'consultation with operations manager' form alternatives they considered before recommending emergency action;
- (g) placing all 'consultation with operations manager' documents in CHYPS;
- (h) making information about the care and protection processes available online/electronically for children and young people, parents and carers;
- (i) advising parents and carers that they can make a complaint to the Human Rights Commission (Children and Young People Commissioner) regarding the activities of the Care and Protection Services Branch;
- (j) monitoring the stability of placements for each child and young person including the number of placements and the length of time at each placement;

⁶² ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp.21-22.

(k) reducing the level of placement instability for children and young people in the care of the Director General in out-of-home care;

(l) the Director General and delegates, at all times, having ready access to accurate information on each child or young people in out-of-home care, that answers the questions of:

- How many children and young people are in care?
- Who are they?
- Where are they (during non-school and school hours)?
- How are they?

(High Priority);

(m) developing a quality control process to check that qualitative information for each child and young person is available and annually considered so that the questions in Recommendation 1 (l) can be readily answered (High Priority);

(n) developing and implementing a policy for visitations for monitoring the welfare of children and young people in out-of-home care (High Priority);

(o) monitoring the implementation of its 'single caseworker' model;

(p) modifying CHYPS to allow the number of caseworkers working with a child or young person to be extracted;

(q) developing guidelines on what decisions should be recorded, and where these decisions should be recorded in CHYPS (High Priority);

(r) securing the support of the Strengthening Families Committee for it to identify ACT specific strategies for reducing the over representation of Aboriginal and Torres Strait Islander children and young people, particularly males, in the care of the Director General, and advise the Minister for Disability, Children and Young People on how best to progress actions to implement strategies (High Priority); and

(s) securing the support of the Strengthening Families Committee, to develop and foster the implementation of strategies to increase access to information for people from non-English speaking and culturally diverse backgrounds (High Priority).

Recommendation 2⁶³ (Chapter 3 –Knowledge management and governance)

The Community Services Directorate should improve its knowledge management and decision making, by:

- (a) the CHYPS 'client information sheet' template being modified to facilitate the collection of comprehensive information;
- (b) defining terms used in CHYPS;
- (c) optimising CHYPS functions so that its use extends beyond being a document storage system;
- (d) monitoring attendance of Care and Protection Services Branch staff at mandatory training for optimising their use of CHYPS and taking action to enforce attendance when necessary;
- (e) evaluating if CHYPS can be modified to better support the Care and Protection Services Branch or whether it should be replaced (High Priority); and
- (f) CHYPS, or its replacement, being compliant with record keeping standards so that it is the main file record system thereby significantly reducing the use of paper files.

Recommendation 3⁶⁴ (Chapter 3 –Knowledge management and governance)

The Community Services Directorate should improve its governance, by:

- (a) continuing to update care and protection policies and procedures by December 2013 (High Priority);
- (b) having all electronic links to key reference materials functioning;
- (c) continuing to develop supporting tools for implementing policies and procedures;
- (d) the Quality Practice and Compliance Unit developing a forward review program and commence reviews, including on Care and Protection Services Branch practice management;
- (e) the Project Management Office closely monitoring the delivery of the Integrated Management System to assist achieving the identified milestones within specified target dates and routinely advising the Community Services Directorate's Audit and Review Committee on progress (High Priority);
- (f) routinely monitoring the Care and Protection Services Branch Risk Register and Treatment Plan and updating these documents accordingly, with a review occurring annually;

⁶³ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p.26.

⁶⁴ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp.27-28.

(g) the Directorate's Audit and Review Committee independently and routinely monitoring Care and Protection Services Branch's implementation of controls and additional treatments for its high and very high risks;

(h) formally reviewing the Demand Management Report on a regular basis;

(i) major Care and Protection Services Branch programs being included in its forward Internal Audit Programs; and

(j) the Project Management Office continuing to monitor the implementation of recommendations from internal and external reviews on care and protection services and internal continuous improvement initiatives, and routinely advising the Community Service Directorates' Audit and Review Committee on progress (High Priority).

Recommendation 4⁶⁵ (Chapter 4 – The working environment)

The Community Services Directorate should improve its workforce planning, capacity, capability and support, by:

(a) developing a system to report its staff numbers accurately and in a consistent manner by its various Branches;

(b) developing and implementing a process whereby when Duty Statements are updated internally and provided to the Directorate's Organisational Services Branch;

(c) fully implementing its learning management software, centrally recording learning and development plans of all staff and requiring all staff to have a learning and development plan to comply with the Community Services Directorate's Enterprise Agreement 2011-13 (High Priority);

(d) assessing whether specific care and protection training courses are needed for new team leaders and managers;

(e) maximising participation in training through providing flexible learning options, such as online courses;

(f) encouraging the reporting of incidents so that it becomes part of the culture in the Care and Protection Services Branch;

(g) assessing the reasons why the Employee Assistance Program is not widely used by Care and Protection Service's staff and to provide staff with an opportunity to gain targeted support;

⁶⁵ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp.29-30.

- (h) integrating staff supervision agreements with professional learning and development plans;
- (i) undertaking regular quality assurance reviews on supervision requirements and related documents;
- (j) continuing to implement supervision projects and providing staff in the Care and Protection Services Branch with external supervision and/or mentoring opportunities (High Priority); and
- (k) filling permanently both the Practice Leaders positions and ensure that the roles and responsibilities of the duty statements are fulfilled (High Priority).

