

Community Law Otago

52 Filleul St,

Dunedin.

Monday 8<sup>th</sup> June, 2015.

**Re: Submissions invited on the Draft Report into More Effective Social Services**

Community Law Otago (formerly Dunedin Community Law Centre) is a largely volunteer organisation that has been in operation for 35 years as a free legal advice, education and information service.

Our aims are:

- To provide and promote community based services that address the unmet legal needs of all cultures in the community
- To provide and promote legal training and education for university students
- To promote the dissemination of legal knowledge throughout the community
- To promote legal services which will increase access to justice and reflect the Treaty of Waitangi.

Community Law Otago thanks the Productivity Commission for the opportunity to respond to the Draft Report into More Effective Social Services. We present this submission on behalf of several Dunedin community organisations.

From reading the Draft Report and its Summary Version, we will set out our submission according to the seven themes of the report.

Theme 1: 'Improve system stewardship'

We note that the Summary Version of the Draft Report states that 'The social services sector as a whole currently lacks conscious oversight. Government is the only participant that can take on responsibility for system stewardship and for making considered decisions that shape the system' (Summary version, Draft, More effective social services, 21).

We welcome the intent of this theme, and note that there are systems in need of more improved stewardship. However, we realise that the opinion of whether there is an 'improvement' may differ depending upon whose viewpoint is being observed, and indeed what is needed to be 'improved' may also depend upon who you are asking. It is likely that people within different levels of the same organisation may have diverse ideas about what is needed to be improved. As such, it may also transpire that whether an 'improvement' has been attained or not also depends upon who you ask. It is essential that opinions are sought from all levels of an organisation, so as to attain as accurate a picture of the overall organisation as possible.

We highlight the comment made in the Draft Report that ‘Government is the only participant that can take on responsibility for system stewardship and for making considered decisions that shape the system’. We stress the need for these governmental stewards and system-shapers to consult with the social services they are making the decisions about, to ensure that such decisions are suitable, able to be effected, and have the greatest chance of success. We welcome that there is a section devoted to consultation in Theme 7.

We suggest a more formal standard or definition of ‘improve’ be expressed in the final report, so that whether there is an improvement can be more objectively ascertained. Perhaps a checklist of targets or ideal outcomes that are able to be objectively determined could be proposed. That way, an objective determination of ‘improvement’ can be gathered, as opposed to relying solely upon the subjective opinions of people within the organisation. Ideally, both opinions from people within the organisation as well as objective determinations of improvements should help to ascertain whether in fact ‘improvement’ has been achieved.

We recognise that to steward a system, you must first understand it, and as such we urge those endeavouring to undertake this ‘stewarding’ to familiarise themselves with their systems. This can be achieved by regularly engaging with the systems and keeping abreast of what goes on within it, as well as keeping updated on what internal and external factors may influence the system.

It would also be prudent for ‘system stewards’ to seek out best practice approaches from other organisations to inform and develop their own ways of stewardship. The existence of Theme 6, Embed Continuous Improvement, is a positive move.

### Theme 2: ‘Improve capability and tool development’

We note the Summary of the Draft Report states that ‘capability gaps cause systems to underperform. Transforming the delivery of social services will require new capabilities in areas such as commissioning and managing contracts, and data-analysis skills’ (Summary version, 21).

We too are concerned about potential gaps, and we do not want people who are in need of our services to fall through any gaps in the system. We are perhaps less concerned about gaps causing underperformance in favour of being more concerned about people who may need our services being unable to access them due to the increasing threat of partial privatisation and reduced funding to services.

We note that from our experiences, we have found that the best outcomes for people come from positive relationships with their social service provider. By properly and adequately funding these social services which people rely upon, positive outcomes are likely to follow.

### Theme 3: ‘Make better use of data’

We support making better use of data, and welcome the developments in data technology that can help to make this possible. We note the comment made in the Summary where it states ‘[developments in data technology] have the ability to transform social services including by lowering the barriers to more devolved, yet more integrated, ways to deliver them’ (Summary, 22). We caution that while technological advances and developments are exciting, do not forget about the value of human analysis and input into such matters.

Further, with the proposal of ‘the development of a comprehensive, wide-access, client-centred data infrastructure’, we raise a concern about the possible impacts upon the personal privacy of affected individuals, and hope that the Productivity Commission is mindful of this.

#### Theme 4: ‘Shape incentives through choice and transparency’

We welcome the intent of Theme 4, and note with approval especially that ‘providers would have opportunities and incentives to work directly with clients and government agencies’ (Summary, 22), as working directly with others is a positive collaborative strategy. We do raise the notions of social bonds as a potential example of a ‘service package’ that may be proposed through these means. We note that social bonds came up as an idea some years ago and were then not implemented, and we wonder what has changed to make them a possible option now.

We note the need for ethical safeguards for people when presenting choices to others, such as to persons living with disabilities or impaired cognition who may require assistance in making choices. We wish to highlight the need to ensure that where possible, personal autonomy in decision making is honoured, and no hint of pressure has been applied by others towards the individual in making their decisions.

#### Theme 5: ‘Reshape roles and responsibilities’

Theme 5 suggests some sweeping changes, which we would urge caution with. We would suggest an incremental approach to this.

We would note the need for the Government to, despite the desire to ‘shift to more devolved commissioning’, ensure they retain some degree of control and oversight over the activities of the organisations they are commissioning the work to.

#### Theme 6: ‘Embed continuous development’

We welcome the acknowledgement that social services are ‘complex and dynamic’! We could not agree more.

As with the above proposals to devolve commissioning, we caution the suggestions contained within this Theme to develop a system of contracting-out, as it would be prudent for the Government to maintain a degree of oversight over social service, and ensure that they are adequately funded and well-supported.

We welcome the push for ‘innovation funds, prizes, and in-house innovation labs’, as we believe in developing the talent we possess in our sector. We hope that the Government will work to ensure fair competition for these incentives.

#### Theme 7: ‘Encourage consultation’

We applaud the concept of consultation, and see the value in social service users, providers, and government agencies liaising with one another and engaging in dialogue. We would also encourage the continuation of consultation, and are pleased to see this as a Theme within the Draft Report.

We wish to ensure that those who are given the chance to contribute to discussions about social service sector effectiveness come from a wide cross-section of the community, and are indeed representative of the multi-cultural society we are privileged to have in New Zealand. We highlight here the need in particular for strong Maori and Pacific representation in consultations relating to social services.

It is also incredibly important to ensure that there is strong representation from those sectors of society who are often inherently vulnerable, such as persons living with disabilities and the elderly.

In conclusion, we thank the Productivity Commission for the opportunity to submit feedback throughout this process. We have welcomed the chance to be involved at various points in this Inquiry, from the Issues Paper, to now the Draft Report, and are happy to provide further assistance and commentary if desired.

Kindly,

Karen Heine, Community and Communications Adviser - Community Law Otago.

John Wills, Chairman – Dunedin Council of Social Services