Recommendation 5⁶⁶ (Chapter 5 – Working together)

The Community Services Directorate should lead the improvement of across Government collaboration for children, young people and their families, by:

- (a) analysing concern reports to identify which reports are care and protection matters and which could have been referred to other government agencies or the community sector and presenting these results to the Directors General Strengthening Vulnerable Families Committee (High Priority);
- (b) continuing to support the Directors-General Strengthening Families Committee in implementing its Improving Services with Families Project (by the end of 2013);
- (c) developing a protocol or some other mechanism for:
 - cooperatively continuing to work with the Health Directorate, Australian Federal Police (ACT Policing), Education and Training Directorate, Youth Supported Accommodation Assistance Program; and
 - Care and Protection Services Branch and Housing ACT; and Care and Protection Services Branch and Aboriginal and Torres Strait Islander Services Unit, to better integrate services internally;
- (d) documenting all ACT Government collaborative programs and initiatives for vulnerable children, young people and their families, and making this information available to relevant Government agencies and their staff, the community and the community services sector (High Priority); and

⁶⁶ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp.31-32.

(e) developing an information system for sharing information on vulnerable children, young people and their families between ACT Government directorates and entities while taking into account privacy issues (High Priority).

Recommendation 6⁶⁷ (Chapter 5 – Working together)

The Community Services Directorate should improve its management and quality control over out-of-home care community service providers, by;

- (a) all future forecast numbers for out-of-home care should reflect probable realistic numbers to facilitate the allocation of an adequate budget, as was done in 2012- 13;
- (b) continuing to replace the 2009 ACT Out-of-Home-Care standards with the 2011 National Standards during 2013 and having these notified under the *Children and Young People Act 2008*;
- (c) continuing to give priority to conducting audits of ACT out-of-home care providers against the 2009 Standards by the end of 2013 (High Priority);
- (d) developing an overall quality control system that includes accreditation and monitoring of community service providers providing out-of-home care services, the Public Advocate and Children and Young People Commission should be consulted in the development of the system (High Priority);
- (e) updating the 3 year funding agreements to reflect the 2011 National Standards and the revised quality control system and assurance activities;
- (f) accreditation and monitoring of out-of-home care providers being undertaken in the Directorate but independently of Care and Protection Services Branch and the executive head of the unit responsible for accreditation reporting directly to the Director General (High Priority); and
- (g) requesting that the Children and Young People Commissioner give consideration to the effectiveness of the overall quality control system once fully implemented.

⁶⁷ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, pp.32-33.

Recommendation 7⁶⁸ (Chapter 6 – Statutory office holders)

The Community Services Directorate and the Public Advocate should:

- (a) develop a system to ensure that information they share and publically report is accurate and comprehensive, particularly regarding section 507 reports and annual review reports; and
- (b) assess whether the risks associated with the Public Advocate's reduction in percentage of annual review reports being examined is adequately addressed through triaging and the implementation of a quality control process (Recommendation 1(m)), and if not, options for addressing this should be developed. Findings of the assessment and options for addressing any shortcomings, if needed, should be reported to the Minister for Disability, Children and Young People.

Recommendation 8⁶⁹ (Chapter 6 – Statutory office holders)

The Justice and Community Safety Directorate should facilitate a process to assist the Public Advocate and Human Rights Commission better undertake their roles, by:

- (a) identifying any legislative amendments that may be required to define 'systemic matters' and processes for referral of these from the Public Advocate to the Human Rights Commission;
- (b) clarifying whether 'consideration', as per section 11(2) of the *Public Advocate Act 2005* is to be construed as having the same meaning as the consideration provisions in the *Human Rights Act 2005*;
- (c) clarifying, and if needed, identifying legislative amendments to facilitate the releasing of information by the Public Advocate to the Human Rights Commission, when 'systemic matters' are referred; and
- (d) identifying how funding, when needed, is to be provided to the Human Rights Commission to undertake major inquiries/investigations on 'systemic matters'(High Priority).

Recommendation 9⁷⁰ (Chapter 6 – Statutory office holders)

The Public Advocate and Human Rights Commission should enhance their ability to meet legislative requirements and improve their governance arrangements by:

- (a) developing a protocol to define the process whereby the Public Advocate refers 'systemic matters' to the Human Rights Commission for consideration, and the Commission advises the Public Advocate of any actions taken as a consequence.

⁶⁸ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p. 34.

⁶⁹ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p.36.

⁷⁰ ACT Auditor-General's Report No. 1 of 2013: *Care and Protection System*, March 2013, p.38.

(b) keeping their strategic plans up-to-date and documenting on the plans when they are reviewed.

(c) reviewing their performance indicators to better reflect their key activities that can be delivered within their allocated budget; and

(d) collecting information that can be independently verified when reporting on their performance against their performance indicators.

Recommendation 10⁷¹ (Chapter 6 – Statutory office holders)

The Public Advocate and Human Rights Commission and the Justice and Community Safety Directorate should finalise their protocols and include information on the process these independent statutory office holders should use to seek additional funding, both supplementary funding and ‘one-off’ funding.

Recommendation 11⁷² (Chapter 6 – Statutory office holders)

The Chief Minister and Treasury Directorate should provide a mechanism to:

(a) increase the transparency of financial information on the Public Advocate and Human Rights Commission presented in budget papers;

(b) increase the accountability of the Public Advocate and Human Rights Commission by requiring that financial information reported in their Annual Reports is audited. (The protocols between the Public Advocate and Human Rights Commission and the Justice and Community Safety Directorate (Recommendation 10) could state how this is to be achieved);

(c) increase the quality of performance indicators, used by the Public Advocate and Human Rights Commission, so that these are aligned with funded outputs; and

(d) hold the Public Advocate and Human Rights Commission accountable for reporting on their performance indicators with these being assessed by the Audit Office before being included in their Annual Reports. (Their protocol with the Justice and Community Safety Directorate (Recommendation 10) could state how this is to be achieved).

⁷¹ ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p.39.

⁷² ACT Auditor-General’s Report No. 1 of 2013: *Care and Protection System*, March 2013, p.40.